

BK012765PG01519

WAKE COUNTY, NC 597  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
09/25/2007 AT 16:34:37

BOOK:012765 PAGE:01519 - 01526

FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
FOR  
REXVIEW PROFESSIONAL PLAZA CONDOMINIUM

Prepared by and return to:

Robert Charles Lawson, Esq.  
Wyrick Robbins Yates & Ponton LLP  
4101 Lake Boone Trail, Suite 300  
Raleigh, North Carolina 27607

BK012765PG01520

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM  
OF REXVIEW PROFESSIONAL PLAZA CONDOMINIUM

This FIRST AMENDMENT TO DECLARATION ("First Amendment") effective on this 25<sup>th</sup> day of September, 2007, by MEDICAL ARTS BUILDING-RALEIGH, LLC, a North Carolina limited liability company ("Declarant"), WACHOVIA BANK, NATIONAL ASSOCIATION, a national banking association ("Wachovia").

Whereas, Declarant filed a Declaration of Condominium for Rexview Professional Plaza Condominium dated December 22, 2006, and recorded in Book 12483, Page 2294, Wake County Registry, ("Declaration") (the original Declaration and this First Amendment are collectively referred to as the "Declaration");

WHEREAS, Wachovia is a holder of a security interest in the Property (as defined in the Declaration and as described in Exhibit A attached hereto) by virtue of a Deed of Trust recorded in Book 12351, Page 2435, Wake County Registry, North Carolina, ("Deed of Trust"), together with any other documents evidencing, securing or in any manner, relating to the indebtedness evidenced or secured by the Deed of Trust (all such documents are collectively referred to herein as the "Wachovia Security Documents");

WHEREAS, Wachovia desires to consent to the terms of this Declaration and to subordinate the lien of the Wachovia Security Documents and by execution of this First Amendment does hereby subordinate the lien of the Wachovia Security Documents and any amendments or modifications thereto, to the Declaration.

Whereas, Declarant has the authority to amend the Declaration pursuant to Article 5 of the Declaration.

Whereas, Declarant desires to add two (2) Units to the Condominium and file amended Plats and Plans amending the Plats and Plans recorded in Book CM2007, Page 431-A1 through Page 431-A8, Wake County Registry.

NOW, THEREFORE, Declarant declares that all of the Property, together with the additions described herein and such additions as may subsequently be added, shall be held, sold, transferred, conveyed, occupied and used subject to the Declaration, which shall run with the land and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns. The defined terms set out in this First Amendment shall have the same meanings as defined in the Declaration, unless otherwise defined in this First Amendment. The recitals set out above are adopted by the parties and incorporated as terms of this First Amendment.

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WITNESSETH:

1. The Declarant hereby expands the Condominium to include two (2) additional Units (Unit C to Unit 300, Unit 305, and Unit 310) as described in the amended Plans recorded in Book CM2007, Page 431 - A9 in the Wake County Registry and incorporated herein by reference. Units 300, 305, and 310 are located on the Property with a street address of 2501 Atrium Drive, Raleigh, North Carolina 27607.
2. Exhibit B, attached hereto, hereby replaces and supercedes the previous table of allocated interests attached to the Declaration as Exhibit B.
3. Except as amended herein, the Declaration shall remain in full force and effect.

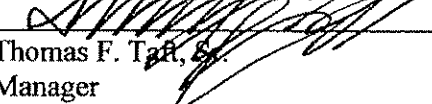
[The remainder of this page is intentionally left blank. The following pages are the signature pages.]

BK012765PG01522

Declarant Signature and Notary Page

IN WITNESS WHEREOF, Declarant has caused this First Amendment, effective the date first above written, to be executed in its name by its duly authorized manager.

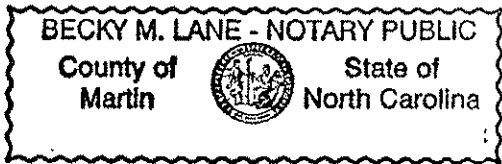
**MEDICAL ARTS BUILDING-RALEIGH, LLC,**  
a North Carolina limited liability company

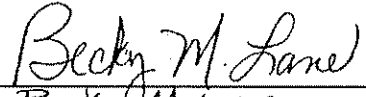
By:   
Name: Thomas F. Taft, Sr.  
Title: Manager

STATE OF NORTH CAROLINA  
COUNTY OF Pitt

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Thomas F. Taft, Sr., Manager of Medical Arts Building-Raleigh, LLC.

Date: September 24, 2007



  
Becky M. Lane  
Notary Printed Name

My Commission Expires: June 28, 2009

(Official Seal)

BK012765PG01523

Wachovia Signature and Notary Page

IN WITNESS WHEREOF, Wachovia has executed this First Amendment effective the date first above written to acknowledge its consent hereto and for the purpose of subordinating the lien of the Wachovia Security Documents hereto.

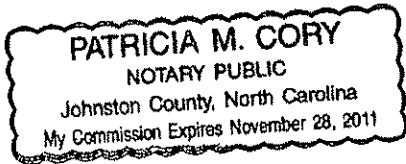
WACHOVIA BANK, NATIONAL ASSOCIATION,  
a national banking association

By: Ronald M. Phinney  
Name: Ronald Phinney  
Title: Vice President

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:  
Ronald Phinney, Vice President of Wachovia Bank,  
National Association, a national banking association.

Date: 9/25 /     , 2007



Patricia M. Cory  
Notary Public  
Patricia M. Cory  
Notary Printed Name

My Commission Expires: 11/28/2011

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Exhibit A

Property Description

BEGINNING at an existing iron pin located in the western right-of-way of Atrium Drive (60' public R/W, formerly North Street) said iron pin being the southeast corner of the herein described property and also being the northeast corner of Lot 3 of the Blue Ridge Office Center, as shown in Book of Maps 1983, Page 103 of the Wake County Register of Deeds office; thence with the North line of said Lot 3 North 88 degrees 02 minutes 15 seconds west 285.45 feet to an existing iron pin, the northwest corner of said Lot 3, also being a point in the line of land conveyed to North Carolina State University, and being the southwest corner of the herein described property; thence with the line of North Carolina State University North 01 degree 27 minutes 08 seconds East 220.0 feet to an existing iron pin, the southwest corner of Lot 5 of the Blue Ridge Office Center, as shown in Book of Maps 1986, Page 1580 of the Wake County Register of Deeds office; also being the northwest corner of the herein described property; thence departing the line of North Carolina State University property and with the south line of said Lot 5 South 88 degrees 02 minutes 15 seconds East 287.41 feet to an existing iron pin in the western right-of-way line of said Atrium Drive, the southeast corner for said Lot 5 and also being the northeast corner of the herein described property; thence with the western right-of-way line of said Atrium Drive South 01 degree 57 minutes 45 seconds West 220.00 feet to the point and place of BEGINNING, being Lot 4 of Blue Ridge Office Center as shown in Book of Maps 1983, Page 1002 of the Wake County Register of Deeds office and as shown on that certain survey entitled "Survey for Medical Arts Building-Raleigh LLC, 2501 Atrium Drive" dated September 29, 2006, prepared by John A. Edwards & Company.

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**Exhibit B**

**36,033 Gross Rentable Square Feet**

**(Including 15% Core Factor)**

<u>UNIT NUMBER</u>	<u>GROSS RENTABLE SQUARE FOOTAGE (INCLUDING CORE FACTOR)</u>	<u>ALLOCATED INTEREST:  PERCENTAGE OF UNDIVIDED INTEREST IN COMMON ELEMENTS &amp; COMMON EXPENSES</u>	<u>VOTES IN ASSOCIATION</u>
First Floor (Unit A)	4,825	13.39%	13
Second Floor (Unit B)	6,569	18.23%	18
Third Floor (Unit 300)	3,884	10.78%	11
Third Floor (Unit 305)	2,103	5.84%	6
Third Floor (Unit 310)	1,908	5.29%	5
Fourth Floor (Unit D)	7,895	21.91%	22
Fifth Floor (Unit E)	8,849	24.56%	25
<b>TOTALS</b>	<b>36,033</b>	<b>100.00%</b>	<b>100</b>

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Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.

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

**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

**This Document**  
\_\_\_\_\_ *8* New Time Stamp  
\_\_\_\_\_ # of Pages



STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Book: CA2007 Pag: 431A9

I, Paul A. Subr a Notary Public for said County and State, do hereby certify that Michael Phillips, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 25 day of September, 2007.

Paul A. Subr  
Notary Public  
Paul A. Subr  
Notary's Printed Name

WAKE COUNTY, NC 596  
LAURA H RIDDICK  
REGISTERED OF DEEDS  
PRESENTED & RECORDED ON  
09/25/2007 AT 10:34:19

My Commission Expires: 5-24-09

THE PLANS FULLY AND ACCURATELY DEPICT THE LAYOUT, LOCATION, CEILING AND FLOOR ELEVATIONS, UNIT NUMBERS AND DIMENSIONS OF THE UNITS, AS BUILT. THE PLANS CONTAIN ALL INFORMATION REQUIRED BY NORTH CAROLINA GEN. STAT. 41C-2-104(b)



710 Marston Drive  
Suite 402  
Raleigh, NC 27609  
919.221.1600  
Fax: 919.221.6432

Phillips  
Architecture, PA

REXVIEW PROFESSIONAL PLAZA

Condo Conversion drawings  
2501 Aratum Drive  
Raleigh, North Carolina

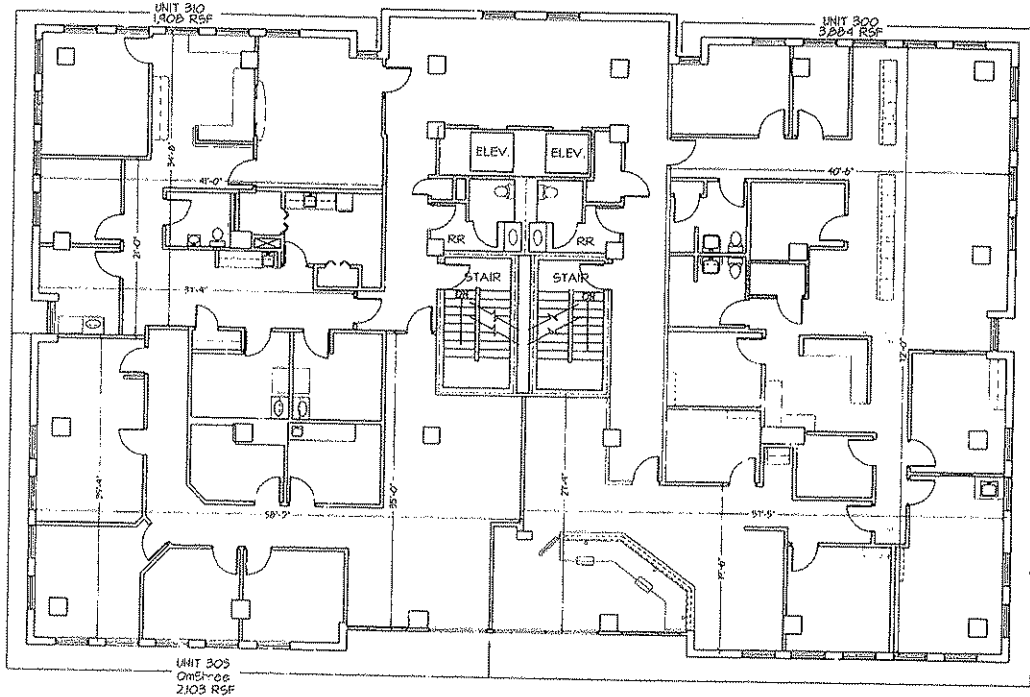
DESIGN BY:	LAC
CHECK BY:	WMP
DATE:	03-09-07
REV. NO.	DATE
1	03-21-07

THIRD  
FLOOR  
PLAN

JOB # 206122

SHEET NO.

A13



Filed for Registration at 163431 on 09/25/07 and Registered in the Office of the Register of Deeds of Wake County, North Carolina, in Book CA 2007 Page 431A9  
2007 09 25 10:37  
LAURA H. RIDDICK  
REGISTER OF DEEDS  
WAKE COUNTY, NC

1 | THIRD FLOOR PLAN: 7,895 TOTAL RSF

1/8"=1'0"