

154

114 0846

AMENDMENT TO
DECLARATION OF UNIT OWNERSHIP
FOR
SKYLEAF CONDOMINIUM COMMUNITY,
A CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF UNIT OWNERSHIP FOR SKYLEAF CONDOMINIUM COMMUNITY, A CONDOMINIUM, made this 19th day of April, 1979, by First Union National Bank of North Carolina, a National banking association organized and existing under and by virtue of the laws of the United States of America maintaining its registered office in Mecklenburg County, North Carolina (hereinafter referred to as "Declarant").

W I T N E S S E T H:

WHEREAS, pursuant to the provisions of Chapter 47A of the General Statutes of North Carolina, Declarant, on January 18, 1978, filed a Declaration of Unit Ownership for Skyleaf Condominium Community, a condominium (hereinafter referred to as the Declaration), which said Declaration is recorded in Book 106, beginning at page 1059 in the office of the Register of Deeds for Avery County, North Carolina; and

WHEREAS, paragraphs 17 and 18 of the Declaration provide for additions to the Condominium Property and provide for the manner of amending the Declaration; and

WHEREAS, the Declaration submitted a portion of the real property described therein (being that real property described in Schedule B-2 of said Declaration) to the provisions of the North Carolina Unit Ownership Act as future phases of the project; and

WHEREAS, Declarant desires to amend the Declaration as hereinafter set forth.

1

NOW, THEREFORE, Declarant hereby makes the following Amendment to the Declaration:

1. The 2.001 acre tract, and the improvements constructed thereon, more particularly described as Tract II in Schedule B-2 of the Declaration is hereby submitted to the provisions of the Declaration and the Unit Ownership Act as Phase 2 of the Skyleaf Condominium Community; subject, however, to the reservation and easement set forth in said Schedule B-2.

2. Upon the filing of this Amendment to the Declaration subjecting the property described in paragraph 1 above to the Declaration and the Unit Ownership Act as Phase 2 of the Skyleaf Condominium Community, the fee simple determinable estate in the undivided interest of the common elements shall immediately terminate and simultaneously the undivided interest of the common elements in Phase 1 and Phase 2 combined is hereby declared by Declarant to be vested in the owners of Dwelling Units in Phase 1 and Phase 2 in fee simple determinable in the percentages of undivided interest as set forth in Schedule E-2 attached hereto, unless and until amended as provided in paragraphs 17 and 18 of the Declaration.

3. The last line of Schedule D (recorded at page 1131) of the Declaration is amended to read as follows:

"in Plat Book 9, page 85, Avery County Registry, and the additions thereto as shown and described on the drawings of building E and the units and common areas thereto prepared by James William Ritter, Registered Architect recorded in Condominium Book 3, page 1, Avery County Registry and on the 'as built' survey by David K. Stern, Registered Land Surveyor, recorded in Plat Book 12, page 9, Avery County Registry."

4. Schedule E is amended by supplementing the same with the additional Schedule E-2 attached hereto and incorporated into the Declaration by reference.

5. The following Affidavit by an officer of the Declarant is given for the purpose of complying with Paragraph 18(c) of The Declaration:

NORTH CAROLINA)
)
Watauga COUNTY)

AFFIDAVIT

I, Claude C. Armfield, Jr., being an Officer of First Union National Bank of North Carolina, the Declarant, being first duly sworn, depose and say that a copy of the foregoing Amendment to Declaration has either been hand delivered or mailed by certified mail to all Unit Owners and all mortgagees having a bona fide lien of record against any Unit Ownership interest.

Claude C. Armfield, Jr.
Secretary of First Union
National Bank of North Carolina

SWORN to and subscribed before me this 19th day of April, 1970

Alberta Duncan
Notary Public

My commission expires:
9/30/80

IN WITNESS WHEREOF, on the date set forth in the acknowledgment below Declarant has caused this Amendment to Declaration to be executed, acknowledged and recorded for and in its own name and behalf and, pursuant to paragraph 18 of the Declaration, has caused this Amendment to Declaration to be executed, acknowledged and recorded for and in the name of each Unit Owner and his/her/their respective mortgagees for the purpose of adding to the Condominium Property as provided in paragraphs 17 and 18 of the Declaration.

FIRST UNION NATIONAL BANK OF
NORTH CAROLINA, IN ITS OWN BEHALF AND
IN THE NAME OF EACH UNIT OWNER AND
HIS/HER/THEIR RESPECTIVE MORTGAGEES
OF SKYLEAF CONDOMINIUM COMMUNITY,
AS THEIR ATTORNEY-IN-FACT

ATTEST:

By: *Alberta Duncan*
S. J. J. President

By: *A. Wade Evans*
A. Wade Evans Secretary

NORTH CAROLINA
WATAUGA COUNTY

I, Alberta Duncan, a Notary Public, of said
County and State, do hereby certify that A. Wade Evans
personally came before this day and acknowledged
that he is Asst. Secretary of FIRST UNION NATIONAL BANK
OF NORTH CAROLINA, and that, by authority duly given and
as the act of the Corporation, the foregoing Amendment
to Declaration was signed in its name by its Sr. Vice
President, sealed with its corporate seal, and attested by
himself as its Asst. Secretary in First Union National
Bank's own behalf as Declarant and in the name of each
unit owner and his/her/ their respective mortgagees of
Skyleaf Condominium Community, as their attorney-in-fact;
and that the authority to execute and acknowledge said
Amendment to Declaration is contained in paragraphs 17 and
18 of the Declaration recorded in Book 106, at page 1092,
Avery County Registry.

WITNESS my hand official seal this the 19th day
of April, 1979.

Alberta Duncan
Notary Public

My Commission Expires:
9/30/80

North Carolina

Avery County

The 19th

Alberta Duncan

Notary Public

Attest at

-4-

Book 114, Page 847

This 19th

April

1979

3:51

pm

By *Alberta Duncan*

835 REV. 1

RATIO OF UNDIVIDED INTEREST IN COMMON AREAS AND FACILITIES, UNIT DESIGNATION, LOCATION, APPROXIMATE AREA, NUMBER OF ROOMS AND IMMEDIATE COMMON AREA TO WHICH UNITS HAVE ACCESS.

The ratio of undivided interest appurtenant to each unit in the common area and facilities, and limited common area and facilities, has been determined by the ratio of the fair market value of the subject unit as of the date of this Declaration as the same bears to the aggregate fair market value of all units on said date, all of which are set forth immediately below, along with the unit designation, unit location, approximate area, number of rooms, and immediate common area to which the unit has access:

| UNIT DESIGNATION | UNIT LOCATION (BUILDING) | APPROXIMATE AREA (SQUARE FT) | NUMBER OF ROOMS | IMMEDIATE COMMON AREA TO WHICH UNIT HAS ACCESS | RATIO OF UN-DIVIDED INTEREST IN COMMON AREA AND FACILITIES** |
|------------------|--------------------------|------------------------------|-----------------|--|--|
| 1 | A | 888 | 6 | * | 1.97% |
| 2 | A | 640 | 4 | * | 1.62% |
| 3 | A | 888 | 6 | * | 1.89% |
| 4 | A | 640 | 4 | * | 1.59% |
| 5 | A | 1251 | 8 | * | 2.27% |
| 6 | A | 1317 | 8 | * | 2.33% |
| 7 | A | 640 | 4 | * | 1.54% |
| 8 | * | 1251 | 8 | * | 2.15% |
| 9 | . | 1317 | 8 | * | 2.30% |
| 10 | B | 1317 | 8 | * | 2.13% |
| 11 | B | 888 | 6 | * | 1.95% |
| 12 | B | 888 | 6 | * | 2.00% |
| 13 | C | 888 | 6 | * | 2.00% |
| 14 | C | 1317 | 8 | * | 2.78% |
| 15 | C | 1317 | 8 | * | 2.89% |
| 16 | C | 1251 | 8 | * | 2.60% |
| 17 | C | 640 | 4 | * | 1.68% |
| 18 | C | 640 | 4 | * | 1.62% |
| 19 | C | 888 | 6 | * | 2.21% |
| 20 | C | 888 | 6 | * | 2.13% |
| 21 | C | 888 | 6 | * | 1.92% |
| 22 | C | 1317 | 8 | * | 2.72% |
| 23 | C | 1317 | 8 | * | 2.67% |
| 24 | C | 1251 | 8 | * | 2.51% |
| 25 | C | 640 | 4 | * | 1.59% |
| 1 | E | 910 | 6 | * | 2.25% |
| 2 | E | 910 | 6 | * | 2.25% |
| 3 | E | 653 | 4 | * | 1.65% |
| 4 | E | 653 | 4 | * | 1.65% |
| 5 | E | 653 | 4 | * | 1.65% |
| 6 | E | 1410 | 8 | * | 2.87% |
| 7 | E | 827 | 6 | * | 2.25% |
| 8 | E | 827 | 6 | * | 2.25% |
| 9 | E | 1346 | 8 | * | 2.87% |
| 10 | E | 810 | 6 | * | 1.89% |
| 11 | E | 810 | 6 | * | 1.89% |
| 12 | E | 1346 | 8 | * | 2.87% |
| 13 | E | 810 | 6 | * | 1.89% |
| 14 | E | 810 | 6 | * | 1.89% |
| 15 | E | 1410 | 8 | * | 2.87% |
| 16 | E | 827 | 6 | * | 2.25% |
| 17 | E | 827 | 6 | * | 2.25% |
| 18 | E | 653 | 4 | * | 1.65% |
| 19 | E | 653 | 4 | * | 1.65% |
| 20 | E | 653 | 4 | * | 1.65% |
| 21 | E | 910 | 6 | * | 2.25% |
| 22 | E | 910 | 6 | * | 2.25% |

*Adjacent common area as shown on Schedule D.
 **Identifies the ratio of undivided interest in common areas and facilities of the Skyleaf Condominium Community when combining Phase I and Phase 3 containing Buildings A, B, C, and E.