

Prepared by *William B. Cocke, Jr.*

FILED in Avery County, NC
on Jun 06 2005 at 02:32:31 PM
by: Tamele T. Baker
Register of Deeds
BOOK 391 PAGE 437

STATE OF NORTH CAROLINA

COUNTY OF AVERY

**AMENDMENT TO DECLARATION
FOR
THE RESERVE AT SUGAR MOUNTAIN**

THIS AMENDMENT, made and entered into this 18th day of April, 2005, by THE RESERVE AT SUGAR MOUNTAIN, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant"); and REX T. SAVERY, III and wife, MELANIE BURTON SAVERY (owners of Unit A, Building 1), MITCHELL H. FOGELMAN and wife, KATHLEEN E. FOGELMAN (owners of Unit B, Building 1), H. CURTIS JORDAN and wife, GAIL THOMAS JORDAN (owners of Unit C, Building 1), TRADARAMA BUILDING CORPORATION (owner of Unit D, Building 1 and Unit D, Building 3), JAMES A. ASHBAUGH (owner of Unit A, Building 2), CONSTANCE W. HENDERSON (owner of Unit B, Building 2), GERALD F. McBRAYER and GILBERT FRANK WAGNER (owners of Unit C, Building 2), DOUGLAS J. HAVAS and wife, RAMONA S. HAVAS (owners of Unit D, Building 2), MARILYN SCHRYVERS and SANDRA ANN STOCKDALE (owners of Unit A, Building 3), JOHN E. LAJZA and wife, JOAN A. LAJZA (owners of Unit B, Building 3), ALAN C. WOLVERTON and wife, JANE C. WOLVERTON (owners of Unit C, Building 3), and GENE W. THOMAS and wife, DIANE C. THOMAS, and GENE W. THOMAS, III (owners of Unit D, Building 6);

WITNESSETH:

WHEREAS, Declarant heretofore executed and recorded that Declaration for The Reserve at Sugar Mountain (herein the "Declaration") dated December 10, 2004, in Book 385, Page 1248, of the Avery County, N.C. Public Registry; and

WHEREAS, in Article III, Section 3.2 of the Declaration for The Reserve at Sugar Mountain, through an inadvertent mistake and error Declarant reserved the right to add a maximum of ninety-six (96) additional units, whereas it was intended that Declarant reserve the right to add one hundred thirty-six (136) additional units to the Condominium within the additional real estate identified and described on Exhibit B thereof, thereby permitting the creation of one hundred forty-eight (148) total units in the condominium; and

WHEREAS, Declarant and the undersigned Owners are the owners of all the units in the condominium; and

WHEREAS, Declarant and the undersigned Owners desire to amend the Declaration for The Reserve at Sugar Mountain for the purpose of correcting said error;

NOW, THEREFORE, pursuant to §47C-2-117 of the General Statutes of North Carolina, Declarant and the undersigned Owners do publish and declare that the Declaration for The Reserve at Sugar Mountain be, and it hereby is, amended by striking Section 3.2 of Article III in its entirety and inserting in lieu thereof the following:

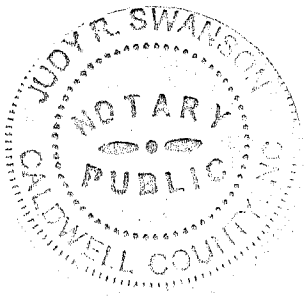
3.2. Maximum Number of Additional Units: Units Restricted to Residential Use. The maximum number of Additional Units that may be created within the Additional Real Estate is one hundred thirty-six (136). All such Units will be restricted exclusively to residential use

IN TESTIMONY WHEREOF, Declarant and the undersigned Owners have hereunto set their hands and seals, or if corporate has caused this instrument to be executed in its corporate name by its duly authorized officer and its seal to be hereunto affixed, the day and year first above written.

The Reserve at Sugar Mountain, LLC

by: [Signature]
Member/Manager

by: [Signature]
Member/Manager



STATE OF NORTH CAROLINA

COUNTY OF Caldwell

I, a Notary Public of the County and State aforesaid, certify that JERRY M. MALLONEE, JR. and RICHARD M. STROUPE personally came before me this day and acknowledged that they are the Member/Managers of THE RESERVE AT SUGAR MOUNTAIN, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in its name by themselves as its Member/Managers.

WITNESS my hand and official stamp or seal, this 18 day of April, 2005.

My commission expires: 04-11-09

[Signature]
Notary Public

(STAMP-SEAL)

Rex T. Savery, III (SEAL)
Rex T. Savery, III

Melanie Burton Savery (SEAL)
Melanie Burton Savery

STATE OF NORTH CAROLINA

COUNTY OF ~~AVERY~~ ORANGE

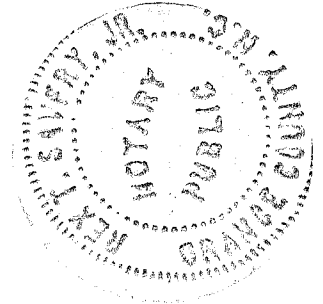
I, a Notary Public of the County and State aforesaid, do hereby certify that REX T. SAVERY, III and wife, MELANIE BURTON SAVERY, personally appeared before me this day and acknowledged the execution of the foregoing instrument.


WITNESS my hand and official seal, this 2 day of JUNE, 2005.

My commission expires:
MARCH 25, 2006

Rex T. Savery, III
Notary Public

(STAMP-SEAL)





Mitchell H. Fogelman (SEAL)



Kathleen E. Fogelman (SEAL)

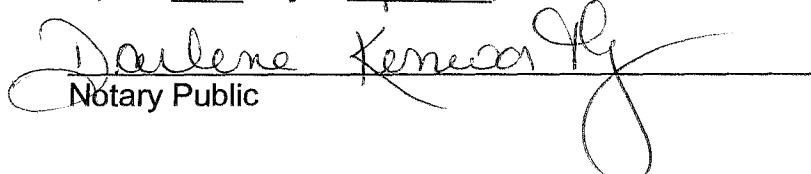
STATE OF Florida

COUNTY OF Collier

I, a Notary Public of the County and State aforesaid, do hereby certify that MITCHELL H. FOGELMAN and wife, KATHLEEN E. FOGELMAN, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 20th day of April, 2005.

My commission expires:
June 04, 2008



Notary Public

(STAMP-SEAL)



Darlene Kenworthy
Commission #DD312383
Expires: Jun 04, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

H. Curtis Jordan (SEAL)
H. Curtis Jordan

Gail Thomas Jordan (SEAL)
Gail Thomas Jordan

STATE OF FLORIDA

COUNTY OF DUVAL

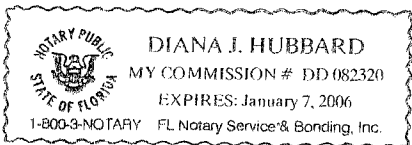
I, a Notary Public of the County and State aforesaid, do hereby certify that H. CURTIS JORDAN and wife, GAIL THOMAS JORDAN, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 21st day of April, 2005.

My commission expires:
1-7-2006

Diana J. Hubbard
Notary Public

(STAMP-SEAL)



Tradarama Building Corporation

by: [Signature]
President

STATE OF Florida

COUNTY OF Miami-Dade

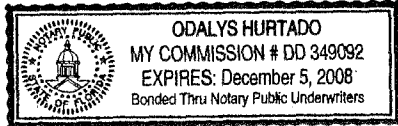
I, a Notary Public of the County and State aforesaid, certify that Mark Revitz personally came before me this day and acknowledged that he is ✓ President of TRADARAMA BUILDING CORPORATION, a corporation, and that he, as ✓ President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this 21 day of April, 2005.

My commission expires:

[Signature]
Notary Public

(STAMP-SEAL)



Constance W. Henderson (SEAL)
Constance W. Henderson

STATE OF LOUISIANA
PARISH
COUNTY OF RAPIDES

I, a Notary Public of the County and State aforesaid, do hereby certify that CONSTANCE W. HENDERSON personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 25 day of April, 2005.

My commission expires:

AT DEATH

WBO

Notary Public

(STAMP-SEAL)

William B. Owens
Notary Public, State of Louisiana
Bar Roll No. 10256
Commission Expires at Death



Gerald F. Mc Brayer (SEAL)
Gerald F. McBrayer

Gilbert Frank Wagner (SEAL)
Gilbert Frank Wagner

STATE OF Virginia
CITY OF
COUNTY OF Fredericksburg

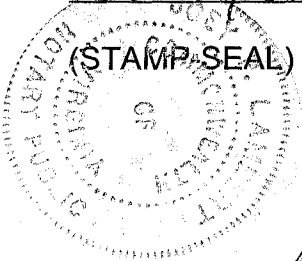
I, a Notary Public of the County and State aforesaid, do hereby certify that GERALD F. McBRAYER personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 16th day of May, 2005.

My commission expires:

January 31, 2006

[Signature]
Notary Public



STATE OF NC

COUNTY OF AVERY

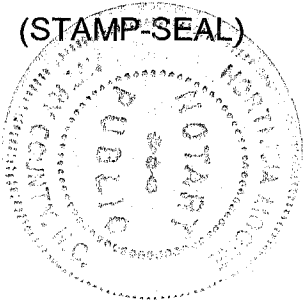
I, a Notary Public of the County and State aforesaid, do hereby certify that GILBERT FRANK WAGNER personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 12 day of May, 2005.

My commission expires:

4-1-06

[Signature]
Notary Public



Douglas J. Havas (SEAL)
Douglas J. Havas

Ramona S. Havas (SEAL)
Ramona S. Havas

STATE OF NC

COUNTY OF Rockledge

I, a Notary Public of the County and State aforesaid, do hereby certify that DOUGLAS J. HAVAS and wife, RAMONA S. HAVAS, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

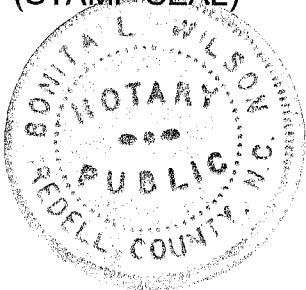
WITNESS my hand and official seal, this 7th day of May, 2005.

My commission expires:

May 7, 2006

Bonita L. Wilson
Notary Public

(STAMP-SEAL)



Marilyn Schryvers (SEAL)
Marilyn Schryvers

Sandra Ann Stockdale (SEAL)
Sandra Ann Stockdale

STATE OF FLORIDA

COUNTY OF COLLIER

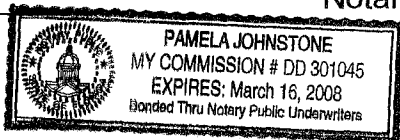
I, a Notary Public of the County and State aforesaid, do hereby certify that MARILYN SCHRYVERS personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 22nd day of April, 2005.

My commission expires:

Pamela Johnstone
Notary Public

(STAMP-SEAL)



STATE OF FLORIDA

COUNTY OF COLLIER

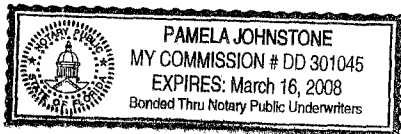
I, a Notary Public of the County and State aforesaid, do hereby certify that SANDRA ANN STOCKDALE personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 22nd day of April, 2005.

My commission expires:

Pamela Johnstone
Notary Public

(STAMP-SEAL)



John E. Lajza (SEAL)
John E. Lajza

Joan A. Lajza (SEAL)
Joan A. Lajza

STATE OF Florida
COUNTY OF Volusia

I, a Notary Public of the County and State aforesaid, do hereby certify that JOHN E. LAJZA and wife, JOAN A. LAJZA, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 22 day of April, 2005.

My commission expires:
Aug 1, 2006

Katrina Rondinelli
Notary Public

(STAMP-SEAL)



Katrina Rondinelli
My Commission DD138577
Expires August 01 2006

Alan C. Wolverton (SEAL)
Alan C. Wolverton

Jane C. Wolverton (SEAL)
Jane C. Wolverton

STATE OF Florida

COUNTY OF Highlands

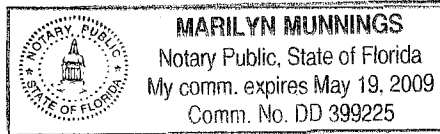
I, a Notary Public of the County and State aforesaid, do hereby certify that ALAN C. WOLVERTON and wife, JANE C. WOLVERTON, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 25th day of April, 2005.

My commission expires:
5/19/09

Marilyn Munnings
Notary Public

(STAMP-SEAL)



James A. Ashbaugh (SEAL)
James A. Ashbaugh

STATE OF Florida
COUNTY OF Pinellas

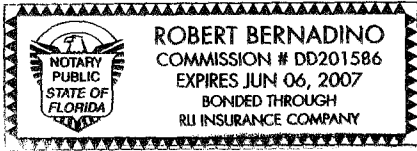
I, a Notary Public of the County and State aforesaid, do hereby certify that JAMES A. ASHBAUGH personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 21st day of April, 2005.

My commission expires:

Robert Bernadino
Notary Public

(STAMP-SEAL)



[Signature] (SEAL)
Gene W. Thomas

[Signature] (SEAL)
Diane C. Thomas

[Signature] (SEAL)
Gene W. Thomas, III

STATE OF NORTH CAROLINA

COUNTY OF A VERY

I, a Notary Public of the County and State aforesaid, do hereby certify that GENE W. THOMAS and wife, DIANE C. THOMAS, and GENE W. THOMAS, III, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

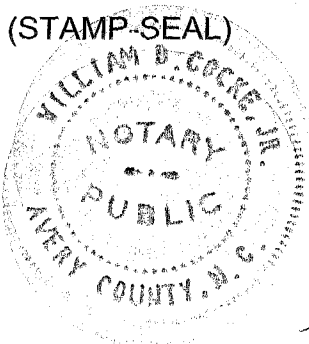
WITNESS my hand and official seal, this 30th day of April, 2005.

My commission expires:

8/27/08

[Signature]
Notary Public

(STAMP-SEAL)



- Judy R. Swenson - NP
- Rex T. Savery, Jr. - NP
- Darlene Kenworthy - NP
- Diana J. Hubbard - NP
- Dalays Hurtado - NP
- William B. Owens - NP
- Joey P. Lambert - NP
- Horticia Moore - NP
- Bonita K. Wilson - NP
- Pamela Johnstone - NP
- Katrina Rondonelli - NP 14
- Marilyn Munnings - NP
- Robert Bernackho - NP, William B. Cocke Jr. - NP

NORTH CAROLINA } OFFICE OF REGISTER OF DEEDS
AVERY COUNTY }

THE FOREGOING CERT. OR ANNEXED CERT. OF
See list of Names at left N.P.
OF SAID CO., & STATE IS CERTIFIED TO BE CORRECT.
FILED FOR REGISTRATION AT 2:32 O'CLOCK P. M.
ON THE 6th DAY OF June 2005
AND REGISTERED IN THIS OFFICE IN BOOK 391
AT PAGE 437

[Signature] BY [Signature]
REGISTER OF DEEDS ASSISTANT/DEPUTY