

WAKE COUNTY, NC 629
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/01/2006 AT 14:55:50

BOOK:011841 PAGE:00125 - 00132

Prepared By and Return To:
Pendergrass Law Firm, PLLC
Box 164

STATE OF NORTH CAROLINA
COUNTY OF WAKE

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR MILLBROOK WEST OFFICE
CONDOMINIUM RECORDED IN
BOOK 010967, PAGE 01757,
WAKE COUNTY REGISTRY

THIS SECOND AMENDMENT to that certain DECLARATION OF CONDOMINIUM
FOR MILLBROOK WEST OFFICE CONDOMINIUM is made and entered into this 1st
day of March, 2006, by Marlowe & Moye, LLC (hereinafter referred to as
"Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore established that certain condominium known
as Millbrook West Office Condominium pursuant to that certain Declaration of
Condominium For Millbrook West Office Condominium recorded in Book 010967, Page
01757 of the Wake County Registry as amended by that certain First Amendment to
Declaration of Condominium For Millbrook West Office Condominium recorded in Book
011434, Page 02629, Wake County Registry (the "Declaration"), together with certain
Plat(s) and Plan(s) more particularly described collectively therein; and

WHEREAS, Article II, Section 2.7(4) of the Declaration provides as one (1) of the
special Declarant Rights reserved unto the Declarant, the following:

- (4) To construct a third (3rd) building on the Land in the area designated on the Plat as Future Building (Must Be Built), or on the Additional Land or on some combination of the Land and the Additional Land. Declarant reserves the absolute right to increase the size of such Additional Building in the event the Declarant should acquire the Additional Land provided such Additional Land is acquired on or before December 31, 2014. Nothing herein contained shall obligate the Declarant to build a larger building, whether or not such Additional Land is acquired, however an Additional Building MUST BE BUILT.

In the event such Additional Land is acquired, the Declarant shall cause such Additional Land to be annexed into and made a part of the Condominium by the preparation, execution and recording of an Amendment to the Declaration (the "Amendment"), which Amendment shall subject such Additional Land to the Declaration and any then existing amendments thereto, and such Additional Land shall be governed in all respects by the Declaration as if such Additional Land had been a part of the Declaration as and when the same was originally recorded. Such Amendment as may be executed to annex the Additional Land shall be effective upon filing in the Wake County Registry and shall not require the consent or approval of any Owner(s) other than the Declarant.

Upon construction of the Additional Building whether on the Land shown on the Plat, the Additional Land or some combination thereof and without regard to the size of the Additional Building, the percentage undivided interest of each of the then existing Unit Owner(s) shall be reduced prorata.

Accordingly as the Declaration is amended as permitted herein to include the Additional Building and the additional Units contained therein, each Unit Owners' undivided interest in the Common Elements shall be deemed changed and reduced and the amount of such reduction shall revert to the Declarant so that the appropriate undivided interest in the Common Elements may be conveyed to those who become Unit Owners in any such Additional Building constructed.

WHEREAS, Declarant has completed construction of the third (3rd) building and desires to subject the same to the terms and provisions of the Declaration of Condominium For Millbrook West Office Condominium; and

WHEREAS, the addition of such third (3rd) building alters the percentage interest in the Common Elements allocated to each such Owner thus requiring further changes to Exhibit "G" to the original Declaration as previously modified; and

WHEREAS, the Plats and Plan(s) depicting the location, elevations and dimensions of such third (3rd) building "as built" are shown and described on that certain Plat prepared by Michael P. Griffin, P.L.S. dated February 27, 2004 and those certain Plan(s) prepared by Williams and Wilkins Architects dated Feb 29 2004, such Plat(s) and Plan(s) being recorded in Condominium File 2004, at Page(s) 351-5 through E2 of the Wake County Registry (the "Modified Plats and Plans"), which Modified Plats and Plans also contain the re-allocated Common Element percentages resulting from the addition of the third (3rd) building such third (3rd) building being referenced on such Plat(s) and Plan(s) as 203 W. Millbrook Road; and

NOW THEREFORE, Declarant does hereby further amend and modify the Declaration as follows:

1. That the third (3rd) building shown on the Plats and Plans shall be and the same is hereby subjected to the lien and operation of the Declaration as previously modified and amended and as hereby further modified and amended.
2. That Exhibit "G" to the original Declaration as heretofore modified and amended is hereby further modified and amended so as to further divide and reallocate the Percentage Ownership Interest in Common Elements for the Units/Suites affected by this amendment in accordance with Exhibit "G" attached hereto and incorporated herein by reference.
3. That this Amendment to Declaration is made by the Declarant pursuant to and in accordance with the provisions of the Declaration, N. C. G. S. § 47C-2-110, 47C-2-117 and other applicable law.
4. That incorporated herein, and therefore made a part of the Declaration previously modified and amended and as hereby modified and amended, is that certain Certificate of Completion attached hereto as Exhibit "1" as the same pertains the third (3rd) building.
5. That except as hereby modified and amended the Declaration as previously modified and amended is hereby reaffirmed in all respects and shall remain unaltered, unchanged and in full force and effect.
6. That SunTrust Bank, successor by merger to Central Carolina Bank, as the owner and holder of a Promissory Note secured by that certain Deed of Trust recorded in Book 10460, Page 646, of the Wake County Registry (the "Deed of Trust"), encumbering the property subject to the Declaration, as

heretofore and hereby modified, joins in the execution hereof as evidence of its consent and approval of the terms and provisions hereof.

- 7. That Southland Associates, Inc., as Trustee in the aforementioned Deed of Trust similarly joins in the execution hereof as evidence of its consent and approval of the terms and provisions hereof.

THIS the 1st day of March, 2006.

MARLOWE & MOYE, LLC

By: [Signature]
Howard D. Moye, II
Member-Manager

By: [Signature]
D. Stewart Marlowe
Member-Manager

SUNTRUST BANK, successor by merger to
CENTRAL CAROLINA BANK

By: [Signature]
S.S.V. President

SOUTHLAND ASSOCIATES, INC., Trustee

By: [Signature]
VICE President

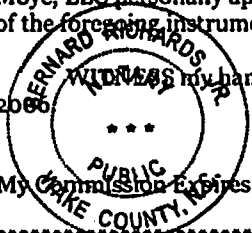
[ACKNOWLEDGMENTS FOLLOW ON NEXT PAGE]

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Bernard Richards, Jr., a Notary Public of said County and State, do hereby certify that Howard D. Moye, III, Member-Manager of Marlowe & Moye, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 1st day of March,
2006. Bernard Richards, Jr.
Notary Public

My Commission Expires: 6-26-06



STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Bernard Richards, Jr., a Notary Public of said County and State, do hereby certify that D. Stewart Marlowe, Member-Manager of Marlowe & Moye, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 1st day of March,
2006. Bernard Richards, Jr.
Notary Public

My Commission Expires: 6-26-06



STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Juliam Wilbur, a Notary Public of said County and State, do hereby certify that Rich Berger, Sr. Vice President of SunTrust Bank, successor by merger to Central Carolina Bank and Trust Company, a banking institution, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said corporation.

WITNESS my hand and official seal, this the 28 day of Feb,
2006.

Juliam Wilbur
Notary Public

My Commission Expires: May 6, 2007



STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Juliam Wilbur, a Notary Public of said County and State, do hereby certify that Wayne Gentry, Vice President of Southland Associates, Inc., Trustee of a North Carolina corporation, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said corporation.

WITNESS my hand and official seal, this the 28 day of Feb,
2006.

Juliam Wilbur
Notary Public

My Commission Expires: May 6, 2007

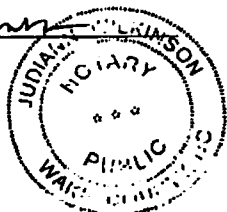


EXHIBIT "G"203 West Millbrook Road

<u>Unit/Suite No.</u>	<u>Usable Square Footage</u>	<u>Rentable Square Footage</u>	<u>Percentage Ownership Interest in Common Elements</u>
203 - 100	1578 sq ft	1695 sq ft	5.34%
203- 105	1402 sq ft	1506 sq ft	4.75%
First Floor Core	221 sq ft		
Total First Floor		3201 sq ft	10.09%

203-200	3046 sq ft	3978 sq ft	12.54%
Second Floor Core	932 sq ft		
Total Second Floor		3978 sq ft	12.54%

.....
205 West Millbrook Road

<u>Unit/Suite No.</u>	<u>Usable Square Footage</u>	<u>Rentable Square Footage</u>	<u>Percentage Ownership Interest in Common Elements</u>
205 - 100	1268 sq ft	1344 sq ft	4.24%
205- 105	3857 sq ft	4087 sq ft	12.88%
First Floor Core	306 sq ft		
Total First Floor		5431 sq ft	17.12%

205-200	1285.5 sq ft	1541 sq ft	4.86%
205-205	1259.5 sq ft	1510 sq ft	4.76%
205-210	2579.0 sq ft	3093 sq ft	9.75%
Second Floor Core	1020 sq ft		
Total Second Floor		6144 sq ft	19.37%

EXHIBIT "G" (continued)**207 West Millbrook Road**

<u>Unit Suite No.</u>	<u>Usable Square Footage</u>	<u>Rentable Square Footage</u>	<u>Percentage Ownership Interest in Common Elements</u>
207-100	1540 sq ft	1624 sq ft	5.12%
207-105	998 sq ft	1053 sq ft	3.32%
207-110	1399 sq ft	1475 sq ft	4.65%
207-115	1860 sq ft	1962 sq ft	6.18%
First Floor Core	317 sq ft		
Total First Floor		6114 sq ft	19.27%
<hr/>			
207-200	1527.5 sq ft	1904 sq ft	6.00%
207-205	1169.5 sq ft	1458 sq ft	4.60%
207-210	859.5 sq ft	1071 sq ft	3.37%
207-215	1945.5 sq ft	2425 sq ft	7.64%
Second Floor Core	1356.0 sq ft		
Total Second Floor		6858 sq ft	21.61%
<hr/>			
<u>Grand Total</u>		<u>31,726 sq ft</u>	<u>100%</u>

EXHIBIT "1"

The undersigned, being an Architect licensed under the provisions of Chapter 83A of the North Carolina General Statutes, hereby certifies that all structural components and mechanical systems of all buildings containing or comprising any Units created by the Declaration of Condominium for MILLBROOK WEST OFFICE CONDOMINIUM, as heretofore modified and as further modified by that certain Second Amendment to Declaration of Condominium for Millbrook West Office Condominium, to which this Certificate of Completion is attached and made a part, are substantially completed in accordance with the Plan(s) as modified by the Modified Plans.

This Certificate of Completion is issued in accordance with and in satisfaction of the requirements of N.C.G.S. 47C-2-101.

This the 28 day of FEB, 2006.

By: [Signature]
ERICH J. WILKINSON
Printed Name

License No. 5745

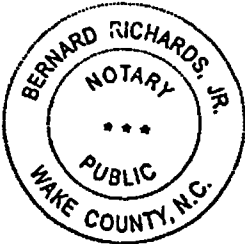
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Bernard Richards Jr., a Notary Public of the County and State aforesaid, certify that Erich J. Wilkinson, a Licensed Architect, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28th day of February, 2006.

[Signature]
Notary Public
Bernard Richards, Jr.
Print Name

My Commission Expires: 6-26-06





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**Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
_____ # of Pages