

PREPARED BY AND HOLD: CLIFTON & SINGER, LLP, BOX #43

RESTATED AMENDMENT TO DECLARATION OF CONDOMINIUM UNDER THE
PROVISION OF CHAPTER 47C OF THE GENERAL STATUTES OF THE STATE OF
NORTH CAROLINA AND COVENANTS, CONDITIONS AND RESTRICTIONS OF
CHESHIRE PARK, A CONDOMINIUM
PHASE TWO BUILDING FIVE

Wake County, NC 287
Laura M Riddick, Register Of Deeds
Presented & Recorded 06/18/2002 12:38:22
Book : 009458 Page : 01829 - 01836

(SEE BOOK 8244, Page 928)

THIS RESTATED AMENDED DECLARATION is made on the day and date hereinafter set forth by MARLOWE & MOYE, LLC, hereinafter referred to as "Developer", a North Carolina limited liability company, and the undersigned, pursuant to the North Carolina Condominium Act ("Act");

WHEREAS, Developer is the owner of a portion of that certain tract or parcel of land in Wake County, State of North Carolina, and more particularly described in Exhibit "A" of that certain Declaration of Condominium as to CHESHIRE PARK, a Condominium, recorded in Book 8232, Page 1353 AND RE-RECORDED IN Book 8244, Page 0928, Wake County Register of Deeds Office (hereinafter "Original Declaration"); and

WHEREAS, Developer now wishes to amend the Original Declaration pursuant to Developer's rights to amend said Original Declaration as contained in Article 26.03 (A) (2) (C) entitled "Amendments Permitted Other Than By Action Under Section 26.01 and 26.02" and pursuant to Developer's exercise of development rights pursuant to Sections 2-110 and 2-109 of the Act, by adding and delineating a portion of the property described on Exhibit "A" of the Original Declaration to the condominium area known as CHESHIRE PARK, a condominium; and

WHEREAS, Developer caused that certain Amendment to Declaration dated December 5, 2000, to be executed and recorded in Book 8753, Page 232, Wake County Registry, which amendment contained certain incorrect references which Developer desires to correct by the recording of this instrument.

NOW THEREFORE, the Developer does hereby publish and declare that all of the property described on Exhibit "A" attached hereto and on the plans and specifications of CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE TWO, BUILDING FIVE, as shown on the Condominium Plat and recorded in Condo Map 2000, Page 235B1 - B6 of the Wake County Registry is held and shall be held, conveyed, hypothecated encumbered, used, occupied and improved, subject to the following covenants, conditions, restrictions, uses, limitations and obligations, all of which are declared and agreed to be in furtherance of a plan for the improvement of said property and the division thereof into condominium units and shall be deemed to run with the land and shall be a burden and benefit to Developer, its successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees and assigns.

1. Affirmation of Declaration. The Declaration of Condominium Under the Provisions of Chapter 47C of the General Statutes of the State of North Carolina and of Covenants, Conditions and Restrictions of CHESHIRE PARK, a Condominium, as recorded in Book 8232, Page 1353 and re-recorded in Book 8244, Page 0928, Wake County Registry is hereby ratified, confirmed, restated and applied to CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE ONE, BUILDING TWO, a Condominium, by this Amended Declaration of Condominium. Except as hereinafter contained and changed, said Original Declaration shall apply to CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE TWO, BUILDING FIVE, and is incorporated by reference herein as though fully set forth.

2. Location of Land. The Location of the land for CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE TWO, BUILDING FIVE, a condominium, on which the improvements are located is set forth in Exhibit "A" attached hereto.

3. Development of Property. The improvements upon the land are constructed substantially in accordance with the plans and specifications for such as prepared by E.J. Sult, Jr., Registered Architect, Metro Architecture + Design, PA such plans and specifications and the certificate of the Registered Engineer are in Condominium Map 2000, Page 235B1-B6 of the Wake County Registry, incorporated by reference and recorded in the Office of the Register of Deeds of Wake County.

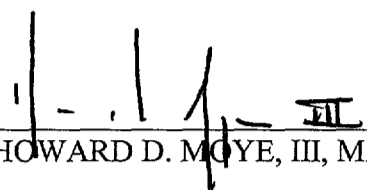
Except as modified for the purpose of showing CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE TWO, BUILDING FIVE, all plans and specifications as heretofore recorded for CHESHIRE PARK, a Condominium, as appears of record in Condominium Map, 1999, Page 1 ("Original Plan") are ratified in all respects and incorporated herein by reference.

4. Unit Designation and Development. Units are shown and located on the plans and specifications of CHESHIRE PARK CONDOMINIUM OFFICE PARK, PHASE TWO, BUILDING FIVE, a Condominium, referred to above and incorporated by reference. Each unit shall have access to the common elements as shown on the plans.

The aforementioned plans and specifications of said building are filed simultaneously herewith in the office of the Register of Deeds of Wake County and designated all particulars of said buildings, common elements and limited common elements including but not limited to, the layout, location, ceiling and floor elevations, unit numbers, dimensions of the units, location of the common elements, location of parking facilities, and other facilities affording access to each unit. Limited common elements are shown on said plans and Original Plan. Said plans are incorporated herein by reference for a more complete and accurate description.

IN WITNESS WHEREOF, the Declarant, MARLOWE & MOYE, LLC, has caused this Restated Amendment to be executed by its Manager/Member this the 17th day of June, 2002.

MARLOWE & MOYE, LLC

BY: 
HOWARD D. MOYE, III, MANAGER/MEMBER

STATE OF NORTH CAROLINA, COUNTY OF WAKE

I, the undersigned Notary Public of said County and State, do hereby certify that HOWARD D. MOYE, III, MANAGER/ MEMBER OF MARLOWE & MOYE, LLC, personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS MY hand and seal this 17th day of June, 2002.


NOTARY PUBLIC

My Commission Expires: ~~06/18/02~~
12/27/02

DEENNA T. CARPENTER
Notary Public
Wake County, NC

EXHIBIT "A"

All of that certain building depicted as "314 West Millbrook Road" on that certain Condominium Plat recorded at Condo Map 2000, Page 235 B1- B6, Wake County Registry.

EXHIBIT B

SUITE/UNIT NO.	PERCENTAGE OF UNDIVIDED INTEREST IN COMMON ELEMENTS	PERCENTAGE OF COMMON EXPENSES	VOTES IN ASSOC.
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BUILDING #1

(312 W. MILLBROOK ROAD)

101	1/54	1/54	1
105	1/54	1/54	1
109	1/54	1/54	1
113	1/54	1/54	1
117	1/54	1/54	1
121	1/54	1/54	1
125	1/54	1/54	1
129	1/54	1/54	1
133	1/54	1/54	1
137	1/54	1/54	1
141	1/54	1/54	1
145	1/54	1/54	1
201	1/54	1/54	1
205	1/54	1/54	1
209	1/54	1/54	1
213	1/54	1/54	1
217	1/54	1/54	1
221	1/54	1/54	1
225	1/54	1/54	1
229	1/54	1/54	1
233	1/54	1/54	1
237	1/54	1/54	1
241	1/54	1/54	1
245	1/54	1/54	1

PHASE ONE BUILDING TWO

(310 WEST MILLBROOK ROAD)

101	1/54	1/54	1
105	1/54	1/54	1
201	1/54	1/54	1
205	1/54	1/54	1

EXHIBIT "B" CONTINUED

PHASE TWO BUILDING FOUR
(316 WEST MILLBROOK ROAD)

101	1/54	1/54	1
105	1/54	1/54	1
109	1/54	1/54	1
113	1/54	1/54	1
117	1/54	1/54	1
201	1/54	1/54	1
205	1/54	1/54	1
209	1/54	1/54	1
213	1/54	1/54	1
217	1/54	1/54	1

PHASE TWO BUILDING FIVE
(314 WEST MILLBROOK ROAD)

101	1/54	1/54	1
105	1/54	1/54	1
109	1/54	1/54	1
113	1/54	1/54	1
117	1/54	1/54	1
121	1/54	1/54	1
125	1/54	1/54	1
129	1/54	1/54	1
001	1/54	1/54	1
005	1/54	1/54	1
009	1/54	1/54	1
013	1/54	1/54	1
017	1/54	1/54	1
019	1/54	1/54	1
021	1/54	1/54	1
025	1/54	1/54	1

Undivided Interest in Common Area and Liability for Common Expenses: Undivided interest in the common area shall be allocated equally such that each unit shall have a fractional interest in the common area, such fraction having "1" as the numerator, and having as the denominator, a number equal to the total number of units.

EXHIBIT "B" CONTINUED

Liability for common expenses shall also be allocated equally, such that each unit shall pay a fractional portion of the common expenses, such fraction having "1" as the numerator, and having as the denominator, a number equal to the total number of units.

Voting Rights: Each unit shall have one vote, with the total number of votes being equal to the total number of units.

Laura M Riddick
Register of Deeds
Wake County, NC



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Please retain with original document and submit for rerecording.**



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

North Carolina - Wake County

The foregoing certificate ___ of Deena T Carpenter

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Janet Morgan
Assistant/Deputy Register of Deeds

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