

Prepared by and return to:  
 Richard T. Fountain, III  
 FAISON & BROWN  
 4900 Falls of Neuse Road, Suite 210  
 Raleigh, North Carolina 27609  
 STATE OF NORTH CAROLINA  
 COUNTY OF DURHAM

FILED  
 BOOK 1598 PAGE 94-100

'90 JUN 13 AM 10 37

RUTH C. GARRETT  
 REGISTER OF DEEDS  
 DURHAM COUNTY, N.C.

BOOK NOTED

**AMENDMENT TO DECLARATION**

16<sup>th</sup> THIS AMENDMENT TO DECLARATION ("Declaration"), made this the day of May, 1990 by First Federal Savings and Loan Association of Raleigh, a United States corporation ("Declarant"), pursuant to the North Carolina Condominium Act, Chapter 47C, North Carolina General Statutes (hereinafter "Act").

**WITNESSETH:**

WHEREAS, Fraser Residential Properties, Inc., a North Carolina corporation, assigned its rights as declarant to Declarant by that certain Assignment of Declarant's Rights recorded in Book 1479, Page 898, Durham County Registry; and,

WHEREAS, Declarant is the owner in fee simple of certain real estate situated in the City of Durham, County of Durham, 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 ("the Property"); and,

WHEREAS, Declarant desires to submit all of the Property to the Act.

NOW, THEREFORE, Declarant, as the owner of the Property, hereby declares 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 ("the Condominium"). Amendment to Declaration annexing Phases 5 and 6 of the Condominium is recorded in Book 1452, Page 75, Durham County Registry and Amendment to Declaration annexing Phases 7 and 8 of the Condominium is recorded in Book 1478, Page 574, Durham County Registry.

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. Such twenty-four (24) Units are and shall constitute Phases 3 and 4 of the Condominium as set forth on Exhibit C hereto.

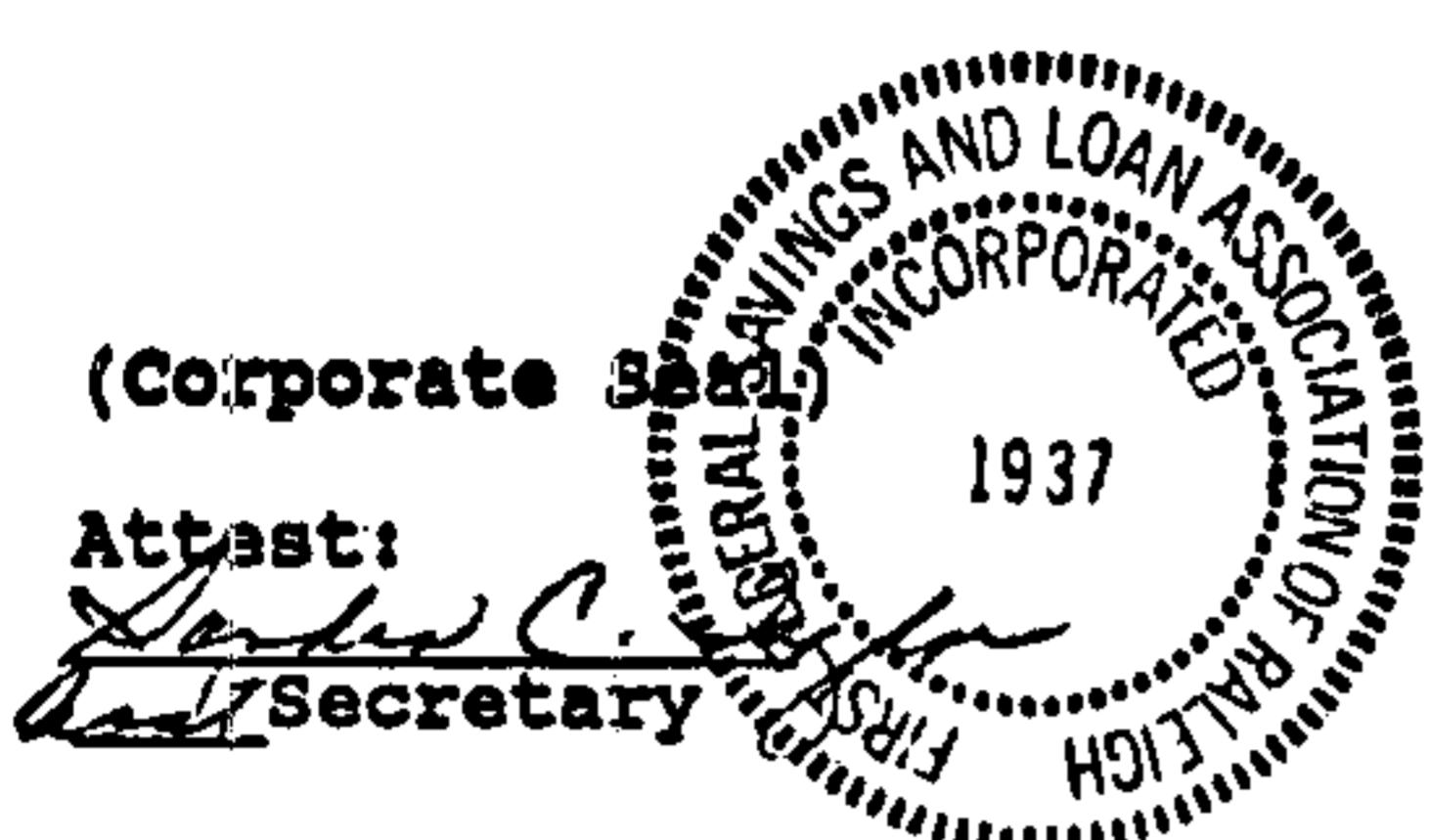
## ARTICLE II

### Allocations

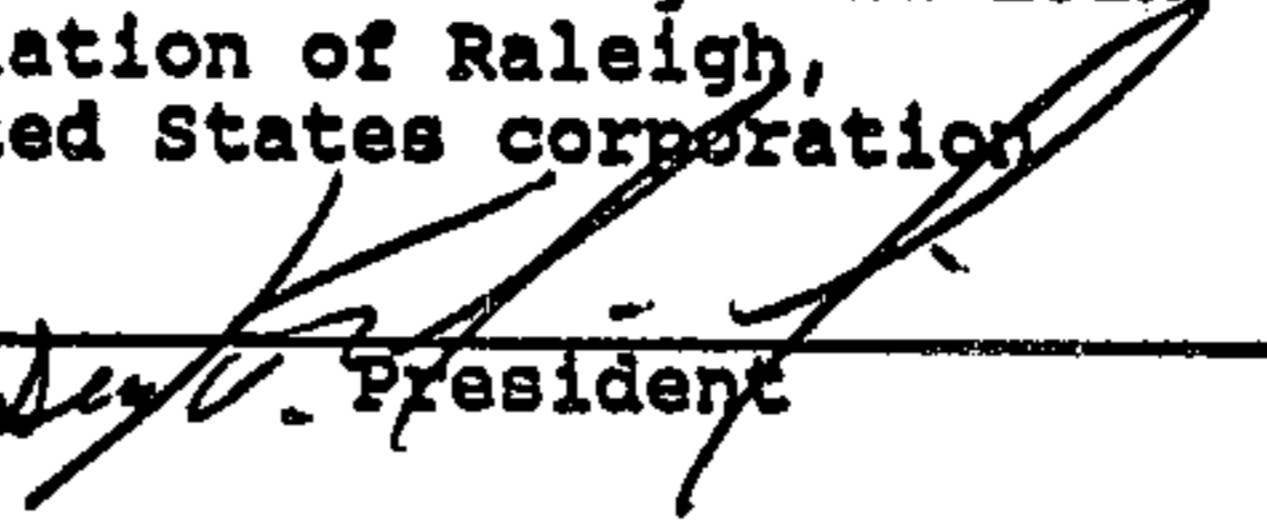
2.1 Limited Common Elements. The Limited Common Elements serving or designed to serve each Unit are hereby allocated solely and exclusively to each such Unit. Limited Common Elements include those portions of the Common Elements allocated by operation of Section 47C-2-102(2) or (4) of the Act, those 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 the 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 has executed this Amendment to Declaration as of the date and year set forth above.



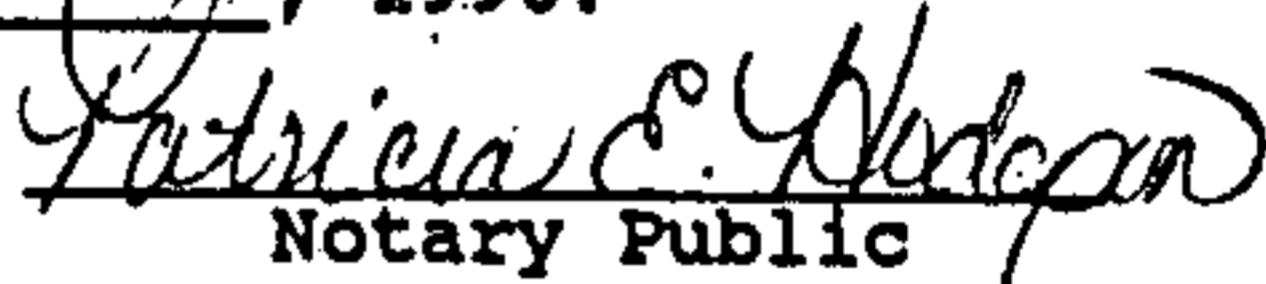
First Federal Savings and Loan  
Association of Raleigh,  
a United States corporation

By:   
President

STATE OF NORTH CAROLINA  
COUNTY OF Wake

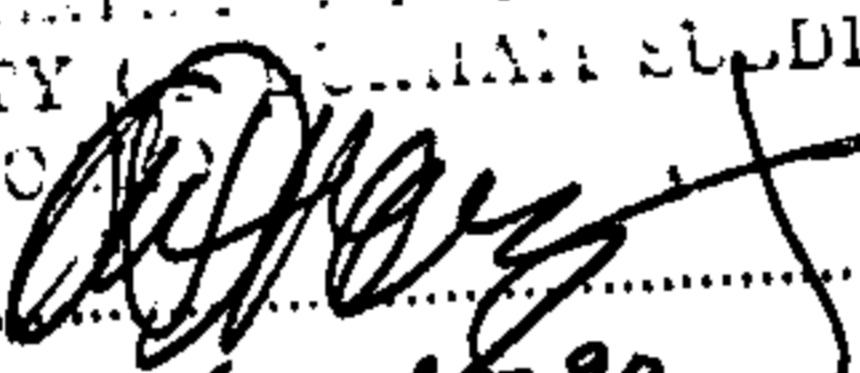
I, a Notary Public of the County and State aforesaid, certify that Sandra C. Tyler personally came before me this day and acknowledged that she is list Secretary of First Federal Savings and Loan Association of Raleigh, a United States corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by herself as its list Secretary. Witness my hand and official stamp or seal, this the 14th day of May, 1990.

My Commission Expires: My Commission Expires 6-13-94

  
Patricia E. Hodgson  
Notary Public



THESE CONDOMINIUM DOCUMENTS HAVE BEEN CERTIFIED FOR FOUNDATION BY  
THE CITY OF DURHAM SUBDIVISION RE-  
VIEW BOARD

BY:   
Chairman

DATE: 6-4-90  
APPROVAL VOID 30 DAYS FROM SAID  
DATE.

State of North Carolina-Durham County

The foregoing certificate(s) is  
Patricia E. Hodgson  
A Notary (Notaries) Public for the Designated governments  
units is (are) certified to be correct.

This the 13th day of June, 1996  
Ruth C. Garrett Shawn J. Oliver  
Register of Deeds  
By: Assistant Deputy  
Register of Deeds

## EXHIBIT A

## PHASES 3 AND 4

BEGINNING at an existing iron pipe located in the northern right of way of Audubon Lake Drive, said iron pipe being South 47 degrees 27 minutes 45 seconds West 208.9 feet from N.C. Grid Coordinates N(Y) = 786,305.45, E(X) = 2,015,890.65; thence leaving the northern right of way of Audubon Lake Drive and running North 42 degrees 32 minutes 15 seconds West 85.50 feet to a nail in railroad tie; thence running South 47 degrees 27 minutes 45 seconds West 25.15 feet to a P.K. nail; thence running North 42 degrees 32 minutes 15 seconds West 160.20 feet to an existing iron pipe; thence running South 47 degrees 27 minutes 45 seconds West 132.05 feet to an existing iron pipe; thence running South 42 degrees 32 minutes 15 seconds East 245.70 feet to a chisled mark in back of curb located in the northern right of way of Audubon Lake Drive; thence running with the northern right of way of Audubon Lake Drive North 47 degrees 27 minutes 45 seconds East 169.64 feet to the point and place of BEGINNING, and being all of Phases 3 and 4 of Brandon Ridge at Spring Hill and being more particularly described on Sheet 1 of 2 as shown on the Plat and Plans of Brandon Ridge Condominium filed in Condominium File 4, at Pages 187-188, Durham County Registry, on June 13, 1990, at 10:35 A.M. and also plat recorded in Plat Book 123, Page 71, Durham County Registry.

## Exhibit B

## Limited Common Elements

Pg 97

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

<u>Unit No.</u>	<u>Unit Type</u>	<u>Percentage of Undivided Interest in Common Elements</u>	<u>Percentage of Common Expenses</u>	<u>Basis Point</u>
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## Phase 1 (Building One)

One A-11	D	.0109	.0109	67
One A-12	D	.0109	.0109	67
One A-13	F	.0109	.0109	67
One B-11	E	.0109	.0109	67
One A-21	D	.0109	.0109	67
One A-22	D	.0109	.0109	67
One A-23	F	.0109	.0109	67
One B-21	E	.0109	.0109	67
One A-31	D	.0109	.0109	67
One A-32	D	.0109	.0109	67
One A-33	F	.0109	.0109	67
One B-31	E	.0109	.0109	67

## Phase 2 (Building Two)

Two C-11	B	.0095	.0095	58
Two C-12	A	.0095	.0095	58
Two C-13	C	.0109	.0109	67
Two C-14	C	.0109	.0109	67
Two C-21	B	.0095	.0095	58
Two C-22	A	.0095	.0095	58
Two C-23	C	.0109	.0109	67
Two C-24	C	.0109	.0109	67
Two C-31	B	.0095	.0095	58
Two C-32	A	.0095	.0095	58
Two C-33	C	.0109	.0109	67
Two C-34	C	.0109	.0109	67

## Phase 3 (Building Three)

Three A-11	C	.0109	.0109	67
Three A-12	C	.0109	.0109	67
Three A-13	A	.0095	.0095	58
Three A-14	B	.0095	.0095	58
Three A-21	C	.0109	.0109	67
Three A-22	C	.0109	.0109	67
Three A-23	A	.0095	.0095	58
Three A-24	B	.0095	.0095	58
Three A-31	C	.0109	.0109	67
Three A-32	C	.0109	.0109	67
Three A-33	A	.0095	.0095	58
Three A-34	B	.0095	.0095	58

Exhibit C  
to Declaration

<u>Unit No.</u>	<u>Unit Type</u>	<u>Percentage of Undivided Interest in Common Elements</u>	<u>Percentage of Common Expenses</u>	<u>Basis Point</u>
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## Phase 4 (Building Four)

Four B-11	E	.0109	.0109	67
Four C-11	F	.0109	.0109	67
Four C-12	D	.0109	.0109	67
Four C-13	D	.0109	.0109	67
Four B-21	E	.0109	.0109	67
Four C-21	F	.0109	.0109	67
Four C-22	D	.0109	.0109	67
Four C-23	D	.0109	.0109	67
Four B-31	E	.0109	.0109	67
Four C-31	F	.0109	.0109	67
Four C-32	D	.0109	.0109	67
Four C-33	D	.0109	.0109	67

## Phase 5 (Building Five)

Five A-11	B	.0095	.0095	58
Five A-12	B	.0095	.0095	58
Five A-13	B	.0095	.0095	58
Five A-14	C	.0109	.0109	67
Five A-21	B	.0095	.0095	58
Five A-22	B	.0095	.0095	58
Five A-23	B	.0095	.0095	58
Five A-24	C	.0109	.0109	67
Five A-31	B	.0095	.0095	58
Five A-32	B	.0095	.0095	58
Five A-33	B	.0095	.0095	58
Five A-34	C	.0109	.0109	67

## Phase 6 (Building Six)

Six B-11	C	.0109	.0109	67
Six B-12	B	.0095	.0095	58
Six B-13	B	.0095	.0095	58
Six B-14	B	.0095	.0095	58
Six B-21	C	.0109	.0109	67
Six B-22	B	.0095	.0095	58
Six B-23	B	.0095	.0095	58
Six B-24	B	.0095	.0095	58
Six B-31	C	.0109	.0109	67
Six B-32	B	.0095	.0095	58
Six B-33	B	.0095	.0095	58
Six B-34	B	.0095	.0095	58

Exhibit C  
to Amendment

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

Seven A-11	C	.0109	.0109	67
Seven A-12	C	.0109	.0109	67
Seven A-13	A	.0095	.0095	58
Seven A-14	B	.0095	.0095	58
Seven A-21	C	.0109	.0109	67
Seven A-22	C	.0109	.0109	67
Seven A-23	A	.0095	.0095	58
Seven A-24	B	.0095	.0095	58
Seven A-31	C	.0109	.0109	67
Seven A-32	C	.0109	.0109	67
Seven A-33	A	.0095	.0095	58
Seven A-34	B	.0095	.0095	58

## Phase 8 (Building Eight)

Eight B-11	E	.0109	.0109	67
Eight C-11	F	.0109	.0109	67
Eight C-12	D	.0109	.0109	67
Eight C-13	D	.0109	.0109	67
Eight B-21	E	.0109	.0109	67
Eight C-21	F	.0109	.0109	67
Eight C-22	D	.0109	.0109	67
Eight C-23	D	.0109	.0109	67
Eight B-31	E	.0109	.0109	67
Eight C-31	F	.0109	.0109	67
Eight C-32	D	.0109	.0109	67
Eight C-33	D	.0109	.0109	67

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