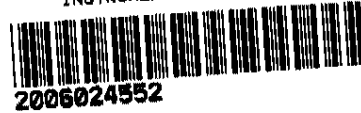


FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2006 FEB 07 01:58 PM
BK: 19992 PG: 833-838 FEE: \$26.00
INSTRUMENT # 2006024552



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**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**FIRST SUPPLEMENT TO NORTHLAKE VILLAGE
DECLARATION OF EASEMENTS AND RESTRICTIONS**

CENTDEV NORTHLAKE, LLC, DECLARANT

FEBRUARY 3, 2006

DRAWN BY AND MAIL TO:

**Ann L. Vano, Esq.
Centdev Properties, LLC
16930 W. Catawba Avenue, Suite 206
Cornelius, NC 28031**

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

**FIRST SUPPLEMENT TO
NORTHLAKE VILLAGE
DECLARATION OF
EASEMENTS AND RESTRICTIONS**

THIS FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "First Supplement") is made this 3^d day of February, 2006 by **CENTDEV NORTHLAKE, LLC**, a North Carolina limited liability company ("Declarant").

WITNESSETH

WHEREAS, Declarant is the owner of Lots 1, 2, 4, 5, and 6 of Smith Corners @ Northlake as shown on Map recorded in Book 43, Page 871 of the Mecklenburg County Public Registry ("Shopping Center");

WHEREAS, **BANK OF THE OZARKS**, an Arkansas State Bank, ("Lender") has a security interest in the Shopping Center as recorded in the Deed of Trust, Assignment of Rents and Security Agreement dated August 12, 2005 and recorded at Book 19184, Page 783 of the Mecklenburg County Public Registry;

WHEREAS, Declarant filed the Northlake Village Declaration of Easements and Restrictions dated August 29, 2005 in Book 19280, Page 157 of the Mecklenburg County Public Registry ("Declaration");

WHEREAS, Declarant intends to subdivide Lot 6 into Lot 6A and 6B and further desires to modify the Building Areas for Lot 6 as defined in the Declaration; and

WHEREAS, Declarant desires to revise the maximum height limitations for Lot 1.

NOW, THEREFORE, the Declarant by this First Supplement does hereby declare as follows:

1. Pursuant to Article 1, Section 1 and Article VII, Section 1 of the Declaration, the Building Areas on Lot 6 are revised as shown on the revised Site Plan attached hereto as Exhibit A. The revised Site Plan hereby supercedes and replaces the Site Plan in the Declaration in its entirety.

2. Pursuant to Article VII, Section 1, Declarant hereby revises the maximum height limitation for Lot 1, as set forth in Article VII, Section 1 (e) of the Declaration to be a maximum height, excluding architectural features such as pediments or arches and chimneys, of twenty-two feet (22'). Such architectural features and chimneys may be a maximum of twenty-seven feet (27').

IN WITNESS WHEREOF, the undersigned has caused this First Supplement to be duly executed the day and year first above written.

CENTDEV NORTHLAKE, LLC,
a North Carolina limited liability company

By: Jeffrey R. Wakeman (SEAL)
Its: Member

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, KATHERINE C. BARKER, a Notary Public of Mecklenburg County, State of North Carolina, do hereby certify that Jeffrey R. Wakeman, (the "Signatory"), personally appeared before me this day and acknowledged that he is President of **CENTDEV NORTHLAKE, LLC**, a North Carolina limited liability company, and that by authority given and as the act of said company, the foregoing instrument was signed in its name by him.

I certify that the Signatory personally appeared before me this day, and
(check one of the following)

- (I have personal knowledge of the identity of the Signatory); or
- (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

(check one of the following)

- a driver's license or
- in the form of _____); or
- (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 31 day of January, 2006.

Katherine C. Barker
Notary Public
Print: Name: KATHERINE C. BARKER

[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 11-10-08

[NOTARY SEAL] MUST BE FULLY LEGIBLE



The Lender hereby consents to this First Supplement to the Declaration.

LENDER:

BANK OF THE OZARKS, an Arkansas state bank

[Handwritten Signature]

By: _____ (SEAL)
Its: Bank Officer

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, GERI H. BEANE, a Notary Public of Union Mecklenburg County, State of North Carolina, do hereby certify that Robert M. Whitesomb, (the "Signatory"), personally appeared before me this day and acknowledged that he is Bank Officer of **BANK OF THE OZARKS**, an Arkansas state bank, and that by authority given and as the act of said company, the foregoing instrument was signed in its name by him.

I certify that the Signatory personally appeared before me this day, and
(check one of the following)

(I have personal knowledge of the identity of the Signatory); or
 (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

(check one of the following)

a driver's license or
 in the form of _____); or
 (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 31ST day of January, 2006.

Geri H Beane

Notary Public

Print: Name: GERI H. BEANE

[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 3/8/2010

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)





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