

WAKE COUNTY, NC 2937
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
11/08/2007 AT 14:32:31

BOOK:012828 PAGE:01073 - 01079

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

THIS FIRST SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS AND EASEMENTS FOR PERIMETER PARK – PHASE II (this "First Supplement") is made as of this 31st day of October 2007, 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, as amended by that certain First Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Easements For Perimeter Park – Phase II, Wake County, North Carolina on June 26, 2006, recorded in Deed Book 12029, Page 955-958, Register of Deeds, Wake County, North Carolina records; and

WHEREAS, Developer is the Class B Member under the Declaration;

WHEREAS, the Declaration provides that so long as Developer is the Class B Member under the Declaration, Developer has the right to submit Additional Property (as defined in the Declaration) to the Declaration;

WHEREAS, ~~On or about the date hereof,~~ Developer acquired those certain tracts or parcels of land more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "First Additional Property"); and

WHEREAS, Developer desires to submit the First Additional Property to the Declaration.

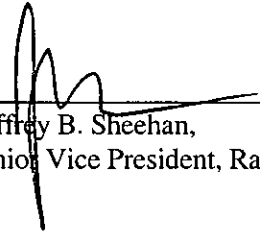
NOW THEREFORE, Developer hereby declares as follows:

- 1. The First Additional Property is hereby submitted to the Declaration.
- 2. All remaining terms, provisions and conditions of the Declaration remain in full force and effect and Declarant hereby ratifies and confirms all terms, provisions and conditions of the Declaration, as herein supplemented.

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:  _____
 Jeffrey B. Sheehan,
 Senior Vice President, Raleigh Operations

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, MARCIA MONTGOMERY Notary Public of the County and State aforesaid, certify that Jeffrey B. Sheehan, 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 1st day of November, 2007.

Marcia Montgomery
Notary Public

My Commission Expires: March 11, 2009

[NOTARIAL SEAL]

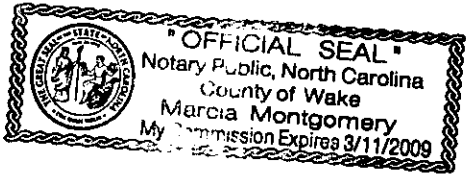


EXHIBIT A
FIRST ADDITIONAL PROPERTY

PARCEL 1

BEGINNING at an existing iron pipe in the western right-of-way of Paramount Parkway, an 80 ft. public right-of-way, said pipe being the southeast corner of Tract 1A as shown in Book of Maps 2001, Page 916 in the Wake County Registry; thence leaving the said right-of-way and with the line of the Weeks Realty, LP property, S 83° 35' 16" W 492.50 feet to an existing iron pipe in the line with the Morrisville LD Acquisition Group, LLC property; thence N 00° 57' 53" W 630.43 feet to an existing iron pipe on a curve in the said Paramount Parkway right-of-way; thence, with said right-of-way and with said curve having a radius of 915.00 feet as it turns to the RIGHT an arc length of 786.22 feet, said curve having a chord bearing of S 40° 59' 39" E and a chord distance of 762.26 feet, to the POINT AND PLACE OF BEGINNING and containing **4.5270 acres**.

PARCEL 2

BEGINNING at an existing iron pipe in the northern right-of-way of Paramount Parkway, an 80 ft. public right-of-way, said pipe being the southwest corner of Tract B1 as shown in Book of Maps 1998, Page 2265 in the Wake County Registry; thence leaving the said right-of-way and with the common line with the property of Weeks Realty, LP, N 00° 27' 06" E 101.08 feet to an existing iron pipe; thence N 00° 27' 06" E 803.46 feet to an existing iron pipe; thence N 03° 03' 07" W 2147.78 feet to an existing iron pipe being a common corner with the property of Ruby D. Ransdell; thence S 87° 21' 29" E 822.53 feet to an existing iron pipe being a common corner with the property of Venu R. Kadari; thence S 87° 22' 19" E 669.32 feet to an existing iron pipe being a common corner with the property of CSM Real Estate Partners; thence S 87° 21' 36" E 155.09 feet to an existing iron pipe; thence S 87° 25' 39" E 246.86 feet to a point in the southwestern right-of-way of Slater Road, a 60 ft. public right-of-way; thence with the said right-of-way of Slater Road, S 42° 29' 17" E 260.31 feet to a point; thence leaving the said right-of-way of Slater Road and with the common line of the property of the N. F. Ransdell Heirs, S 41° 23' 43" W 231.80 feet to an existing concrete monument; thence S 14° 06' 44" E 995.97 feet to a point in the common line of the property of Wake County; thence continuing with the said Wake County property line, S 71° 09' 52" W 223.77 feet to an existing iron pipe; thence S 39° 25' 16" E 151.67 feet to an existing iron pipe; thence S 40° 35' 29" E 155.86 feet to a point; thence S 21° 45' 24" E 216.97 feet to a point; thence S 27° 47' 47" W 105.74 feet to a point; thence S 39° 30' 21" E 141.86 feet to a point; thence S 27° 15' 51" E 124.30 feet to a point; thence S 17° 29' 44" E 115.98 feet to a point; thence S 50° 18' 21" W 64.09 feet to a point; thence S 85° 53' 34" W 106.10 feet to a point; thence N 63° 34' 25" W 174.86 feet to a point; thence N 76° 16' 07" W 248.32 feet to a point; thence N 48° 46' 06" W 155.54 feet to an existing iron pipe; thence S 71° 43' 05" W 82.79 feet to an existing iron pipe; thence S 31° 34' 27" E 54.19 feet to an existing iron pipe; thence S 31° 34' 46" E 165.42 feet to an existing iron pipe; thence S 31° 37' 08" E 482.21 feet to a point; thence S 31° 35' 48" E 430.01 feet to an existing iron pipe; thence N 85° 27' 35" E 723.95 feet to an existing iron pipe in the western right-of-way of Sorrell Grove Church Road, a 60 ft. public right-of-way; thence with the said right-of-way of Sorrell Grove Church Road, S 24° 55' 02" W 111.60 feet to an existing iron pipe; thence S 21° 39' 27" W 154.30 feet to an existing iron pipe, said pipe being the northeast corner of the property of Donald Richard Buck; thence with the common line of the said Buck property, S 82° 16' 57" W 468.14 feet to an existing iron pipe, said pipe being the northeast corner of the property of Phillip E. Adams; thence with the common line with the said Adams property, S 85° 23' 11" W 349.56 feet to an existing iron pipe; thence S 82° 27' 13" W 20.49 feet to an existing iron pipe, said pipe being a common corner with the property of Jesse W. Marcom; thence continuing with the common line of the said Marcom property, N 35° 40' 02" W 326.33 feet to an existing iron pipe; thence N 01° 18' 36" E 156.07 feet to an existing iron pipe; thence N 27° 09' 55" E

93.57 feet to an existing iron pipe; thence N 49° 02' 31" E 123.60 feet to an existing concrete monument; thence N 67° 57' 59" W 233.17 feet to an existing concrete monument, said monument being a common corner with the David J. and Judy M. Stegall property; thence continuing with the common line of the said Stegall property, N 60° 41' 06" W 111.95 feet to an existing iron pipe; thence N 60° 37' 06" W 118.39 feet to an existing iron pipe; thence N 60° 09' 11" W 197.77 feet to an existing iron pipe; thence S 29° 53' 34" W 200.03 feet to an existing iron pipe, said pipe being a common corner with the property of Jesse W. Marcom; thence continuing with the common line of the said Marcom property, S 24° 14' 14" W 525.66 feet to an existing iron pipe; thence S 56° 07' 08" E 235.82 feet to an existing iron pipe; thence S 49° 41' 39" E 51.87 feet to an existing iron pipe; thence S 40° 23' 32" E 51.58 feet to an existing iron pipe; thence S 31° 32' 46" E 46.57 feet to an existing iron pipe; thence S 50° 02' 55" E 47.03 feet to an existing iron pipe; thence S 79° 32' 04" E 36.04 feet to an existing iron pipe, said pipe being a common corner with the Stanley Moss property; thence S 08° 56' 34" E 212.87 feet to an existing iron pipe in the common line of the property of Weeks Realty, LP; thence S 83° 34' 49" W 246.08 feet to an existing iron pipe on a curve in the eastern right-of-way of said Paramount Parkway; thence, continuing with the said Paramount Parkway right-of-way and with said curve having a radius of 995.00 feet as it turns to the LEFT an arc length of 1174.40 feet, said curve having a chord bearing of N 49° 23' 50" W and a chord distance of 1107.41 feet, to a point; thence N 83° 11' 56" W 290.91 feet to the POINT AND PLACE OF BEGINNING and containing **143.9774 acres**.

The above-described property is shown as "Tracts 1 - 8" on, and is described according to, that certain survey entitled ALTA/ACSM Boundary Survey of 148.5044 Acres - Perimeter Park, Phase III (Job No. 06401000), prepared by Bass Nixon & Kennedy Inc Consulting Engineers and bearing the seal and certification of Edmund H. Davenport, North Carolina P.L.S. No. L-2832, dated August 10, 2006, last revised September 27, 2006, which certain survey is incorporated herein by this reference and made a part hereof.

PARCEL 3

BEGINNING at an existing iron pipe being the northwest corner of Lot A as recorded in Book of Maps 2005, Page 1089 in the Wake County Registry; thence N 89°44'25"E 1032.94 feet to an existing iron pipe; thence N 89°46'09"E 333.95 feet to a point; thence S 9°19'31"W 401.20 feet to a point; thence S 33°20'13"W 427.59 feet to a point; thence S 30°09'33"W 285.44 feet to an existing iron pipe being the northeast corner of Lot 11 as shown on said Book of Maps; thence N 89°25'10"W 547.97 feet to an existing iron pipe; thence N 01°09'05"E 77.02 feet to an existing iron pipe in the line with Lot 12 as shown on said Book of Maps; thence S 86°00'59"E 68.05 feet to an existing iron pipe; thence N 00°40'44"W 279.06 feet to an existing iron pipe; thence S 87°40'05"W 450.80 feet to an existing iron pipe being a corner with Lot 13B; thence N 00°50'07"E 85.50 feet to an existing iron pipe; thence N 00°42'47"E 126.46 feet to an existing iron pipe; thence N 00°46'07"E 443.47 feet to the Point and Place of BEGINNING and containing 23.9980 acres and being all of Lot A and the greater portion of Lot B as shown in said Book of Maps.

PARCEL 4

BEGINNING at an iron pipe in the northwestern right-of-way of Carrington Mill Blvd., a 105' public right-of-way, said pipe being the northeast corner of Lot 1 of the Perimeter Park PUD as recorded in Book of Maps 2007, Page 927 in the Wake County Registry; thence continuing with the said right-of-way of Carrington Mill Blvd., along a curve with a radius of 1007.49 feet, as it turns to the left a distance of 141.22 feet, said curve having a chord bearing of S 11°37'29"W and a chord distance of 141.10 feet to a point; thence S 07°36'34"W 178.65 feet to a point on a curve having a radius of 630.00 feet; thence with

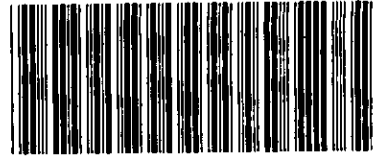
the said curve as it turns to the right, a distance of 199.47 feet and having a chord bearing of S 48°23'40"W and a chord distance of 198.64 feet to a point on a curve having a radius of 630.00 feet; thence with the said curve as it turns right, a distance of 111.35 feet and having a chord bearing of S 62°06'07"W and a chord distance of 111.21 feet to a point: thence N 69°53'19"W 28.08 feet to a point on a curve having a radius of 367.05 feet; thence with the said curve as it turns to the left, a distance 125.91 feet and having a chord bearing of N 79°42'58"W and a chord distance of 125.30 feet to a point; thence N 89°32'37"W 30.09 feet to a point on a curve having a radius of 19.00 feet; thence with the said curve as it turns to the right, a distance of 30.98 feet and having a chord bearing of N 42°49'39"W and a chord distance of 27.66 feet to a point on a curve having a radius of 530.00 feet; thence with said curve as it turns to the left, a distance of 644.45 feet and having a chord bearing of N 50°32'30"E and a chord distance of 605.48 feet to a point on a curve having a radius of 1196.00 feet; thence with said curve as it turns to the right, a distance of 244.09 feet and having a chord bearing of N 22°04'20"E and a chord distance of 243.66 feet to a point on a curve having a radius of 1007.50 feet and said point being in the said northwestern right-of-way of Carrington Mill Blvd.; thence with said curve as it turns left, a distance of 175.14 feet and having a chord bearing of S 20°37'13"W and a chord distance 174.92 feet to the Point and Place of BEGINNING and containing 1.100 acres.

PARCEL 5

Commencing at an iron pipe in the southern right-of-way of Lichtin Blvd., a 100 ft. public right-of-way, said pipe being the northwest corner of Lot 1A of the Perimeter Park PUD as recorded in Book of Maps 2007, Page 927 in the Wake County Registry; thence continuing with the Lichtin Blvd. right-of-way, N 89°58'50"E 265.17 feet to a point on a curve having a radius of 630.00 feet; thence with said curve as it turns to the left, a distance of 49.10 feet and having a chord bearing of N 87°44'53"E and a chord distance of 49.08 feet to the Point and Place of BEGINNING; thence along a curve having a radius of 19.00 feet, as it turns right, a distance of 26.09 feet and having a chord bearing of N 51°06'51"E and a chord distance of 24.09 feet to a point; thence S 89°32'37"E 30.09 feet to a point on a curve having a radius of 302.05 feet; thence with said curve as it turns right, a distance of 37.46 feet and having a chord bearing of S 85°59'25"E and a chord distance of 37.44 feet to a point on a curve having a radius of 630.13 feet; thence with said curve as it turns right, a distance of 87.13 feet and having a chord bearing of S 81°54'03"W and a chord distance of 87.06 feet to the Point and Place of BEGINNING and containing 0.0171 acres.

PARCEL 6

BEGINNING at an iron pipe in the northern right-of-way of Carrington Mill Blvd., a 105' public right-of-way, said pipe being the southern corner of Lot 1A of the Perimeter Park PUD as recorded in Book of Maps 2007, Page 927 in the Wake County Registry; thence continuing along said right-of-way and along a curve having a radius of 902.50 feet as said curve turns right a distance of 180.84 feet, said curve having a chord bearing of S 67°48'26"W and a chord distance of 180.53 feet to a point; thence S 73°32'51"W 38.63 feet to a point on the eastern right-of-way of NC Hwy 54, Chapel Hill Rd, a variable public right-of-way; thence with the said right-of-way of Chapel Hill Rd., N 1°57'04"E 41.63 feet to a point on a curve having a radius of 1574.80 feet; thence with said curve as it turns left a distance of 23.39 feet and having a chord bearing of N 2°48'32"W and a chord distance of 23.39 feet to a point in the Cora A. Currie property line; thence with the Currie property line, S 86°36'43"E 92.89 feet to a point; thence N 11°43'26"W 81.00 feet to an existing iron pipe being a corner with the said Lot 1A Perimeter Park PUD property line; thence N 89°43'22"E 115.10 feet to an iron pipe; thence S 11°47'45"E 61.51 feet to the Point and Place of BEGINNING and containing 0.3282 acres and being Lot 1B of the Duke Realty Limited Partnership property.



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