

Drafted by: Lynne Rowley Holton
Return to: VonCannon Box

STATE OF NORTH CAROLINA)
)
COUNTY OF FORSYTH) FIRST AMENDMENT TO DECLARATION
) OF CONDOMINIUM OF
) SALEM SQUARE CONDOMINIUMS

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF SALE SQUARE CONDOMINIUMS is executed this 24th day of August, 1987, by the undersigned, who own collectively 86.56% of the undivided interest in the common elements of Salem Square Condominiums.

WHEREAS, Salem Square Properties, a North Carolina general partnership (the "Declarant") has heretofore filed a Declaration of Condominium of Salem Square Condominiums as recorded in Book 1349, Page 1292, Forsyth County Registry (the "Declaration");

AND WHEREAS, paragraph 17 of the Declaration provides for the amendment of the Declaration upon the execution of an amendment by the owners of at least seventy-five percent (75%) of the Salem Square Condominium Project;

AND WHEREAS, the undersigned desire to purchase and maintain their own heating and air conditioning systems for their condominium units at Salem Square Condominiums, and to pay for the monthly cost of the operation thereof on an individual, per unit basis, rather than have these responsibilities undertaken by the homeowners association as presently called for in the Declaration, and to this end, the undersigned desire to amend the Declaration to effectuate the foregoing;

NOW, THEREFORE, the undersigned hereby amend the Declaration as follows:

1. Paragraph 2(c) is amended by deleting the phrase "heating and air conditioning plants, units, ducts, lines and equipment."
2. Paragraph 3.2 is amended by deleting the phrase "There are two heating and air conditioning systems which furnish heat and air conditioning to all the buildings," and in substitution thereof by inserting the following: "Each unit contains its own separate heating and air conditioning system as selected by owners of each unit."
3. Paragraph 9.1 is amended by deleting the phrase "heating and air conditioning plants, lines, ducts and equipment."

4. Paragraph 9.2 is amended by adding the following sentence at the end of the sixth sentence of said paragraph: "The maintenance, replacement and repair of heating and air conditioning plants, lines, ducts and equipment shall be the sole responsibility and expense of the Unit Owner."
5. Paragraph 16.3 is amended by deleting the phrase "heating and air conditioning."
6. Paragraph 16.6 is deleted in its entirety.
7. Paragraph 19 is amended by deleting said paragraph in its entirety and inserting the following:

"19. Unit Boundaries and Area

Each condominium unit comprises the interior dwelling area of such unit excluding all spaces or improvements lying or being:

- (1) Beneath the subflooring material of all floors;
- (2) Beneath or behind the sheetrock or other interior surfacing material of all walls;
- (3) Above the sheetrock or other interior surfacing material of the ceilings;

and further excluding all pipes, wires, ducts, conduits and other facilities for the furnishing of utilities and other services; provided, however, that the heating and air conditioning system and all equipment, ducts and other facilities pertaining thereto shall not be excluded from the unit boundaries and area."

IN WITNESS WHEREOF, the undersigned have executed this Amendment under seal as of this 24th day of AUGUST, 1987.

CONDOMINIUM COMMUNITIES, INC.

(CORPORATE SEAL)

ATTEST:

Judy H. Johnson
Secretary

By: Robert L. Gull
Vice President

R. G. REAL ESTATE, INC. ✓

(CORPORATE SEAL)

ATTEST:

Judy H. Johnson
Secretary

By: Robert L. Gull
Vice President

SMITH REALTY OF LEXINGTON, INC. ✓

(CORPORATE SEAL)

ATTEST:

Secretary

By: _____
President

ATTEST:

Lou G. Adkins
Secretary

✓ SALEM SQUARE PROPERTIES, a North General Partnership,

By: R.G. Real Estate, Inc.
By: Robert L. Gull, VP. (SEAL)

Gordon DeHaan (SEAL)
GORDON DeHAAN

Gerardine R. Cotton (SEAL)

BOOK 1624 P 0381

ALVIN G. GARRISON AND WIFE, MARTHA
M. GARRISON; STEVEN D. SOUTHERN AND
WIFE, SONJA M. SOUTHERN; JAMES N.
SMITH AND WIFE, SUE T. SMITH; BETTY
PRATT SUTTON; WILLIAM R. EDDINS;
RONNIE R. CONLEY AND WIFE, TERESA
M. CONLEY; EUGENE R. STRADER AND
WIFE, JULIA B. STRADER; DOROTHY S.
HERRING (WIDOW); JAMES C. STOKES,
JR. AND WIFE, CAROLYN T. STOKES;
ALBERT RAY NEWSOME AND WIFE, MARY
B. NEWSOME; MARGARET L. COLE;
DEANNA J. MEYER; JAMES T. VENABLE,
JR.; WILLIAM D. NOAH, JR. AND WIFE,
ELIZABETH B. NOAH; DICK R.
WARFFORD; MARGARET H. LINVILLE;
CHARLES R. LINVILLE; JERRY L.
SIMMONS AND WIFE, RUBY K. SIMMONS;
JOHN H. BREMER AND WIFE, JANE D.
BREMER; CHARLES M. USSERY; BRIAN C.
MILLER AND WIFE, CAROL ANN MILLER;
WILLIAM G. ROBINSON; H. RAY STURKIE
AND WIFE, MARTHA M. STURKIE;
WILLIAM E. MINNISH AND WIFE,
ERNESTINE S. MINNISH; H. EUGENE
MARTIN AND WIFE, RUTH M. MARTIN;
WILLIAM McCALL, JR.; JAMES W.
WHITTINGTON AND WIFE, SHELLY B.
WHITTINGTON; RONALD H. NASON AND
WIFE, SANDRA D. NASON; JOSEPH M.
SAMFORD; YANCEY W. FORD, JR. AND
WIFE, PEGGY P. FORD; ELMS L. ALLEN
AND WIFE, HARRIET C. ALLEN; STEPHEN
W. DALE; JAMES W. WHITTINGTON; JACK
D. PHILLIPS, SR.; HERBERT C. DAVIS,
JR.; SMITH REALTY OF LEXINGTON,
INC.,

By: *Gordon DeHaan* (SEAL)
Gordon DeHaan,
Attorney in Fact

BOOK 1624P0382

NORTH CAROLINA)
)
FORSYTH COUNTY)

I, Patti C. Huffman, a Notary Public of the county and state aforesaid, do certify that Judy H. Johnson personally came before me this day and acknowledged that she is ^{ASSISTANT} Secretary of CONDOMINIUM COMMUNITIES, INC., a North Carolina corporation, and by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its ^{ASSISTANT} President, sealed with its corporate seal, and attested to by Judy H. Johnson, as its ^{ASSISTANT} Secretary.

WITNESS my hand and notarial seal, this the 31st day of August, 1987.



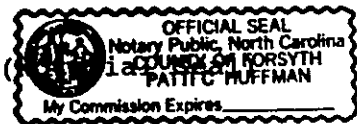
Patti C. Huffman
Notary Public

My commission expires:
December 3, 1990

NORTH CAROLINA)
)
FORSYTH COUNTY)

I, Patti C. Huffman, a Notary Public of the county and state aforesaid, do certify that Judy H. Johnson personally came before me this day and acknowledged that she is ^{ASSISTANT} Secretary of R. G. REAL ESTATE, INC., a North Carolina corporation, and by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its ^{ASSISTANT} President, sealed with its corporate seal, and attested to by Judy H. Johnson, as its ^{ASSISTANT} Secretary.

WITNESS my hand and notarial seal, this the 31st day of August, 1987.



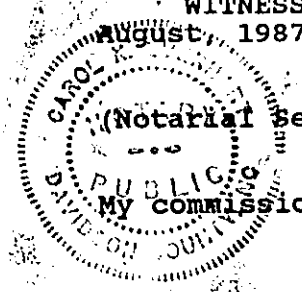
Patti C. Huffman
Notary Public

My commission expires:
December 3, 1990

NORTH CAROLINA)
Davidson COUNTY)

I, Carol K. Everhart, a Notary Public of the county and state aforesaid, do certify that on this day personally appeared before me, Lou B. Adkins, Secretary, who being by me duly sworn, says that she knows the Common Seal of R. G. REAL ESTATE, INC., general partner of SALEM SQUARE PROPERTIES, a North Carolina general partnership, and is acquainted with Robert L. Grubb, who is the President of said Corporation, and saw the said President sign the foregoing instrument and saw the Common Seal of said Corporation affixed to said instrument by said President, and that she, the said Lou B. Adkins, Secretary, signed her name in attestation of the execution of said instrument in the present of said President of said Corporation.

WITNESS my hand and notarial seal, this the 24th day of August, 1987.



(Notarial Seal)

Carol K. Everhart
Notary Public

My commission expires: 1-1-92

NORTH CAROLINA)
FORSYTH COUNTY)

I, Patti C. Huffman, a Notary Public of the county and state aforesaid, do certify that Gordon DeHaan and wife, Geraldine R. DeHaan each personally came before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 24th day of August, 1987.



(Notarial Seal)

Patti C. Huffman
Notary Public

My commission expires: 12/3/90

STATE OF NORTH CAROLINA—Forsyth County

The foregoing (or annexed) certificate 5 of Patti C. Huffman N.P. Forsyth Co (here give name and official title of the officer signing the certificate, passed upon)

N.C. + Carol K. Everhart N.P. Davidson Co, N.C.

is (are) certified to be correct. This the 24th day of Sept, 1987

Speas, Register of Deeds

BY Joseph Adkins Deputy-Register

Probate and Filing Fee \$ 13.50 paid, 13.50 N.C.

OS

1624P0384

STATE OF NORTH CAROLINA)
)
COUNTY OF FORSYTH)

I, Patti C. Huffman, a Notary Public of the aforesaid county and state, do certify that Gordon DeHaan, attorney-in-fact for the individuals named below, personally came before me this day, and being by me duly sworn, says that he executed the foregoing instrument for and on behalf of said individuals, and that the authority to execute and acknowledge said instrument is contained in instruments duly executed, acknowledged, and recorded in the office of the Register of Deeds of Forsyth County, North Carolina, on the 28th day of September, 1987, as follows: Alvin G. Garrison and wife, Martha M. Garrison, in Book 1624 at Page 157; Steven D. Southern and wife, Sonja M. Southern, in Book 1624 at Page 163; James N. Smith and wife, Sue T. Smith, Book 1624 at Page 169; Betty Pratt Sutton, in Book 1624 at Page 175; William R. Eddins, in Book 1624 at Page 181; Ronnie R. Conley and wife, Teresa M. Conley, in Book 1624 at Page 187; Eugene R. Strader and wife, Julia B. Strader, in Book 1624 at Page 193; Dorothy S. Herring (Widow), in Book 1624 at Page 199; J. C. Stokes, Jr. and wife, Carolyn T. Stokes, in Book 1624 at Page 205; Albert Ray Newsome and wife, Mary B. Newsome, in Book 1624 at Page 211; Margaret L. Cole, in Book 1624 at Page 217; Deanna J. Meyer, in Book 1624 at Page 223; James T. Venable, Jr., in Book 1624 at Page 229; W. D. Noah, Jr. and wife, Elizabeth B. Noah, in Book 1624 at Page 235; Dick R. Warfford, in Book 1624 at Page 241; Margaret H. Linville, in Book 1624 at Page 247; Charles R. Linville, in Book 1624 at Page 253; Jerry L. Simmons, and wife, Ruby K. Simmons, in Book 1624 at Page 259; John H. Bremer and wife, Jane D. Bremer, in Book 1624 at Page 265; Charles M. Ussery, in Book 1624 at Page 271; Brian C. Miller and wife, Carol Ann Miller, in Book 1624 at Page 277; William G. Robinson, in Book 1624 at Page 283; H. Ray Sturkie and wife, Martha M. Sturkie, in Book 1624 at Page 289; William E. Minnish and wife, Ernestine S. Minnish, in Book 1624 at Page 295; H. Eugene Martin and wife, Ruth M. Martin, in Book 1624 at Page 301; William McCall, Jr., in Book 1624 at Page 307; James W. Whittington and wife, Shelly B. Whittington, in Book 1624 at Page 313; Ronald H. Nason and wife, Sandra D. Nason, in Book 1624 at Page 319; Joseph M. Samford, in Book 1624 at Page 325; Yancey W. Ford, Jr. and wife, Peggy P. Ford, in Book 1624 at Page 331; Elms L. Allen and wife, Harriet C. Allen, in Book 1624 at Page 337; Stephen W. Dale, in Book 1624 at Page 343; Thomas R. Smith, in Book 1624 at Page 349; James W. Whittington, in Book 1624 at Page 355; Jack D. Phillips, Sr., in Book 1624 at Page 361; Herbert C. Davis, Jr., in Book 1624 at Page 367; and Smith Realty of Lexington, Inc., in Book 1624 at Page 323; and that this instrument was executed under and by virtue of the authority given by said instruments granting him power of attorney; that the said Gordon DeHaan acknowledged the

the due execution of the foregoing instrument for the purposes therein expressed for and on behalf of the above named individuals.

WITNESS my hand and notarial seal or stamp, this the 28th day of September, 1987.



Patti C. Huffman
Notary Public

My commission expires: 12/3/90

BOOK 1624 P 0386