

Bob Williams pickup

1700

NORTH CAROLINA
RANDOLPH COUNTY

WAIVER OF RESTRICTIONS BY
PROPERTY OWNERS IN SUBDIVISION

THIS WAIVER, made this the 27th day of March, 1987, by and
between H. H. Underwood, Sr. and wife Rachel Luck Underwood;
James R. Smith and wife, Ruth Smith; John Thomas Harger and wife,
Mozelle W. Harger; Ruth B. Cranford (single or widow); James
Milton Cranford & wife, Betty Jo Cranford; Jarvis Everette Cook
and wife, Sandra Ward Cook; Mariner M. Smith (a/k/a Mrs. D. W.
Smith), widow;

; Winslow Walker

; Oscar Delmas Ambrose

; Roger Lee Vanover and wife, Jeanette Ray Vanover; Paul
P. Parks and wife, Roylene M. Parks; Denver Walker and wife,

; J. Lee West, Sr., and wife, Frances B. West;

William C. Allred (always single); Vera S. York (a/k/a Mrs. Ralph
G. York), widow, and Dennis W. York and wife, Sheryl B. York and
Herbert Lee Morris and wife, Kimberly D. Morris, parties of the
first part and James Ray Smith and wife, Ruth W. Smith, a/k/a
Ruth Smith, and Westside Volunteer Fire Department, Inc., parties
of the second part.

WITNESSETH:

Whereas, James Ray Smith and wife, Ruth W. Smith, a/k/a Ruth
Smith, are the owners of Lots 1-12, inclusive of EDEN FOREST
SUBDIVISION, MAP NO. 2 as shown in Plat Book 10 at Page 23 and
Deed Book 1072, Page 13, in the Register of Deeds Office of
Randolph County, North Carolina and are the owner of Lots 29
through 37 inclusive of EDEN FOREST SUBDIVISION, MAP NO. 1 as
shown in Plat Book 10 Page 2 in the Office of the Register of
Deeds of Randolph County, North Carolina; and

45975

001101

001103

Whereas, the Board of Trustees of Westside Volunteer Fire Department have offered to purchase approximately 2.25 acres of land being all of lot numbers 1-12, inclusive, of Eden Forest Subdivision. Map No. 1 and Lot numbers 29 through 37, inclusive of Eden Forest Subdivision, Map No. 2 contingent upon there being no problems with construction of a fire station on the property; and

Whereas, certain lots of the subdivision known as Eden Forest No. 1 and No. 2, maps of which are duly recorded in Plat Book 10 at Page 2 and Plat Book 10 at Page 23, are subject to the Restrictive Covenants dated November 26, 1963, and recorded in Book 885 at Page 634 on December 2, 1963; and

Whereas certain lots were conveyed out of EDEN FOREST SUBDIVISION Map 1 and Map 2 by the developers to the developers establishing the Restrictive Covenants; and

Whereas, Lots 1 through 12, inclusive, of Eden Forest Subdivision, Map 1 recorded in Plat Book 10 at Page 2 appear not to be covered by the restrictive covenants; but, Lots 34 through 37, Map 1, inclusive, are subject to the Restrictive Covenants, and

Whereas, Westside Volunteer Fire Department desires to construct a fire department on the land to be purchased from James Ray Smith and wife, and

Whereas, the restrictive covenants state, "This property shall be used for residential purposes only."; and

Whereas Mr. and Mrs. Smith and Westside Volunteer Fire Department, Inc., have asked the property owners in the

subdivision affected by the restrictive covenants to waive any and all restrictive covenants violations for the proposed fire station, to which said property owners have agreed,

001103

NOW, THEREFORE, In consideration of the premises, and in consideration of the need for a fire station in the area for fire protection, the sufficiency of which is hereby acknowledged, and other good and valuable considerations, the undersigned, for themselves, their heirs, successors and assigns, do hereby waive any and all violations of the restrictive Covenants for all the lots used for the fire station, particularly waive the restriction that the lots be used for residential purposes only, and agree that hereafter violations shall not be deemed to exist regarding lots 1-12, inclusive, of Eden Forest Subdivision Map No. 1 and lot numbers 29 through 37, inclusive, of Eden Forest Map No. 2, map of which are recorded at Plat Book 10, Page 23 and Plat Book 10, Page 2. These waivers shall run with the land.

All parties hereby authorize any lien holders, mortgagors and lending institutions with liens on their property in Eden Forest Subdivision Maps 1 and 2 to also waive, release and treat as void the restrictive covenants recorded in Book 385, at Page 634 if said release, waiver or treatment is necessary or desirable for the Westside Volunteer Fire Department to obtain fee simple title not subject to the restrictions.

001107

IN WITNESS WHEREOF, the undersigned have executed this Waiver on the dates shown. Non-owner spouses of property owners have signed to waive any statutory right or claim. Those signing below adopt the word seal behind their names as their seal.

H.H. Underwood (SEAL) Rachel Luck Underwood (SEAL)
H.H. Underwood, Sr. and wife, Rachel Luck Underwood

James R. Smith (SEAL) Ruth Smith (SEAL)
James R. Smith and wife, Ruth Smith

John Thomas Harger (SEAL) Mozelle W. Harger (SEAL)
John Thomas Harger and wife, Mozelle W. Harger

Ruth B. Cranford (SEAL)
Ruth B. Cranford (Widow)

James M. Cranford (SEAL) Betty Jo Cranford (SEAL)
James Milton Cranford and wife, Betty Jo Cranford

Jarvis Everette Cook (SEAL) Sandra Ward Cook (SEAL)
Jarvis Everette Cook and wife, Sandra Ward Cook

Mariner M. Smith (SEAL)
Mariner M. Smith (Mrs. D.W. Smith), Widow

_____ (SEAL)

Winslow Walker (SEAL)
Winslow Walker (Free Trader)

Oscar Delmas Ambrose (SEAL) _____ (SEAL)
Oscar Delmas Ambrose and wife, Viola Mae Ambrose

Roger Lee Vanover (SEAL) Jeanette Ray Vanover (SEAL)
Roger Lee Vanover and wife, Jeanette Ray Vanover

Paul P. Parks (SEAL) Roylene M. Parks (SEAL)
Paul P. Parks and wife, Roylene M. Parks

Denver Walker (SEAL) James J. Walker (SEAL)
Denver Walker and wife, James J. Walker

J. Lee West, Sr. (SEAL) Frances B. West (SEAL)
J. Lee West, Sr. and wife, Frances B. West

WCALLRED (SEAL)
William C. Allred (Single)

Vera S. York (SEAL)
Vera S. York (Mrs. Ralph G. York), Widow

Dennis W. York (SEAL) and wife, Sheryl B. York (SEAL)
Dennis W. York and wife, Sheryl B. York

Herbert Lee Morris (SEAL) and wife, Kimberly D. Morris (SEAL)
Herbert Lee Morris and wife, Kimberly D. Morris

001105

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancus, a Notary Public of said County, do hereby certify that H. H. Underwood, Sr. and wife, Rachel Luck Underwood, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Mancus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancus, a Notary Public of said County, do hereby certify that James R. Smith and wife, Ruth Smith, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Mancus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancus, a Notary Public of said County, do hereby certify that John Thomas Harger and wife, Mozelle W. Harger, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Mancus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY

I, Marnie S. Maran, a Notary Public of said County, do hereby certify that Ruth B. Cranford, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91

Marnie S. Maran (SEAL)
Notary Public

001106

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Marnie S. Maran, a Notary Public of said County, do hereby certify that James Milton Cranford and wife, Betty Jo Crandord, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 5th day of April, 1987.

My commission expires: 6-22-91

Marnie S. Maran (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Marnie S. Maran, a Notary Public of said County, do hereby certify that Jarvis Everette Cook and wife, Sandra Ward Cook, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 28th day of March, 1987.

My commission expires: 6-22-91

Marnie S. Maran (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Marnie S. Maran, a Notary Public of said County, do hereby certify that Mariner M. Smith, (Mrs. D. W. Smith), Widow, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91

Marnie S. Maran (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Maness, a Notary Public of said County, do hereby certify that Winslow Walker, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 8th day of April, 1987.

My commission expires: 6-22-91 Mamie S. Maness (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Maness, a Notary Public of said County, do hereby certify that Oscar Delmas Ambrose, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Maness (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Maness, a Notary Public of said County, do hereby certify that Roger Lee Vanover and wife, Jeanette Ray Vanover, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

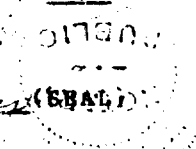
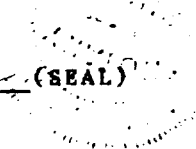
Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Maness (SEAL)
Notary Public

001107

m.s.m.

m.s.m.



STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Marcus, a Notary Public of said County, do hereby certify that Paul P. Parks and wife, Roylene M. Parks, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision. Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Marcus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, STANLEY COUNTY.

I, Mamie S. Marcus, a Notary Public of Randolph County, do hereby certify that Denver Walker and wife, Jan J. Walker, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision. Witness my hand and notarial stamp or seal, this the 5th day of April, 1987.

My commission expires: 6-22-91 Mamie S. Marcus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, YADKIN COUNTY.

I, Mamie S. Marcus, a Notary Public of Randolph County, do hereby certify that J. Lee West, Sr., and wife, Frances B. West, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision. Witness my hand and notarial stamp or seal, this the 4th day of April, 1987.

My commission expires: 6-22-91 Mamie S. Marcus (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Marcus, a Notary Public of said County, do hereby certify that William C. Allred (Single), Grantor, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision. Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Marcus (SEAL)
Notary Public

SOLEMN

mjm

mjm

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancress, a Notary Public of said County, do hereby certify that Vera S. York (Mrs. Ralph G. York), Widow, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Mancress (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancress, a Notary Public of said County, do hereby certify that Dennis W. York and wife, Sheryl B. York, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the 27th day of March, 1987.

My commission expires: 6-22-91 Mamie S. Mancress (SEAL)
Notary Public

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Mancress, a Notary Public of said County, do hereby certify that Herbert Lee Morris and wife, Kimterly D. Morris, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing Waiver of Restrictions by Property Owners in Subdivision.

Witness my hand and notarial stamp or seal, this the April day of April, 1987.

My commission expires: 6-22-91 Mamie S. Mancress (SEAL)
Notary Public

NORTH CAROLINA — Randolph County

The foregoing certificate(s) of Mamie S. Mancress

Notary Public of

Randolph County

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1199, Page 1101, This 4 day of May, 1987 at 11:53 o'clock A.M.

Ann Shaw, Register of Deeds

By Debbie Green, Deputy Register of Deeds