

947
Return to James Mattocks, Box 2062, High Point, N. C. 27261

NORTH CAROLINA

RANDOLPH COUNTY

THIS WAIVER AND RELEASE of Restrictive Covenants regarding front building set back line, made and entered into this 29th day of April, 1974, by and between LONNIE L. ASBILL and wife, OPAL P. ASBILL; JOHNNY N. KRIEGER and wife, BECKY G. KRIEGER; S. LESLIE MOON and wife, MIRIAM J. MOON; AGNES JOHNSON FERGUSON and ^{H. W. FERGUSON} husband; TED LEE JOHNSON and wife, BETTY H. JOHNSON; THEODORE R. HALL and wife, VELMA SUE HALL; J. M. BOOKER and wife, IVA MAE BOOKER, H. V. WEANT and wife, MABLE E. WEANT, ASHBROOK DEVELOPMENT COMPANY, a corporation of Randolph County, N. C., THOMAS W. SPRINKLE, Trustee, PERPETUAL SAVINGS AND LOAN ASSOCIATION, a corporation of Guilford County, N. C.; BOB SCOTT, Trustee, CAPITOL FINANCIAL SERVICES OF N. C., INC., a corporation having an office and place of business in Guilford County, N. C.; JOHN HAWORTH, Trustee, HIGH POINT BANK AND TRUST COMPANY, a corporation of Guilford County, N. C., parties of the first part, and W. H. LAMB and wife, GEORGIA LAMB, parties of the second part.

W I T N E S S E T H:

THAT, WHEREAS, the parties hereto constitute all of the record owners of all of the lots fronting on the east side of Katie Road and all of the lots behind and adjacent to said lots fronting on Katie Road, all as shown on the plat of the property of A. E. Lawrence, recorded in Plat Book 10, at Page 19, in the Office of the Register of Deeds of Randolph County, North Carolina; together with all of the holders of deeds of trust of record constituting liens upon all of said property; and

WHEREAS, the parties of the second part are the owners of Lots Nos. 165, 166, 167, 168, 169, 170, 171, and 172, which front on the east side of Katie Road;

upon which lots the parties of the second part have constructed two houses;
and

WHEREAS, the said lots owned by the parties of the second part were conveyed to them by deed recorded in Book 822, Page 205, which deed contained the following restriction:

"No residence shall be built nearer the front property line than 50 feet..."

WHEREAS, there is a stream which runs from north to south parallel to Katie Road through the lots fronting on the east side of Katie Road, which has required the houses north of No. 165 through No. 172 to be built behind said stream, at the rear of the lots. However, from about Lot No. 165 south the stream runs near the rear of the lots, which has made it necessary to build in front of the stream. Therefore, in order to clear the stream and provide septic tank and field clearance, the parties of the second part constructed the two houses on lots No. 165 through No. 172 at approximately 35 feet from the front property line; and

WHEREAS, the parties hereto desire to waive the said 50-foot building set-back restriction with regard to the two houses located upon Lots Nos. 165 through No. 172.

NOW, THEREFORE, for and in consideration of the sum of One Dollar and other good and valuable consideration, paid by the parties of the second part to the parties of the first part, the receipt of which is hereby acknowledged, the parties of the first part have released and waived and by these presents do hereby release and waive unto the parties of the second part and their heirs and assigns, premises in Trinity Township, Randolph County, North Carolina, described as follows:

BEING Lots Nos. 165, 166, 167, 168, 169, 170, 171 and 172 of the property of A. E. Lawrence, according to the plat thereof which is duly recorded in Plat Book 10, at Page 19, in the Office of the Register of Deeds of Randolph County, North Carolina.

From the effect and burden of that restriction set out in the deed to the parties of the second part conveying said land and recorded in Book 882, at Page 205, which states:

"No residence shall be built nearer the front property line than 50 feet..."

TO HAVE AND TO HOLD the said land unto the parties of the second part and their heirs and assigns forever, free and clear of said restriction as to building line.

THOMAS W. SPRINKLE, Trustee, and the PERPETUAL SAVINGS AND LOAN ASSOCIATION do hereby join in this instrument for the purpose of releasing and waiving said property from said restriction insofar as they might have any right or interest by virtue of the deeds of trust recorded in Book 845, Page 427; Book 882, Page 311, and the correction deed of trust therefor recorded in Book 1067, Page 193; and Book 923, Page 128, and the correction deed of trust therefor recorded in Book 1067, Page 195. BOB SCOTT, Trustee, and CAPITOL FINANCIAL SERVICES OF N. C., INC., do hereby join in this instrument for the purpose of releasing and waiving said property from said restriction insofar as they might have any right or interest by virtue of the deed of trust recorded in Book 1061, at Page 806; and JOHN HAWORTH, Trustee, and the HIGH POINT BANK AND TRUST COMPANY do hereby join in this instrument for the purpose of releasing and waiving said property from said restriction insofar as they might have any right or interest by virtue of the deed of trust recorded in Book 1048, at Page 688; all in the office of the Register of Deeds of Randolph County, North Carolina.

IN TESTIMONY WHEREOF the individual parties of the first part have hereunto set their hands and seals and the corporate parties of the first part have each caused this instrument to be executed by its duly authorized officers and its seal to be hereunto affixed, all the day and year first above written.

Lonnie L. Asbill (SEAL)
Lonnie L. Asbill

Opal P. Asbill (SEAL)
Opal P. Asbill

Johnny N. Krieger (SEAL)
Johnny N. Krieger

Becky G. Krieger (SEAL)
Becky G. Krieger

S. Leslie Moon (SEAL)
S. Leslie Moon

Miriam J. Moon (SEAL)
Miriam J. Moon

H. W. Ferguson (SEAL) Agnes Johnston Ferguson (SEAL)
H. W. Ferguson Agnes Johnston Ferguson

Ted Lee Johnson (SEAL)
Ted Lee Johnson

Betty W. Johnson (SEAL)
Betty W. Johnson

Theodore R. Hall (SEAL)

Velma Sue Hall (SEAL)

J. M. Booker (SEAL)
J. M. Booker

Iva Mae Booker (SEAL)
Iva Mae Booker

H. V. Weant (SEAL)
H. V. Weant

Mable E. Weant (SEAL)
Mable E. Weant

Thomas W. Sprinkle (SEAL)
Thomas W. Sprinkle, Trustee

Bob Scott (SEAL)
Bob Scott, Trustee

John Haworth (SEAL)
John Haworth, Trustee

ASHBROOK DEVELOPMENT COMPANY

By: George E. Clements
President

PERPETUAL SAVINGS AND LOAN ASSOCIATION

By: J. A. [unclear]
President

CAPITOL FINANCIAL SERVICES OF N. C., INC.

By: [unclear]
President

HIGH POINT BANK AND TRUST COMPANY

By: [unclear]

ATTEST:

[unclear]
Secretary

ATTEST:

[unclear]
Asst Secretary

ATTEST:

[unclear]
Secretary

ATTEST:

[unclear]
Secretary

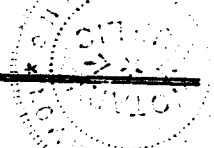
NORTH CAROLINA - COUNTY OF RANDOLPH

I, MILTON HARMON, a Notary Public of said County, do hereby certify that LONNIE L. ASBILL and wife, OPAL P. ASBILL, parties of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 6 day of JUNE, 1974.

Milton Harmon
Notary Public

My commission expires: OCT. 5 - 1974



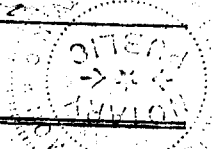
NORTH CAROLINA - COUNTY OF RANDOLPH

I, MILTON HARMON, a Notary Public of said County, do hereby certify that JOHNNY N. KRIEGER and wife, BECKY G. KRIEGER, parties of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 6 day of JUNE, 1974.

Milton Harmon
Notary Public

My commission expires: OCT 5 - 1974



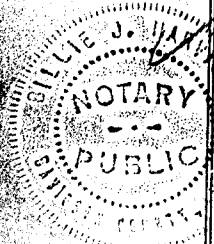
NORTH CAROLINA - COUNTY OF DAVIDSON

I, Billie J. Harville, a Notary Public of said County, do hereby certify that S. LESLIE MOON and wife, MIRIAM J. MOON, parties of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 24th day of MAY, 1974.

Billie J. Harville
Notary Public

My commission expires: August 6, 1978



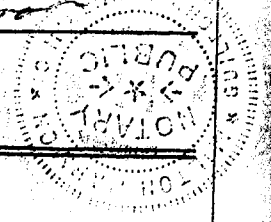
NORTH CAROLINA - COUNTY OF Buiford

I, MILTON HARMON, a Notary Public of said County, do
H. W. FERGUSON
hereby certify that AGNES JOHNSON FERGUSON & husband parties of the first part,
personally appeared before me this day and acknowledged the execution of the
foregoing Waiver and Release.

Witness my hand and notarial seal, this the 10 day of JUNE, 1974.

Milton Harmon
Notary Public

My commission expires: OCT. 5 1974



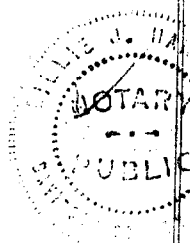
NORTH CAROLINA - COUNTY OF Davidson

I, Billie J. Harville, a Notary Public of said County, do
hereby certify that TED LEE JOHNSON and wife, BETTY H. JOHNSON, parties of the
first part, personally appeared before me this day and acknowledged the exe-
cution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 29th day of April, 1974.

Billie J. Harville
Notary Public

My commission expires: August 6, 1978



NORTH CAROLINA - COUNTY OF _____

I, _____, a Notary Public of said County, do
hereby certify that THEODORE R. HALL and wife, VELMA SUE HALL, parties of the
first part, personally appeared before me this day and acknowledged the
execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the _____ day of _____, 1974.

Notary Public

My commission expires: _____

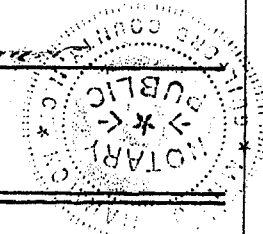
NORTH CAROLINA - COUNTY OF BULLFORD

I, MILTON HARMON, a Notary Public of said County, do hereby certify that J. M. BOOKER and wife, IVA MAE BOOKER, parties of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 12 day of JUNE, 1974.

Milton Harmon
Notary Public

My commission expires: OCT. 5 1974



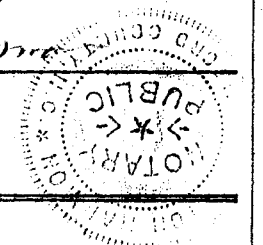
NORTH CAROLINA - COUNTY OF RANDOLPH

I, MILTON HARMON, a Notary Public of said County, do hereby certify that H. V. WEANT and wife, MABLE E. WEANT, parties of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 12 day of JUNE, 1974.

Milton Harmon
Notary Public

My commission expires: OCT. 5 1974



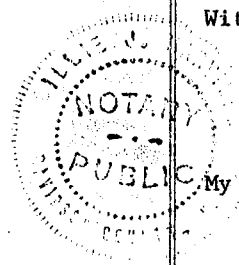
NORTH CAROLINA - COUNTY OF DAVIDSON

I, Billie J. Harville, a Notary Public of said County, do hereby certify that THOMAS W. SPRINKLE, Trustee, party of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 29th day of April, 1974.

Billie J. Harville
Notary Public

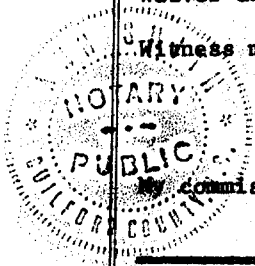
My commission expires: August 6, 1978



NORTH CAROLINA - COUNTY OF Guilford

I, Ann Smith, a Notary Public of said County, do hereby certify that BOB SCOTT, Trustee, party of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 6 day of June, 1974.



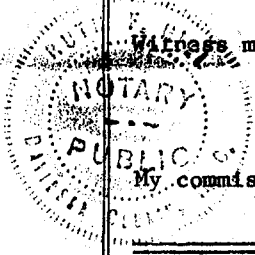
Ann Smith
Notary Public

My commission expires: 6-27-77

NORTH CAROLINA - COUNTY OF Davidson

I, Paul F. Hill, a Notary Public of said County, do hereby certify that JOHN HAWORTH, Trustee, party of the first part, personally appeared before me this day and acknowledged the execution of the foregoing Waiver and Release.

Witness my hand and notarial seal, this the 6 day of June, 1974.



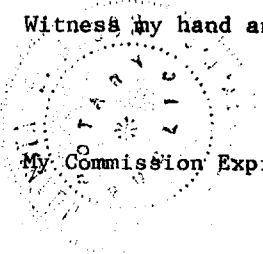
Paul F. Hill
Notary Public

My commission expires: November 13, 1974

NORTH CAROLINA - COUNTY OF Guilford

I, Juanita E. Mason, a Notary Public, do hereby certify that George E. Cleante & 2 C. Talbot personally came before me this day and acknowledged that he is 2 C. Talbot Secretary of ASHBROOK DEVELOPMENT COMPANY, and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its George E. Cleante President, sealed with its corporate seal, and attested by _____ self as its Secretary.

Witness my hand and official seal, this the 6 day of June, 1974.



Juanita E. Mason
Notary Public

My Commission Expires: June 4, 1975

NORTH CAROLINA - COUNTY OF Guilford

I, Rickey W. O'Connor, a Notary Public, do hereby certify that Barbara M. Carroll personally came before me this day and acknowledged that she is Assistant Secretary of PERPETUAL SAVINGS AND LOAN ASSOCIATION, and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal, and attested by her self as its Assistant Secretary.

Witness my hand and official seal, this the 29th day of April, 1974.

Rickey W. O'Connor
Notary Public

My commission expires: March 19, 1977

NORTH CAROLINA - COUNTY OF Mecklenburg

I, Andrea H. Payne, a Notary Public, do hereby certify that William Horelick personally came before me this day and acknowledged that he is — Secretary of CAPITOL FINANCIAL SERVICES OF N. C., INC., and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its — President, sealed with its corporate seal, and attested by him self as its — Secretary.

Witness my hand and official seal, this the 11th day of June, 1974.

Andrea H. Payne
Notary Public

My commission expires: March 27, 1978



NORTH CAROLINA - COUNTY OF Guilford

I, Ellen G. Frazier, a Notary Public, do hereby certify that Elma Ellis personally came before me this day and acknowledged that she he is _____ Secretary of HIGH POINT BANK AND TRUST COMPANY, and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal, and attested by her self as its _____ Secretary.

Witness my hand and official seal, this the 6th day of June, 1974;

ELLEN G. FRAZIER
NOTARY PUBLIC
GUILFORD COUNTY, N. C.
Commission Expires Jan. 16, 1975

Ellen G. Frazier
NOTARY PUBLIC

My commission expires:
January 16, 1975

The foregoing certificates of Milton Harmon, N. P. Of Guilford Co., N.C., Billie J. Harville, N. P. of Davidson Co., N. C., Ann Smith, N. P. of Guilford Co., N. C., Ruth F. Hill, N. P. of Davidson Co., N.C., Juanita E. Mason, N. P. of Guilford Co., N. C., Rickey W. O'Connor, N. P. of Guilford Co., N.C., Sandra G. Payne, N. P. of Mecklenburg Co., N.C., and Ellen G. Frazier, N. P. of Guilford Co., N.C. are certified to be correct. This instrument was presented for registration and recorded in this office at Book 1069, Page 947. This 7th day of October, 1974 at 12:30 o'clock P.M.

ANNIE SHAW, REGISTER OF DEEDS
By: Annie Shaw
Register of Deeds