

Prepared by: Harlow, Reilly, Derr & Stark  
BOOK NOTED Mail to: P.O. Drawer 13448, Research Triangle Park, NC 27709

BOOK 1478 PAGE 574

**AMENDMENT**

**TO**

**DECLARATION OF CONDOMINIUM**

**FOR**

**BRANDON RIDGE CONDOMINIUM**

**WITHIN THE SPRING HILL PLANNED RESIDENTIAL DEVELOPMENT**

**DEVELOPED BY**

**FRASER RESIDENTIAL PROPERTIES, INC.**

**COUNTY OF DURHAM**

**NORTH CAROLINA**

**18887**

*2608*

Assign.  
BK 1479  
Pg. 896-897  
9-21-88

Release  
BK 1483  
Pg. 198-200  
10-6-88

Assign.  
BK 1479  
Pg. 898-899  
9-21-88

Amend.  
BK 1598  
Pg 94  
6/3/90

DATE: 13th SEPTEMBER 1988  
Brandon Ridge Condominium

AMENDMENT TO DECLARATION

THIS AMENDMENT TO DECLARATION, made this 13th day of September, 1988, by Fraser Residential Properties, Inc., a North Carolina Corporation ("Declarant"), pursuant to the North Carolina Condominium Act, Chapter 47C, North Carolina General Statutes (hereinafter "Act").

W I T N E S S E T H:

WHEREAS, Declarant is the owner in fee simple of certain real estate situated in the City of Durham, County of Durham, and State of North Carolina, legally described on Exhibit A, together with all buildings and improvements now or hereafter constructed or located thereon, and all rights, privileges, easements and appurtenances belonging to or in any way pertaining to said real estate; and,

WHEREAS, Declarant desires to submit all of said property to the Act.

NOW, THEREFORE, Declarant, as the owner of said property, hereby declare as follows:

ARTICLE I.

Submission of Property to the Act

1.1 Submission. Declarant hereby submits the Property to the Act.

1.2 Original Declaration Applicable To. The Property shall hereafter be controlled by and subject to the full and original Declaration of Condominium For Brandon Ridge Condominium, dated September 16, 1987, recorded in Book 1402, page 897 in the Durham County Registry on September 22, 1987 at 4:33 p.m., as amended hereby.

1.3 Division of Property into Separately Owned Units. Declarant, pursuant to the Act, and to establish a plan of condominium ownership for the Condominium, does hereby divide the Property into twenty-four (24) Units and does hereby designate all such Units for separate ownership.

ARTICLE II.

Allocations

2.1 Limited Common Elements. The Limited Common Elements serving or designed to serve each Unit are hereby allocated

solely and exclusively to each such Unit. Limited Common Elements include those portions of the Common Elements allocated by operation of Section 47C-2-102(2) or (4) of the Act, those set forth on Exhibit B which are hereby allocated to Units as shown on Exhibit B, and those set forth in the Plats or Plans which are hereby allocated to Units as shown on the Plats or Plans.

**2.2 Unit Allocations.** The allocations to each Unit of a percentage of undivided interest in the Common Elements, of votes in the Association, and of a percentage of the Common Expenses, are as stated on Exhibit C. Each Unit in the Condominium shall have one (1) vote. Each Unit in the Condominium shall be assigned basis points which shall be used to determine that Unit's allocated interest in Common Elements and share of Common Expenses. Units will be designated as separate "types" of Units based upon the physical and spatial configuration of each Unit; all Units of one designated type will be substantially identical in configuration. Each specific "type" of Unit shall be assigned the same number of basis points, but different "types" of Units are not required to have the same number of basis points. Basis points assigned to each Unit are set forth in Exhibit C to this Declaration. Basis points are determined by the relative fair market values of each "type" of Unit as determined by Declarant as of the date of the original Declaration. Future changes in fair market values or sales prices of Units shall not in any way affect the allocation of basis points to Units. Each Unit's share of Common Expenses and interest in the Common Elements shall be a percentage determined by dividing the basis points assigned to that Unit by the total of all basis points assigned to all Units in the Condominium. If, as and when additional Units are added to the Condominium, the percentage interest in the Common Areas and share of the Common Expenses shall be recalculated for all Units then in the Condominium. If, as and when additional Units are added to the Condominium, each "type" of Unit added shall, solely for purposes of assigning basis points, be deemed to have the same fair market value as the same "type" of Unit has been determined to have as of the date of the original Declaration of Condominium For Brandon Ridge Condominium, regardless of the actual appraised value or sales price of such additional Unit at the time such additional Unit is added to the Condominium.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Declaration, this the 13<sup>th</sup> day of September, 1988.

FRASER RESIDENTIAL PROPERTIES, INC.

[CORPORATE SEAL]

ATTEST:

Secretary

By: W. H. F. Fraser (SEAL)

President

NORTH CAROLINA

DURHAM COUNTY

I, Terri K. Trotter (Swanson), a Notary Public of said state and county certify that William C. Loosan personally appeared before me this day and acknowledged that he is — Secretary of FRASER RESIDENTIAL PROPERTIES, INC. and that by authority duly given and as the act of the corporation, the foregoing Declaration was signed in its name by its President, sealed with its corporate seal, and attested by himself as its — Secretary.

Witness my hand and notarial seal this the 13th day of September, 1988.

Terri K. Trotter (Swanson)  
Notary Public

My Commission Expires:

6-7-89

FILED  
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SEP 15 3 34 PM '88 State of North Carolina-Durham County  
The foregoing certificate(s) of

RUTH C. GARRETT  
REGISTER OF DEEDS  
DURHAM COUNTY, NC

Terri K. Trotter (Swanson)  
A Notary (Notaries) Public for the Designated Governments  
units is (are) certified to be correct.

This the 15 day of Sept. A.D.  
Ruth C. Garrett  
Register of Deeds

Terri K. Trotter (Swanson)  
By: Assistant Deputy  
Register of Deeds

EXHIBIT A  
(Property Description for Phases 7 and 8)

Phase 7:

BEGINNING at the easternmost corner of the property hereinafter described, said point also being 87.67 feet from the right-of-way of Audubon Lake Drive at Cottage Lane in a course South 58° 30' 14" East with N. C. Grid Coordinates N(y) 786,351.25, E(x) 2,015.815.90 on the plat hereinafter referred to; running thence South 66° 59' 43" West 63.23 feet to a nail in the pavement; thence along and with a curve to the right, which curve has a radius of 75', a chord course and distance of North 40° 30' 50" West 45.129 feet to an existing iron pin; thence South 31° 58' 37" West 1.5 feet to an existing iron pin; thence along and with a curve to the left, which curve has a radius of 528.843 feet, a chord course and distance of North 56° 41' 42" West 24.511 to an existing iron pin; thence South 34° 37' 58" West 28.5 feet to a nail in a railroad tie; thence along and with a curve to the right, which curve has a radius of 557.343 feet, a chord course and distance of North 50° 51' 13" West 87.717 feet to an existing iron pin; thence South 60° 39' 14" West 73.48 feet to a new iron pin; thence South 2° 32' 15" East 33.19 feet to a nail set in concrete; thence South 47° 27' 45" West 69.91 feet to a new iron pin; thence North 42° 32' 15" West 135.17 feet to a new iron pin; thence North 47° 27' 45" East 47.95 feet to a new iron pin; thence South 42° 32' 15" East 38.25 feet to a new iron pin; thence South 85° 14' 45" East 79.77 feet to a point on a manhole lid; thence North 60° 39' 14" East 61.54 feet to an existing iron pin; thence North 55° 3' 51" East 64.39 feet to an existing iron pin; thence South 38° 30' 14" East 21.87 feet to a point; thence South 58° 30' 14" East 161.57 feet to an existing iron pin, the point and place of beginning, and being more particularly described on Sheet 1 of 4 as shown on the Plat and Plans of Brandon Ridge Condominium, filed in Condominium Drawer 4, Page 146, Durham County Registry, on September 15, 1988 at 3:25 P.M.

Phase 8:

BEGINNING at a point at the easternmost corner of the property hereinafter described, said point being on the western boundary of Cottage Lane; running thence South 55° 3' 51" West 64.39 feet to an existing iron pin; thence South 60° 39' 14" West 61.54 feet to a point on a manhole lid; thence North 85° 14' 45" West 79.77 feet to a new iron pin; thence 42° 32' 15" West 38.25 feet to a new iron pin; thence North 47° 27' 45" East 118.54 feet to a nail in a railroad tie; thence South 38° 30' 14" East 32.61 feet to a point; thence North 57° 3' 51" East 67.88 feet to a new iron pin; thence along and with the westernmost boundary of Cottage Lane South 38° 30' 14" East 75.76 feet to an existing iron pin, the point and place of beginning, and being more particularly described on Sheet 3 of 4 as shown on the Plat and Plans of Brandon Ridge Condominium filed in Condominium Drawer 4, at Page 146, Durham County Registry, on September 15, at 3:25 P.M.

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EXHIBIT B  
To Declaration

Limited Common Elements

Each Unit Owner shall be allocated those Limited Common Elements, as shown on the Plats and Plans, in the manner set forth on the Plats and Plans.

EXHIBIT C

## To Declaration

Unit No.	Unit Type	Percentage of Undivided Interest in Common Elements	Percentage of Common Expenses	Basis Point
<b>Phase 1 (Building One)</b>				
One A-11	D	.0147	.0147	67
One A-12	D	.0147	.0147	67
One A-13	F	.0147	.0147	67
One B-11	E	.0147	.0147	67
One A-21	D	.0147	.0147	67
One A-22	D	.0147	.0147	67
One A-23	F	.0147	.0147	67
One B-21	E	.0147	.0147	67
One A-31	D	.0147	.0147	67
One A-32	D	.0147	.0147	67
One A-33	F	.0147	.0147	67
One B-31	E	.0147	.0147	67
<b>Phase 2 (Building Two)</b>				
Two C-11	B	.0127	.0127	58
Two C-12	A	.0127	.0127	58
Two C-13	C	.0147	.0147	67
Two C-14	C	.0147	.0147	67
Two C-21	B	.0127	.0127	58
Two C-22	A	.0127	.0127	58
Two C-23	C	.0147	.0147	67
Two C-24	C	.0147	.0147	67
Two C-31	B	.0127	.0127	58
Two C-32	A	.0127	.0127	58
Two C-33	C	.0147	.0147	67
Two C-34	C	.0147	.0147	67

EXHIBIT C

## To Declaration

Unit No.	Unit Type	Percentage of Undivided Interest in Common Elements	Percentage of Common Expenses	Basis Point
<b>Phase 5 (Building Five)</b>				
Five A-11	B	.0127	.0127	58
Five A-12	B	.0127	.0127	58
Five A-13	B	.0127	.0127	58
Five A-14	C	.0147	.0147	67
Five A-21	B	.0127	.0127	58
Five A-22	B	.0127	.0127	58
Five A-23	B	.0127	.0127	58
Five A-24	C	.0147	.0147	67
Five A-31	B	.0127	.0127	58
Five A-32	B	.0127	.0127	58
Five A-33	B	.0127	.0127	58
Five A-34	C	.0147	.0147	67
<b>Phase 6 (Building Six)</b>				
Six B-11	C	.0147	.0147	67
Six B-12	B	.0127	.0127	58
Six B-13	B	.0127	.0127	58
Six B-14	B	.0127	.0127	58
Six B-21	C	.0147	.0147	67
Six B-22	B	.0127	.0127	58
Six B-23	B	.0127	.0127	58
Six B-24	B	.0127	.0127	58
Six B-31	C	.0147	.0147	67
Six B-32	B	.0127	.0127	58
Six B-33	B	.0127	.0127	58
Six B-34	B	.0127	.0127	58

To Declaration

Unit No.	Unit Type	Percentage of Undivided Interest in Common Elements	Percentage of Common Expenses	Basis Point
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Phase 7 (Building Seven)

Seven A-11	C	.0147	.0147	67
Seven A-12	C	.0147	.0147	67
Seven A-13	A	.0127	.0127	58
Seven A-14	B	.0127	.0127	58
Seven A-21	C	.0147	.0147	67
Seven A-22	C	.0147	.0147	67
Seven A-23	A	.0127	.0127	58
Seven A-24	B	.0127	.0127	58
Seven A-31	C	.0147	.0147	67
Seven A-32	C	.0147	.0147	67
Seven A-33	A	.0127	.0127	58
Seven A-34	B	.0127	.0127	58

Phase 8 (Building Eight)

Eight B-11	E	.0147	.0147	67
Eight C-11	F	.0147	.0147	67
Eight C-12	D	.0147	.0147	67
Eight C-13	D	.0147	.0147	67
Eight B-21	E	.0147	.0147	67
Eight C-21	F	.0147	.0147	67
Eight C-22	D	.0147	.0147	67
Eight C-23	D	.0147	.0147	67
Eight B-31	E	.0147	.0147	67
Eight C-31	F	.0147	.0147	67
Eight C-32	D	.0147	.0147	67
Eight C-33	D	.0147	.0147	67

CONSENT OF MORTGAGEE

First Federal Savings & Loan Association of Raleigh, a corporation, is the holder of that certain mortgage or deed of trust on the property as described in the Declaration for Brandon Ridge Condominium, said mortgage or deed of trust having been recorded in Book 1233 at page 48, in the office of the Register of Deeds of Durham County, North Carolina, and as holder of said mortgage or deed of trust, does hereby consent to the terms, conditions, and covenants in the original Declaration Of Condominium For Brandon Ridge Condominium, recorded on September 22, 1987, at 4:33 p.m., in Book 1402 at page 897 and the foregoing Amendment To Declaration, and agrees that the lien of said mortgage or deed of trust, and the interest of the mortgagee or beneficiary therein, are subject to the terms, conditions, and covenants contained in the Original Declaration of Condominium and the foregoing Amendment To Declaration.

IN WITNESS WHEREOF, the undersigned has caused this Consent to be duly executed this 12 day of September, 1988.

By: Joyce B. Buelow  
Its: Dee President

(CORPORATE SEAL)

And: David C. Worley  
Its: Dee Secretary

Wake NORTH CAROLINA  
DURHAM COUNTY

I, Janet B. Taylor, a Notary Public of said state and county certify that David C. Worley personally appeared before me this day and acknowledged that he is Secretary of FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF RALEIGH and that by authority duly given and as the act of the corporation, the foregoing Declaration was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 12 day of September, 1988.

Janet B. Taylor  
Notary Public

My Commission Expires:

My Commission Expires 6-24-90

