

INSTRUMENT # 2006171195



2006171195

Drawn By and Return To:

John M. Friguglietti, Jr., P.A.
575 Davidson Gateway Drive, Suite 101
Davidson, NC 28036

**SECOND SUPPLEMENTAL DECLARATION OF BOARDWALK OFFICE
CONDOMINIUM, PHASE 3**

THIS SECOND SUPPLEMENTAL DECLARATION, is made this 15th day of August, 2006, by BLUEFIN PARTNERS, LLC, a North Carolina Limited Liability Company, formerly known as KENNERLY DEVELOPMENT SERVICES, LLC, (the "Declarant"), for itself, its successors and assigns, pursuant to the provisions of Chapter 47C of the North Carolina General Statutes, entitled the North Carolina Condominium Act ("Act") and Article III of the Declaration of Boardwalk Office Condominium recorded in Book 13161 at Page 1 in the Mecklenburg County Public Registry.

WITNESSETH.

WHEREAS, the Declarant created Boardwalk Office Condominium by Declaration of Boardwalk Office Condominium recorded in Book 13161 at Page 1 in the Mecklenburg County Public Registry (the "Declaration"); and

WHEREAS, the Declaration provides in Article III that Declarant or its successors and assigns can add all or any portion of the Addition Real Estate described in the Declaration and up to sixteen (16) new condominium Units to the Condominium at any time without further consent of the Unit Owners and First Mortgagees; and

WHEREAS, the property described on Exhibit A attached hereto comprises a portion of the property described as "Additional Real Estate" on Exhibit A-1 in the Declaration (the "Additional Real Estate"); and

WHEREAS, Declarant desires to submit the Additional Real Estate described on Exhibit

A attached hereto to the provisions of the North Carolina Condominium Act as Phase 3 of Boardwalk Office Condominium and has constructed one (1) building on the Additional Real Estate and desires to divide the Additional Real Estate into five (5) condominium Units and designate all such Units for separate ownership as part of Boardwalk Office Condominiums subject to the Declaration.

NOW, THEREFORE, the Declarant does hereby submit the Additional Real Estate described on Exhibit A attached hereto and all improvements located thereon to the provisions of Chapter 47C of the North Carolina General Statutes as Phase 3 of Boardwalk Office Condominium, and does hereby divide the Additional Real Estate into five (5) condominium Units, each designated for separate ownership, and does hereby publish and declare that all of the Additional Real Estate described on Exhibit A and the five (5) condominium Units created thereon are held and shall be held, conveyed, hypothecated, encumbered, used and occupied, subject to the covenants, conditions, restrictions, uses, limitations and obligations of the Declaration, which is incorporated herein by reference, which shall be deemed to run with the land and shall be a burden and benefit to the Declarant, its successors and assigns, and any person(s) acquiring an interest in the Additional Real Estate and the five (5) condominium Units created thereon, their grantees, successors, heirs, executors, administrators, designees and assigns.

The Units created hereby are Units 13 - 17 inclusive, and are more particularly described and shown on the plans and survey for Boardwalk Office Condominium Phase 3 duly recorded in Condominium Unit Ownership File No. 590 in the Mecklenburg County Public Registry, which plans and survey are incorporated herein by reference. The allocation of percentage interest in the Common Elements and Expenses of the Condominium for all Units in the Condominium (Phases 1, 2 and 3) is shown on Exhibit B attached hereto.

IN WITNESS WHEREOF, Declarant has caused this First Supplemental Declaration to be signed and sealed as its act and deed, as of the day and year first above written.

BLUEFIN PARTNERS, LLC,
A North Carolina Limited Liability Company

By: 

Oscar B. Hawkins, III
Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Terrell F. Moore, a Notary Public for the County of Iredell, State of North Carolina, do hereby certify that Oscar B. Hawkins, III, Assistant Manager of Bluefin Partners, LLC, a North Carolina Limited Liability Company, personally appeared before me this day and voluntarily

acknowledged the due execution of the foregoing instrument on behalf of the company.

WITNESS my hand and official seal, this the 15th day of August, 2006.

Terrell F. Moore
Notary Public

My commission expires:

12-19-2007



EXHIBIT A

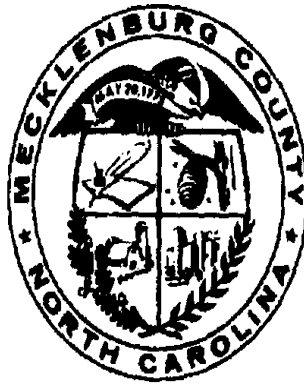
Lying and being in the Town of Davidson, Mecklenburg County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the easterly margin of the sixty (60) foot right of way of Southeast Drive, said iron being located the following five (5) courses and distances from N.C. Grid System Monument "Star-Drill" having N.C. Grid System Coordinates of N=643,450.356 E=1,444,676.116 feet (NAD 1983): (1) S 25-26-48 E 1329.75 feet to an iron in the southerly margin of a proposed fifty-six (56) foot street right of way, (2) with the arc of a circular curve to the left having a radius of 3.00 feet, an arc distance of 4.86 feet and chord bearing and distance of S 15-31-51 W 4.35 feet to an iron in the easterly margin of the right of way of Southeast Drive, (3) along said margin of Southeast Drive with the arc of a circular curve to the left having a radius of 612.14 feet, an arc distance of 25.92 feet and a chord bearing and distance of S 32-04-58 E 25.91 feet to an iron, (4) continuing along said margin of Southeast Drive S 56-42-15 W 4.50 feet to an iron pin, and (5) continuing along said margin of Southeast Drive with the arc of a circular curve to the left having a radius of 616.64 feet, an arc distance of 77.61 feet and a chord bearing and distance of S 36-54-05 E 77.56 feet to the Beginning Point, and running thence from said Beginning Point and leaving said margin of Southeast Drive, N 51-01-25 E 56.27 feet to a point; thence S 77-44-29 E 8.91 feet to an iron; thence N 46-23-40 E 58.75 feet to an iron; thence N 33-26-55 W 65.83 feet to an iron in the southerly margin of a fifty-six (56) foot proposed street right of way; thence along said margin of the proposed street right of way the following two (2) courses and distances: (1) with the arc of a circular curve to the right, having a radius of 221.45 feet, an arc distance of 81.43 feet and a chord bearing and distance of S 83-03-48 E 80.98 feet to an iron and (2) S 72-38-44 E 22.77 feet to an iron; thence leaving said margin of the proposed street right of way, S 17-21-16 W 216.62 feet to an iron pin in the easterly right of way margin of Southeast Drive; thence along said margin of Southeast Drive the following two (2) courses and distances: (1) N 47-30-06 W 59.62 feet to an iron and (2) with the arc of a circular curve to the right having a radius of 616.64 feet, an arc distance of 75.28 feet and a chord bearing and distance of N 44-00-15 W 75.23 feet to the Point and Place of Beginning, and containing approximately 0.3794 acre, more or less, shown on survey entitled "Survey Prepared for Kennerly Development Group" dated July 6, 2000 by Michael J. Lucas, NCRLS of R.B. Pharr & Associates, P.A. (File No. LN-314AB) to which survey reference is hereby made for a more particular description of property.

EXHIBIT B

**TO SECOND SUPPLEMENTAL DECLARATION OF BOARDWALK OFFICE
CONDOMINIUM**

<u>Unit Number</u>	<u>Unit Area (Square Feet)</u>	<u>% Interest in Common Elements and of Common Expenses</u>
580	1207	4.44
582	1207	4.44
584	1207	4.44
586	1207	4.44
705	1207	4.44
707	1207	4.44
709	1207	4.44
711	1207	4.44
001	986	3.63
002	979	3.60
003	969	3.57
004	962	3.54
005	986	3.63
006	979	3.60
007	986	3.63
008	979	3.60
009	969	3.57
010	962	3.54
011	986	3.63
012	979	3.60
013	957	3.52
014	1650	6.07
015	946	3.48
016	1277	4.70
017	<u>957</u>	<u>3.52</u>
	27165	100%



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

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