

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
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Instrument Number: 2023033310

Fredrick Smith

Prepared by and return to:
LAW OFFICES OF ROBERT M. CRITZ, P.A.
PO Box 745, Concord, NC 28026-0745
File No. 28862-C

**SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
ARDLEY SUBDIVISION**

THIS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Supplemental Declaration") is made effective the 18th day of March, 2023, by NIBLOCK-ARDLEY DEVELOPMENT, LLC, a North Carolina limited liability company, referred to in this instrument as the "Declarant".

WITNESSETH: That - -

WHEREAS, the Declarant has heretofore caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions of Ardley Subdivision, dated December 27, 2021, recorded in Book 36922, Page 831, Mecklenburg County Registry (hereinafter sometimes referred to as the "Declaration"); and

WHEREAS, Declarant now wishes to supplement the Declaration for the purpose of bringing certain additional land (as defined in the Declaration) within the scheme of the Declaration.

NOW, THEREFORE, pursuant to the aforesaid authority and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for those purposes more specifically set forth in the Declaration, the Declarant hereby adopts the following supplement to the Declaration, effective as of the date hereof:

Additional Property is hereby brought within the scheme of the Declaration, and the jurisdiction of the Association, and shall hereafter be subject to the benefits, agreements, restrictions and obligations set forth in the Declaration. The Additional Property is more particularly described as follows:

Lying and being in the Town of Mint Hill, Mecklenburg County, North Carolina, and being all that property shown on the map of ARDLEY, MAP 2, a map of said property being on file in the Office of the Register of Deeds for Cabarrus County, North Carolina, in Map Book 71, Page 631, a revision of Map Book 70, Page 950, specific reference thereto being hereby made for a more complete description thereof by metes and bounds.

The hereinabove described submitted property is hereinafter referred to as the "**Additional Property**".

2. The Submitted Property is hereby brought within the scheme of the Declaration, and the jurisdiction of the Association, and shall hereafter be subject to the benefits, agreements, restrictions and obligations set forth in the Declaration.

3. Except as expressly supplemented hereby, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF the undersigned has caused this Supplemental Declaration to be executed effective the day and year first above written.

DECLARANT:

**NIBLOCK-ARDLEY DEVELOPMENT, LLC
a North Carolina limited liability company**

By: *Lisa F. Koontz*
Lisa F. Koontz, Vice President

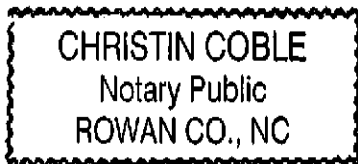
**NORTH CAROLINA
CABARRUS COUNTY**

I, Christin Coble, a Notary Public in and for said State and County of Rowan, do hereby certify that **Lisa F. Koontz**, Vice President of **Niblock-Ardley Development, LLC**, a North Carolina limited liability company, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and on behalf of **Niblock-Ardley Development, LLC**, and that her authority to execute and acknowledge said instrument is contained in that **CONSENT OF MEMBER AND MANAGERS OF NIBLOCK-ARDLEY DEVELOPMENT, LLC TO ACTION WITHOUT MEETING**, which is an instrument duly executed and acknowledged, and recorded in Book 36140, Page 97, in the Office of the Register of Deeds for Mecklenburg County, North Carolina, and that this instrument was executed under and by virtue of the authority given by said instrument; that the said **Lisa F. Koontz** acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed for and on behalf of **Niblock-Ardley Development, LLC**.

Witness my hand and notarial seal, this the 28th day of March, 2023.

Christin Coble
Notary Public

My Commission Expires: 02/17/2028
(Notary Seal)



CONSENT OF NIBLOCK HOMES, LLC
TO RESTRICTIVE COVENANTS

NIBLOCK HOMES, LLC, a North Carolina limited liability company, joins in the execution of this **Supplemental Declaration of Covenants, Conditions and Restrictions for Ardley Subdivision** for the purpose of consenting hereto and submitting to the provisions, regulations, and general content hereof.

NIBLOCK HOMES, LLC,
a North Carolina limited liability company

By: *Lisa F. Koontz*
Lisa F. Koontz, Authorized Signer

NORTH CAROLINA
CABARRUS COUNTY

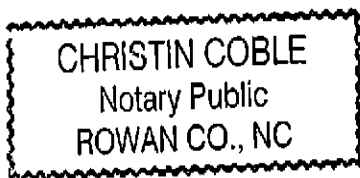
I, Christin Coble, a Notary Public in and for said State and County of Rowan, do hereby certify that Lisa F. Koontz, authorized signer for Niblock Homes, LLC, a North Carolina limited liability company, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and on behalf of Niblock Homes, LLC, and that her authority to execute and acknowledge said instrument is contained in that CONSENT OF MANAGER OF NIBLOCK HOMES, LLC, TO ACTION WITHOUT MEETING, which is an instrument duly executed and acknowledged, and recorded in Book 16180, Page 185, in the Office of the Register of Deeds for Cabarrus County, North Carolina, and that this instrument was executed under and by virtue of the authority given by said instrument; that the said Lisa F. Koontz acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed for and on behalf of Niblock Homes, LLC.

Witness my hand and notarial seal, this the 28th day of March, 2023.

Christin Coble
Notary Public


My Commission Expires: 02/17/2028


(Notary Seal)



CONSENT OF
JOHAN BENGT FOGELBERG & ELEANOR ROSE FOGELBERG
TO RESTRICTIVE COVENANTS

JOHAN BENGT FOGELBERG & ELEANOR ROSE FOGELBERG, joins in the execution of this Supplemental Declaration of Covenants, Conditions and Restrictions for Ardley Subdivision for the purpose of consenting hereto and submitting to the provisions, regulations, and general content hereof.

 (SEAL)
Johan Bengt Fogelberg

 (SEAL)
Eleanor Rose Fogelberg

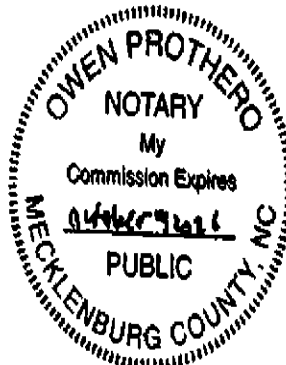
STATE OF North Carolina
COUNTY OF Mecklenburg

I, Owen Prothero, a Notary Public in and for the County of Mecklenburg and State of North Carolina, do hereby certify that Johan Bengt Fogelberg and Eleanor Rose Fogelberg personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp, this the 12 day of April, 2023.


Notary Public

My Commission Expires: October 14 2026
(Notary Seal)



**CONSENT OF LENDER
TO RESTRICTIVE COVENANTS**

New Providence Capital Lending II, LP, a Texas limited liability company, owner and holder, joins in the execution of this **Supplemental Declaration of Covenants, Conditions and Restrictions for Ardley Subdivision** solely for the purpose of subordinating the lien of the following recorded documents to the Restrictive Covenants:

1. Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing from Niblock-Ardley Development, LLC, a North Carolina limited liability company, to Michael B. Franklin, Trustee for New Providence Capital Lending II, LP, a Texas limited liability company, dated June 2, 2021, and recorded in Book 36140, Page 105, Mecklenburg County Registry, in the original amount of \$3,750,000.00.
2. UCC Financing Statement showing Niblock-Ardley Development, LLC, a North Carolina limited liability company, as Debtor, and New Providence Capital Lending II, LP, a Texas limited liability company, as Secured Party, recorded in Book 36140, Page 144, Mecklenburg County Registry, and as File Number 20210073864E, with the North Carolina Secretary of State.

**NEW PROVIDENCE CAPITAL LENDING, II, LP,
a Texas limited partnership**

**By: New Providence Capital Lending II GP, LLC,
its general partner**

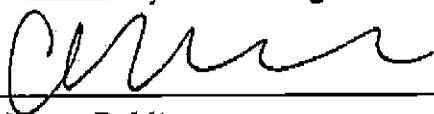


**By: _____
R. Mark Pitzer, Manager**

STATE OF TEXAS
COUNTY OF DALLAS

I, Cassey Stephens, a Notary Public in and for said State of Texas and County of Dallas, do hereby certify that **R. Mark Pitzer** personally appeared before me this day and acknowledged that he is the Manager of New Providence Capital Lending II GP, LLC, a Texas limited liability company, General Partner of New Providence Capital Lending II, LP, a Texas limited partnership, and that he as Manager, being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and notarial seal, this the 16th day of March, 2023.


Notary Public

My Commission Expires: 6/27/2026
(Notary Seal)

