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Prepared by and return to The Van Winkle Law Firm (BOX 55)

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

**AMENDMENT TO DECLARATION OF
CONDOMINIUM FOR THE BEAUCATCHER
HOUSE, A CONDOMINIUM**

THIS AMENDMENT to Declaration of Condominium for The Beaucatcher House, a Condominium (this "Amendment") is made and entered into this the 14th day of February, 2008, by Declarant, Beaucatcher Condominiums, LLC, a North Carolina limited liability company ("Declarant"), by and through its Manager, Kassinger Development Group, LLC ("KDG"), and The Beaucatcher House Condominium Owners Association, Inc. (the "Association"), for The Beaucatcher House, A Condominium (the "Development").

WITNESSETH:

WHEREAS, in accordance with N.C. Gen. Stat. 47C-2-107, Declarant may unilaterally file an amendment to the Declaration of Condominium for The Beaucatcher House, A Condominium (the "Declaration"), recorded in Deed Book 4491, Page 859 of the Buncombe County, North Carolina Register of Deeds Office (the "Registry"), reflecting a reallocation of unit ownership of the common elements so that each unit is allocated the same fraction or percentage of ownership of the actual whole as that unit had of the actual total that was greater or less than the actual whole;

WHEREAS, Declarant desires to amend the Declaration to correct "Exhibit C" attached thereto such that it accurately reflects the square footage and allocated percentages and voting of "Unit Type 2C2" and to correct erroneous references to "Unit Type 2C3;"

WHEREAS, pursuant to the Operating Agreement of Beaucatcher Condominiums, LLC, Beaucatcher is managed by its Manager, KDG;

WHEREAS, Edward T. Kassinger, Jr. ("Kassinger") is the Member/Manager of KDG;

WHEREAS, Kassinger executed various documents pertaining to the Development as Member of Beaucatcher Condominiums, LLC, instead of as Manager of KDG, the Manager of Beaucatcher Condominiums, LLC. Although this designation was in error, Kassinger was in fact the Manager of KDG at the time of the original execution of the Declaration and was at that time empowered by Beaucatcher and KDG to execute the Declaration; and

WHEREAS, KDG, as Manager of Beaucatcher Condominiums, LLC, is desirous of ratifying and confirming various documents pertaining to the Development.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Each and every term and provision of the Declaration, including each and every Exhibit thereto, is incorporated herein by reference, and is effective except as modified and amended by the terms and provisions of this Amendment.
2. The Association joins in the execution of this Amendment for the purpose of consenting to the terms hereof.
3. The attached "Exhibit C" shall hereby replace the original "Exhibit C" to the Declaration in its entirety.
4. Except as herein amended, the remaining provisions of the Declaration shall remain in full force and effect.
5. KDG, the Manager of Beaucatcher Condominiums, LLC, does herewith confirm, adopt and ratify any and all documents pertaining to the Development, including, but not limited to, the Declaration and deeds of conveyances for Units, heretofore recorded in the Registry, as if they had been executed by it as the Manager of Beaucatcher Condominiums, LLC, initially.

This the day and year first above written.

DECLARANT:

BEAUCATCHER CONDOMINIUMS, LLC, a North Carolina limited liability company

By: **Kassinger Development Group, LLC**, a South Carolina limited liability company, its Manager

By: Edward T. Kassinger, Jr., Member/Manager

ASSOCIATION:

THE BEAUCATCHER HOUSE CONDOMINIUM OWNERS ASSOCIATION, INC.

By: Edward T. Kassinger, Jr., President

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I certify that **Edward T. Kassinger, Jr.**, as Manager of Kassinger Development Group, LLC, the Manager of Beaucatcher Condominiums, LLC, and as President of The Beaucatcher House Condominium Owners Association, Inc., personally appeared before me this day, acknowledging to me that he signed the foregoing document.

Date: February 14, 2008

Thea Grenell
Notary Public
Thea Grenell
(Printed Name of Notary)
My Commission Expires: 7-23-2011

Notary Public, North Carolina
County of Buncombe
THEA GRESELL
My Commission Expires 7-23-2011

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