

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
Electronically Recorded
2022 Nov 10 04:29 PM RE Excise Tax: \$ 0.00
Book: 37769 Page: 935 - 939 Fee: \$ 26.00
Instrument Number: 2022153280



Prepared by/return to:

Johnston Allison & Hord, PA
1065 East Morehead Street
Charlotte, North Carolina 28204
Attention: Brian J. Schoeck

DECLARATION OF EXCLUSIVE USE

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

THIS DECLARATION of Exclusive Use is made and executed this 10th day of November, 2022, by **UNIVERSITY REAL ESTATE INVESTORS, LLC**, a North Carolina limited liability company (hereinafter referred to as "Declarant").

WHEREAS, Declarant is the owner of Lot 4, Kings Crossing Condominium master project, more particularly described on attached Exhibit "A", (the "Property"); and

WHEREAS, Declarant is selling a portion of the Property ("Unit A") described on Exhibit "B" to Kings Crossing LLC (hereinafter "Kings Crossing"); and

WHEREAS, Declarant has agreed to restrict the use of the portion of the Property set forth below, so that Buyer is the only Pediatric Dentistry located on the Property.

NOW THEREFORE, for and in consideration of the benefits accruing, Declarant hereby submits and subjects the Property to this exclusive use restriction.

Declarant hereby restricts the use of any units on the Property, other than Unit A, to prohibit use as a pediatric dental office, an orthodontist, or other pediatric dental specialist, (the "Pediatric Dental Exclusive") provided such Pediatric Dental Exclusive shall not prohibit or restrict (i) a general dental practice with pediatric patients (which general dental practice may include orthodontic services by the general dentist, but shall not include the services of a licensed orthodontist), nor (ii) a dental specialist practice with pediatric patients, such as an endodontist, periodontists or oral and maxillofacial specialist (but specifically excluding an orthodontist practice), from operating within a unit in the condominium. The Pediatric Dental Exclusive shall apply to ownership and leasehold interests. Kings Crossing shall be permitted to enforce any breach of this restriction. This

restriction shall be deemed a covenant running with land and shall bind and inure to the benefit of all owners of the Property, their respective heirs, successors, and assigns. The Pediatric Dental Exclusive use will terminate at such time as the Pediatric Dental Exclusive use in Unit A by Kings Crossing, its successors or assigns, or any occupant of Unit A is discontinued for a period longer than twelve (12) months, excluding any period during which the owner or tenant of Unit A is unable to operate its Pediatric Dental Exclusive use due to casualty damage, eminent domain, or renovations to, or reconstruction of, Unit A, or unless sooner terminated by voluntary agreement of the parties hereto. Kings Crossing may waive the Pediatric Dental Exclusive, in writing, in its sole discretion.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, by its proper officers thereunto duly authorized, the day and year first above written.

University Real Estate Investors,
a North Carolina limited liability company

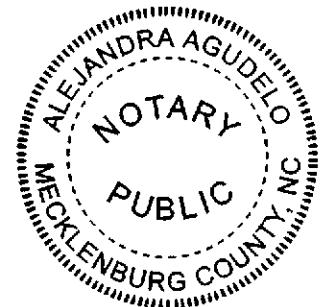
Trenton Gustafson (SEAL)
Trenton G. Gustafson, Manager

STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

Before me, a Notary Public in and for said County and State, personally appeared Trenton Gustafson, as Manager of UNIVERSITY REAL ESTATE INVESTORS, LLC, a North Carolina limited liability company, who acknowledged the execution of the foregoing Deed for and on behalf of Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Given under my hand and notarial seal this 9 day of November, 2022.

Signature: *Alejandra Agudelo*, Notary Public
Print Name: Alejandra Agudelo
My Commission Expires: June 21, 2026



[NOTARY SEAL]

EXHIBIT A

Kings Crossing Condominium – Lot 4 – Restricted Property

BEING all of Lot 4 shown on that certain plat entitled “Subdivision Plat of Kings Crossing Map 3” recorded in Map Book 56, Page 727 in the Office of the Register of Deeds of Mecklenburg County, North Carolina.

EXHIBIT B

Kings Crossing – Unit A

BEING all of Grantor's interest in Unit A of Kings Crossing Lot 4 Condominium (the "Condominium"), as described and designated in that certain Declaration for KC Lot 4 Condominium recorded in Book 37650 Page 1 of the Mecklenburg County Public Registry, and as more particularly described in the Plat and Plans of the Condominium recorded in Unit File Ownership No. 1132 of the aforesaid Mecklenburg County Public Registry (the "Condominium Map") which said Declaration and Condominium Map are incorporated herein by reference.

TOGETHER WITH an undivided 41.279% interest in and to the Common Elements as described in Article VI of the Declaration, reference to which is hereby made.

EXHIBIT B

Kings Crossing – Unit A

Lying and being situate in Mecklenburg County, North Carolina, and being more particularly described as follows:

BEING all of Unit A of King's Crossing Lot 4 Condominium (the "Condominium"), as described and designated in that certain Declaration of Condominium for King's Crossing Lot 4 (the "Declaration") recorded in Book 37650 Page 1 of the Mecklenburg County Public Registry, and as more particularly described in the Plat and Plans of the Condominium recorded in Unit File Ownership No. 1132 at Page 1 of the aforesaid Mecklenburg County Public Registry (the "Condominium Map") which said Declaration and Condominium Map are incorporated herein by reference.

TOGETHER WITH an undivided 41.279% interest in and to the Common Elements as described in the Declaration, reference to which is hereby made.