

003309

FILED FOR REGISTRATION
APRIL 27, 2005 12:30 P.M.

DATE TIME

AND RECORDED IN BOOK 604 PAGE 913

M. BRENT SHOAF, REGISTER OF DEEDS

DAVIE COUNTY, NC

BY *Doris C. Williams*
Assistant

Drafted By and Return To: Ralph L. Bunch, Bunch & Associates, PLLC, 514 S. Stratford Road, Suite 240, Winston-Salem, N.C. 27103

NORTH CAROLINA

FIFTH AMENDMENT OF
DECLARATION OF THE CONDOMINIUMS AT
KINDERTON VILLAGE

DAVIE COUNTY

THIS FOURTH AMENDMENT dated this the 25th day of April, 2005, made by ABBA, INC., a North Carolina corporation, Declarant (as assignee of Mulvaney Homes, Inc. as to Building 10 as more particularly described in section 2.g. below) under that certain Declaration of The Condominiums at Kinderton Village recorded in Book 458, Page 168, Davie County Registry ("Condominium") pursuant to the provisions of Chapter 47C of the North Carolina General Statutes entitled "North Carolina Condominium Act" ("Act").

WITNESSETH:

WHEREAS, Declarant created The Condominiums at Kinderton Village by Declaration of The Condominiums at Kinderton Village recorded in Book 458, Page 168, Davie County Registry ("Declaration") and amended the Declaration as follows:

1. First Supplemental Declaration of The Condominiums at Kinderton Village recorded in Book 509, Page 944, Davie County Registry;
2. Second Amendment of Declaration of the Condominiums at Kinderton Village recorded in Book 534, Page 389, Davie County Registry;
3. Third Amendment of Declaration of the Condominiums at Kinderton Village recorded in Book 563, Page 530, Davie County Registry; and
4. Fourth Amendment of Declaration of the Condominiums at Kinderton Village recorded in Book 582, Page 17, Davie County Registry.

The Declaration and all amendments are hereinafter collectively referred to herein as the "Declaration".

WHEREAS, the Declaration provides under Article III, paragraph 3.1, that the Declarant may exercise any development rights as defined in Section 47C-2-110 of the Act; and

WHEREAS, the Declaration further provides under Article III, paragraph 3.3, that Declarant reserves the right to add the Additional Property identified and described on Exhibit A-1 attached to the Declaration to the Condominium pursuant to Section 47C-2-110 of the Act; and WHEREAS, Declarant is the owner of a portion of the Additional Real Estate identified and described on Exhibit A-1 to the Declaration and desires to add said portion of the Additional Property to the Condominium; and

WHEREAS, Declarant has completed the construction of an additional building containing new units on a portion of the additional property. In order to accomplish the exercise of its special declarant rights to add property and create new units and limited common elements, Declarant, pursuant to the authority set forth in the Declaration is executing this Amendment.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

1. The Exhibit D attached to the Declaration shall be deleted and replaced with the attached Exhibit A, which describes all the Units, including the Units of The Condominiums at Kinderton Village created out of the Additional Property, and the percentage of undivided interest in the common elements as to all Units.
2. The Condominiums at Kinderton Village are more fully described on the following plats recorded in the Davie County Registry:
 - a. Plat entitled "The Condominiums at Kinderton Village" recorded in Condominium Plat Book 2, Pages 1-2 for Building 11;
 - b. Plat entitled "The Condominiums at Kinderton Village" recorded in Condominium Plat Book 2, Pages 3-4 for Buildings 1 and 15;
 - c. Plat entitled "The Condominiums at Kinderton Village" (aka "The Condominiums at Kinderton Village and Lakeside Crossing") recorded in Condominium Plat Book 2, Pages 5-6 for Building 2;
 - d. Plat entitled "The Condominiums at Kinderton Village" (aka "The Condominiums at Kinderton Village and Lakeside Crossing") recorded in Condominium Plat Book 2, Pages 9-10 for Building 14;

e. Plat entitled "The Condominiums at Kinderton Village" (aka "The Condominiums at Kinderton Village and Lakeside Crossing") recorded in Condominium Plat Book 2, Pages 12-13 for Building 3; and

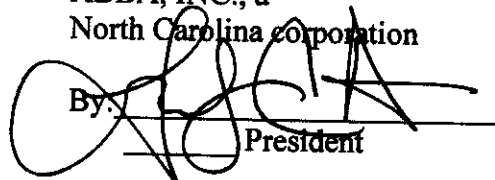
f. Plat entitled "The Condominiums at Kinderton Village" (aka "The Condominiums at Kinderton Village and Lakeside Crossing") recorded in Condominium Plat Book 2, Pages 14-15 for Building 13; and

g. Plat entitled "The Condominiums at Kinderton Village, Phase 1C-2" recorded in Condominium Plat Book 8, Pages 164 for Building 10. *Condo Book 2 Page 17+18*

Said plats are incorporated herein by reference as if set out in full.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be signed and sealed by its duly authorized officer as its act and deed the day and year first above written.

ABBA, INC., a
North Carolina corporation

By: 
President

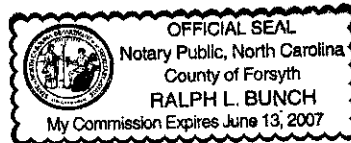
State of North Carolina
County of Forsyth

I, Ralph L. Bunch, a Notary Public of the aforesaid State and County, do hereby certify that Trent C. Adams personally came before me this day and acknowledged that he is the President of ABBA, Inc., a North Carolina corporation, and that, on behalf of the corporation, he executed the foregoing instrument.

Witness my hand and notarial seal this the 25th day of April, 2005.


Notary Public

My Commission Expires: 6-13-07



Ralph L. Bunch

The foregoing certificate of NP of Forsyth County is/~~are~~ certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

M. BRENT SHOAF

By: *Doris C Williams*
ASST. Register of Deeds

Exhibit A
Fifth Amendment of
Declaration of the Condominiums at Kinderton Village

Building	Unit Number	Heated Square Footage (Based upon Initial Plans and rounded to the nearest whole foot)	Common Element Interest Percentage
1	101	1600	2.3565%
1	102	1600	2.3565%
1	103	1600	2.3565%
1	104	1600	2.3565%
2	101	1600	2.3565%
2	102	1600	2.3565%
2	103	1600	2.3565%
2	104	1600	2.3565%
3	101	1600	2.3565%
3	102	1600	2.3565%
3	103	1600	2.3565%
3	104	1600	2.3565%
10	107-101	861	1.2681%
10	107-102	861	1.2681%
10	107-201	861	1.2681%
10	107-202	970	1.4287%
10	107-301	918	1.3521%
10	107-302	971	1.4301%
10	113-101	861	1.2681%
10	113-102	861	1.2681%
10	113-201	861	1.2681%
10	113-202	970	1.4287%
10	113-301	918	1.3521%
10	113-302	971	1.4301%
10	119-101	861	1.2681%
10	119-102	861	1.2681%
10	119-201	861	1.2681%
10	119-202	970	1.4287%
10	119-301	918	1.3521%
10	119-302	971	1.4301%
11	292-101	861	1.2681%
11	292-102	861	1.2681%
11	292-201	861	1.2681%
11	292-202	970	1.4287%
11	292-301	918	1.3521%
11	292-302	971	1.4301%
11	298-101	861	1.2681%
11	298-102	861	1.2681%
11	298-201	861	1.2681%
11	298-202	970	1.4287%
11	298-301	918	1.3521%
11	298-302	971	1.4301%
11	304-101	861	1.2681%
11	304-102	861	1.2681%
11	304-201	861	1.2681%
11	304-202	970	1.4287%
11	304-301	918	1.3521%
11	304-302	971	1.4301%
13	101	1337	1.9692%
13	102	1337	1.9692%
13	103	1337	1.9692%
13	104	1337	1.9692%
14	101	1337	1.9692%
14	102	1337	1.9692%
14	103	1337	1.9692%
14	104	1337	1.9692%
15	101	1337	1.9692%
15	102	1337	1.9692%
15	103	1337	1.9692%
15	104	1337	1.9692%
	TOTAL	67,896	100%