



Drawn by and mail to: Timothy B. Gavigan, PLLC
10700 Sikes Pl., Ste. 375
Charlotte, NC 28277

**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM KINGS CROSSING
MEDICAL PLAZA OFFICE CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM KINGS CROSSING MEDICAL PLAZA OFFICE CONDOMINIUM (the "**First Amendment**") is by and between KINGS CROSSING PARTNERS, LLC, a North Carolina limited liability company ("**Kings**") and TOKA2, LLC, a North Carolina limited liability company ("**TOKA**") (Kings and TOKA are collectively, the "**Declarant**").

RECITALS:

1. The Declarant previously entered into that certain Declaration of Condominium Kings Crossing Medical Plaza Office Condominium dated July 21, 2009 and recorded in Book 24948 at Page 370 of the Mecklenburg County Public Registry (the "**Original Declaration**").
2. The Parties now wish to amend the Original Declaration to correct an error set forth in Exhibit B of the Original Declaration.

AGREEMENTS:

NOW, THEREFORE, Declarant hereby amends the Original Declaration as follows:

1. **AMENDMENT TO ORIGINAL DECLARATION.** The Declarant hereby amends the Original Declaration as follows:
 - a. Exhibit B of the Original Declaration is hereby replaced with the Exhibit B attached to this First Amendment
2. **RATIFICATION OF THE ORIGINAL DECLARATION.** Except as otherwise amended herein, the Original Declaration is hereby ratified and reaffirmed by the Declarant.

3. MISCELLANEOUS.

- a. Applicable Law. This First Amendment will be construed in accordance with the laws of the State of North Carolina.
- b. Headings / Capitalized Terms. The section headings in this First Amendment are for convenience only and will not be considered a part hereof or affect the construction or interpretation of any provisions of this First Amendment. All capitalized terms used herein and not defined herein will have the meanings set forth in the Original Declaration.

[The next page is the signature page.]

IN WITNESS WHEREOF, the Declarant hereby executes this First Amendment by and through its authorized representatives as of the dates set forth below.

KINGS CROSSING PARTNERS, LLC

By: 

Name: Diane B. Rivers

Title: Manager

TOKA2, LLC

By: 

Name: Thomas W. Hauch

Title: Manager

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, MARIBEL P. WILLIS, a Notary Public of the County and State aforesaid, certify that Diane B. Rivers, who is the Manager of KINGS CROSSING PARTNERS, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that she is Manager of said limited liability company, and that as Manager being duly authorized to do so, voluntarily executed the foregoing instrument on behalf of said limited liability company for the purposes stated therein.

I certify that the Signatory personally appeared before me this day, and

(check one of the following):

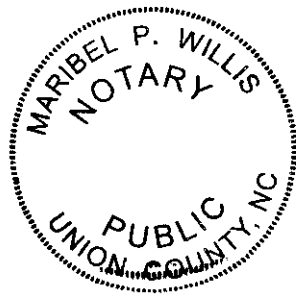
- (I have personal knowledge of the identity of the Signatory); or
- (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of: (check one of the following)
 - a driver's license; or
 - other (describe: _____); or
 - (a credible witness has sworn to the identity of the Signatory).

WITNESS my hand and official seal this 23rd day of JULY, 2009.

Maribel P. Willis

Notary Public MARIBEL P. WILLIS
(type or print name)

My commission expires: 2-5-2011
(SEAL)



STATE OF NORTH CAROLINA
COUNTY OF MELLENBURG

I, MARIBEL P. WILLIS, a Notary Public of the County and State aforesaid, certify that Thomas W. Hauch, who is the Manager of TOKA2, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is Manager of said limited liability company, and that as Manager being duly authorized to do so, voluntarily executed the foregoing instrument on behalf of said limited liability company for the purposes stated therein.

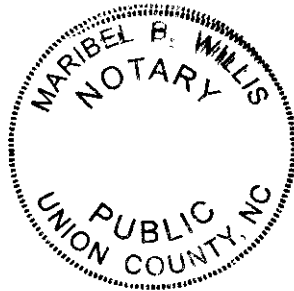
I certify that the Signatory personally appeared before me this day, and
(check one of the following):

- (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
 - other (describe: _____); or
 - (a credible witness has sworn to the identity of the Signatory).

WITNESS my hand and official seal this 23rd day of JULY, 2009.

Maribel P. Willis
Notary Public MARIBEL P. WILLIS
(type or print name)

My commission expires: 2-5-2011
(SEAL)

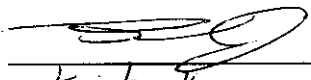


CONSENT OF MORTGAGEE

Park Sterling Bank, the holder of a deed of trust recorded in the Office of the Mecklenburg County, North Carolina Register of Deeds, in Book 24452, Page 32, and Frank W. Ix, in his capacity as trustee under the aforesaid deed of trust, hereby consent to the execution and delivery of the foregoing First Amendment, with exhibits thereto (the "Amendment"), and to the filing thereof, in the office of the County Recorder of Mecklenburg County, North Carolina, and further subject and subordinate the above-described deed of trust to the provisions of the foregoing Amendment with attached exhibits (including, without limitation, any easements reserved therein).

IN WITNESS WHEREOF, Park Sterling Bank, by its authorized officer, and Frank W. Ix, have caused this Consent to be executed this 23rd day of July, 2009.

Park Sterling Bank

By: 
Name: Kevin Kennelly
Title: Vice President

STATE OF North Carolina

: ss:

COUNTY OF Mecklenburg

I, Barbara H. Jacks, a Notary Public of Mecklenburg County, State of NC, certify that Kevin T. Kennelly, Jr., personally came before me this day and, being duly sworn, acknowledged that he/she is Vice President of Park Sterling Bank and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him/her in behalf of said corporation by its authority duly given. And the Vice President acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official stamp or seal this 23rd day of July, 2009

My Commission Expires:
October 30 2012
[NOTARY SEAL]

Barbara H. Jacks
Notary Public

Trustee

Frank W. Ix

Name: Frank W. Ix

STATE OF North Carolina)

: ss:

COUNTY OF Mecklenburg)

I, Barbara H. Jacks, a Notary Public of Mecklenburg County, State of NC,
certify that Frank W. Ix personally came before me this day and acknowledging to me that he or
she signed the foregoing document.

Witness my hand and official stamp or seal this 23rd day of July, 2009.

My Commission Expires:

October 30 2012

[NOTARY SEAL]

Barbara H. Jacks
Notary Public

Exhibit B
Unit

Unit Number

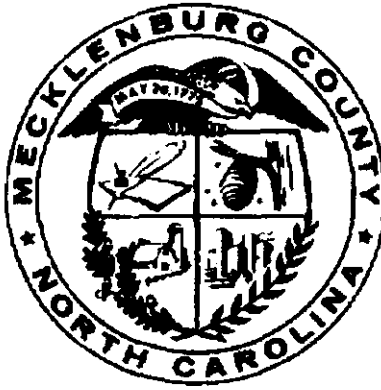
Percentage in Common Elements
and Common Expenses

100

51.166%

200

48.834%



J. DAVID GRANBERRY
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

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and/or cancellation.

Filed For Registration: 07/23/2009 02:39:08 PM
Book: RE 24952 Page: 273-281
Document No.: 2009105123
DEC/U 9 PGS \$35.00
Recorder: KRISTIN PRUITT



2009105123