

AMENDMENT TO DECLARATION  
OF CONDOMINIUM FOR  
MILL CREEK, A CONDOMINIUM

EXHIBITS:

- A - Property Added by This Amendment
- B - Submitted Property
- C - Schedule of Condominium Unit Information
- D - Certification of Plans

RECORDING REFERENCES:

Declaration (original and amendments prior to this one):  
Deed Book 558, Page 428 (Declaration); Deed Book 609, Page 447 (First Amendment)

Plat (original and amendments prior to this one):  
Plat Book 43, Page 170, (Phase One)

Plans (original and amendments prior to this one):  
Plat Book 43, Page 171 through 175 (Phase One)

Plat (for this amendment):  
Plat Book 46, Page 58

Plans (for this amendment):  
Plat Book 46, Pages 59 through 66

Prepared by and return to: William W. Bunch, III  
FAISON, BROWN, FLETCHER & BROUGH  
Suite 210, N.C. Federal Building  
4900 Falls of Neuse Road Raleigh  
North Carolina 27609

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 7.82.B.9B 9789-30-7645 BY

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thereto depending on the particular model type included, as follows: Type III Model - a garden style Unit with two bedrooms and two bathrooms; Type III model reversed - which means that such model is a reversed mirror image of that shown on the Plans for a Type III model; Type IV model - a townhouse style Unit with two bedrooms and two bathrooms; Type IV model reversed - which means that such model is a reversed mirror image of that shown on the Plans for a Type IV model; Type V model - a townhouse style Unit with two bedrooms and two bathrooms; Type V model reversed - which means that such model is a reversed mirror image of that shown on the Plans for a Type V model; Type VI model - a townhouse style Unit with two bedrooms and two bathrooms; and, Type VI model reversed - which means that such model is a reversed mirror image of that shown on the Plans for a Type VI model. Certain of such models have a bay window as set forth on Exhibit C hereto and shown on the Plans. The differences between Type IV, V and VI Models relative to size and particular features are shown more clearly on the Plans.

3. Plat and Plans. The Plat applicable to this expansion of the Condominium is filed in Plat Book 46, Page 58. The Plat also contains information showing the finished floor and ceiling elevations of the Units added by this expansion. The Plans applicable to this expansion of the Condominium are filed in Plat Book 46, Page 59 through 66. The Plans are certified pursuant to the Certification of Plans attached hereto as Exhibit D and the Plat, Plans and Certification of Plans are incorporated herein by this reference.

4. Effect. The Declaration and other Condominium Instruments, as hereby amended, shall remain in full force and effect with respect to the Submitted Property described in Exhibit B hereto. In particular, but without limitation, the property added hereby shall contain fifteen (15) Units owned by Declarant having boundaries and Limited Common Areas and Facilities as shown on the Plat and Plans and as provided in the Condominium Instruments, with the balance of the property added hereby being Common Areas and Facilities. This Amendment shall have the effect of expanding the Condominium to a total of twenty-five (25) Units. In addition, the Common Areas and Facilities constructed upon the property added by this Amendment includes, among other things, two (2) tennis courts, a pool and a summer house containing bathrooms.

5. Definitions. The terms defined in the Declaration shall, when used herein, have the meaning given to them in the Declaration, except and to the extent that such term is changed by this Amendment.

6. Subordination and Joinder by Mortgagees. The undersigned Mortgagee and Trustee hereby join in the execution of



By: THE DEVELOPMENT GROUP, INC., a South Carolina corporation, general partner

By: [Signature]  
John W. Morgan, President

Attest: [Signature]  
William W. Bunch, III, Assistant Secretary

1ST HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF THE CAROLINAS, P.A.

By: [Signature] Vice President

Attest: [Signature] Asst. Sec.

[Signature] (SEAL)  
Henry V. Cunningham, Jr., Trustee



South  
NORTH CAROLINA, Richland County

I, a Notary Public of the County and State aforesaid, certify that John W. Morgan, general partner of DGI Associates II, a North Carolina limited partnership, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 25 day of November, 1986.

[Signature]  
Notary Public

My Commission Expires: 7/18/93



STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

I, a Notary Public of the County and State aforesaid, certify that Henry V. Cunningham, Jr., Trustee for 1st Home Federal Savings and Loan Association of the Carolinas, F.A., personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 2nd day of December, 1986.



Kathy Hooker  
Notary Public

Commission Expires: January 22, 1991

1D266-1.2

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of \_\_\_\_\_  
Terri D. J. Fiorini, Dianna Wynne Lusk and Kathy Hooker,

~~XXXXXX~~ Notaries) Public of the designated Governmental units (and are) certified to be correct. Filed for registration this the 3rd day of December 19 86, at 2:03 o'clock, PM  
in Record Book 617 Page 518 . Betty June Hayes, Register of Deeds

Return: \_\_\_\_\_  
\_\_\_\_\_

By: Billy B. Hayes  
Assistant/Deputy  
Register of Deeds

EXHIBIT B  
TO AMENDMENT TO DECLARATION  
SUBMITTED PROPERTY

All that certain tract or parcel of land located in Chapel Hill Township, Orange County, North Carolina, more particularly described as follows:

BEGINNING at a point located in the eastern margin of the 100 foot wide right-of-way of Airport Road, which point is the same as the southwestern corner of Phase I, Mill Creek, as shown in Plat Book 43, Page 170, Orange County Registry, running thence from such point of BEGINNING, along the eastern margin of Airport Road, with and along the arc of a curve to the right having a radius of 2,792.72 feet, an arc distance of 161.03 feet to a point; running thence with and along the arc of a curve to the right having a radius of 2,792.72 feet, an arc distance of 382.77 feet to a point; running thence North 21° 30' 17" East 156.41 feet to a point; running thence South 73° 50' 24" East 170.54 feet to a point; running thence North 06° 08' 54" East 153.97 feet to a point; running thence South 73° 42' 24" East 50.79 feet to a point; running thence South 06° 08' 53" West 153.85 feet to a point; running thence North 73° 50' 24" West 11.03 feet to a point; running thence with and along the arc of a curve to the right having a radius of 164.00 feet, an arc distance of 164.88 feet to a point; running thence South 64° 54' 03" West 68.00 feet to a point; running thence with and along the arc of a curve to the left having a radius of 166.70 feet, an arc distance of 138.96 feet to a point; running thence South 17° 08' 16" West 30.56 feet to a point; running thence South 72° 51' 44" East 105.67 feet to a point; running thence South 17° 08' 16" West 169.95 feet to a point; running thence South 75° 21' 45" West 32.58 feet to a point; running thence South 10° 11' 12" East 114.65 feet to a point; running thence South 87° 58' 55" West 195.80 feet to a point, the point and place of BEGINNING, and being all of Phases I and II, Mill Creek, including that certain "Private 50 foot Easement" as shown in Plat Book 39, Page 184, Orange County Registry, all as shown in Plat Book 43, Page 170; and, Plat Book 46, Page 58, Orange County Registry.

EXHIBIT D

CERTIFICATION OF PLANS

COMES NOW the undersigned registered architect, pursuant to the North Carolina Unit Ownership Act as set forth in N.C.G.S. 47A-15, who first being duly sworn, makes the following verification from his personal knowledge, information and belief:

(1) The foregoing Plans for Mill Creek, A Condominium, filed of record in Plat Book 46, Pages 59 through 66, Orange County Registry, truly and accurately represent the Plans for the building and Units located on the Submitted Property as filed with and approved by the Town of Chapel Hill and all other governmental subdivisions having jurisdiction over the issuance of permits for the construction of such building.

(2) Such Plans fully and accurately depict the layout, location, ceiling and floor elevation and dimensions of the Units, as built, located on the Submitted Property.

(3) The unit type and number for each Unit are set forth on the Schedule of Unit Information which is attached and recorded with this Amendment to the Declaration as Exhibit C.

(4) The Plans satisfy all the requirements of the North Carolina Unit Ownership Act.

This the 25th day of November, 1986.

Name: Robert T. Lyles, AIA  
Registered Architect No. 3119