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FOR REGISTRATION REGISTER OF DEEDS  
JENNIFER H MACNEISH  
NEW HANOVER COUNTY, NC  
2011 JUL 29 03:36 10 PM  
BK 5577 PG 1590-1596 FEE \$29 00

INSTRUMENT # 2011020611

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

AMENDMENT TO DECLARATION  
OF  
314 DAVIS CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF 314 DAVIS CONDOMINIUM  
("Amendment") made and entered into the 28<sup>th</sup> day of July, 2011 by 314 Davis  
Condominium Owners Association, Inc., a North Carolina non-profit corporation (the  
"Association") and the Owners of Units in 314 Davis Condominium (collectively, "Owners").

WITNESSETH

WHEREAS, Fourth & Davis, LLC (the "Declarant") caused to be recorded that  
certain Declaration of 314 Davis Condominium in Book 5568, at Page 999 in the office of the  
Register of Deeds of New Hanover County (the "Declaration") The terms set forth in this  
Amendment shall have the same meanings as set forth in the Declaration unless otherwise  
defined or the context shall otherwise prohibit, and

WHEREAS, pursuant to Section 26 1 of the Declaration and consistent with N.C.  
Gen Stat § 47C-2-117, the Association may amend the Declaration with the affirmative vote or  
written agreement of Owners of Units to which at least sixty-seven percent (67%) of the votes in  
the Association are allocated; and

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Prepared by **WARD AND SMITH, P.A.**, University Corporate Center, 127 Racine Drive, Post Office  
Box 7068, Wilmington, NC 28406-7068  
Please return to **WARD AND SMITH, P.A.**, University Corporate Center, 127 Racine Drive, Post  
Office Box 7068, Wilmington, NC 28406-7068  
Attention Justin M. Lewis

WHEREAS, pursuant to and in compliance with N.C Gen. Stat § 47C-2-117 and the Declaration, the Association has obtained the written agreement of the Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association are allocated.

NOW THEREFORE, pursuant to the authority above recited, the Association hereby amends the Declaration as follows

1. Section 3.15 of the Declaration is amended by deleting the words and numbers "thirty (30)" from the second line of the Section and inserting in lieu thereof "seven (7)"

2. Section 27.1(g) of the Declaration is amended by inserting the following at the end of the sentence: "and subject to N C. Gen Stat § 47C-3-103, provided however, Declarant's right to appoint, remove, and replace the members of the Board shall expire no later than three (3) years after the date the first Unit is conveyed to a party other than Declarant".

3 Except as expressly provided in the paragraphs above, the terms and provisions of the Declaration shall continue in full force and effect in accordance with the terms of the same is modified hereby

IN TESTIMONY WHEREOF, the Association and the Owners, acting pursuant to the authority above recited, have caused this Amendment to be executed under seal and in such form as to be legally binding, effective the day and year upon recording this Amendment in the office of the Register of Deeds of New Hanover County, North Carolina

[Signatures to Follow]

314 DAVIS CONDOMINIUM OWNERS  
ASSOCIATION, INC (SEAL)

By. Jon Randal Harmon (SEAL)  
Jon Randal Harmon, President

New Hanover COUNTY, NORTH CAROLINA

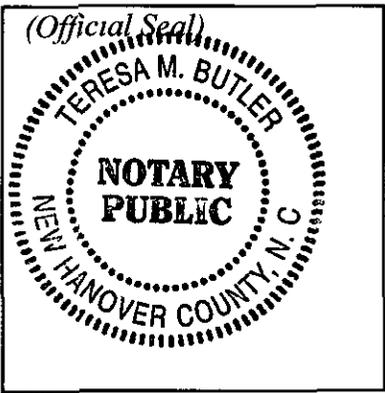
I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and, if other than in an individual capacity, in the capacity indicated, having been first authorized to do so  
Jon Randal Harmon.

Date July 28, 2011

Teresa M. Butler  
Signature of Notary Public

My commission expires. 5-6-13

(Official Seal)



Notary seal or stamp must appear within this box

OWNER OF UNITS 101 AND 301

FOURTH & DAVIS, LLC

(SEAL)

By: *Jon Randal Harmon* (SEAL)  
Jon Randal Harmon, Manager

New Hanover COUNTY, NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and, if other than in an individual capacity, in the capacity indicated, having been first authorized to do so.

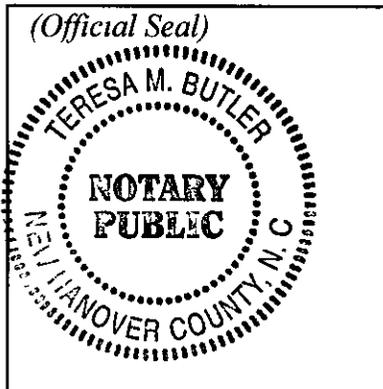
Jon Randal Harmon, Manager of FOURTH & DAVIS, LLC

Date July 28, 2011

*TERESA M. BUTLER*  
Signature of Notary Public

My commission expires: 5-6-13

(Official Seal)



Notary seal or stamp must appear within this box

OWNER OF UNIT 201

*Ann Conner* (SEAL)  
Ann Conner

New Hanover COUNTY, NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and, if other than in an individual capacity, in the capacity indicated, having been first authorized to do so

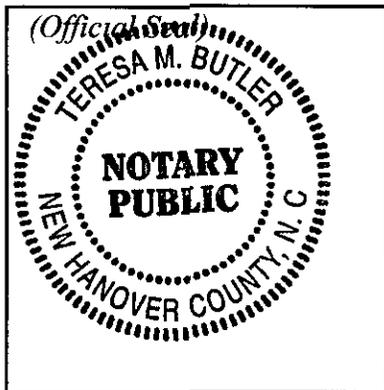
Ann Conner

Date July 28, 2011

*Teresa M. Butler*  
Signature of Notary Public

My commission expires: 5-6-13

(Official Seal)



Notary seal or stamp must appear within this box

OWNER OF UNIT 201 \_\_\_\_\_

W. Rex Fountain, Jr \_\_\_\_\_ (SEAL)  
W Rex Fountain, Jr

New Hanover COUNTY, NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein and, if other than in an individual capacity, in the capacity indicated, having been first authorized to do so:

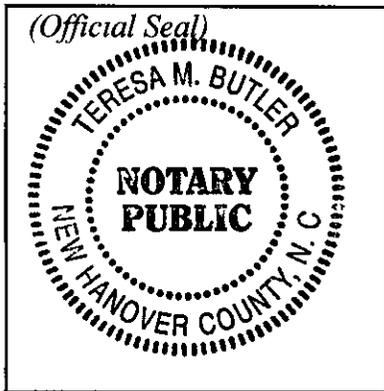
W Rex Fountain, Jr

Date July 28, 2011

Teresa M. Butler  
Signature of Notary Public

My commission expires 5-6-13

(Official Seal)



Notary seal or stamp must appear within this box



JENNIFER H MACNEISH  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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**Filed For Registration:** 07/29/2011 03:36.10 PM  
**Book:** RE 5577 Page: 1590-1596  
**Document No.:** 2011020611  
7 PGS \$29 00  
**Recorder:** CARTER, CAROLYN

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

**\*2011020611\***

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