

INSTRUMENT # 2006133182



2006133182

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

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

CENTDEV NORTHLAKE, LLC, DECLARANT

JUNE 19, 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

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

COUNTY OF MECKLENBURG

THIS SECOND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "First Supplement") is made this 19th day of June, 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 6B of Smith Corners @ Northlake as shown on Map recorded in Book 45, Page 189 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 filed the First Supplement to Northlake Village Declaration of Easements and Restrictions dated February 3, 2006 in Book 19992, Page 833 of the Mecklenburg County Public registry; and

WHEREAS, Declarant entered into a Lease with Golf Galaxy, Inc. (Tenant) dated May 19, 2006 ("Lease") for a 15,000 square foot building to be built by Declarant on Lot 6B of Northlake Village to be used as a golf store which establishes certain exclusive uses for Tenant.

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

1. So long as Tenant has not ceased operating a golf store and except as otherwise allowable under the Lease between Declarant and Staples the Office Superstore East, Inc. dated June 27, 2005, no building on Lot 1, 2, 4, 5, or 6B (except for Golf Galaxy store) shall be used for the sale of new or used golf equipment, golf accessories, golf apparel, golf club repair, or golf instruction services if such uses in any given store collectively account for 5% or more of the Rentable Square

Feet (as defined in the Lease) of such building or gross sales of any such competing store or more than 2000 Rentable Square Feet, whichever is less.

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

CENTDEV NORTHLAKE, LLC,
a North Carolina limited liability company
by Centdev Northlake Management, LLC, its
Manager

By:  (SEAL)

Jeffrey R. Wakeman

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 Member of **CENTDEV NORTHLAKE MANAGEMENT, LLC**, a North Carolina limited liability company, which is the Manager 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)

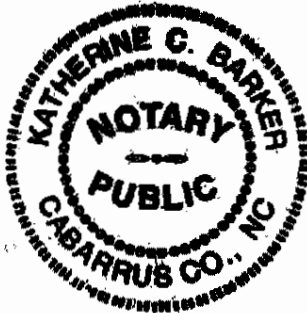
a driver's license or

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 27 day of JUNE, 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 Second Supplement to the Declaration.

LENDER:

BANK OF THE OZARKS, an Arkansas state bank

By: [Signature] (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. Whitecomb (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)

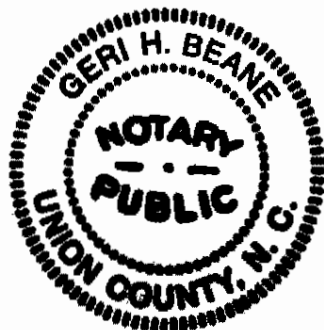
a driver's license or
 in the form of _____); or
 (a credible witness has sworn to the identity of the Signatory).

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 23rd day of June, 2006.

Notary Public

Print: Name: GERI H. BEANE
[Note: Notary Public must sign exactly as on notary seal]
GERI H. BEANE
My Commission Expires: 3/8/2010
[NOTARY SEAL] (MUST BE FULLY LEGIBLE)





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