

WAKE COUNTY, NC 73
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
06/27/2006 AT 09:26:56

BOOK:012029 PAGE:00955 - 00958

THIS INSTRUMENT PREPARED BY
AND WHEN RECORDED RETURN TO:
Duke Realty Corporation
3950 Shackleford Road, Suite 300
Duluth, Georgia 30096
Attn: Elizabeth C. Belden, Esq.

**FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS, RESERVATIONS AND EASEMENTS FOR
PERIMETER PARK - PHASE II**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS AND EASEMENTS FOR PERIMETER PARK – PHASE II (this "First Amendment") is made as of this 26th day of June, 2006, by **DUKE REALTY LIMITED PARTNERSHIP**, an Indiana limited partnership doing business in North Carolina as Duke Realty of Indiana Limited Partnership, f/k/a Duke-Weeks Realty Limited Partnership and successor by merger to Weeks Realty, L.P., a Georgia limited partnership ("Developer"), and consented to by **DUKE CONSTRUCTION LIMITED PARTNERSHIP**, an Indiana limited partnership ("DCLP"), as the owner of portions of the Property (hereinafter defined) that is subject to the Declaration (hereinafter defined).

WITNESSETH:

WHEREAS, Developer and DCLP executed a Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Easements For Perimeter Park – Phase II, Wake County, North Carolina on June 30, 2005, recorded in Deed Book 11448, Page 815, Register of Deeds, Wake County, North Carolina records; and

WHEREAS, Developer is the developer of a tract of land containing approximately 139 acres, located in the City of Morrisville, Wake County, North Carolina, and more particularly described on Exhibit A, attached to the Declaration; and

WHEREAS, Section 12.3 of the Declaration provides that the Developer, in its sole discretion, has the right to establish and declare amendments to the Declaration; and

WHEREAS, the Developer desires to amend the Declaration to correct a scrivener's error in the Declaration.

NOW THEREFORE, for an in consideration of the mutual covenants herein contained, and notwithstanding anything to the contrary contained in the Declaration, Developer hereby amends the Declaration as follows:

1. The Declaration is hereby amended by deleting from Article IV, Section 4.1 Permitted Uses, subparagraph (a), in its entirety, and substituting therefor the following new subparagraph 4.1(a):

“(a) Sites within the Commercial Area shall be used only for uses (i) approved by Developer, (ii) allowed under the PUD, and (iii) permitted under the Office and Institutional District and General Business District of the Zoning Ordinance.”

2. The terms, provisions and conditions of this First Amendment supersede and take precedence over any conflicting provisions contained in the Declaration originally filed.

3. The Declaration shall have the same force and effect as if this First Amendment had been set forth therein when said Declaration was originally executed, delivered and recorded.

4. All remaining terms, provisions and conditions of the Declaration (not modified herein) remain in full force and effect and Declarant hereby ratifies and confirms all terms, provisions and conditions of the Declaration, as herein modified.

5. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Developer and DCLP have executed this Declaration on this the day and year first above written.

DEVELOPER:

DUKE REALTY LIMITED PARTNERSHIP, an
Indiana limited partnership, doing business in North
Carolina as Duke Realty of Indiana Limited Partnership

By: DUKE REALTY CORPORATION, an Indiana
corporation, General Partner

By: 
HI Andrew Kelton, Senior Vice President

STATE OF NORTH CAROLINA

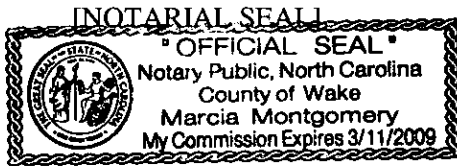
COUNTY OF WAKE

I, MARCIA MONTGOMERY, a Notary Public of the County and State aforesaid, certify that H. Andrew Kelton, as Senior Vice President of Duke Realty Corporation, the sole general partner of **Duke Realty Limited Partnership**, an Indiana limited partnership doing business in North Carolina as Duke Realty of Indiana Limited Partnership, personally appeared before me this day and acknowledged the execution of the foregoing instrument as the act and deed of said limited partnership.

Witness my hand and official seal this 26th day of June, 2006.

Marcia Montgomery
Notary Public

My Commission Expires: 3-11-09





BOOK:012029 PAGE:00955 - 00958

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**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

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