

Drawn by and mail to:
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227 West Trade Street, Suite 2200
Charlotte, North Carolina 28202 **Box 23**

STATE OF NORTH CAROLINA

**SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR UNIVERSITY EAST
BUSINESS PARK**

COUNTY OF MECKLENBURG

THIS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR UNIVERSITY EAST BUSINESS PARK (hereinafter referred to as "Supplemental Declaration"), made on this 19th day of November, 1999 by UNIVERSITY EAST, LLC (hereinafter referred to as "Declarant");

WITNESSETH:

WHEREAS, Declarant has heretofore imposed a Declaration of Covenants, Conditions and Restrictions for University East Business Park upon a portion of the commercial development known as University East Business Park, which Declaration is recorded in Book 9241 at Page 180 in the Mecklenburg Public Registry (hereinafter the "Declaration"); and

WHEREAS, the property subject to the Declaration pursuant to Article II thereof is described in Exhibit A attached hereto; and

WHEREAS, the Declaration provides therein in Article II, Section 2 that:

"Additional land may be brought within the scheme of this Declaration and the jurisdiction of the Association in the following manner: (a) Additional land which is (a) within the margins of public streets or rights-of-way or (b) contiguous to the Existing Property and within one-half mile of the boundary of the Existing Property may be annexed to the Existing Property by Declarant with the consent of a majority of the Total Votes (as hereinafter defined). The remainder of the property described on Exhibit B attached hereto (which is not included within the Exhibit A description attached hereto) may be annexed to the Existing Property by Declarant without approval of the Owners."; and

WHEREAS, pursuant to Article III, Section 3 of the Declaration, the Declarant shall be entitled fifty-one percent (51%) of the Total Votes until January 1, 2007; and

WHEREAS, the property described in Exhibit B attached hereto is a portion of the property described in Exhibit B to the Declaration (the "Phase II Property"); and

WHEREAS, the property described in Exhibit C attached hereto (the "Phase III Property") is contiguous to the Existing Property and within one-half mile of the boundary of the Existing Property; and

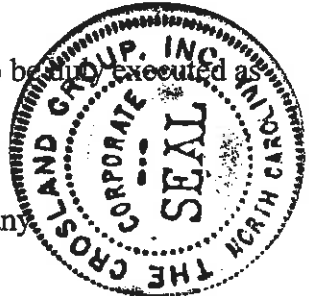
WHEREAS, the Declarant desires to incorporate the Phase II Property and the Phase III Property (collectively, the "Incorporated Property") into the property subject to the Declaration (hereinafter referred to as "Property") and thereby also amend Exhibit A to the Declaration; and

NOW, THEREFORE, pursuant to the provisions of the aforesaid Declaration, Declarant does hereby amend the Declaration to annex the Incorporated Property to the Property which is subject to the Declaration of Covenants, Conditions and Restrictions for University East Business Park recorded in Book 9241 at Page 180 in the Mecklenburg Public Registry to the end that the Incorporated Property shall be within the scheme of said Declaration and to the further end that all present and future owners of all or any portion of the Property shall be subject to the terms and conditions of the aforesaid Declaration and the owners thereof shall have the rights, privileges and obligations therein set out. The Existing Property, as such term is defined in the Declaration, shall hereafter include all of the property described in Exhibits A, B and C hereof.

Terms not defined in this Supplemental Declaration shall have the meaning given them as set forth in the Declaration. The Declaration, as amended herein, shall remain in full force and effect.

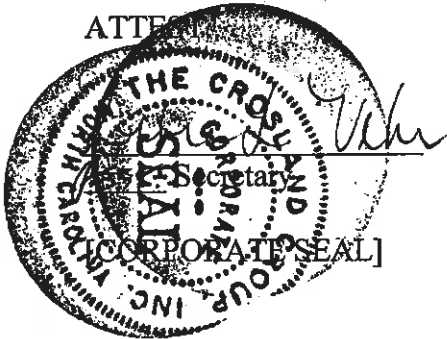
IN WITNESS WHEREOF, the Declarant has caused this instrument to be signed and executed as of the day and year first above written.

UNIVERSITY EAST, LLC (SEAL)
a North Carolina limited liability company



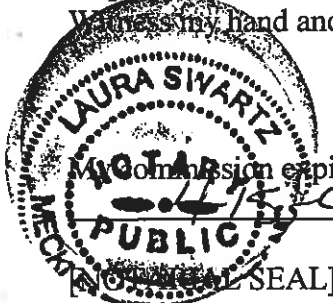
By: The Crosland Group, Inc.,
Its Manager

By: James E. McField
Vice President



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that Nubia J. Ward personally came before me this day and acknowledged that she is Assistant Secretary of The Crosland Group, Inc., a North Carolina corporation, Manager of University East, LLC, and that by authority duly given and as the act of the corporation on behalf of the company, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by Nubia J. Ward as its Assistant Secretary. Witness my hand and official seal this 19 day of November, 1999.



Laura Swartz
Notary Public

4-15-04

EXHIBIT A

LEGAL DESCRIPTION

UNIVERSITY EAST BUSINESS PARK - PHASE I

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT NCGS STATION "LYTHE" HAVING NAD 83 GRID COORDINATES OF X=1,482, 025.71 FEET, Y=565,393.15 FEET; THENCE A GRID TIE OF SOUTH 58° 50' 05" EAST, A HORIZONTAL GROUND DISTANCE OF 2,265.57 FEET TO THE POINT OF BEGINNING; SAID POINT BEING AN EXISTING CONCRETE MONUMENT SITUATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LIMIT OF NORFOLK SOUTHERN RAILWAY AND THE SOUTHERLY RIGHT-OF-WAY OF EAST W.T. HARRIS BOULEVARD; THENCE THE FOLLOWING THREE COURSES WITH SAID W.T. HARRIS BOULEVARD RIGHT-OF-WAY LIMIT (1) SOUTH 60° 03' 01" EAST, A DISTANCE OF 165.31 FEET TO A POINT; (2) SOUTH 83° 23' 56" EAST, A DISTANCE OF 541.84 FEET TO A POINT; (3.) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1,809.86 FEET, AN ARC DISTANCE OF 460.34 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY LIMIT AND COURSING WITH THE APPROXIMATE LOCATION OF THE CHARLOTTE, MECKLENBURG 100 YEAR FLOODWAY FRINGE DISTRICT BOUNDARY THE FOLLOWING EIGHT COURSES; (1) SOUTH 38° 19' 01" WEST, A DISTANCE OF 493.57 TO A POINT; (2.) SOUTH 46° 52' 52" WEST, A DISTANCE OF 93.89 FEET TO A POINT; (3.) SOUTH 46° 52' 52" WEST, A DISTANCE OF 306.64 FEET TO A POINT; (4.) SOUTH 53° 21' 12" WEST, A DISTANCE OF 99.80 FEET TO A POINT; (5.) SOUTH 42° 48' 00" WEST, A DISTANCE OF 139.19 FEET TO A POINT; (6.) SOUTH 30° 30' 07" WEST, A DISTANCE OF 163.50 FEET TO A POINT; (7.) SOUTH 25° 13' 11" WEST, A DISTANCE OF 144.67 FEET TO A POINT; (8.) SOUTH 28° 16' 55" WEST, A DISTANCE OF 72.49 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE D. LARRY CRUMBLEY PROPERTY AS DESCRIBED IN DEED BOOK 5396, PAGE 849; THENCE WITH SAID CRUMBLEY LINE AND ALSO THE LINE OF WILLIAM M. UNTZ AS DESCRIBED IN DEED BOOK 6268, PAGE 767, NORTH 47° 34' 23" WEST, A DISTANCE OF 970.19 FEET TO A POINT SITUATED WITHIN THE NORFOLK SOUTHERN RAILWAY RIGHT-OF-WAY LIMIT; THENCE NORTH 17° 23' 03" WEST, A DISTANCE OF 89.17 FEET TO THE CENTERLINE OF THE RIGHT-OF-WAY OF THE NORFOLK SOUTHERN RAILWAY; THENCE WITH SAID CENTERLINE NORTH 30° 01' 06" EAST, A DISTANCE OF 1,259.01 FEET TO A POINT MARKING THE INTERSECTION OF THE NORFOLK SOUTHERN RAILWAY CENTERLINE AND THE NORTHWESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LIMIT OF EAST W.T. HARRIS BOULEVARD; THENCE WITH SAID PROLONGATION SOUTH 60° 03' 01" EAST, A DISTANCE OF 100.00 FEET TO THE BEGINNING; CONTAINING 36.7766 ACRES.

Exhibit B

Phase II Property

Tract 1

BEGINNING at a point located S 57-10-32 E, 120.61 feet from an iron pin set on the western boundary line of the right-of-way of East W. T. Harris Boulevard, as shown in Deed Book 5266, Page 503, Mecklenburg County Public Registry, which iron pin also marks the intersection of the northeastern boundary of the property of Duke Power Company (now or formerly), Deed Book 6224, Page 131, Mecklenburg County Public Registry and the western boundary line of said East W. T. Harris Boulevard right-of-way; thence with the northeastern boundary line of the property of Duke Power Company three (3) lines as follows: (1) N 57-14-03 W, 577.25 feet to an existing iron pin located on the northeastern boundary line of the property of Duke Power Company; (2) N 69-23-05 W, 759.71 feet to an iron pin set on the northeastern boundary of the property of Duke Power Company; and (3) N 47-34-23 W, 267.03 feet to an existing iron pin; thence with the southeastern boundary line of the property of Leon McTyeire Johnston, III (now or formerly) as shown in Deed Book 5307, Page 396, Mecklenburg County Public Registry, N 27-38-05 E 1,506.76 feet to an iron pin set on the western boundary line of the right-of-way of East W. T. Harris Boulevard; thence with said western boundary line of said right-of-way two (2) lines as follows: (1) S 63-23-56 E, 83.26 feet to a point; (2) in a southeasterly direction with the arc of a circular curve to the right, having a radius of 1,809.86 feet, a chord bearing and distance of S 34-49-09 E, 1,369.50 feet and an arc distance of 1,404.48 feet to an iron pin set in the western boundary line of the right-of-way of East W. T. Harris Boulevard, which iron pin is located at the intersection of the northwestern boundary of the property of Russell G. Faulk and wife, Mrs. Russell G. Faulk (now or formerly) as shown in Deed Book 1387, Page 287, Mecklenburg County Public Registry and the western boundary line of the East W. T. Harris right-of-way; thence with the northwestern boundary of the Faulk property S 09-49-49 W, 947.24 feet to the POINT OR PLACE OF BEGINNING; said property containing 42.3512 acres, more or less, and being shown on Boundary Survey dated March 26, 1996 and prepared by WK Dickson, to which survey reference is hereby made;

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING at an iron pin set, which is located the following two calls from NCGS monument "LYTHE" having Grid Coordinates X=1,482,025.71 ft. and Y=565,393.15 feet: (1) S 82-15-23 E 3,067.88 feet to an existing iron pin at NCGS (NAD=83) Grid Coordinates X=1,485,065.12 ft. and Y=564,979.84 ft; and (2) S 27-38-05 W 1181.91 ft., crossing an iron pin set on the northeasterly right-of-way of East W.T. Harris Blvd. at 975.35 ft. to an iron pin set on the southwesterly right-of-way of East W.T. Harris Blvd; and from said place of beginning S 27-38-05 W 1506.76 ft. to an existing iron pin; thence with the northeastern property line of D. Larry Crumbley (now or formerly) pursuant to a deed recorded in Book 5396, Page 849, in the Mecklenburg County Public Registry, S 47-34-23 E 232.87 ft. to an iron pin set on said Crumbley property line; thence in a northeasterly direction the following nine (9) courses and distances: (1) N 28-16-55 E 72.49 ft. to a point; (2) N 25-13-11 E 144.67 ft to a point; (3) N 30-30-07 E 163.30

ft. to a point; (4) N 42-48-00 E 139.19 ft. to a point; (5) N 53-21-12 E 99.80 ft. to a point; (6) N 46-52-52 E 306.64 ft. to a point; (7) N 46-52-52 E 93.89 ft. to a point; (8) N 38-19-01 E 198.24 ft. to a point; (9) N 38-19-01 E 295.33 ft. to a point on the southwesterly right of way of East W.T. Harris Blvd.; thence with the right of way of East W.T. Harris Blvd., following the arc of a circular curve having a radius of 1809.86 feet to the left, an arc distance of 460.34 ft. (the chord of said arc extending N 49-45-50 W 459.10 ft) to a point; thence N 63-23-56 W 83.26 feet to the point and place of beginning, containing 12.6091 acres, all as shown on the boundary survey of Baucom Property Showing Unusable Area by W.K. Dickson & Co., Inc. (J. Jeffrey Cobb, NCRLS), dated August 30, 1996.

Tract 2

Lying and being in Crab Orchard Township in Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a point in the western boundary line of the right-of-way of East W.T. Harris Boulevard, as shown in Book 5266 at Page 503 in the Mecklenburg County Public Registry, said point of beginning being the intersection of the northeastern boundary of the property of Duke Power Company (now or formerly) as shown in Deed Book 6224 at Page 131 in the aforesaid Public Registry thence with the western boundary line of said East W. T. Harris Boulevard right-of-way five (5) lines as follows: (1) in a northeasterly direction with the arc of a circular curve to the left having a radius of 1,809.86 feet, a chord bearing and distance of N 10-32-07 E 564.41 feet and an arc distance of 566.73 feet to a point; (2) thence N 05-58-32 W 95.02 feet to a point; (3) thence N 04-52-33 W 197.75 feet to a point; (4) thence N 01-43-00 W 85.73 feet to a point; and (5) in a northwesterly direction with the arc of a circular curve to the left having a radius of 1,809.86 feet, a chord bearing and distance of N 11-30-44 W 67.95 feet and an arc distance of 67.95 feet to an iron pin set on the western boundary of the East W.T. Harris right-of-way; thence with the southeastern boundary of the property of Amon L. Baucom, Amon L. Baucom, Jr., and Gary C. Baucom (now or formerly) as shown in Deed Book 4431 at Page 319 of the aforesaid Public Registry, S 09-49-49 W 947.24 feet to an existing iron pin on the northeastern boundary line of the property of Duke Power Company; thence S 57-10-32 E 120.61 feet to the Point and Place of Beginning; said property containing 2.2120 acres, more or less, and being shown on Boundary Survey dated March 26, 1996 and prepared by W.K. Dickson, to which survey reference is hereby made.

Exhibit C

Phase III Property

BEING a portion of the property conveyed to Russell G. Faulk by that one certain deed recorded in Book 1387, Page 287, Mecklenburg County Public Registry, said property being a portion of the 16.6701 acres of land situated in Crab Orchard Township, Mecklenburg County, North Carolina, more particularly described as follows:

BEGINNING at an existing iron pin located at the eastern boundary of the right-of-way of East W. T. Harris Boulevard said pin also being the northeastern corner of the property of Carolina Conference Association of Seven Day Adventists, Inc. (now or formerly), as shown in Deed Book 8713, Page 262 in the Mecklenburg County Public Registry and from said point of BEGINNING continuing with said right-of-way line the following 8 calls and distances: (1) with the arc of a circular curve to the left having a radius of 2,009.86 feet, a chord bearing and distance of N 16-26-38 E 329.33 feet, and an arc length of 329.70 feet to a point; (2) N 28-27-58 E 33.08 feet to a point; (3) N 08-39-06 E 214.54 feet to a point; (4) N 12-10-25 W 52.11 feet to a point; (5) with the arc of a circular curve to the left having a radius of 2,009.86 feet, a chord bearing and distance of N 03-43-14 W 475.25 feet, and an arc length of 476.36 feet to a point; (6) N 03-51-20 W 106.68 feet to a point; (7) N 21-42-25 W 155.25 feet to a point; (8) with the arc of a circular curve to the left having a radius of 2,009.86 feet, a chord bearing and distance of N 20-22-53 W and an arc length of 151.63 feet to an point in the eastern line of the right-of-way of East W. T. Harris Boulevard; thence leaving said right-of-way N 64-40-10 E 448.14 feet to a point; thence S 02-39-34 W 517.47 feet to an existing iron pin at an oak tree; thence S 02-28-04 W 1,348.75 feet to an existing iron pin; thence with the northeastern boundary line of the aforesaid property of Carolina Conference Association of Seven Day Adventists, Inc. N 57-19-01 W 364.75 feet to an existing iron pin located in the eastern right-of-way line of East W. T. Harris Boulevard and the POINT AND PLACE OF BEGINNING, said property being a portion of the property containing 16.6701 acres as shown on survey prepared by W. K. Dickson and certified and sealed by J. Jeffrey Cobb, RLS, dated March, 1999 and titled "Boundary Survey made at the request of The Crosland Group, Owners of record: Russell G. Faulk--D.B. 1387, Pg. 287; BARRINGTON PLACE ASSOCIATES-- D.B. 8896, Pg. 033", and described as Project No. 98770.15.



JUDITH A. GIBSON
REGISTER OF DEEDS , MECKLENBURG COUNTY
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE NC 28202

Filed For Registration: 11/19/1999 03:22 PM
Book: RE 10914 Page: 431-437
Document No.: 1999207024
RESTR 7 PGS \$18.00
Recorder: ROBIN CANADY

State of North Carolina, County of Mecklenburg

The foregoing certificate of LAURA SWARTZ Notary is certified to be correct. This 19TH of November 1999

JUDITH A. GIBSON, REGISTER OF DEEDS By: _____
Deputy/Assistant Register of Deeds

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1999207024