

INSTRUMENT # 2006065901



Drawn by and mail to:
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447 South Sharon Amity Road, Suite 140
Charlotte, NC 28211-2836

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

SUPPLEMENTAL DECLARATIONS
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR MEETING STREET
AT INDIGO ROW

THIS SUPPLEMENTAL DECLARATION is made this 6th day
of April, 2006, by MS ELM TOWNS, LLC, a North Carolina
limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant executed "Declaration Of Covenants, Conditions, And Restrictions For Meeting Street Towns At Indigo Row" recorded in Book 19902 Page 467 Mecklenburg County, North Carolina, Public Registry. Declarant is the owner of all of the real property in Mecklenburg County, North Carolina, shown on Map Book 44 Page 321. The Declarations in Book 19902 Page 467 allow, in Article XIII therein, for amendments to said Declarations by vote of not less than 67% of the votes of Owners entitled to vote. Declarant owns all of the Lots shown on said map that are subject to these Declarations except Lot 28, which has been conveyed to William Teberg and wife, Jill Teberg. Therefore, Declarant has full authority to make amendments to said Declarations.

NOW, THEREFORE, Declarant hereby makes the following amendments to the Declarations recorded in Book 19902 Page 467 Mecklenburg County, North Carolina, Public Registry:

1. Lots 27-44 inclusive on Map Book 44 Page 321 show a 40 foot rear yard setback through a portion of said lots. Declarant hereby declares that any garages constructed in violation of said 40 foot rear yard setback are not violations under the Declarations. Declarant intends to construct townhomes with detached garages on all of these lots and intends that said garages and any structures, equipment or other items attached thereto or appurtenant thereto shall not be considered violations of the 40 foot rear yard setback as shown on Map Book 44 Page 321.

2. Declarant hereby adds a new provision to said Declarations to provide that the approval of not less than seventy-five percent (75%) of the Owners of Lots entitled to vote on matters related to said Declarations shall be required prior to the homeowners association (Meeting Street At Indigo Row Owners Association, Inc. and/or its successor/assigns) and/or any of its Directors filing a lawsuit or other legal action as to any and all matters against Declarant and/or any of Declarant's subsidiary/affiliate companies.

3. Article VIII paragraph 2 contains a reference to an exception for Lots 27-33 relative to satellite dishes and a reference to the position of satellite dishes on Lots 1-26 on Ansonborough Square. These references are hereby deleted such that all lots are subject to the same restrictions as to satellite dishes.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal the day and year first above written.

MS Elm Towns, LLC

BY: _____

Joseph T. Roy, IV
Manager/Member

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Kay G. Varnadore, a Notary Public in and for said County and State do hereby certify that JOSEPH T. ROY, IV personally appeared before me this day and acknowledged that he is Member/Manager of MS ELM TOWNS, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of said company, he signed the foregoing instrument in its name on its behalf as its act and deed.

WITNESS my hand and official seal, this 6th day of April, 2006.

Kay G. Varnadore
Notary Public Kay G. Varnadore
My commission expires: 2-7-2008

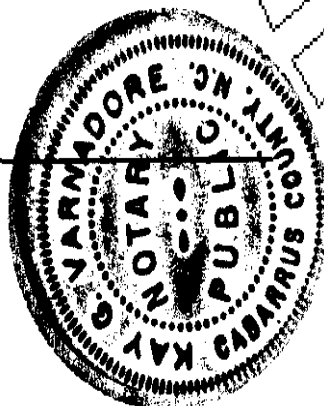
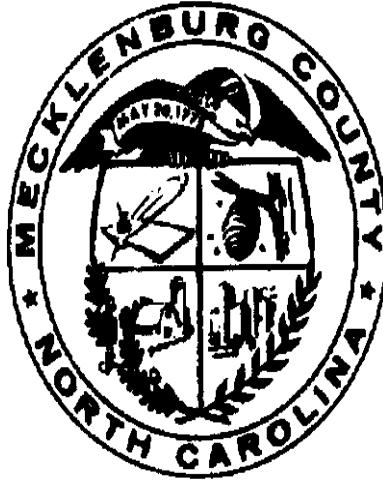


EXHIBIT "A"

**Townhome Pads 45-74 Final Townhome Plat Of Eastfield At Prosperity Village,
Map 5, Map Book 41 Page 725**

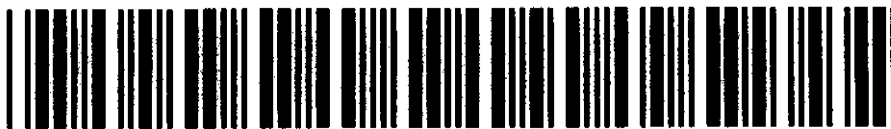


JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

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