

WAKE COUNTY, NC 145
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
04/15/2016 15:00:01

BOOK:016353 PAGE:02511 - 02517

Prepared by and hold for:
Weatherspoon & Voltz LLP (Box 36)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FIRST AMENDMENT TO DECLARATION FOR
FAIRVIEW ROW AT FIVE POINTS CONDOMINIUM

(Wake County Register of Deeds Unit Ownership File No. CM2014, Pages 560A1 – 560B2)

THIS FIRST AMENDMENT TO DECLARATION FOR FAIRVIEW ROW AT FIVE POINTS CONDOMINIUM ("Amendment") is made this 8th day of April, 2016, by BEACON STREET FAIRVIEW, LLC, a North Carolina limited liability company ("Declarant").

WITNESSETH:

THAT WHEREAS, Declarant is the developer of that certain residential condominium project located in the City of Raleigh, Wake County, North Carolina known as Fairview Row at Five Points, which is created by and subject to that certain Declaration For Fairview Row at Five Points Condominium recorded in Book 15747, Page 5, Wake County Registry (the "Declaration"); and

WHEREAS, pursuant to the Declaration and the Plats and Plans filed simultaneously therewith, Declarant has previously created a total of four (4) Units within the Condominium; and

WHEREAS, pursuant to Article 5 of the Declaration, the Declarant reserves the right to, among other things, create Units within the Condominium and subject the Additional Property to the Condominium; and

WHEREAS, Declarant has created one or more Units on the Additional Property as depicted on the Plats and Plans filed simultaneously with this Amendment, and Declarant desires to record this Amendment for the purpose of (i) subjecting the Additional Property to the

Condominium and (ii) reallocating the Allocated Interest in the Common Elements among all of the Units, including those created hereby;

NOW, THEREFORE, in consideration of the premises and pursuant to Article 5 of the Declaration, Declarant hereby amends the Declaration as follows:

1. Additional Property. That certain real property described in **Exhibit A** attached hereto, being all of the Additional Property as defined in the Declaration, and the Buildings and improvements constructed thereon, are hereby subjected to the Declaration and all of the restrictions, covenants, easements and obligations set forth therein.

2. Units. **Exhibit C** attached to the Declaration is hereby deleted in its entirety and replaced with new **Exhibit C** attached hereto, which sets forth the numerical designation of all of the Units within the Condominium, including those Units created hereby, together with each Unit's Allocated Interest in the Common Elements.

3. Certain Common Elements and Limited Common Elements are created by this Amendment as shown on the Plats and Plans filed simultaneously with this Amendment.

4. All capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the Declaration. To the extent of any inconsistency between the Declaration and this Amendment, the terms of this Amendment shall control.

[Signature page follows]

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed by its duly authorized Managers as of the day and year first above written.

Beacon Street Fairview, LLC,
a North Carolina limited liability company

By: Beacon Street Development Company, Inc.,
a North Carolina corporation, its Manager

By: James K. Wiley
James K. Wiley, President

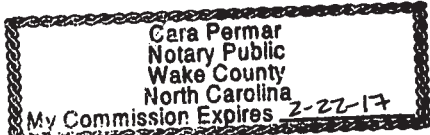
State of North Carolina
County of Wake

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James K. Wiley.

Date: 4-8-2016

Cara Permar

Notary Public



Cara Permar

Printed Name

[official seal]

My commission expires: 2-22-17

CONSENT OF MORTGAGEE
FAIRVIEW ROW AT FIVE POINTS CONDOMINIUM

North State Bank, being the Beneficiary under that certain Deed of Trust from Declarant to NSB Trustee Services, LLC, Trustee, recorded in Book 15798, Page 1200, Wake County Registry (the "Deed of Trust"), conveying and encumbering that certain real property described in **Exhibit A** attached to this Amendment, hereby: (a) consents to the recordation of this Amendment and the imposition of the provisions hereof and the provisions of the North Carolina Condominium Act upon the Additional Property; and (b) subordinates the lien and operation of the Deed of Trust to the Declaration, as amended by this Amendment, and the provisions contained herein. In the event of a foreclosure of the Deed of Trust, or a transfer of any portion of the Additional Property in lieu of foreclosure, Beneficiary hereby agrees that the purchaser at any such foreclosure or the transferee under any such deed in lieu of foreclosure shall take title to the Additional Property together with and subject to all of the terms and conditions of this Declaration. The execution of this Consent of Mortgagee by the Beneficiary shall not be deemed or construed to have the effect of creating between the Beneficiary and Declarant the relationship of partnership or of joint venture, nor shall it be deemed to impose upon the Beneficiary any of the liabilities, duties or obligations of the Declarant under the Declaration. Beneficiary executes this Consent of Mortgagee solely for the purposes set forth above.

North State Bank,
a North Carolina banking corporation

By: *Jonathan Hand*
Jonathan Hand Vice President

STATE OF NORTH CAROLINA
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Jonathan Hand, JV President of North State Bank, a North Carolina banking corporation.

Date: 3/21/16

Sharon D. Daye
Notary Public

Sharon D. Daye
Printed Name

My commission expires: 9/27/2020

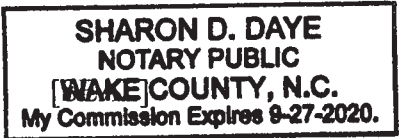


Exhibit A

BEING ALL of Lots 139, 140, 141 and 142, Hayes Barton Property, as shown on plat of survey recorded in Book of Maps 1920, Page 30, Wake County Registry.

Also being described as New Lot 140, as shown on recombination map recorded in Book of Maps 2014, Page 1424, and New Lot 142, as shown on recombination map recorded in Book of Maps 2014, Page 1453, Wake County Registry.

Exhibit C

<u>UNIT</u>	<u>ALLOCATED INTEREST</u>
2017 Fairview Road, Unit 100	5.56%
2017 Fairview Road, Unit 110	5.56%
2017 Fairview Road, Unit 200	11.11%
2017 Fairview Road, Unit 300	11.11%
2015 Fairview Road, Unit 100	5.56%
2015 Fairview Road, Unit 110	5.56%
2015 Fairview Road, Unit 200	5.56%
2015 Fairview Road, Unit 210	5.56%
2015 Fairview Road, Unit 300	11.11%
2011 Fairview Road, Unit 100	5.56%
2011 Fairview Road, Unit 110	5.56%
2011 Fairview Road, Unit 200	5.56%
2011 Fairview Road, Unit 210	5.56%
2011 Fairview Road, Unit 300	11.11%
	<hr/> <hr/>
Total	100%



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It is part of the recorded document and must be submitted with the original for re-recording.

**Laura M. Riddick
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

7 # of Pages

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