

Prepared by and return to:

Commonwealth Plaza Office
Condominium Association
Board of Directors (Richard Jenkins,
Andrew Edmundson and Cathy Hasty)
C/O Elite Management
4112 Blue Ridge Rd., Ste 100
Raleigh, NC 27612

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AMENDMENT TO DECLARATION OF CONDOMINIUM AND BYLAWS

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM AND BYLAWS of Commonwealth Plaza Office Condominium Association, Inc. recorded on September 30, 1986 in Book 3834, Page 751, as amended by instrument recorded on November 20, 1986 in Book 3873, Page 141, Wake County Registry made this 24th day of May, 2016, by COMMONWEALTH PLAZA OFFICE CONDOMINIUM ASSOCIATION, INC.

WITNESSETH:

Whereas, The Articles of Incorporation of Commonwealth Plaza Office Condominium Association, Inc. filed with the Secretary of State of North Carolina in Document #3896317 on September 30, 1986 provide, in Article IX, that the number of members of the first Board of Directors of the Association shall be three and the members of the Board of Directors shall be elected by the members of the Association at the Annual meeting of the membership;

Whereas, § 55A-8-04(a) provides that all directors (except the initial directors) shall be elected at the first annual meeting and at each annual meeting thereafter;

Whereas, Article XI of said Articles provide that the three Directors named as the initial Board of Directors shall hold office until the first Annual Meeting of the Membership (or until their successors are elected and qualified);

Submitted electronically by "Law Offices of Karen Donaldson, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

Whereas, The Bylaws of Commonwealth Plaza Office Condominium Association, Inc. annexed as Exhibit E to The Declaration of Condominium Establishing Commonwealth Plaza Office Condominium recorded in Book 3834 Page 751 and in Unit Ownership File No. 115 and Amended in Book 3873 Page 141, Wake County Registry provide, in part, that The Annual Members' Meeting shall be held for the purpose of electing Directors;

Whereas, Multiple provisions throughout the Association's governing documents indicate that the number of members of the Board of Directors is three and an error or ambiguity exists in the first line of Article 4. Section a. of the Bylaws which conflicts with other provisions of the Bylaws and Articles of incorporation, which are controlling, and said Bylaws should be amended to correct the error and remove the ambiguity;

Whereas, RONR (11th ed.), p. 588, II. 29 provides that If a bylaw is ambiguous, it must be interpreted, if possible, in harmony with the other bylaws and RONR (11th ed.), p. 589, II. 2-7 provides that The ambiguous or doubtful expression should be amended as soon as practicable and when a provision of the bylaws is susceptible to two meanings, one of which conflicts with or renders absurd another bylaw provision, and the other meaning does not, the latter must be taken as the true meaning; and

Whereas the word "owed" in line 4 of Article XXVII of the Declaration of Condominium contains an error in drafting or typing and should be "owned"; therefore, be it

Resolved, The first line of Article 4. Section a. of The Bylaws of Commonwealth Plaza Office Condominium Association, Inc. is hereby replaced with the following: The number of members of the Board of Directors of the Association shall be three and the members of the Board of Directors shall be elected by the members of the Association at the Annual meeting of the membership; and

Resolved, The word "owed" in line 4 of Article XXVII of the Declaration of Condominium is hereby replaced with the word "owned".

CERTIFICATION OF AMENDMENT TO DECLARATION OF CONDOMINIUM AND BYLAWS
OF COMMONWEALTH PLAZA OFFICE CONDOMINIUM ASSOCIATION, INC.

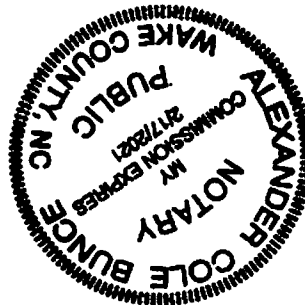
By the authority of its Board of Directors, the Commonwealth Plaza Office Condominium Association, Inc., a North Carolina non-profit corporation, hereby certifies that the foregoing Amendment has been duly adopted and approved by the owners of at least sixty six and two thirds percent (66-2/3%) of the members owning units in the Condominium at the meeting held for the consideration of said Amendment on May 24, 2016 and has been approved by the Town of Cary on May 25, 2016 and is, therefore, a valid amendment to the existing Declaration of Condominium and Bylaws of Commonwealth Plaza Office Condominium Association, Inc.

COMMONWEALTH PLAZA OFFICE CONDOMINIUM ASSOCIATION, INC.
a North Carolina non-profit corporation

By: Richard Jenkins
Printed Name: Richard Jenkins
Title: President

ATTEST:

By: Cathy Hasty
Printed Name: Cathy Hasty
Title: Secretary



STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, ALEXANDER COLE BUNCE, a Notary Public of Wake County, North Carolina, certify that CATHY HASTY personally came before me this day and acknowledged that she is the SECRETARY of COMMONWEALTH PLAZA OFFICE CONDOMINIUM ASSOCIATION, INC., a North Carolina non-profit corporation, and that by authority duly given and as the act of the non-profit corporation, the foregoing instrument was signed in its name by RICHARD JENKINS as its PRESIDENT, and attested by her as its SECRETARY.

Witness my hand and official seal this 26TH day of May, 2016.

Alexander Cole Bunce
Notary Public

Print Name: ALEXANDER COLE BUNCE
2-17-21

My Commission expires: 2-17-21