

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, by Unit Owners having not less than seventy-five (75%) percent interest in the Common Elements.

WITNESSETH:

WHEREAS, pursuant to the provisions of Chapter 47A of the General Statutes of North Carolina, the First Union National Bank of North Carolina as Declarant, on January 18, 1978, filed a Declaration of Unit Ownership for Skyleaf Condominium Community (herein referred to as Declaration), a condominium, which 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, said Declaration established the Skyleaf Association to manage and direct the business and property of said Skyleaf Condominium Community, and;

WHEREAS, the Board of Directors of said The Skyleaf Association have received numerous requests to cause decks and patios to be designed for those Unit Owners whose units are without same; and

WHEREAS, the Board of Directors of said The Skyleaf Association have caused a design to be prepared for those buildings without same, said design having been prepared by Raymond P. Howell, Registered Architect and recorded in Condominium Book 3, at page 1, Avery County Registry, reference to which is hereby made for a more particular description; and

WHEREAS, the Unit Owners of said Skyleaf Condominium Community desire to amend the Declaration of Unit Ownership for

Skyleaf Condominium Community as required and set forth in said Declaration as hereinafter set forth.

NOW THEREFORE, those Unit Owners having not less than seventy-five (75%) percent interest in the common elements of the Skyleaf Condominium Community make the following Amendment to the Declaration by amending Schedule D thereof, including the previous Amendment to Schedule D as more particularly set out in Deed Book 114 at page 846 of the Avery County Registry, to include the following paragraphs :

Subsequent to the execution of this instrument, any decks and patios shown or described in the drawing of said buildings and units as prepared and recorded by said William Ritter, may be altered to include as limited common elements, decks or patios provided same conform to that design and drawing prepared by Raymond P. Howell, Registered Architect and recorded in Condominium Book 3, at page 1, Avery County Registry.

However, all decks constructed prior to December, 1979, as they existed on December 31, 1979, are approved as limited common elements; and all decks constructed since January 1, 1980, which conform to the drawings prepared and recorded by William Ritter, Registered Architect, referenced above are approved as limited common elements.

IN WITNESS WHEREOF, the Skyleaf Condominium Community has caused this Declaration to be executed by its President, and by its Secretary, and its common seal to be hereto affixed all by authority of its Board of Directors duly given, and with the consent of Unit Owners having not less than seventy-five (75%) percent interest in the common elements of said condominium.

This the 27<sup>th</sup> day of Dec, 1980.

SKYLEAF CONDOMINIUM COMMUNITY

SEAL

Kirgil K. Ritter  
President

ATTEST:

D. G. Smith  
Secretary

STATE OF NORTH CAROLINA

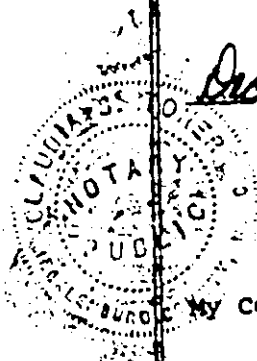
COUNTY OF North Carolina

1410072

This is to certify that on this day before me personally appeared D. G. Smith, Jr., with whom I am personally acquainted, who, being by me just duly sworn, says that Virgil P. Foster, Jr., is the President and that he, the Said D. G. Smith, Jr., is the Secretary of the Skyleaf Condominium Community described in and which executed the foregoing Amendment to Declaration of Unit Ownership for Skyleaf Condominium Community, a condominium; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal and the name of said Skyleaf Condominium Community was subscribed thereto by the President of same, and the President and Secretary subscribed their names thereto and said common seal was affixed thereto all by order of the Board of Directors of said Skyleaf Condominium Community, and that the said instrument is the act and deed of said Skyleaf Condominium Community, a condominium.

WITNESS my hand and notarial seal, this the 2nd day of

December, 1980.



Claudia S. Loner  
NOTARY PUBLIC

My Commission Expires: October 5, 1981

STATE OF NORTH CAROLINA

COUNTY OF North Carolina

AFFIDAVIT

1410073

I, Virgil P. Foster, Jr., being President of the Skyleaf Condominium Community, 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.

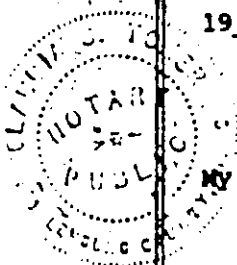
Virgil P. Foster Jr.  
PRESIDENT

SKYLEAF CONDOMINIUM COMMUNITY

SWORN TO and subscribed before me this 2nd day of December,  
19 80.

Claudia J. Jones  
NOTARY PUBLIC

My commission expires: 10/5/81



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IN WITNESS WHEREOF, on the date set forth in the acknowledgement below, the Skyleaf Condominium Community, a condominium, caused this Amendment 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 by Unit Owners of said Skyleaf Condominium Community having not less than seventy-five (75%) percent interest in the common elements of said condominiums as provided in said Declaration.

1410074

SKYLEAF CONDOMINIUM COMMUNITY

By: Vincent P. Ptergi  
President



ATTESTY D.G. Smith  
Secretary

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NORTH CAROLINA

COUNTY OF Wayne

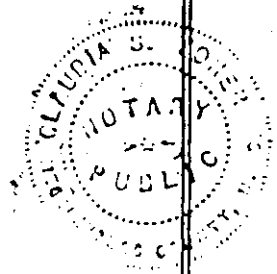
I, Claudia S. Loe, Notary Public of said County and State, do hereby certify that D.G. Smith, Jr., personally came before me this day and acknowledged that he is Secretary of the Skyleaf Condominium Community, a condominium, and that by authority duly given, he has a roll of all Unit Owners of said condominiums which includes each said Unit Owners percentage of interest in the common elements of said condominium and that those Unit Owners who have executed the foregoing Amendment to Declaration of Unit Ownership for Skyleaf Condominium Community, a condominium, have not less than seventy-five (75%) percent interest in said common elements.

That the foregoing Amendment was signed in its name by its President, sealed with its corporate seal, and attested by himself as Secretary in Skyleaf Condominium Communitys own behalf as required by the Declaration of Unit Ownership for Skyleaf Condominium Community, a condominium, and recorded in Deed Book 106 at page 1059 et seq., Avery County Registry.

WITNESS my hand and seal this 2nd day of December, 19 80.

Claudia S. Loe

NOTARY PUBLIC



My commission expires: 10/5/81.

STATE OF NORTH CAROLINA

1410075

COUNTY OF AVERY

The foregoing certificate of Claudia S. Jones  
Notary Public, is certified to be correct. This instrument  
was presented for registration and recorded in this office  
at Deed Book 141, and page 70.

This the 23rd day of May, 19 83 at 9:00 AM.

REGISTER OF DEEDS

By: Barbara P. Barnes

Deputy Register of Deeds