

WAKE COUNTY, NC 45
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/17/2020 10:37:23

BOOK:017786 PAGE:01947 - 01952

PREPARED BY AND HOLD FOR:

W. THURSTON DEBNAM, JR.
SMITH DEBNAM (Box 182)

NORTH CAROLINA

WAKE COUNTY

FIFTH AMENDMENT TO
DECLARATION FOR
SOUTH FOREST SERVICE
CENTER CONDOMINIUMS
PURSUANT TO CHAPTER 47C OF THE
NORTH CAROLINA CONDOMINIUM ACT

SOUTH FOREST SERVICE CENTER CONDOMINIUM ASSOCIATION, INC., a North Carolina non-profit corporation (hereinafter referred to as "the Condominium Association"), TOY STORAGE, LLC, a North Carolina limited liability company hereinafter referred to "New Units Owner") do hereby make declare and establish this Fifth Amendment to Declaration of Condominium for South Forest Service Center Condominiums, a nonresidential condominium development.

WITNESSETH:

WHEREAS, Grady, LLC as the Declarant has previously filed a Declaration for South Forest Service Center Condominiums pursuant to Chapter 47C of the North Carolina Condominium Act, said plan being filed in Condominium File No. 288 A-1 through A-5 in the office of the Register of Deeds, Wake County, North Carolina and said Declaration being filed in Book 9219, Page 1455 in the office of the Register of Deeds, Wake County, North Carolina (hereinafter referred to as "the Declaration"); and

WHEREAS, the Declarant had previously filed a First Amendment to Declaration of Condominium in Book 11781, Page 682, Wake County Registry (hereinafter referred to as "the First Amendment"); and

WHEREAS, the Declarant had previously filed a subsequent Amendment to the Declaration in Book 14318, Page 2647, Wake County Registry. (See CM 2001, 288A6) (hereinafter referred to as "the Second Amendment"); and

WHEREAS, the Declarant had previously filed a revised Second Amendment recorded in Book 14374, Page 2723, Wake County Registry (hereinafter referred to as "the revised Second Amendment"); and

WHEREAS, the Declarant had previously filed a Third Amendment recorded in Book 17358, Page 1902, Wake County Registry (hereinafter referred to as "the Third Amendment") and a Revision to Third Amendment recorded in Book 17363, Page 2316, Wake County Registry (hereinafter "Revision to Third Amendment"); and

WHEREAS, the Declarant had previously filed a Fourth Amendment recorded in Book 17464, Page 2063, Wake County Registry (hereinafter "Fourth Amendment"); and

ALL OF THE AFORESAID DECLARATIONS SHALL COLLECTIVELY BE REFERRED TO AS THE "PRIOR DECLARATIONS"; AND

WHEREAS, the New Units Owner has erected certain improvements upon the original Unit 5103-I which shall become Limited Common Elements as described and defined in the Second Amendment and which will create new Units 5103-I, 5103-J; 5103-K; 5103-L; 5103-M and 5103-N; and

WHEREAS, the Condominium Association and the New Units Owner wish to amend the Declaration as provided herein; and

WHEREAS, pursuant to the provisions contained in Article 10 and Article 11 of the Declaration, the Condominium Association and the New Units Owner desire to create additional units which will result in a modification of the Percentage Undivided Interest in Common Expenses and Votes in the Association.

NOW, THEREFORE, pursuant to the provisions of Article 10 and Article 11 of the Declaration, the Condominium Association and the New Units Owner hereby amend all Prior Declarations as follows:

1. Common Expenses. The following paragraph is added to Article 1, Paragraph 1.6.

With regard to Units 5103-I through Unit 5103-N the term "Common Expense" shall include the cost of maintaining, repairing or replacing any building or structure erected thereon which are Limited Common Elements. Provided, however that any and all assessments levied

against Units 5103-I through Unit 5103-N shall NOT include any portion of the cost of said maintenance, repair or replacement of other structures located within the condominium.

2. Creation of Additional Units. The New Units Owner hereby create additional Units which shall be designated as Units 5103-I through Unit 5103-N as depicted upon the map and survey recorded in Condominium File No. 288 in the Wake County Registry.

3. Unit Boundaries for Units 5103-I through Unit 5103-N. The unit boundaries of these units shall be defined in accordance with the plans and specifications which are recorded simultaneously with the Declaration.

4. Limited Common Elements. Any fencing, walls or roofs installed within the boundaries of either Units 5103-I through Unit 5103-N shall constitute Limited Common Elements and shall be utilized solely by the Owner of the Unit within which said improvements are located.

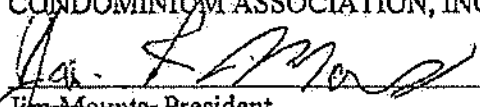
FURTHER, pursuant to the provisions of Article 10 and Article 11 of the Declaration, the Condominium Association hereby amends EXHIBIT B of the Declaration relating to the original Percent Undivided Interest in Common Elements and Votes in Association and Percent of Common Expenses and substitutes in lieu thereof the contents of Revised Exhibit B attached hereto and incorporated herein by reference.

Except as herein amended, said Declaration shall remain in full force and effect.

IN TESTIMONY WHEREOF, the Condominium Association and the New Units Owner have caused this Fifth Amendment to be executed on this the 13 day of March, 2020.

SOUTH FOREST SERVICE CENTER
CONDOMINIUM ASSOCIATION, INC.

By:


Jim Mounts, President
JAMES MOUNT

TOY STORAGE, LLC

By:

E. Allen Massey
E. Allen Massey, Manager

NORTH CAROLINA
WAKE COUNTY

I, JANET C. MILLS, a Notary Public for the state and county aforesaid, certify that JAMES MOUNT personally came before me this day and acknowledged that he is the President of South Forest Service Center Condominium Association, Inc., a North Carolina non-profit corporation, and that he, as President, by the authority duly given and as the act of the corporation, the foregoing instrument was voluntarily executed by him/her on behalf of said corporation.

Witness my hand and official stamp or seal this the 12 day of MARCH 2020.

My Commission Expires: 4.29.22

JCMILLS
Notary Public
JANET C. MILLS
Printed Name of Notary Public

Janet C Mills
NOTARY PUBLIC
Wake County, NC
My Commission Expires April 29, 2022

NORTH CAROLINA
WAKE COUNTY

I, JANET C. MILLS, a Notary Public of the County and state aforesaid, certify that E. Allen Massey, personally appeared before me this day and acknowledged that he is a Manager of Toy Storage, LLC, a North Carolina Limited Liability Company, and that by authority duly given and as the act of said limited liability company, the foregoing instrument was voluntarily signed in its name by its Manager.

Witness my hand and official stamp or seal this 13 day of MARCH, 2020.

My Commission Expires: 04.29.22

JCMILLS
Notary Public
JANET C. MILLS
Printed Name of Notary Public

Janet C Mills
NOTARY PUBLIC
Wake County, NC
My Commission Expires April 29, 2022

EXHIBIT A

Unit #	Sq Ft	% Interest	Votes
Unit I	2,000	2.22	32.91
Unit J	2,000	2.22	32.91
Unit K	1,000	1.11	16.455
Unit L	2,000	2.22	32.91
Unit M	2,000	2.22	32.91
Unit N	1,000	1.11	16.455



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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

**Charles P. Gilliam
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

6 # of Pages **BW**