



Doc ID: 021762710008 Type: CRP
Recorded: 02/25/2009 at 04:12:43 PM
Fee Amt: \$35.00 Page 1 of 8
Workflow# 2671292
Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK 4652 PG 1241-1248

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM

PREPARED BY AND RETURN TO: Thomas C. Grella #31

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM ("Third Amendment") is made as of this 2nd day of December, 2008, and is made by Chestnut Branch, LLC ("Declarant") and Castanea Building Condominium Association, Inc. ("Association"), pursuant to and under the North Carolina Condominium Act, Chapter 47C of the North Carolina General Statutes.

WITNESSETH:

WHEREAS, Chestnut Branch, LLC entered into and recorded a certain Declaration of Condominium for Castanea Building Condominium (the "Condominium"), dated April 19, 2002, and recorded in Book 2718, at Page 120, Buncombe County Registry ("Declaration"), which Declaration was amended by that Amendment to Declaration dated January 31, 2003 and recorded in Book 3080, at Page 732, Buncombe County Registry ("First Amendment"), which was further amended by that Second Amendment to Declaration of Condominium dated August 4, 2008 and recorded in Book 4604, at Page 1222, Buncombe County Registry ("Second Amendment") (all of the Declaration, First Amendment and Second Amendment being referred to herein collectively as "Original Declaration"); and

WHEREAS, Declarant desires to amend the Declaration and Plans such that original Retail Unit 1 is divided into several Retail Units; and

WHEREAS, the Declarant has the right, pursuant to the terms of the Declaration (Section 8.1 (f)(4), and the terms of the Section 47C-2-113 of the North Carolina Condominium Act to so amend without joinder of other owners of Units within the Condominium; and

WHEREAS, the Association executes this Third Amendment for the purpose of complying with its obligation as set forth in the Declaration and Section 47C-2-113 of the North Carolina Condominium Act.

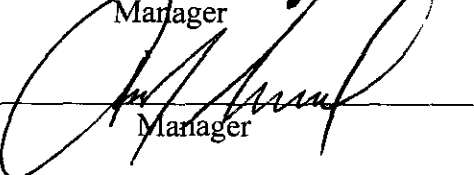
NOW THEREFORE, in consideration of the mutual obligations set forth herein, the parties hereto agree as follows:

1. Each and every term and provision of the Declaration, including each and every Exhibit thereto, is incorporated herein by reference, and is effective except as modified and amended by the terms and provisions of this Amendment.
2. The Declaration and any exhibits thereto are amended such that any reference to one Retail Unit in the Condominium is amended to indicate that there are five Retail Units as show on the Plans.
3. Exhibit E to the Declaration, and E-1 to the First Amendment are hereby deleted in their entirety and replaced with Exhibit E-2 to this Amendment.
4. Pages CD-1, CD-3, CD-4 and CD-5 of the original Plans as recorded in Condominium File 345 are hereby replaced by those four pages of Plans recorded in Condominium File 1127, Buncombe County Registry. Exhibit D-2 attached hereto is incorporated herein by reference with respect to the plans attached to this Amendment, and is in addition to (and does not replace (except as amended hereby) original Exhibit D, or Exhibit D-1 to the Declaration and First Amendment).
5. Association is executing this Amendment for the purpose of giving its approval of the Amendment, which is automatic pursuant to Section 8.1 (f) (4) of the Declaration and Section 47C-2-113 of the North Carolina Condominium Act. Declarant is also the sole owner of original Retail Unit 1 as of the date hereof.

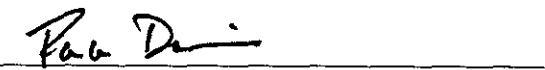
IN WITNESS WHEREOF, the Association has caused the due execution of this Amendment, this the day and year first above written.

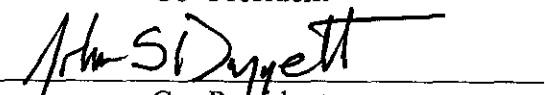
CHESTNUT BRANCH, LLC

By: 
 Manager

By: 
 Manager

CASTANEA BUILDING CONDOMINIUM ASSOCIATION, INC.


By: 
 Co- President

By: 
 Co- President

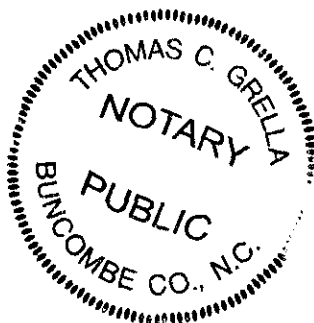
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of the County and State aforesaid, certify that Paula Dawkins personally came before me this day and acknowledged that she is Co-President of Castanea Building Condominium Association, Inc., a North Carolina Corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by her as President. Witness my hand and official stamp or seal, this 19th day of ~~June~~ December, 2008.

My commission expires: 3-17-2012




Notary Public
Thomas C Grella



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of the County and State aforesaid, certify that John Daggett personally came before me this day and acknowledged that he is Co-President of Castanea Building Condominium Association, Inc., a North Carolina Corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as Co-President. Witness my hand and official stamp or seal, this 19th day of December, 2008.

My commission expires: 3-17-2012



Notary Public
Notary Public - Thomas C. Grella
Printed name

