

Bob Williams' pickup

62

NORTH CAROLINA
RANDOLPH COUNTY

WAIVER OF RESTRICTIONS BY
PROPERTY OWNERS IN SUBDIVISION

THIS WAIVER, made this the 29th day of March, 1987, by and between Herbert E. Morris and wife, Welona G. 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

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

115976

601110

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

Whereas, Lots 1 through '2, 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,

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

001112

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. The aforementioned restrictive covenants shall be treated as void. These waivers shall run with the land.

All parties hereby authorized any lien holders, mortgagees 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 885, 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.

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.

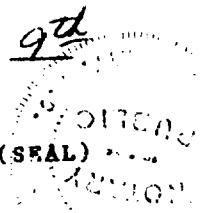
Herbert E. Morris (SEAL) Welona G. Morris (SEAL)
Herbert E. Morris and wife, Welona G. Morris

STATE OF NORTH CAROLINA, RANDOLPH COUNTY.

I, Mamie S. Maness, a Notary Public of said County, do hereby certify that Herbert E. Morris and wife, Welona G. 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 9th day of April, 1987.

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



PAGE 3

NORTH CAROLINA -- Randolph County

The foregoing certificate(s) of Mamie S. Maness
 _____ Notary Public of
Randolph County, NC

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1199
 Page 110, 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