

WAKE COUNTY, NC 17
 LAURA M RIDDICK
 REGISTER OF DEEDS
 PRESENTED & RECORDED ON
 09/23/2005 AT 08:41:38

BOOK:011595 PAGE:00231 - 00236

STATE OF NORTH CAROLINA :

COUNTY OF WAKE : **AMENDMENT TO DECLARATION OF
 CONDOMINIUM OF THE COTTAGES AT
 WHITAKER CONDOMINIUM**

Prepared by and Return to: Alison R. Cayton, Manning, Fulton & Skinner P.A.
 Post Office Box 20389, Raleigh, NC 27619-0389

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE COTTAGES AT WHITAKER CONDOMINIUM ("Amendment") is made as of this 23rd day of September, 2005, by **The Cottages LLC, a North Carolina limited liability company,** ("Declarant");

WHEREAS, Declarant is the Declarant of that Declaration for the Cottages at Whitaker Condominium ("Declaration") dated February 23, 2005 and recorded in Book 11236, page 876, Wake County Registry; and

WHEREAS, the Declaration provides that the condominium is developed pursuant to a plan of condominium ownership into a maximum of One hundred and sixteen (116) units; and

WHEREAS, when the Declaration was recorded there were twenty-six (26) condominium units located in 9 buildings and the allocation of the percentage of undivided interest in common elements, percentage of common expenses and votes in the Association of such units is set forth on Exhibit "B" to the Declaration; and

WHEREAS, the Declarant desires to subject to the Declaration 8 additional condominium buildings together containing 25 additional Units as shown on Lot 1 on plats and plans recorded simultaneously herewith in Condominium Plat File 368; and

WHEREAS, Declarant desires to attach a new Exhibit "B" to set forth the new allocation of each Unit's percentage of undivided interest in the common elements, percentage of common expenses and votes in the Association, and a new Exhibit "A" to reflect the property subject to the Declaration; and

WHEREAS, this Amendment is being made during the Declarant Control Period and constitutes Declarant's exercise of development rights pursuant to Paragraph 5 of the Declaration

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. The Declaration is hereby amended to substitute the Exhibit "B" attached to this Amendment for the Exhibit "B" which is attached the Declaration. The new Exhibit "B" replaces the old Exhibit "B" in its entirety and sets forth the new allocation each Unit's percentage of undivided interest in the common elements, percentage of common expenses and votes in the Association.

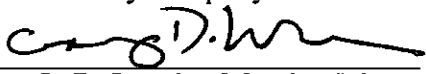
2. The Declaration is hereby amended to substitute the Exhibit "A" attached to this Amendment for the Exhibit "A" which is attached to the Declaration. The new Exhibit "A" replaces the old Exhibit "A" in its entirety and sets forth the new description of the Property subject to the Declaration.

3. All capitalized terms herein have the same meaning as given to them in the Declaration.

4. Except as herein modified, all terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

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

THE COTTAGES LLC, a North Carolina
Limited liability company

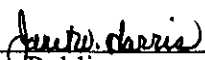
By: 
George O. DeLoache, Member/Manager

STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I, Janet W. Harris, a Notary Public, do hereby certify that George O. DeLoache personally appeared before me this day and acknowledged that he is Member/Manager of The Cottages LLC, a North Carolina limited liability company and further acknowledged the due execution of this Declaration on behalf of the limited liability company.

Witness my hand and official seal, this 23rd day of September, 2005.


Notary Public
My Commission Expires: 10-22-09

JANET W. HARRIS
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 10-22-2009

EXHIBIT A
TO
THAT DECLARATION FOR
THE COTTAGES AT WHITAKER CONDOMINIUM

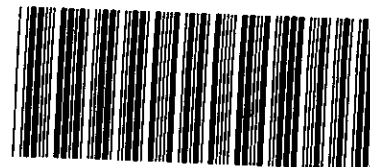
BEING all of that 5.007 acre tract designated as Lot 1 and shown on that map entitled "Subdivision of Northside Apartments" by John Y. Phelps, Jr. Professional Land Surveyor dated September 10, 2004 and recorded in Book of Maps 2005, page 213 Wake County Registry.

EXHIBIT B
TO
THAT DECLARATION FOR
THE COTTAGES AT WHITAKER CONDOMINIUM

All Units shall have the unit numbers and addresses shown on the plats and plans recorded simultaneously herewith in the Wake County Registry.

All buildings are one story and contain between two to five Units each. Each Unit has two bedrooms, one bathroom, a kitchen and a living room

For the 51 Units currently subjected to this Declaration, each Unit shall have an 1.961% Allocated Interest in the Common Elements, the Common Expense Liability and votes in the Association.



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Please retain with original document and submit for rerecording.



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

North Carolina – Wake County

The foregoing certificate___ of Janet W Harris

____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: George W. Riddick
Deputy
Assistant/Deputy Register of Deeds

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