


<b>FILE COPY</b>	
FILED FOR REGISTRATION	DOC. #
DATE 3/9/09	TIME 2:24 pm
BOOK 24530	PAGE 605
STAMPS 	REC FEE 23 <sup>00</sup>
<small>J. DAVID GRANBERRY REGISTER OF DEEDS MECKLENBURG COUNTY, NC</small>	

COPY

**TO BE INDEXED IN THE GRANTOR INDEX IN THE NAME OF "TIDEWATER CORPORATE DEVELOPMENT, LLC" AND IN THE GRANTEE INDEX IN THE NAMES OF "THE TREMONT CONDOMINIUM" AND "THE TREMONT CONDOMINIUM OWNERS ASSOCIATION, INC."**

Drawn by and after recording return to:  
 Moore & Van Allen PLLC (JCO)  
 100 North Tryon Street, Floor 47  
 Charlotte, North Carolina 28202-4003

**SECOND AMENDMENT TO DECLARATION  
 OF CONDOMINIUM FOR THE TREMONT CONDOMINIUM**

**THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM FOR THE TREMONT CONDOMINIUM** (the "Amendment") is made as of February <sup>26</sup>, 2009 (the "Effective Date"), by **TIDEWATER CORPORATE DEVELOPMENT, LLC**, a North Carolina limited liability company (the "Declarant").

**RECITALS:**

A. Declarant recorded that certain Declaration of Condominium for The Tremont Condominium in Book 24130 at Page 42 in the Mecklenburg County, North Carolina Public Registry (the "Registry") as amended by that certain First Amendment to Declaration of Condominium for The Tremont Condominium recorded in Book 24208 at Page 104 in the Registry (collectively, the "Declaration"), which Declaration encumbers certain real property located in Charlotte, Mecklenburg County, North Carolina as more particularly described in the Declaration.

B. Section 8 of Article XII of the Declaration provides that the Declaration may be amended by vote of at least sixty-seven percent (67%) of the Owners of Units and approval of at least fifty-one percent (51%) of the mortgagees. As of the date of recording of this Amendment,

Declarant is the Owner of more than sixty-seven percent (67%) of the Units, as defined in the Declaration, and by the nature of this ownership, Declarant owns a sufficient number of Units to amend the Declaration without the joinder of any other Owners, as defined in the Declaration.

C. Regions Bank, as holder of that certain Deed of Trust, Security Agreement and Assignment of Leases (Acquisition/Development Loan) recorded in Book 21174, Page 785 of the Registry (the "Deed of Trust") and P. Perry Hedrick, as Trustee under the Deed of Trust, have joined in the execution of this Amendment and, by such joinder, have approved and consented to the Amendment.

C. Declarant desires to amend the Declaration, as permitted by Article XII, Section 8 thereof, in accordance with the terms and provisions set forth in this Amendment.

### **AGREEMENT:**

NOW, THEREFORE, Declarant does hereby declare that the Declaration is amended in accordance with the terms and provisions set forth below:

Section 1. Recitals. The Recitals set forth at the beginning of this Amendment are incorporated herein by this reference. The use of any capitalized term not otherwise defined herein shall have the meaning ascribed thereto in the Declaration.

Section 2. Voting Rights. The fifth (5<sup>th</sup>) sentence of Section 5 of Article II is hereby deleted in its entirety.

Section 3. Conflict. All of the provisions of the Declaration affected by this Amendment shall be deemed amended, whether or not actually specified herein, if any such amendment is clearly necessary to effectuate the intent of the parties hereto. To the extent of any conflict between the provisions of the Declaration and the provisions of this Amendment, the latter shall supersede and control.

Section 4. Final Agreement; Ratification. Except as specifically set forth herein, the Declaration remains unchanged and in full force and effect. The parties hereto, by their execution hereof, hereby ratify, affirm and approve the Declaration, as amended by this Amendment.

Section 5. Counterparts. This Amendment may be executed in counterparts all of which, taken together, shall constitute one original.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Declarant has caused these presents to be duly executed all in pursuance of proper legal authority, as of the day and year first above written.

**DECLARANT:**

**TIDEWATER CORPORATE DEVELOPMENT, LLC**, a North Carolina limited liability company

By: Grant C. Schoonmaker, Jr.  
Name: Grant C. Schoonmaker, Jr.  
Title: President

STATE OF North Carolina

COUNTY OF Mecklenburg

I, Staci Williams, a Notary Public for said County and State, do hereby certify that Grant C. Schoonmaker, Jr., President of TIDEWATER CORPORATE DEVELOPMENT, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the limited liability company.

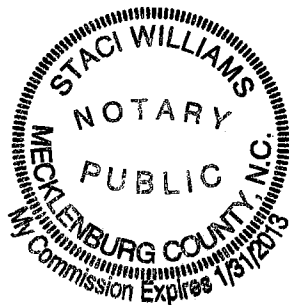
Witness my hand and official stamp or seal, this 26 day of February, 2009.

Staci Williams  
Notary Public

My Commission Expires:

1/31/2013

[AFFIX NOTARIAL SEAL BELOW]



CONSENT OF LENDER

Regions Bank, a state banking corporation ("Lender"), owner and holder of a note secured by that certain Deed of Trust, Security Agreement and Assignment of Leases (Acquisition/Development Loan) recorded in Book 21174 at Page 785 in the Mecklenburg County Register of Deeds (the "Deed of Trust") and P. Perry Hedrick ("Trustee"), Trustee under said Deed of Trust, hereby agree that they have consented to the terms and provisions of this First Amendment to Declaration of Condominium for The Tremont Condominium.

IN WITNESS WHEREOF, the undersigned has duly executed these presents under seal this March 4, 2009.

**LENDER:**

**REGIONS BANK,**  
a state banking corporation

By: P. Perry Hedrick  
Name/Title: P. Perry Hedrick, Vice President

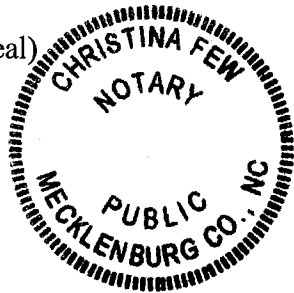
**MECKLENBURG COUNTY, NORTH CAROLINA**

The undersigned Notary Public certifies that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and on behalf of Regions Bank, in the capacity indicated: P. Perry Hedrick.

Date: March 4, 2009

Christina Few

(Official Seal)



Notary Public  
Printed Name: Christina Few  
My commission expires: 11/2012

**TRUSTEE:**

P. Perry Hedrick  
P. Perry Hedrick

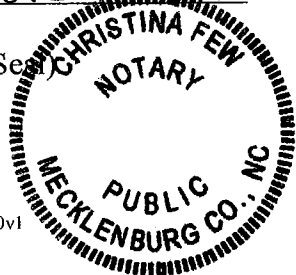
**MECKLENBURG COUNTY, NORTH CAROLINA**

The undersigned Notary Public certifies that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein, in the capacity indicated: P. Perry Hedrick.

Date: March 4, 2009

Christina Few

(Official Seal)



Notary Public  
Printed Name: Christina Few  
My commission expires: 11/2012