

FOR REGISTRATION
Fredrick Smith
REGISTER OF DEEDS
Mecklenburg County, NC
2019 JUL 23 12:14:25 PM
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FEE:\$26.00
INSTRUMENT # 2019093133

TAYLORD



**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR
OPUS MYERS PARK CONDOMINIUM**

PREPARED BY AND RETURN TO:
John Hazlehurst
5925 Carnegie Blvd Ste 200
Charlotte, NC 28209

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR OPUS MYERS PARK CONDOMINIUM (this "First Amendment") is made this 22 day of July, 2019, by **OPUS MYERS PARK, LLC**, a North Carolina limited liability company ("Declarant"), and by **OPUS MYERS PARK CONDOMINIUM OWNERS ASSOCIATION, INC**, a North Carolina nonprofit corporation ("Association").

RECITALS

WHEREAS, The Opus Myers Park Condominium was established pursuant to the provisions of the North Carolina Condominium Act by the filing of the Declaration of Condominium (hereinafter "Declaration") registered at Book 33654, Page 94, along with certain plans and plats filed in Unit Ownership File 1061 (the "Plans"), of the Mecklenburg County Public Registry.

WHEREAS, pursuant to Section 47C-2-108 of the North Carolina General Statutes, the parking spaces shown in Unit Ownership File 1061, at page 3 (the "Parking Level Plan"), as "common elements" and "limited common elements" may be reallocated by the unanimous consent of the Owners of Units; and

WHEREAS, the Declarant remains the sole Owner of all of the Units, and the Declarant and the Association desire to amend the Declaration and the Plans in the manner set forth herein;

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Incorporation of Recitals; Defined Terms. The above Recitals are hereby incorporated herein by this reference. Capitalized terms used but not defined herein shall have the meaning(s) attributed to the same in the Declaration.

2. Amendment. With the filing of this First Amendment, along with the related filing of revised page 3 (of 29) of the Condominium Plans, entitled "Parking Level", by DAS Architecture, Inc., and recorded under the name of the Condominium in Unit File 1061 at Page 31, Mecklenburg County Public Registry, the Declarant and Association hereby reallocate parking spaces 50 and 51 from the category "common elements" to become "limited common elements", and in substitution thereof, allocate parking spaces 25 and 26 from the category "limited common elements" to become "common elements."

3. Effect of First Amendment. Except as specifically amended herein, the Declaration shall remain in full force and effect.

[The remainder of this page is left blank intentionally.]

IN WITNESS WHEREOF, Declarant and the Association have executed this First Amendment the day and year first above written.

OPUS MYERS PARK, LLC, a North Carolina limited liability company

By: Jim Gross Company, LLC, a North Carolina limited liability company, its Manager

By: [Signature]
James J. Gross, Manager

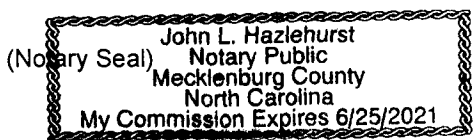
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s), or I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of _____); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: JAMES J. GROSS, as Manager.

Witness my hand and official stamp or seal this 22nd day of July, 2019.

[Signature]
Notary Public
My Comm. Expires: 6/25/2021



OPUS MYERS PARK CONDOMINIUM OWNERS ASSOCIATION, INC. a North Carolina nonprofit corporation

By: [Signature]
James J. Gross, President

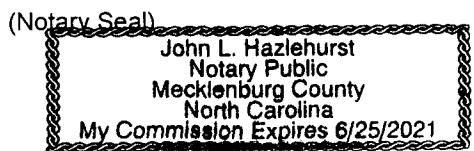
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s), or I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of _____); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: JAMES J. GROSS, as President.

Witness my hand and official stamp or seal this 22nd day of July, 2019.

[Signature]
Notary Public
My Comm. Expires: 6/25/2021



JOINDER AND CONSENT OF LENDER AND TRUSTEE

Gothic Ventures Fund, LLC ("Lender"), is the beneficiary under a deed of trust recorded in the Office of the Register of Deeds for Mecklenburg County (the "Registry"), in Book 31613 at Page 451 (the "Deed of Trust"), and Gothic Ventures, LLP, in its capacity as trustee under the Deed of Trust (the "Trustee"), hereby consents to the execution and delivery of the foregoing First Amendment to Declaration (the "Declaration") and to the filing thereof in the Registry, and further subjects and subordinates the Deed of Trust to the provisions of the First Amendment to Declaration. Accordingly, Lender and Trustee each agrees and acknowledges that, upon recordation of the First Amendment to Declaration, the covenants contained in the First Amendment to Declaration will run with the land which serves as security for the debt evidenced by the Deed of Trust and further agrees that any foreclosure or enforcement of any other remedy available to Lender under the Deed of Trust will not render void or otherwise impair the validity of the First Amendment to Declaration.

IN WITNESS WHEREOF, Lender and Trustee have caused this Joinder and Consent to be executed this 22nd day of July, 2019.

LENDER:

GOTHIC VENTURES FUND, LLC, a Delaware limited liability company

By: Gothic Ventures, LLP, a Delaware limited liability partnership, its Manager

By: [Signature]
Name: W. H. Johnson III
Title: Managing General Partner

STATE OF NORTH CAROLINA
COUNTY OF ~~MECKLENBURG~~ ^{Durham}

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s), or I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of _____); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: W. H. JOHNSON III, as Managing General Partner of Gothic Ventures, LLP, as Manager of Gothic Ventures Fund, LLC.

Witness my hand and official stamp or seal this 22nd day of July, 2019.

[Signature]
Notary Public
My Comm. Expires: 02-24-2024

(NOTARY SEAL)



TRUSTEE:

GOTHIC VENTURES, LLP, a Delaware limited liability partnership

By: [Signature]
Name: W. H. Johnson III
Title: Managing General Partner

STATE OF NORTH CAROLINA

COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s), or I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of _____); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: W. H. JOHNSON, III, as Managing General Partner of Gothic Ventures, LLP.

Witness my hand and official stamp or seal this 22nd day of July, 2019.

Jeffrey Phillip
Notary Public
My Comm. Expires: 02-24-2024

(NOTARY SEAL)

