

WAKE COUNTY, NC 601  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
09/26/2012 AT 16:29:28

BOOK:014945 PAGE:00739 - 00746

Prepared by and return to:  
David N. Bryan, Esq.  
David N. Bryan, P.A., Attorney at Law  
Post Office Box 1238  
Holly Springs, North Carolina 27540-1238

**FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
FOR  
OBERLIN RIDGE CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR OBERLIN RIDGE CONDOMINIUM, made and entered into this 26 day of September, 2012, by The Gantis Group, LLC, a North Carolina Limited Liability Company, hereinafter the "Declarant", pursuant to the provisions of the North Carolina Condominium Act (Chapter 47C of the North Carolina General Statutes).

WHEREAS, Declarant has previously filed a Declaration of Condominium for Oberlin Ridge Condominium dated October 6, 2010, and recorded October 6, 2010, in Book 14104 at Page 717, Wake County Registry, North Carolina, and now desires to expand the condominium project and create new units and limited common elements pursuant to Article VI, Development Rights, in the recorded Declaration of Condominium and in accordance with N.C.G.S. § 47C-2-110; and

WHEREAS, Declarant is exercising Development Rights within the eight (8) year period after the recording of the Declaration of Condominium and may do so without the consent or approval of the Association, or any other Owner, by the execution and recording of this supplemental declaration.

NOW THEREFORE, the Declarant amends the Declaration of Condominium for Oberlin Ridge Condominium as follows:

(A) Location and Designation of Condominium: The Land on which the new Buildings and other improvements are located is located entirely in the City of Raleigh, Wake County, North Carolina, contains approximately 0.7464 acres, and is more particularly described and added to an amended Exhibit A attached hereto and incorporated by reference. The Land is subjected to the terms of the Declaration of Condominium for Oberlin Ridge Condominium and the North Carolina Condominium Act by this First Amendment to Declaration of Condominium for Oberlin Ridge Condominium.

(B) Identification of New Units: Units created are as shown in the First Amendment to Declaration of Condominium for Oberlin Ridge Condominium recorded in Book 17945 at Page 739, Wake County Registry, and on those maps entitled, "Oberlin Ridge Condominiums", prepared by Andrew Osterlund, Architect PLLC, dated September 26, 2012, and recorded in Condominium File No. CM 2010 at Pages 531 B2-, Wake County Registry. The identifying numbers of the new Units created are: B9, C1-C6

2737-101 Oberlin Road  
2737-103 Oberlin Road  
2741-101 Oberlin Road  
2741-103 Oberlin Road  
2741-105 Oberlin Road  
2741-107 Oberlin Road  
2745-101 Oberlin Road  
2745-103 Oberlin Road

(C) Unit Numbers and Reallocation of Interest in Common Elements: Attached hereto and incorporated by reference is an amended Exhibit B to the Declaration of Condominium for Oberlin Ridge Condominium setting forth the identifying numbers to each new Unit and reallocating the Common Elements Interest among all Units in accordance with the formula set forth in Section 5.3 of the Declaration of Condominium for Oberlin Ridge Condominium.

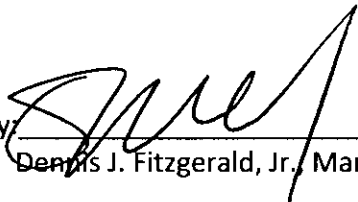
(D) The definition of "Association", "Building", "Common Elements", "Common Elements Interest", "Condominium", "Declarant", "Declaration", "Development Rights", "Land", "Limited Common Elements", "Mortgagee", "Owner" and "Unit" shall be identical to those definitions as set forth in the Declaration of Condominium for Oberlin Ridge Condominium.

Except as expressly amended herein, the Declaration of Condominium for Oberlin Ridge Condominium dated October 6, 2010, and recorded October 6, 2010, in Book 14104 at Page 717, Wake County Registry, North Carolina remains in effect.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal this the day and year first above written.

**DECLARANT:**

THE GANTIS GROUP, LLC

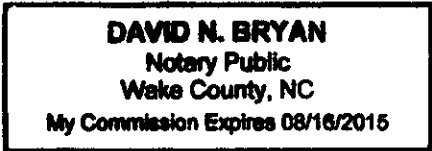
by   
Dennis J. Fitzgerald, Jr., Manager

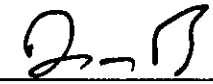
NORTH CAROLINA

WAKE COUNTY

I, David N. Bryan, a Notary Public for the aforesaid County and State, do hereby certify that Dennis J. Fitzgerald, Jr., personally appeared before me this day and acknowledged that he is Manager of The Gantis Group, LLC, a North Carolina Limited Liability Company, Declarant, and, being authorized to do so, acknowledged the due execution of this First Amendment to Declaration of Condominium for Oberlin Ridge Condominium on behalf of the Company.

Witness my hand and official seal this 26 day of September, 2012.



  
David N. Bryan Notary Public

[SEAL]

My Commission Expires: 08/16/2015

**CONSENT OF MORTGAGEE**

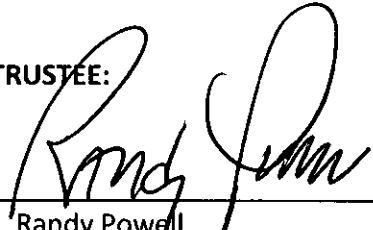
**ATTACHED TO FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM  
FOR OBERLIN RIDGE CONDOMINIUM**

TrustAtlantic Bank, being the Beneficiary under that certain Real Estate Deed of Trust from Declarant to Randy Powell, Trustee, recorded in Book 14661 at Page 1957, Wake County Registry, conveying the property described as Tract 2 (New Condominium Development) described on Exhibit A attached to this First Amendment to Declaration of Condominium for Oberlin Ridge Condominium, does hereby consent to the recordation of this First Amendment to Declaration of Condominium for Oberlin Ridge Condominium and the imposition of the provisions hereof and the provisions of the North Carolina Condominium Act to the real property described in such Exhibit A. 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 Declarant under the Declaration of Condominium. Beneficiary executes this Consent of Mortgagee solely for the purposes set forth above. The Trustee also joins in and executes this Consent of Mortgagee as Trustee solely for the purposes set forth above.

**BENEFICIARY:**

TRUSTATLANTIC BANK

by:   
Darrin Williams, Senior Vice President

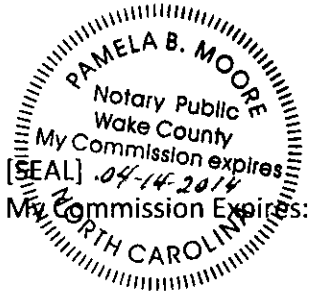
**TRUSTEE:**  
  
Randy Powell

NORTH CAROLINA

WAKE COUNTY

I, Pamela B. Moore, a Notary Public for the aforesaid County and State, do hereby certify that Darrin Williams, personally appeared before me this day and acknowledged that he is Senior Vice President of TrustAtlantic Bank, a North Carolina banking association, Beneficiary, and that being authorized to do so acknowledged the due execution of the foregoing on behalf of the banking association.

Witness my hand and official seal this 19 day of September, 2012.



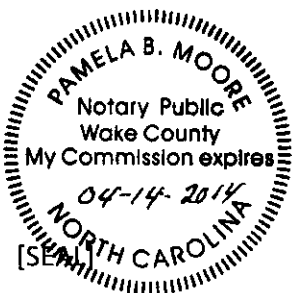
Pamela B. Moore  
, Notary Public

NORTH CAROLINA

WAKE COUNTY

I, Pamela B. Moore, a Notary Public for the aforesaid County and State, do hereby certify that Randy Powell, Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing as Trustee.

Witness my hand and official seal this 19 day of September, 2012.



Pamela B. Moore  
, Notary Public

My Commission Expires: 04-14-2014

**EXHIBIT A**  
**TO DECLARATION OF CONDOMINIUM**

Legal Description of the Land

Tract 2 (New Condominium Development)

BEING all of Lot 2, Oberlin Ridge Condos, containing approximately 0.7464 acres, as shown on that map recorded in Book of Maps 2011 at Page 927, Wake County Registry.

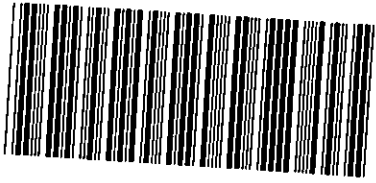
Tract 1 (Existing Condominium Development)

BEING all of Lot 1, Recombination Survey for The Gantis Group, LLC, containing approximately 0.9986 acres, as shown on that map recorded in Book of Maps 2008 at Page 941, Wake County Registry.

**EXHIBIT B**  
**TO DECLARATION OF CONDOMINIUM**

Reallocation of Common Elements Interest  
(Referenced in Sections 5.3 and 11.2 of Declaration)

<u>Unit No.</u>	<u>Square Footage</u>	<u>Unit % Interest in Common Areas</u>
[New Units]		
2737-101 Oberlin Road	1622	6.47%
2737-103 Oberlin Road	1584	6.31%
2741-101 Oberlin Road	1815	7.23%
2741-103 Oberlin Road	1672	6.66%
2741-105 Oberlin Road	1672	6.66%
2741-107 Oberlin Road	1815	7.23%
2745-101 Oberlin Road	1584	6.31%
2745-103 Oberlin Road	1622	6.47%
[Existing Units]		
2749-101 Oberlin Road	1426	5.68%
2749-103 Oberlin Road	1422	5.67%
2753-101 Oberlin Road	1422	5.67%
2753-103 Oberlin Road	1426	5.68%
2757-101 Oberlin Road	1426	5.68%
2757-103 Oberlin Road	1422	5.67%
2603-100 Wayland Drive	1585	6.32%
2603-102 Wayland Drive	1578	6.29%
<u>Total</u>	<u>25,093</u>	<u>100%</u>



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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  
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