

RECORDED - 951332  
 JEFF L. THIGPEN  
 REGISTER OF DEEDS  
 GUILFORD COUNTY, NC  
 BOOK: 6292  
 PAGE(S): 0926 TO 0933  
 04/13/2005 17:00:59

1 MISC DOCUMENTS	951332	\$12.00
6 MISC DOC ADDN PGS		\$18.00
1 PROBATE FEE		\$2.00

Mail after recording for Nexsen Pruet Adams Kleemeier, PLLC  
 Attn: Tonya Bunn Powell  
 P.O. Drawer 3463  
 Greensboro, North Carolina 27402

*plus Sharon Malburg*

**GUILFORD COUNTY**  
**NORTH CAROLINA**

**FIRST AMENDMENT TO DECLARATION OF  
 MACGREGOR PLACE CONDOMINIUM**

This First Amendment to Declaration of MacGregor Place Condominium ("First Amendment") is made effective on this 13th day of April, 2005 by Highlander Builders, LLC, a North Carolina limited liability company ("Declarant") and First National Bank and Trust ("First National").

Whereas, Declarant and First National entered into a Declaration of Condominium for MacGregor Place Condominium recorded in Book 6270, Page 185 and re-recorded in Book 6292 Page 844 of the Guilford County Registry ("Declaration") (the original Declaration, as re-recorded and this First Amendment are collectively referred to as the "Declaration");

Whereas, Declarant as the owner of 77.4% of the votes in the Association has the authority to amend the Declaration pursuant to Article XIV, Section 14.1 of the Declaration;

Whereas, Declarant desires to amend the Declaration to correct the name of the Association which was incorrectly referenced in the Declaration as "MacGregor Place Condominium Association, Inc." but should be "MacGregor Condominium Association, Inc." as shown on Exhibit B to the Declaration;

Whereas, Declarant desires to clarify the Allocated Interests of Units 101, 102 and 103 of the building located at 5234 Hilltop Road.

Whereas, First National is the holder of a security interest in the Property by virtue of a Deed of Trust recorded in Book 6065, Page 1431, Guilford County Registry, and any amendments thereto ("First National Deed of Trust"), together with any other documents and instruments evidencing, securing, or in any manner relating to the indebtedness evidenced or secured by the First National Deed of Trust (all such documents collectively referred to as the "First National Security Documents") and First National desires to express its consent to the terms of this Declaration and to subordinate the lien of the First National Security Documents hereto, and by execution of this First Amendment does hereby subordinate the lien of the First National Deed of Trust to the Declaration.

Now, therefore, Declarant declares that all of the Property, together with such additions as may subsequently be added, shall be held, sold, transferred, conveyed, occupied and used subject to the Declaration, which shall run with the land and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof. The capitalized terms set out herein shall have the same meanings as defined in the Declaration unless otherwise defined in this First Amendment. The references to "Article" and "Section" set out below refer to the corresponding headings in the Declaration.

1. Article I, Section 1.4. Delete and restate Article I, Section 1.4 as follows:

1.4 Association. MacGregor Condominium Association, Inc., a nonprofit corporation organized under Section 47C-3-101, North Carolina General Statutes.

2. All references in the Declaration to the Association, including the reference in Article 5, Section 5.2 of the Declaration are hereby deemed to refer to MacGregor Condominium Association, Inc.

3. Exhibit D attached to the Declaration is deleted and Exhibit D attached hereto is inserted for the sole purpose of clarifying the Allocated Interests of the Units in the building at 5234 Hilltop Road. The total Allocated Interest is not changing. The clarification is only to add the Allocated Interest of the first floor and second floor of each Unit to determine a total Allocated Interest for the particular Unit.

4. The amendments set out in paragraphs 1-3 herein constitute the only amendments to the Declaration and all other provisions of the Declaration remain in full force and effect.

(Remainder of this page is intentionally left blank. The next two pages are signature pages.)

Declarant Signature Page

In witness whereof, the undersigned have caused this First Amendment to be signed in the Declarant's name as the act of the Declarant effective the date first above written.

Highlander Builders, LLC,  
a North Carolina limited liability company

By:

  
\_\_\_\_\_  
Joseph W. Weiss, Member/Manager

090928

NORTH CAROLINA

GUILFORD COUNTY

I, Amy L. Hicks, a Notary Public for said County and State, do hereby certify that Joseph W. Weiss, Member/Manager of Highlander Builders, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing First Amendment on behalf of the company.

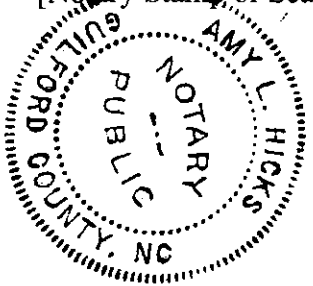
Witness my hand and notarial seal this 13<sup>th</sup> day of April, 2005.

Amy L. Hicks

Notary Public

My Commission expires: 03-21-2009

[Notary Stamp or Seal]



First National Signature Page

In witness whereof, First National has executed this First Amendment effective the date first above written to acknowledge its consent hereto and for the purpose of subordinating the lien of the First National Deed of Trust hereto.

First National Bank and Trust

By: *Vicki C. Williams*  
Name: *Vicki C. Williams*

Title: *Vice President*

NORTH CAROLINA

GUILFORD COUNTY

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that Joseph W. Weiss, Member/Manager of Highlander Builders, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing First Amendment on behalf of the company.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public

STATE OF NORTH CAROLINA

COUNTY OF Guilford

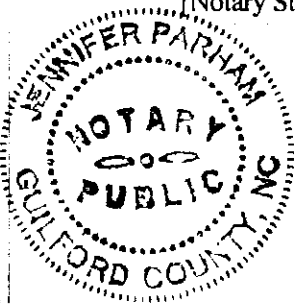
I, Jennifer Parham, a Notary Public of County and State aforesaid, do hereby certify that Vicki C. Williams, personally appeared before me this day and acknowledged that he is Vice President of FIRST NATIONAL BANK & TRUST, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him.

Witness my hand and notarial stamp or seal this 13<sup>th</sup> day of April, 2005.

My Commission expires: 4-11-09

Jennifer Parham  
Notary Public

[Notary Stamp or Seal]



**EXHIBIT D**

Schedule of  
Each Unit's Allocated Interest  
In Common Elements

<u>Building</u>	<u>Unit No.</u>	<u>Allocated Interest (%)</u>
5234 Hilltop Road	First Floor - 101	3.21
	102	3.21
	103	3.21
5236 Hilltop Road	101	2.98
	102	3.06
	103	3.18
	104	3.06
	105	2.98
	106	2.98
	107	2.22
	108	2.22
	109	2.22
	110	2.22
	111	2.98
	201	2.98
	202	3.06
	203	3.18
	204	3.06
	205	2.98
	206	2.98
	207	2.22
	208	2.22
	209	2.22
	210	2.22
	211	2.98
	301	2.98
	302	3.06
	303	3.18
	304	3.06
	305	2.98
	306	2.98
	307	2.22
	308	2.22
	309	2.22
	310	2.22
	311	2.98



JEFF L. THIGPEN, REGISTER OF DEEDS  
 GUILFORD COUNTY  
 201 SOUTH EUGENE STREET  
 GREENSBORO, NC 27402

\* \* \* \* \*

State of North Carolina, County of Guilford

The foregoing certificate of \_\_\_\_\_

\_\_\_\_\_  
*Amy L. Hicks*  
 \_\_\_\_\_  
*Jennifer Parham*

A Notary (Notaries) Public is/are certified to be correct. This instrument and this certificate are duly registered at the date and time shown herein.

JEFF L. THIGPEN, REGISTER OF DEEDS

By: \_\_\_\_\_

*Sherry W. Genger*  
 Deputy - Assistant Register of Deeds

\* \* \* \* \*

**This certification sheet is a vital part of your recorded document.  
 Please retain with original document and submit when re-recording.**