

FOR REGISTRATION J. DAVID GRANBERRY  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2011 JUN 14 01:36:06 PM  
BK:26539 PG:877-884 FEE:\$32 00

INSTRUMENT # 2011066404



2011066404

Drawn by and Mail to:  
Susan K. Irvin  
P.O. Box 2376  
Davidson, NC 28036

STATE OF NORTH CAROLINA

FOURTH SUPPLEMENTARY  
DECLARATION OF PROTECTIVE  
COVENANTS AND EASEMENTS FOR  
WHITEHALL PROFESSIONAL CENTER

COUNTY OF MECKLENBURG

THIS FOURTH SUPPLEMENTARY DECLARATION OF PROTECTIVE  
COVENANTS AND EASEMENTS FOR WHITEHALL PROFESSIONAL CENTER  
(the "Supplement") is made this 10<sup>th</sup> day of June, 2011, by WHITEHALL  
PROFESSIONAL, LLC, a North Carolina limited liability company ("Declarant"), and  
WHITEHALL DEVELOPMENT LLLP, a North Carolina Limited Liability Limited  
Partnership;

WITNESSETH

WHEREAS, the Declaration of Protective Covenants and Easements for  
Whitehall Professional Center was recorded in the Mecklenburg County Public Registry  
in Book 18242, at Page 325, and supplemented in Book 20303, Page 142, Book 21400,  
Page 280, and Book 24439, Page 496 (the "Declaration"); and

H

WHEREAS, Section 2 of Article II of the Declaration provides that additional land which is contiguous to the Property described therein and within one-half mile of the boundary of the Property may be annexed to the Property by Declarant with a consent of a majority of the Total Votes, as described therein and that the supplementary declaration annexing such property may contain such complementary additions and modifications of the Declaration as may be necessary or convenient, in the reasonable judgment of Declarant, to reflect the different character of the annexed property; and

WHEREAS, Section 3 of Article VII of the Declaration provides that the Declaration may be amended by an instrument signed by the Owners of at least fifty-one percent (51%) of the Total Votes and by the Declarant, so long as the Declarant still owns any portion of the Property (unless the context otherwise requires, all defined terms utilized herein shall have the same meaning ascribed to them in the Declaration); and

WHEREAS, Section 3 of Article III of the Declaration provides that notwithstanding any contrary provisions of the Declaration, the Declarant shall be entitled to fifty-one percent (51%) of the Total Votes of the Professional Center Association Members until January 1, 2014; and

WHEREAS, Declarant is the owner of Tract 3, described in Exhibit A, and Whitehall Development LLLP, a North Carolina Limited Liability Limited Partnership is the owner of Tracts 1 and 2, described in Exhibit A.

NOW, THEREFORE, the undersigned Declarant does hereby annex the property described in Exhibit A, which is attached hereto and incorporated herein for all purposes, (the "Annexed Property") and does hereby bring the Annexed Property within the scheme of the Declaration and the jurisdiction of the Professional Center Association as set forth

in Section 2 of Article II of the Declaration. Whitehall Development LLLP, the owner of Tracts 1 and 2 of the Annexed Property, as described in Exhibit A, does hereby join in and consent to the annexation of Tracts 1 and 2 of the Annexed Property as set forth herein and to does further consent to the subjecting of Tracts 1 and 2 of the Annexed Property to the provisions of the Declaration.

Pursuant to the provisions of Section 2 of Article II, Declarant does hereby make the modifications set forth in Paragraphs (1), (2) and (3) below to the Declaration as to the Annexed Property in order to reflect the different character of the Annexed Property as undeveloped property:

- (1) Assessments shall commence to be assessed against the Annexed Property only as to those portions of the Annexed Property for which a certificate of occupancy has been issued by the applicable governmental authority at the time of the issuance of such certificate of occupancy; and
- (2) Tract 3 of the Annexed Property (“Tract 3”), as described in Exhibit A, shall be utilized, in accordance with Article IV, Section 1 of the Declaration, as an Access Easement area for pedestrian and vehicular traffic and for parking upon, over and across the driveways, parking areas and those curb cuts; and entrance and exit areas adjoining said driveways and drive lanes on Tract 3;
- (3) Access to and use of Tract 3 of the Annexed Property by the owners of Tracts 1 and 2, as described in Exhibit A, attached hereto, and Lots 1, 2, 3, 4 and 5, as shown on that certain plat recorded in Map Book 49, Page 185, in the Mecklenburg County Public Registry (collectively, the “Adjacent Tracts”), and their successors and assigns, and their guests, tenants and customers, shall

not be materially altered or impaired without the consent of the owners of the Adjacent Tracts. The provisions of this Paragraph (3) may be modified only with the consent of the owners of the Adjacent Tracts.

Declarant hereby acknowledges and agrees that in all other respects the Declaration shall remain unchanged and in full force and effect and the Declaration, as supplemented herein, is hereby ratified, affirmed and approved.

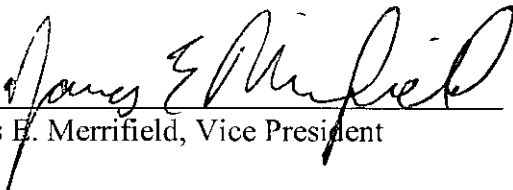
IN WITNESS WHEREOF, the undersigned has caused these presents to be duly executed under seal by authority duly given, the day and year first above written.

WHITEHALL PROFESSIONAL, LLC, a  
North Carolina Limited Liability Company

By: Whitehall Development LLLP, a North  
Carolina Limited Liability Limited  
Partnership, its Manager

By: CPEH II, LLC, its General Partner

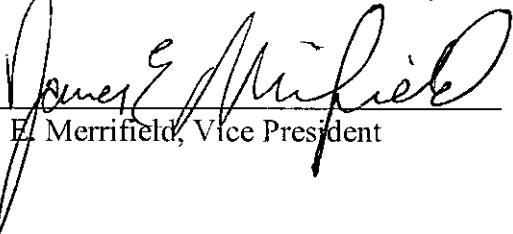
By: Crosland Interests, LLC, its Manager

By:   
James E. Merrifield, Vice President

WHITEHALL DEVELOPMENT LLLP,  
a North Carolina Limited Liability Limited  
Partnership

By: CPEH II, LLC, its General Partner

By: Crosland Interests, LLC, its Manager

By:   
James E. Merrifield, Vice President

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

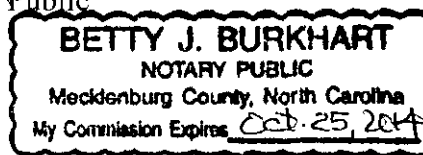
I, Betty J. Burkhart a Notary Public of the County and State aforesaid, certify that James E. Merrifield personally came before me this day and acknowledged that he is Vice President of Crosland Interests, LLC, a North Carolina limited liability company ("Crosland"), Manager of CPEH II, LLC, a North Carolina limited liability company (CPEH), General Partner of Whitehall Development LLLP, a North Carolina Limited Liability Limited Partnership (the "Limited Partnership"), Manager of Whitehall Professional, LLC, a North Carolina limited liability company (the "Limited Liability Company"), and that he, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of Crosland, as Manager of CPEH, General Partner of the Limited Partnership, acting as Manager of the Limited Liability Company.

Witness my hand and official seal, this 9<sup>th</sup> day of June, 2011.

[NOTARY SEAL]

Betty J. Burkhart  
Notary Public

My commission expires: October 25, 2014.



STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

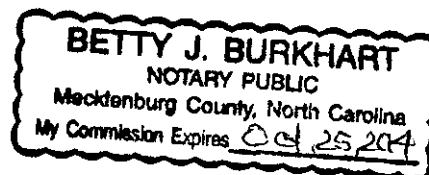
I, Betty J. Burkhart a Notary Public of the County and State aforesaid, certify that James E. Merrifield personally came before me this day and acknowledged that he is Vice President of Crosland Interests, LLC, a North Carolina limited liability company ("Crosland"), Manager of CPEH II, LLC, a North Carolina limited liability company ("CPEH"), General Partner of Whitehall Development LLLP, a North Carolina Limited Liability Limited Partnership (the "Limited Partnership"), and that he, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of Crosland, as Manager of CPEH, General Partner of the Limited Partnership.

Witness my hand and official seal, this 9<sup>th</sup> day of June, 2011.

[NOTARY SEAL]

Betty J. Burkhart  
Notary Public

My commission expires: October 25, 2014



**Exhibit A**

Legal Description of Annexed Property

BEING all of the following described tracts or parcels of land located in the Steele Creek Township, Mecklenburg County, North Carolina, described as follows:

TRACT 1:

That certain approximately 7.128 acre tract or parcel of land located in the Steele Creek Township, Mecklenburg County, North Carolina, described as “Whitehall Development LP, Parcel #201-37-290, DB 11437, PG 981, Zoned O-1, 310,488 Sq. Ft., 7.128 acres” on that certain plat recorded in Map Book 49, Page 185, Mecklenburg County Public Registry.

TRACT 2:

That certain approximately 9.363 acre tract or parcel of land located in the Steele Creek Township, Mecklenburg County, North Carolina, described as “Whitehall Development LP, Parcel #201-30-115, DB 11318, PG 296, DB 11437, PG 981, Zoned O-1 (CD), 407,836 Sq. Ft., 9.363 acres” on that certain plat recorded in Map Book 49, Page 185, Mecklenburg County Public Registry, except for that portion of Tract 2 annexed pursuant to Supplementary Declaration recorded in Book 24439, Page 496, Mecklenburg County Public Registry.

TRACT 3:

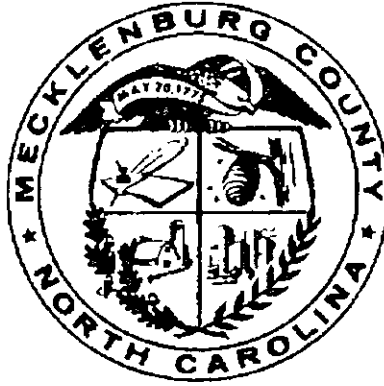
Lying and being in Steele Creek Township, Mecklenburg County, North Carolina and more particularly described as follows:

BEING all of that certain approximately 2.308 acre property described as Lot 2, as shown on map or plat thereof entitled, “Final Plat of Whitehall Professional Office Park Map 2”, recorded in Map Book 43, Page 271, Mecklenburg County Public Registry;

SAVE AND EXCEPT:

That certain approximately 1.851 acre property described as Lot 2 on map or plat thereof entitled, “Final Plat of Whitehall Professional Office Park Map 2, Lot 2”, recorded in Map Book 43, Page 741, Mecklenburg County Public Registry.

Being also that certain approximately 0.457 acre tract or parcel of land located in the Steele Creek Township, Mecklenburg County, North Carolina, described as “Whitehall Professional, LLC, Parcel #201-30-138, DB 18687, PG 615, MB 43 PG 271, MB 43, PG 741, 19,916 Sq. Ft., 0.457 acres” on that certain plat recorded in Map Book 49, Page 185, Mecklenburg County Public Registry.



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

**PLEASE RETAIN YELLOW TRAILER PAGE**

It is part of the recorded document, and must be submitted with original for re-recording  
and/or cancellation.

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Filed For Registration: 06/14/2011 01:36:06 PM  
Book: RE 26539 Page: 877-884  
Document No.: 2011066404  
DECL 8 PGS \$32.00  
Recorder: KRISTIN PRUITT



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