

JUDITH A GIBSON-REG OF DEEDS MECK NC
FILED FOR REGISTRATION 11/11/96 12:45

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

**SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR
DAVIDSON LANDING SOUTH**

THIS SUPPLEMENTAL DECLARATION made this 11th day of November, 1996 by KENNERLY DEVELOPMENT GROUP, LLC, a North Carolina limited liability company (hereinafter referred to as "Successor Declarant").

WITNESSETH:

WHEREAS, by Master Declaration of Covenants, Conditions and Restrictions for Davidson Landing South recorded in Book 5681 at Page 416 in the Mecklenburg County Public Registry (the "Declaration"), The Lake Norman Company, Inc., as Declarant, created the exclusive residential community of Davidson Landing South and certain general covenants, conditions and restrictions were thereby imposed on the real property described therein; and

WHEREAS, Successor Declarant is the successor to the Declarant's rights and obligations under the Declaration from The Lake Norman Company, Inc.; and

WHEREAS, Successor Declarant is the owner of the real property located in Lemly Township, Mecklenburg County, North Carolina and more particularly described on Exhibit A of this Supplemental Declaration attached hereto and incorporated herein by reference; and

WHEREAS, the real property described on Exhibit A of this Supplemental Declaration is part of Tract II as described on Exhibit D of the Declaration which Successor Declarant may annex as part of Davidson Landing South and Successor Declarant desires to submit and subject the said property described on Exhibit A to the Declaration.

NOW, THEREFORE, Successor Declarant, by this Supplemental Declaration, does hereby declare as follows:

1. Annexation of Land. Declarant hereby declares that all of the real property described on Exhibit A attached hereto shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, easements, charges and liens as set forth in the Declaration, which shall run with said real property and be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof.

DRAWN BY AND MAIL TO:
Timothy W. Gilbert
301 S. College Street, Ste. 2600
Charlotte, NC 28202-6038

2. Defined Terms. The words used in this Supplemental Declaration shall have the same meaning as set forth in the Declaration unless the context shall otherwise prohibit.

IN WITNESS WHEREOF, Successor Declarant has caused this instrument to be executed under seal on the day and year first above written.

KENNERLY DEVELOPMENT GROUP, LLC, (SEAL)
a North Carolina limited liability company

BY: Ronald D. Kennerly (SEAL)
Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that Ronald D. Kennerly, Manager of KENNERLY DEVELOPMENT GROUP, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 7th day of November, 1996.

Dale E. Vaughn
Notary Public

My Commission Expires: Sept 22, 1998

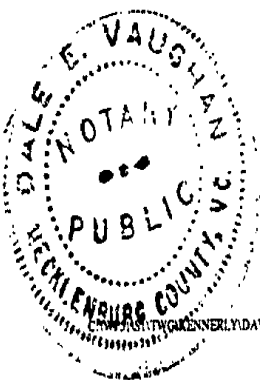


EXHIBIT A

Lying and being in the Town of Davidson, Lemley Township, Mecklenburg County, North Carolina and being more particularly described as follows:

BEGINNING at an iron pin in the right-of-way of Torrence Circle (a private street), said pin being located the following three (3) courses and distances from an existing concrete monument marking the southerly terminus of the westerly margin of an Interstate 77 access road: (1) North 23-19-33 East 59.23 feet to a point, (2) with the arc of a circular curve to the left having a radius of 797.43 feet, an arc distance of 175.55 feet and a chord bearing and distance of North 16-56-01 East 175.19 feet to a No. 5 rebar and (3) North 66-51-23 West 195.05 feet to the Beginning Point, and running thence from said Beginning Point along the southerly margin of the property conveyed to The Lake Norman Company, Inc. by deed recorded in Book 5671 at Page 317 in the Mecklenburg County Public Registry South 66-51-23 East 92.05 feet to an iron pin; thence South 12-57-06 West 209.81 feet to an iron pin; thence South 28-17-23 West 114.22 feet to an iron pin; thence North 78-50-25 West 178.23 feet to an iron pin; thence South 10-21-44 West 42.56 feet to an iron pin; thence South 45-57-11 West 151.39 feet to an iron pin; thence South 07-05-40 East 59.27 feet to an iron pin; thence South 82-19-17 West 159.21 feet to an iron pin; thence North 59-03-13 West 6.26 feet to an iron pin; thence North 47-12-13 West 108.00 feet to a point; thence North 10-23-13 West 102.50 feet to a point; thence North 26-39-47 East 78.60 feet to a point; thence North 50-07-47 East 198.30 feet to an iron pin in a southerly line of the South Harbortowne Condominium as shown on plat recorded in Unit Ownership File No. 394 in the Mecklenburg County Public Registry; thence along four (4) lines of the aforesaid South Harbortowne Condominium property (now or formerly) as follows: (1) South 62-19-15 East 78.25 feet to an iron pin, (2) North 86-04-02 East 82.72 feet to an iron pin, (3) South 68-07-43 East 52.89 feet to an iron pin and (4) North 54-10-54 East 140.91 feet to an iron pin; thence South 06-01-38 West 71.27 feet to an iron pin; thence South 84-03-53 East 45.76 feet to an iron pin; thence North 05-50-32 East 203.74 feet to the point and place of BEGINNING, and containing 3.21 acres as shown on survey entitled "A Recorded Plat of Newport Condominium" dated October 29, 1996 by William M. Allen, N.C.R.L.S., which survey is recorded in Unit Ownership File No. _____ in the Mecklenburg County Public Registry, to which Unit Ownership File and survey reference is hereby made for a more particular description of the property.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of

Dale E. Vaughan

Notary(ies) Public is/are certified to be correct. This 11th day of November 1996.

JUDITH A. GIBSON, REGISTER OF DEEDS

By: *Valerie J. White*

Deputy Register of Deeds