

Mail to: William P. Miller, P.O. Box 1550, High Point, NC 27261

16.00

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STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

WAIVER OF VIOLATION OF RESTRICTIVE COVENANTS

.....

THIS WAIVER is made this 17th day of February, 1989, by and between GEORGE CLEMENTS BUILDING, INC. A North Carolina Corporation, T.C. TALBERT, and wife, CORRINA S. TALBERT, of Davidson County, North Carolina, and KEITH E. RAYNOR and wife, TRICIA V. RAYNOR, of Randolph County, North Carolina.

W I T N E S S E T H:

WHEREAS, George Clements Building, Inc. and T.C. Talbert and wife, Corrina Talbert are the Developers of that subdivision known as Forest Manor, map of which is recorded in Plat Book 17, at Page 72 in the Office of the Register of Deeds of Randolph County, North Carolina;

WHEREAS, George Clements Building, Inc. and T.C. Talbert and wife, Corrina S. Talbert deeded all of Lot Number 10 of Forest Manor Subdivision as shown in Plat Book 17, at Page 72 of the Randolph County Registry to Arnold L. Jones by Deed recorded in Book 1227, at Page 1037 on September 30, 1989;

WHEREAS, Keith E. Raynor and wife, Tricia V. Raynor have entered into a contract with Arnold L. Jones for the purchase of Lot Number 10 of Forest Manor Subdivision as shown in Plat Book 17, at Page 72 of the Randolph County Registry;

WHEREAS, said Forest Manor Subdivision is governed by restrictive covenants recorded in Book 1076, at Page 811 of the Randolph County Registry;

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WHEREAS, provision number six (6) of said restrictions require that no home be built closer than sixty (60) feet to the front property line and no closer than ten (10) feet from the side property line;

WHEREAS, the attached survey by E.M. Teer, dated January 9, 1989, of Lot 10 of said Forest Manor Subdivision, shows the location of a house approximately 40.4 feet from the front property line and in violation of the sixty (60) foot minimum building set-back line;

WHEREAS, the Developers state herein that they are aware of other similar violations within the Forest Manor Subdivision and that many dwellings in the subdivision are generally not in compliance with the minimum set-back requirements of the restrictive covenants;

WHEREAS, the Developers further state that Lot Number 10 and other lots within the subdivision would not allow the placement of a house at least sixty (60) feet from the front set-back line due to requirements upon the lot for the placement of septic tanks, and that the adjoining house on Lot Number 9 is located approximately the same distance from the front set-back line as the house located on Lot Number 10 as shown on the attached survey;

WHEREAS, the Developers presently own Lot 11 of Forest Manor Subdivision;

WHEREAS, the Developers intended for the minimum building line requirement of the restrictive covenants to establish a uniform distance of the residences from the front property lines of the lots in Forest Manor Subdivision and that residences have been established in a general uniform plan in the area adjoining Lot Number 10 by being erected at a distance of approximately forty (40) feet from the front property lines; and

WHEREAS, the Developers do not consider the location of the home as shown on the attached survey to be a violation of the recorded restrictive covenants of Forest Manor Subdivision or the recorded plat which does not show any minimum set-back line.

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NOW, THEREFORE, IN CONSIDERATION of the preises and the sum of one dollar (\$1.00) to them in hand paid, receipt of which is hereby acknowledged, and for other good and valuable consideration, George Clements Building, Inc. and T.C. Talbert and wife, Corrina S. Talbert do hereby waive any possible violation of Lot 10 of Forest Manor Subdivision regarding the sixty (60) foot minimum building line along Forest Manor Drive, and do hereby agree that said residence may be located as shown on the attached survey, and do hereby waive any requirement of a sixty (60) foot minimum set-back line along Forest Manor Drive for said Lot 10 as to Keith E. Raynor and wife Patricia V. Raynor, their heirs, successors and assigns.

IN WITNESS WHEREOF, George Clements Building, Inc. has caused this document to be executed in its name by the authorized officers, and its corporate seal affixed hereto, and T.C. Talbert and wife, Corrina S. Talbert have hereunto set their hands and seals the day and year first above written.

GEORGE CLEMENTS BUILDING, INC.

BY: George E. Clements

ATTEST:

Marjorie E. Clements
Secretary



(CORPORATE SEAL)

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T.C. Talbert (SEAL)
T.C. TALBERT

Corrina S Talbert (SEAL)
CORRINA S. TALBERT

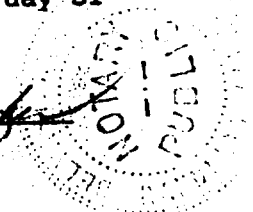
NORTH CAROLINA

COUNTY OF Randolph

I, Belen J. Hughes, Notary Public of Randolph County and said State, do hereby acknowledge that Margaret Hunt personally appeared before me this day and stated that she is Secretary of George Clements Building, Inc., a North Carolina Corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its President President, sealed with its corporate seal and attested by her/him as its Secretary Secretary.

Witness my hand and official stamp or seal this 9th day of February, 1989.

Belen J. Hughes
Notary Public



My Commission Expires:
5-3-89

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NORTH CAROLINA

COUNTY OF Randolph

I, Bela J. Hughes, Notary Public of Randolph County and said State, certify that T.C. Talbert and wife, Corrina S. Talbert personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 9th day of February, 1989.

Bela J. Hughes
Notary Public



My Commission Expires:

5-3-89

NORTH CAROLINA -- Randolph County

The foregoing certificate(s) of Bela T. Hughes

Notary Public of Randolph County, NC

(are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1234
Page 521, This 14th day of February, 1989 at 12:07 o'clock P.M.

Ann Shaw, Register of Deeds
By Paul Collicott, Deputy Register of Deeds

BLACK SNAKE RD.
S.R. 1556
R/W

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LOT 9
FOREST MANOR
PB.17 PG. 72

MA NORTH

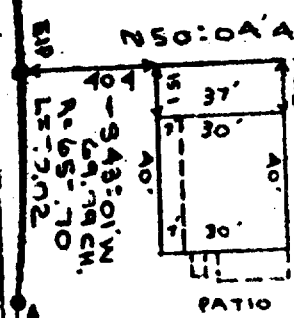
E. M. TIER R.L.S.
608 G RANDOLPH STREET
THOMASVILLE, N. C. 27360

FOREST MANOR
21 PAVED 40' R/W
S.R. 1899

EP
POWER & TELEPHONE LINE

N35°31'E
100.37 CH.
E10 R246°57.10
L3100.47

250°04'40"W 196.03



N91°57'45"E
125.23

LOT 10

M10:01'W
49.79 CH.
R165°10'
L272.02

543°52' E 222.63

59.74

EAST
R/W

TOLERANCES ALLOWED AS SHOWN	REVERSE	PROPERTY OF KEITH EDWIN RAYMOND AND TRUSTEE A. V. HAYMOND.
ORIGINAL	1	RT. 3 BOX 33 E. FOREST MANOR, THOMASVILLE, N.C.
FRACTIONAL	2	TRINITY TRUST - RANDOLPH CO. N.C.
AMERICAN	3	DRAWN BY
	4	SCALE 1" = 50'
	5	DATE 1/9/89
	6	DRAWING NUMBER
		APPROD
		MATERIAL

I certify that on Jan 9 1989 I surveyed the property shown on this plat; that the property lines and location of all structures are accurately shown; that no structure located on this property encroaches on any adjacent street property and that no structures on adjacent property encroach on the premises surveyed.

E. M. Tier
Surveyor

