

BK011076PG01256

WAKE COUNTY, NC 377
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/28/2004 AT 13:04:55

BOOK:011076 PAGE:01256 - 01263

Return to White Oak Properties, 21 Glenwood Avenue, #203, Raleigh, NC, 27603
NORTH CAROLINA

AMENDMENT TO DECLARATION
OF CONDOMINIUM FOR
ATLANTIC PLACE II

WAKE COUNTY

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM of ATLANTIC PLACE II, a condominium, is made on this 18 day of October, 2004 by the undersigned Declarant.

W I T N E S S E T H:

THAT WHEREAS, on March 27, 2001 by instrument recorded in Book 8851, Page 2708 and plats recorded in Condominium File No. 266, Wake County Registry, Rene Langford, Inc. (the "Declarant") subjected ATLANTIC PLACE II, a condominium, of Raleigh, North Carolina, more particularly described in Exhibit A attached thereto and incorporated herein by reference (the "Property") to a Declaration of Condominium (the "Declaration"); and

WHEREAS, in Paragraph 3 of the Declaration, the Declarant reserved the following special Declarant rights for the Property:

Declarant hereby reserves the exclusive development right to, for a period of five years following the filing of this Declaration in the Wake County Registry, expand the Property of the condominium to include Lot 13 ("Phase II") as shown on that recorded map in the Wake County Registry, Book 1999, page 2138. Phase II improvements, if developed by the Declarant, will be owned by the Declarant and will include a maximum of forty eight (48) additional condominium units which condominium units shall be built in conformance with Exhibit "B" attached hereto. Phase II shall not be subdivided into additional phases or expanded onto additional land area other than as provided herein. The methods and procedures for expanding the Condominium by the exercise of development rights reserved by the Declarant herein are described in Paragraphs 8 and 22 of this Declaration and shall further conform with all related provisions of the North Carolina Condominium Act.

and,

WHEREAS, the Declaration provided in Paragraph 8 that:

In the event the Declarant elects to exercise any development rights as provided herein, the Declarant shall record an amendment to this declaration. Such amendment shall assign an identifying number to each new unit created and reallocate the allocated interests among all units so that the revised percentage of undivided interest in the common areas for each unit will change to 1.04167% if Phase II is added to the condominium.

and,

WHEREAS, five years has not yet elapsed since the first filing of the Declaration; and

WHEREAS, the Declarant wishes to amend the Declaration of Condominium to make it applicable to the 48 additional units which are being constructed; and

WHEREAS, the Declarant wishes to change the percentage of interest in the common areas and facilities allocated to each unit to reflect the addition of 48 more units.

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

1. In Paragraph 8. PERCENTAGE OF OWNERSHIP IN COMMON AREAS, the sentence reading "Each unit shall have a fee simple initial undivided ownership interest of 2.0833% in the common areas." shall be deleted and replaced with the following: "Each unit shall have a fee simple undivided ownership interest of 1.04167% in the common areas."
2. Exhibit B of the Declaration shall be withdrawn and replaced with Exhibit B (revised) which is attached hereto.
3. A more specific description of the 48 units added to Atlantic Place II can be found in Condominium File No. 266, Wake County Registry.
4. Exhibit A of the Declaration shall be withdrawn and replaced with Exhibit A (revised) which is attached hereto.

(The balance of this page is intentionally left blank.)

Except as specifically amended herein, the terms and provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has hereunto caused this instrument to be executed this the day and year first above written.

(CORPORATE SEAL)

Rene Langford, Inc.

By: Rene F. Langford
Rene F. Langford, President

Attest: Joan Langford
Joan Langford, Secretary

NORTH CAROLINA

WAKE COUNTY

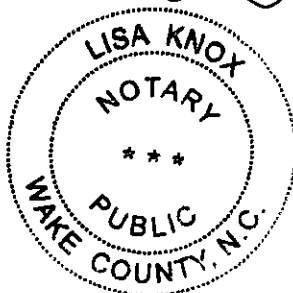
I, a Notary Public of the County and State aforesaid, certify that JOAN LANGFORD personally came before me this day and acknowledged that she is the Secretary of Rene Langford, Inc., a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by Joan Langford, as its Secretary.

WITNESS my hand and seal, this 27th day of October, 2004.

Lisa Knox
Notary Public
Lisa Knox

My commission expires:

10/05/2008



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Declaration of Condominium
Exhibit A

Legal Description

Being all of that parcel described as Lot 16, Book of Maps 2004, Page 0293, Wake County
Registry.

Description of Building and Units

There are 4 three story building consisting of twenty four (24) residential condominium units each. All units are of various sizes (such unit sizes being more particularly defined in plans contained in Condominium File 266, Wake County Registry) in each building. Construction is light timber framing with exterior walls of both brick veneer and hardboard siding. The roof has a mixture of asphalt shingles and a rubber membrane. Residential units are constructed on all floors.

Unit Designation and Address

Unit sizes vary, such sizes being more carefully described in plans contained in Condominium File 266, Wake County Registry. Each unit has access to the common areas as follows:

Stairwells/breezeway: A total of two will be provided in each building. Each unit will have access to only one stairwell/breezeway that is shared among a total of either eight units.

Equipment rooms: Beneath each stairway, space is reserved for common area equipment and fire protection equipment.

800-101 Moratuck Drive, Raleigh, North Carolina, 27604
 800-102 Moratuck Drive, Raleigh, North Carolina, 27604
 800-103 Moratuck Drive, Raleigh, North Carolina, 27604
 800-104 Moratuck Drive, Raleigh, North Carolina, 27604
 800-105 Moratuck Drive, Raleigh, North Carolina, 27604
 800-106 Moratuck Drive, Raleigh, North Carolina, 27604
 800-107 Moratuck Drive, Raleigh, North Carolina, 27604
 800-108 Moratuck Drive, Raleigh, North Carolina, 27604
 800-201 Moratuck Drive, Raleigh, North Carolina, 27604
 800-202 Moratuck Drive, Raleigh, North Carolina, 27604
 800-203 Moratuck Drive, Raleigh, North Carolina, 27604
 800-204 Moratuck Drive, Raleigh, North Carolina, 27604
 800-205 Moratuck Drive, Raleigh, North Carolina, 27604
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 800-208 Moratuck Drive, Raleigh, North Carolina, 27604
 800-301 Moratuck Drive, Raleigh, North Carolina, 27604
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 800-308 Moratuck Drive, Raleigh, North Carolina, 27604

801-101 Moratuck Drive, Raleigh, North Carolina, 27604
 801-102 Moratuck Drive, Raleigh, North Carolina, 27604
 801-103 Moratuck Drive, Raleigh, North Carolina, 27604
 801-104 Moratuck Drive, Raleigh, North Carolina, 27604
 801-105 Moratuck Drive, Raleigh, North Carolina, 27604
 801-106 Moratuck Drive, Raleigh, North Carolina, 27604
 801-107 Moratuck Drive, Raleigh, North Carolina, 27604
 801-108 Moratuck Drive, Raleigh, North Carolina, 27604
 801-201 Moratuck Drive, Raleigh, North Carolina, 27604
 801-202 Moratuck Drive, Raleigh, North Carolina, 27604

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901-208 Canenaugh Drive, Raleigh, North Carolina, 27604
901-301 Canenaugh Drive, Raleigh, North Carolina, 27604
901-302 Canenaugh Drive, Raleigh, North Carolina, 27604
901-303 Canenaugh Drive, Raleigh, North Carolina, 27604
901-304 Canenaugh Drive, Raleigh, North Carolina, 27604
901-305 Canenaugh Drive, Raleigh, North Carolina, 27604
901-306 Canenaugh Drive, Raleigh, North Carolina, 27604
901-307 Canenaugh Drive, Raleigh, North Carolina, 27604
901-308 Canenaugh Drive, Raleigh, North Carolina, 27604

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Please retain with original document and submit for rerecording.**



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

The foregoing certificate___ of

LISA KNOX

Laura M. Biddick, Register of Deeds

By:

Assistant/Deputy Register of Deeds

of Time Stamps Needed

New Time Stamp

of Pages