

1978 APR 7 PM 3:16

REGISTERED  
RECORDS & DEEDS  
MECKLENBURG CO. N.C.

1978

AMENDMENT  
TO  
DECLARATION  
OF  
SIR JOHN'S HILL  
CONDOMINIUMS

106

THIS AMENDMENT TO DECLARATION, made on the date hereinafter set forth by the undersigned members of the SIR JOHN'S HILL HOMEOWNERS ASSOCIATION, INC., a non-profit, non-stock membership corporation organized under the laws of the State of North Carolina and being an association of and limited to the owners of the condominium units of SIR JOHN'S HILL CONDOMINIUMS, hereinafter called the "Association";

W I T N E S S E T H:

WHEREAS, the DECLARATION OF SIR JOHN'S HILL AS CONDOMINIUMS, filed on or about the 20th day of March, 1973, hereinafter called the "Declaration", by FUTREN DEVELOPMENT CORPORATION, a North Carolina corporation, specifically excluded from the Condominium Property, as described in the Declaration, a certain parcel or tract of land, described in paragraph #3 of the Declaration and containing 0.2649 acres, more or less, and being denominated "Tract 2", together with the reservation of a right-of-way for ingress and egress for pedestrian and vehicular traffic over and across the Condominium Property between the aforementioned Tract 2 and Sharonview Road, Charlotte, North Carolina; and

WHEREAS, by virtue of a Deed of Trust dated September 10, 1971, from Futren Development Corporation to R. Malloy McKeithen, trustee for Delta Capital, Incorporated, filed for record on December 3, 1974, in Book 3724 at page 987 in the Mecklenburg County Public Registry, hereinafter called the "Deed of Trust", the aforesaid 0.2649 acre tract of land together with the Condominium Property, was conveyed in trust in order to secure an indebtedness of Futren Development Corporation to Delta Capital, Incorporated, in the original principal amount of \$300,000.00; and

WHEREAS, by virtue of default by Futren Development Corporation of several of the covenants set forth in the Deed of Trust, the lien

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of said Deed of Trust was foreclosed pursuant to the terms of the power of sale granted in the Deed of Trust, such sale being conducted on July 6, 1976, at the Mecklenburg County, North Carolina, Courthouse; and

WHEREAS, at such foreclosure sale, Sharon Colony Company, a wholly owned subsidiary of Delta Capital, Incorporated, was the purchaser of certain condominium units, the common areas relating thereto, and the 0.2649 acre tract more particularly described above; and

WHEREAS, Sharon Colony Company has sold all of the condominium units purchased upon foreclosure of the Deed of Trust, and has remised, released and quitclaimed to the Association the aforesaid 0.2649 acre tract of land, together with all improvements located thereon, pursuant to the terms of a Quitclaim Deed from Sharon Colony Company to the Association filed contemporaneously herewith in the Mecklenburg County Public Registry, in consideration of the Association releasing Delta Capital, Incorporated, and Sharon Colony Company from all liability relating to ownership of the property conveyed by Sharon Colony Company pursuant to the terms of the above-described Quitclaim Deed; and

WHEREAS, the Association now desires to amend paragraph #3 of the Declaration in order to include within the description of the Condominium Property the aforesaid 0.2649 acre tract of land more particularly described on Exhibit A attached hereto and by reference made a part hereof;

NOW, THEREFORE, pursuant to paragraph #14 of the Declaration, the undersigned, holding more than seventy-five (75) per cent of the vote in the Association, hereby amends the Declaration by deleting the following language from paragraph #3 of the Declaration: "Excepting from the operation of this Declaration the following parcel or tract of land, described as follows: BEGINNING at a point, said point being located as follows: Starting at a point which marks the southeasterly corner of that certain tract conveyed to Futren Development Corporation by Fairfax Enterprises, Inc., et al, by deed dated September 8, 1971, and recorded in Book 3340 at page 399 in the Mecklenburg County Public Registry; thence from point in thrae calls as follows to the beginning point:

(1) with the arc of a circular curve to the right, said curve having a radius of 960.15 feet, an arc distance of 112.14 feet, (2) N. 73-15-41 W. 111.66 feet, and (3) N. 9-08-56 W. 231.50 feet to the point of BEGINNING: thence from said beginning point with eleven lines of Futren Development Corporation (now or formerly) as follows: (1) N. 73-15-41 W. 127.80 feet, (2) N. 23-08-56 W. 64.0 feet, (3) N. 11-08-56 W. 33.0 feet, (4) N. 16-44-19 E. 21.0 feet, (5) S. 73-15-41 E. 22.0 feet, (6) N. 16-44-19 E. 20.0 feet, (7) S. 73-15-41 E. 52.0 feet, (8) S. 16-44-19 W. 96.22 feet, (9) S. 73-15-41 E. 90.32 feet, (10) S. 22-08-56 E. 60.46 feet, and (11) N. 73-15-41 W. 17.99 feet to the point of BEGINNING, and containing 0.2649 acres, more or less, all as shown on map of John J. Harte Associates, Inc., prepared October 7, 1971, and revised October 12, 1971, denominated "Tract 2" on said map.

There is also reserved from the operation of this Declaration a right-of-way for ingress and egress for pedestrian and vehicular traffic over and across the land of Futren Development Corporation between the aforementioned Tract 2 and Sharonview Road."

In addition, paragraph #7(e) of the Declaration is hereby amended to read as follows: "All common recreational facilities such as the swimming pool, children's play area, tennis courts, clubhouse, etc."

IN WITNESS WHEREOF, the undersigned have signed this Agreement and affixed their seals this 21st day of March, 1978.

<u>Tony Hanna</u> (SEAL) 3701 Winding Creek Lane (1.550)	<u>Richard A. Allen</u> (SEAL) 3721 Winding Creek Lane (1.268)
<u>Charles S. White</u> (SEAL) 3703 Winding Creek Lane (1.550)	<u>Judy F. Sutton</u> (SEAL) 3722 Winding Creek Lane (1.102)
<u>Frank L. Long</u> (SEAL) 3705 Winding Creek Lane (1.550)	<u>Allen H. Williams</u> (SEAL) 3723 Winding Creek Lane (1.268)
<u>B. M. M.</u> (SEAL) 3707 Winding Creek Lane (1.550)	<u>Susan M. McLoach</u> (SEAL) 3724 Winding Creek Lane (1.102)
<u>A. Howard Jones</u> (SEAL) 3709 Winding Creek Lane (1.550)	<u>Harold S. Fagg</u> (SEAL) 3725 Winding Creek Lane (1.268)
<u>G. J. H.</u> (SEAL) 3711 Winding Creek Lane (1.550)	<u>Barbara H. Furr</u> (SEAL) 3726 Winding Creek Lane (1.102)
<u>Becky M. White</u> (SEAL) 3713 Winding Creek Lane (1.550)	<u>Margaret Bates</u> (SEAL) 3727 Winding Creek Lane (1.268)
<u>Mr. Bill Fritter</u> (SEAL) 3715 Winding Creek Lane (1.550)	<u>Kathleen Nason</u> (SEAL) 3728 Winding Creek Lane (1.102)
<u>Ray F. Homeny</u> (SEAL) 3719 Winding Creek Lane (1.102)	<u>Linda K. Scott</u> (SEAL) 3740 Winding Creek Lane (1.102)
<u>Nancy Jane Harbert</u> (SEAL) 3730 Winding Creek Lane (1.268)	<u>Law H. Dixon</u> (SEAL) 3742 Winding Creek Lane (1.268)

3731 Winding Creek Lane (1.102) (SEAL)

3732 Winding Creek Lane (SEAL)

3733 Winding Creek Lane (1.268) (SEAL)

x 3735 Winding Creek Lane (1.268) (SEAL)

3737 Winding Creek Lane (1.268) (SEAL)

3738 Winding Creek Lane (1.102) (SEAL)

3749 Winding Creek Lane (SEAL)

3751 Winding Creek Lane (SEAL)

3754 Winding Creek Lane (SEAL)

3756 Winding Creek Lane (1.268) (SEAL)

3758 Winding Creek Lane (1.268) (SEAL)

3601 Maple Glen Lane (1.268) (SEAL)

3603 Maple Glen Lane (1.268) (SEAL)

3605 Maple Glen Lane (1.268) (SEAL)

3607 Maple Glen Lane (1.102) (SEAL)

3609 Maple Glen Lane (1.102) (SEAL)

3611 Maple Glen Lane (1.268) (SEAL)

3613 Maple Glen Lane (1.268) (SEAL)

3651 Maple Glen Lane (1.550) (SEAL)

3617 Maple Glen Lane (SEAL)

3619 Maple Glen Lane (SEAL)

3620 Maple Glen Lane (1.268) (SEAL)

3622 Maple Glen Lane (1.268) (SEAL)

3623 Maple Glen Lane (1.268) (SEAL)

3743 Winding Creek Lane (1.268) (SEAL)

3744 Winding Creek Lane (1.268) (SEAL)

3746 Winding Creek Lane (SEAL)

3745 Winding Creek Lane (1.268) (SEAL)

3747 Winding Creek Lane (1.268) (SEAL)

3748 Winding Creek Lane (1.102) (SEAL)

3760 Winding Creek Lane (SEAL)

3762 Winding Creek Lane (1.550) (SEAL)

3764 Winding Creek Lane (SEAL)

3766 Winding Creek Lane (1.550) (SEAL)

3768 Winding Creek Lane (SEAL)

3629 Maple Glen Lane (1.268) (SEAL)

3630 Maple Glen Lane (1.268) (SEAL)

3631 Maple Glen Lane (1.268) (SEAL)

3632 Maple Glen Lane (1.102) (SEAL)

3633 Maple Glen Lane (SEAL)

3634 Maple Glen Lane (1.102) (SEAL)

3635 Maple Glen Lane (SEAL)

3636 Maple Glen Lane (1.268) (SEAL)

3637 Maple Glen Lane (1.268) (SEAL)

3638 Maple Glen Lane (1.102) (SEAL)

3641 Maple Glen Lane (SEAL)

3643 Maple Glen Lane (1.102) (SEAL)

3645 Maple Glen Lane (SEAL)

Francis A. Crockett (SEAL)  
3624 Maple Glen Lane (1.102)

Norman H. Peltz (SEAL)  
3647 Maple Glen Lane (1.550)

J.R. "Bob" Tolson (SEAL)  
3675 Maple Glen Lane (1.102)

Elicia Jaffe (SEAL)  
3649 Maple Glen Lane (1.550)

\_\_\_\_ (SEAL)  
3626 Maple Glen Lane

\_\_\_\_ (SEAL)  
3615 Maple Glen Lane

John S. Brown (SEAL)  
3627 Maple Glen Lane (1.102)

\_\_\_\_ (SEAL)  
3653 Maple Glen Lane

Miriam Siegel (SEAL)  
3628 Maple Glen Lane (1.268)

M. Furman III (SEAL)  
3655 Maple Glen Lane (1.550)

The above constitutes 61 total signatures of 78 unit owners, and the percentage of vote breakdown is as follows:

14 unit owners at 1.550 =	71.700
29 unit owners at 1.268 =	36.772
18 unit owners at 1.102 =	<u>19.836</u>
Total	78.308

WITNESS

David R. Badger  
David R. Badger

EXHIBIT A

BEGINNING at a point, said point being located as follows: Starting at a point which marks the southeasterly corner of that certain tract conveyed to Futren Development Corporation by Fairfax Enterprises, Inc. et al by deed dated September 8, 1971 and recorded in Book 3740 at page 399 in the Mecklenburg Registry; thence from point in three calls as follows to the beginning point: (1) with the arc of a circular curve to the right, said curve having a radius of 960.15 feet, an arc distance of 112.14, (2) N. 73-15-41 W. 111.66 feet, and (3) N. 9-08-56 W. 231.50 feet to the point of BEGINNING; thence from said beginning point with eleven lines of Futren Development Corporation as follows: (1) N. 73-15-41 W. 127.80 feet, (2) N. 23-08-56 W. 64.0 feet, (3) N. 11-08-56 W. 33.0 feet, (4) N. 16-44-19 E. 21.0 feet, (5) S. 73-15-41 E. 22.0 feet, (6) N. 16-44-19 E. 20.0 feet, (7) S. 73-15-41 E. 52.0 feet, (8) S. 16-44-19 W. 96.22 feet, (9) S. 73-15-41 E. 90.32 feet, (10) S. 22-08-56 E. 60.46 feet, and (11) N. 73-15-41 W. 17.99 feet to the point of BEGINNING, and containing 0.2649 acres, more or less, all as shown on map of John J. Harte Associates, Inc. prepared October 7, 1971 and revised October 12, 1971, denominated "Tract 2" on said map.

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

I, Dorothy Lette (West), a Notary Public for Union County, State of North Carolina, do certify that David P. Badger personally appeared before me this day, and being duly sworn, stated that in his presence the following persons signed the foregoing instrument:

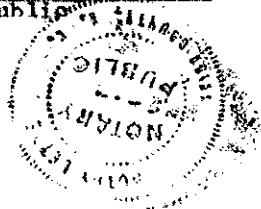
Terry Raimand  
 Charles S. Hicks  
 Frank L. Long  
 Bruce Weaver  
 S. Edward Jordan  
 G. F. Moulton  
 Brooke N. Westover  
 Mr. Bill Tuttle  
 Ray Homesley  
 Nancy Jane Habrat  
 Rodney A. Gibson  
 Judy F. Hutton  
 Helen H. Helms  
 Susan M. DeLoach  
 Donald G. Fagg  
 Barbara W. Furr  
 Margaret Bates  
 K. Kelton Nance  
 Linda K. Scott  
 Lois W. Dixon  
 Dana L. Mitchell  
 Jane J. McLaughlin  
 P. C. Crockett  
 John C. Moehring  
 Fred A. Williams

Lenwood W. Bolles  
 David R. Badger  
 Elizabeth Dag Pridgen  
 Gail Brownridge  
 Barbara A. Mehder  
 Melinda H. Ingram  
 Virginia Danielson  
 Mary Ann LeCarpentier  
 Loretta Warren Sites  
 Karl H. Duckmantel  
 Marian J. Power  
 Chesley S. Goldston  
 Robert S. Drye  
 Mrs. C. David Allen  
 H. Clayton Howze, III  
 John MacReigan  
 Debra E. Booe  
 D. M. Kiser  
 Brenda DeLano  
 C. C. Corey  
 John L. Ames, Jr.  
 Phyllis Erb  
 V. Graham Burch  
 Cheryl H. Allen  
 Forrest Wm. Lorick, III  
 Marion D. Knight  
 Nancy E. Davis  
 Charlene Joyce  
 Patricia M. Furlong  
 Frances A. Crockett  
 J. R. "Jack" Toler  
 John O. Brown  
 Mirriam Siegel  
 Virginia H. Ritter  
 Elaine Joffe  
 C. M. Furman, III

WITNESS my hand and official seal, this the 6th day of April, 1978.

*Dorothy Lette (West)*  
 Notary Public

My commission expires 12/4/78



State of North Carolina, County of Mecklenburg  
 The foregoing certificate(s) of Dorothy Lette (West)

a Notary (and) Public of Union County and State of North Carolina  
 is hereby certified to be correct. This 7 day of April, 1978  
 Charles E. Crowder, Register of Deeds, BY: William S. Williams  
 DEPUTY