

For Registration Fredrick Smith  
Register of Deeds  
Mecklenburg County, NC  
Electronically Recorded  
2018 Jul 13 02:05 PM RE Excise Tax: \$ 0.00  
Book: 32827 Page: 947 Fee: \$ 26.00  
Instrument Number: 2018087736

*Fredrick Smith*

Draw by and Mail To:  
Kenneth R. Raynor  
Raynor Law Firm  
1822 Cleveland Avenue  
Charlotte, NC 28203

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

**AMENDED AND RESTATED FOURTH AMENDMENT TO DECLARATION**  
**OF CONDOMINIUM FOR**  
**FACTORY SOUTH CONDOMINIUMS**

**THIS AMENDED AND RESTATED FOURTH AMENDMENT TO DECLARATION** is made and entered into this 13th day of July, 2018, by GA HOLDINGS, LLC, a North Carolina limited liability company, of Mecklenburg County, for itself, its heirs, successors, grantees and assigns.

**WITNESSETH:**

**WHEREAS**, Factory South Development, LLC created the Factory South Condominiums by recordation of a Declaration of Condominium, pursuant to the provisions of the North Carolina Condominium Act, dated February 4, 1997, and filed for record on February 5, 1997 in Book 8922 at Page 17, et. seq., and in Unit Ownership File No. 420, in the Mecklenburg County Public Registry (hereinafter referred to as the "Declaration"); and

submitted electronically by "Alexander Ricks PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

**WHEREAS**, the Declaration provides in Article II, Section 5 that Declarant or any subsequent owner of the "Commercial Unit" has the right to subdivide the Commercial Unit of the condominiums, known as Unit 101; and

**WHEREAS**, the Commercial Unit was conveyed to GA Holdings, LLC by deed dated May 18, 1998 and recorded in Book 9685, at Page 231, in the Office of the Register of Deeds for Mecklenburg County, North Carolina; and

**WHEREAS**, GA Holdings, LLC, previously subdivided Unit 101 into two (2) units by the recording of an Amendment to the Declarations recorded in Book 12529 at Page 365 as well as in Unit Ownership File 420 in the Mecklenburg County Public Registry;

**WHEREAS**, GA Holdings, LLC, subsequently subdivided Unit 101 into three (3) units by the recording of an Amendment to the Declarations recorded in Book 22616 at Page 736 as well as in Unit Ownership File 420 in the Mecklenburg County Public Registry;

**WHEREAS**, GA Holdings, LLC now owns Unit 101 and desires to further subdivide Union 101 into three (3) additional separate and distinct condominium units;

**WHEREAS**, GA Holding, LLC recorded FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR FACTORY SOUTH CONDOMINIUMS on July 12, 2018 said document being recorded in the Mecklenburg County Public Registry in Book 32824 Page 882 and such recording contained a typographical error in the description of the units being created and now desires to file this document to show the correct description of the units.

**NOW, THEREFORE:**

1. GA Holdings, LLC, by the filing of this Amendment to the Declaration, does hereby subdivide Unit 101 as described in the Unit Ownership File #420 into three (3) separate units to be hereafter described as Unit 101, Unit 101-B and Unit 101-D as shown on the Amendment to the Unit Ownership File hereinafter referenced, and the percentage interest of the new units in the Common Elements shall hereinafter be:

<u>UNIT</u>	<u>PERCENTAGE INTEREST</u>
Unit 101	2.6
Unit 101-B	4.32
Unit 101-D	<u>8.73</u>

Total

15.65

2. Filed on July 12, 2018 and expressly made a part of Unit Ownership File No. 420 were the revised plans for the Commercial Unit, or Unit 101, which creates the three (3) units described above.
3. This Amendment to Declaration does not divest any owner or mortgage holder of any portion of a unit and does not materially alter the plan and development of the condominium as set forth in the Declaration.

Upon recordation of the Amendment, the three Units created herein shall be defined as per the Declaration as if originally created therein, entitled to all of the benefits and subject to all of the obligations contained therein. Except as specifically amended herein, the Declaration shall continue in full force and effect as originally recorded.

**IN WITNESS WHEREOF**, GA Holdings, LLC has caused these presents to be executed as of the day and year first above written.

GRANTOR:

GA HOLDINGS, L.L.C.


By: William B. AllenTitle: Member

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

On this the 13<sup>th</sup> day of July, 2018, before me personally appeared William B. Allen on behalf of GA Holdings, L.L.C., to me known to be the person described herein and who executed the foregoing instrument, and he acknowledged that he voluntarily executed the same.



NOTARY PUBLIC

My Commission Expires: 2-28-2023