

JUDITH A GIBSON REG OF DEEDS MECK NC,  
FILED FOR REGISTRATION 10/07/96 11:58

Prepared by and returned to:  
Anthony W. Oxley  
Hyatt & Stubblefield, P.C.  
225 Peachtree Street, N.E., Suite 1200  
Atlanta, Georgia 30303

Cross Reference: Declaration Deed Book 08670  
Page 0711

**FIRST SUPPLEMENTARY DECLARATION TO THE  
DECLARATION OF PROTECTIVE COVENANTS  
FOR FOX GLEN SUBDIVISION**

THIS SUPPLEMENTARY DECLARATION is made as of the date set forth below by the Mallard Group, Inc. ("Declarant").

WHEREAS, Declarant recorded that certain Declaration of Protective Covenants for Fox Glen in Deed Book 08670, Page 0711 *et seq.*, of the Mecklenburg County, North Carolina Registry of Deeds, on July 25, 1996 (the "Declaration");

WHEREAS, pursuant to the terms of Section 9(a) of the Declaration, the Declarant may unilaterally subject all or any portion of the real property described in Exhibit "B" to the Declaration at any time within five years of recording the Declaration by recording a Supplementary Declaration describing the property to be subjected to the Declaration and to the jurisdiction of the Association.

WHEREAS, the property described on Exhibit "A" to this Supplementary Declaration is property adjacent to the property previously submitted to the Declaration which may be unilaterally submitted by the Declarant to the Declaration and to the jurisdiction of the Association.

WHEREAS, this Supplementary Declaration is recorded within five years of the recording of the Declaration.

WHEREAS, the Declarant desires to submit the property described on Exhibit "A" hereto to the Declaration and to the jurisdiction of the Association.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby submits the property described on Exhibit "A" to the Declaration and to the jurisdiction of the Association. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, which shall run with the title to such property and shall be binding upon all persons

having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

IN WITNESS WHEREOF, the Declarant herein, hereby executes this instrument under seal by and through the duly authorized officers of its general partner, this 27<sup>th</sup> day of September 1996.

DECLARANT: The Mallard Group, Inc.

By: \_\_\_\_\_

Sam Sparks

Its: Executive Vice President

Attest: Blanna M \_\_\_\_\_

Assistant Secretary



STATE OF GEORGIA

COUNTY OF Douglas

This 27<sup>th</sup> day of September 1996, before me, the undersigned Notary Public in and for the County and State aforesaid, personally came Sam Sparks, who being duly sworn says that he or she is Executive Vice Pres of The Mallard Group, Inc., and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation and that the signed and sealed said instrument on behalf of said corporation by its authority duly given. And the said Assistant Secretary acknowledged said instrument to be the act and deed of said corporation. attested

Witness my hand and seal this 27<sup>th</sup> day of September 1996.

Darlene Ann \_\_\_\_\_

Notary Public

Notary Public, Douglas County, Georgia  
My Commission Expires Dec 28, 1999

[SEAL]



**EXHIBIT "A"**

Legal Description

ALL THOSE TRACTS OR PARCELS OF LAND, lying and being in Mallard Creek Township, County of Mecklenburg, State of North Carolina, and designated or described Lots 103-132 (inclusive), Lots 160-164 (inclusive), and Lot 60 (inclusive) as shown on the Record Plat prepared by Lucas-Forman Incorporated for Fox Glen Map 2, recorded in the Mecklenburg County, North Carolina Registry of Deeds in Map Book 27, Page 758 on August 29, 1996, such Final Plat has the metes and bounds set forth therein.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Dalene Agin

Notary(ies) Public is/are certified to be correct. This 7th day of October 19 96.

**JUDITH A. GIBSON, REGISTER OF DEEDS** By Rosalie B. Heise Deputy Register of Deeds