

WAKE COUNTY, NC 3
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05/26/2022 08:31:00

BOOK:019037 PAGE:02628 - 02635

Prepared by and return to:

David E. Miller, III
Longleaf Law Partners
4509 Creedmoor Road, Suite 302
Raleigh, NC 27612

**SUPPLEMENTAL DECLARATION AND AMENDMENT TO THE DECLARATION OF
CONDOMINIUM FOR THE FAIRWEATHER CONDOMINIUM**

THIS SUPPLEMENTAL DECLARATION AND AMENDMENT TO THE DECLARATION OF
CONDOMINIUM FOR THE FAIRWEATHER CONDOMINIUM (this "**Supplemental Declaration
and Amendment**") is made the 26th day of May, 2022 (the "**Effective Date**").

WHEREAS, 522 S Harrington LLC, a Delaware limited liability company, is the "Declarant"
under that certain Declaration of Condominium of The Fairweather Condominium (the "**Condominium**")
recorded in Book 18209, Page 1010, in the Office of the Register of Deeds of Wake County, North
Carolina (the "**Declaration**") where Declarant subjected that certain parcel of real property owned by
Declarant to the Declaration as more particularly described in Exhibit A of the Declaration (the "**Land**");

WHEREAS, pursuant to Section 5.2, Declarant reserves the right to cause the Parking Spaces to
be configured to another category of Common Elements by exercising the Development Rights as
provided in Article VI of the Declaration and recording an amendment to the Declaration in accordance
with North Carolina General Statutes Section 47C-2-110;

WHEREAS, pursuant to Section 5.2(h), Declarant has the discretion to record a document
identifying the allocation of parking spaces;

WHEREAS, it is the intent of this Supplemental Declaration and Amendment to designate two
Parking Spaces as Commercial Limited Common Elements for Unit C70 (the "**Commercial Unit**") and
memorialize the designation of the remaining Parking Spaces that have been allocated as Residential
Limited Common Elements to specific residential Units.

NOW THEREFORE, in consideration of the premises and for the purposes set forth herein, and pursuant
to the authority set forth in the Declaration and Section 47C-2-110 of the North Carolina General Statutes,
Declarant, for itself and its successors and assigns, and the Association hereby amends and supplements
the Declaration as follows:

1. Parking Space. Parking Space, which is defined in Section 1.22 of the Declaration, is amended to provide that the Parking Spaces shall be Residential Limited Common Elements except for any Parking Space marked as "Guest Parking" or similar phraseology, or (i) any Parking Space(s) designated as Commercial Limited Common Elements as provided herein and (ii) any Parking Space(s) designated for handicapped-accessible parking using customary signage, markings or placards, which handicapped-accessible Parking Spaces shall be Common Elements.

2. Storage Units; Plans. As contemplated by Article VI of the Declaration and in connection with Declarant's exercise of its Development Rights, Declarant hereby:

(i) designates the location of the storage units in the Building as Limited Common Element or Common Element,

(ii) adds Parking Spaces 64, 65, 66, 67, 68 and 69,

(iii) relocates Parking Space 1 and Parking Space 9, and

(iv) adjusts the size of Parking Space 2, all by recording simultaneously herewith revised and supplemental Plans in Condominium Map Book 2022 at Pages 48 through 49 in the Office of the Register of Deeds of Wake County, North Carolina. Any reference to the "Plans" in the Declaration shall be deemed to include the above-referenced recorded documents.

3. Amendments to Section 5.2(h). The first paragraph of Section 5.2(h) of the Declaration, which describes the allocation of Parking Spaces and storage units to the Units, is hereby deleted in its entirety and replaced with the following:

(h) Parking Spaces located on two tiers of the first level of the Building as shown on the Plans and (subject to sub-section (e) above) shall be allocated to the Units as Residential Limited Common Elements or Commercial Limited Common Elements, respectively, as more particularly described on Exhibit B-1 attached hereto; provided, however, any Parking Space designated for handicapped-accessible use shall be Common Elements. The Owner of each Unit shall have the right to use only the Parking Space(s) allocated to such Unit as more particularly described on Exhibit B-1 attached hereto.

In addition, storage units located in the Building on the first level or elsewhere as identified on the Plans shall be allocated as Limited Common Element or Common Element, respectively, as more particularly described on Exhibit B-1 attached hereto. Any Parking Space(s) and storage unit(s) allocated exclusively to an individual Unit, as more particularly described in Exhibit B-1 attached hereto, shall be appurtenant to such individual Unit and shall pass to any successor Owner of such Unit.

4. Exhibit B-1. Exhibit B-1 of the Declaration, including the Parking Space Addendum and Storage Unit Addendum contained therein, is attached hereto and made a part of the Condominium Documents.

5. Miscellaneous. All capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration. Except as expressly modified and supplemented hereby, every term and provision of the Declaration remains in full force and effect.

[Signature pages follow.]

IN WITNESS WHEREOF, Declarant and Association have executed this Supplemental Declaration and Amendment as of the day and year indicated in their respective notary acknowledgments below.

DECLARANT:

522 S HARRINGTON LLC,
a Delaware limited liability company

By: 4 Line, LLC,
a North Carolina limited liability company,
its Manager

By: [Signature]
Lee Norris, Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF Wake

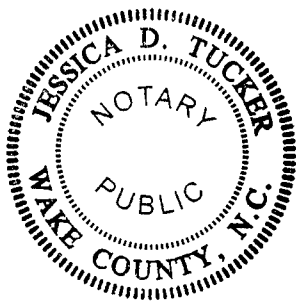
I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Lee Norris, in his capacity as Member/Manager of 4 Line, LLC, a North Carolina limited liability company, the Manager of 522 S Harrington LLC, a Delaware limited liability company.

Witness my hand and official seal, this the 24 day of May, 2022.

[Signature]
Notary Public

(Seal/Stamp)

My commission expires: 10-14-2023



CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR THE FAIRWEATHER CONDOMINIUM

By authority of its Board of Directors, Fairweather Condominium Owners Association, Inc. hereby certifies that the foregoing instrument has been duly approved by Owners of Units to which at least seventy-five percent (75%) of the votes in the Fairweather Condominium Owners Association, Inc. are allocated, and is, therefore, a valid amendment to the existing Declaration of Condominium for The Fairweather Condominium.

ASSOCIATION:

**FAIRWEATHER CONDOMINIUM OWNERS
ASSOCIATION, INC.,**
a North Carolina non-profit corporation

By: *Denise W. Austin*
Name: Denise W. Austin
Title: President, HOA

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

Denise W. Austin

(Insert name of person signing above.)

Witness my hand and official seal, this the 20th day of May, 2022.



Ashley Eaton
Notary Public *Ashley Eaton*

My commission expires: 04-15-2026

EXHIBIT B-1

ALLOCATION OF PARKING SPACES AND STORAGE UNITS TO UNITS

<u>unit #</u>	<u>unit type</u>	<u>Parking Space(s) *</u>	<u>Storage Unit(s) **</u>
C70	commercial	64 and 65	
101	residential	47	
102	residential	41 and Common Parking Space	19
201	residential	Common Parking Space	
202	residential	Common Parking Space	
203	residential	44	14
204	residential	Common Parking Space	
205	residential	Common Parking Space	12
206	residential	42 and 43	25
207	residential	48	20
208	residential	21 and Common Parking Space	
209	residential	Common Parking Space	18
210	residential	58	
211	residential	Common Parking Space	4
212	residential	Common Parking Space	
301	residential	31	
302	residential	55 and 56	2
303	residential	24 and 25	
304	residential	Common Parking Space	
305	residential	40	
306	residential	53 and 54	
307	residential	Common Parking Space	24
308	residential	46 and Common Parking Space	
309	residential	49	
310	residential	Common Parking Space	
311	residential	Common Parking Space	
312	residential	4	
401	residential	Common Parking Space	
402	residential	28 and Common Parking Space	
404	residential	51	
405	residential	Common Parking Space	
406	residential	9	
407	residential	18 and 57	9 and 10
408	residential	26 and 27	5
409	residential	8	
410	residential	19	
411	residential	Common Parking Space	23
412	residential	17	3
501	residential	29 and Common Parking Space	6
502	residential	22 and 23	11 and 16
503	residential	6 and 12	
504	residential	13 and 14	13
505	residential	11 and Common Parking Space	
506	residential	32 and 33	15
507	residential	30 and Common Parking Space	
508	residential	15 and 16	1

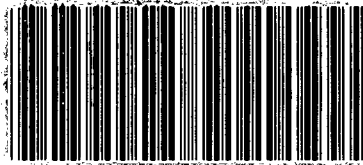
* **PARKING SPACE ADDENDUM:** Any Parking Spaces allocated to a Unit as a “**Common Parking Space**” in this Exhibit B-1 shall be deemed Limited Common Elements of such Unit and such Unit Owner shall have the right to use at

any time exactly one Common Parking Space. The Common Parking Spaces mean the following Parking Spaces: 1, 3, 5, 7, 10, 20, 34, 35, 36, 37, 38, 39, 45, 50, 52, 59, 62, 63, 66, 67, 68 and 69. The right to use a Common Parking Space shall be appurtenant to such Unit and shall pass to any successor Owner of such Unit. For purposes of clarity, if a Common Parking Space is not allocated to a particular Unit, then such Unit shall have no right to use any Common Parking Space.

The Association, in its sole discretion, shall have the right, but not the obligation, to allocate a Common Parking Space exclusively to an individual Unit or Units as a Limited Common Element for a fee payable as a special assessment to the Association. The Association's right to make such allocation as described in this paragraph shall be limited solely to the Units having the right to use a Common Parking Space as expressly provided herein.

For purposes of clarity, Parking Spaces 2, 60 and 61 are designated for handicapped-accessible use and shall be Common Elements.

**** STORAGE UNIT ADDENDUM:** Any storage unit not specifically designated as a Limited Common Element to a particular Unit shall be deemed Common Element. The Association, in its sole discretion, shall have the right, but not the obligation, to allocate such storage unit exclusively to an individual Unit or Units as a Limited Common Element for a fee payable as a special assessment to the Association. Such fee shall be determined in the sole discretion of the Association. Any storage unit(s) allocated exclusively to an individual Unit shall be appurtenant to such individual Unit and shall pass to any successor Owner of such Unit. For purposes of clarity, if a storage unit is not allocated to a particular Unit, then such Unit shall have no right to use any storage unit. As of the Effective Date, storage units 7, 8, 17 and 21 as shown on the Plans are not allocated to a particular Unit.



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Please retain yellow trailer page

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

Tammy L. Brunner

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

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