

NORTH CAROLINA
RANDOLPH COUNTY

RELEASE SUBSTITUTION
OF FRONT SET BACK LINE

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THIS AGREEMENT OF RELEASE AND AMENDMENT, Made and entered into this 18th day of July, 1990, by and between H. R. Trollinger & Sons, a North Carolina General Partnership, New Space Construction, Inc., R. E. Bagley, III and wife, Lois P. Bagley;

W I T N E S S E T H:

WHEREAS, the undersigned are the owners of Lots Nos. 17 and 19 of Coxemoor Subdivision, as recorded in Plat Book 32, Page 21, in the office of the Register of Deeds of Randolph County, North Carolina; and

WHEREAS, the Restrictive Covenants for said subdivision dated April 30, 1990 and recorded in Book 1258, Page 26, require a set back line for buildings on all lots of at least forty-five (45) feet from the front property line; and

WHEREAS, H. R. Trollinger & Sons, the owner of Lot No. 18 of Coxemoor Subdivision, is constructing a dwelling on said lot and a recent survey shows the dwelling to be 43.8 feet from the front property line resulting in an encroachment of 1.4 feet on to the 45 foot front set back line; and

WHEREAS, H. R. Trollinger and Sons have requested the owners of Lots Nos. 17 and 19 to waive the violation and release any damages, if any, which may accrue to said owners or their heirs and assigns by virtue of the set back violation and said owners have agreed to do so.

NOW, THEREFORE, the undersigned being the owners of Lots 17 and 19 of Coxemoor Subdivision, as shown by plat recorded in Plat Book 32, Page 21, in the Randolph County Registry, in consideration of One Dollar (\$1.00) to each in hand paid and other good and valuable considerations do hereby release and waive any and all damages and causes of action against the owner or future owners of Lot No. 18 by reason of the encroachment referred to herein.

The parties do waive by this agreement any rights in themselves or their heirs, successors and assigns to enforce the said original forty-five (45) foot front set back line as set forth in said restrictive covenants as to Lot No. 18 to the extent of the encroachment of the dwelling on Lot No. 18.

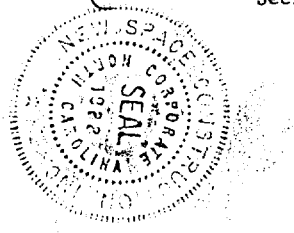
IN TESTIMONY WHEREOF, the undersigned owners of real property being Lots Nos. 17 and 19 of said Coxemoor Subdivision, have hereunto set their hands and seals or have caused this instrument to be executed under authority duly given the day and year first above written.

NEW SPACE CONSTRUCTION, Inc.

By: [Signature]
President

ATTEST:

[Signature]
Secretary



[Signature] (SEAL)
R. E. Bagley, III

[Signature] (SEAL)
Lois P. Bagley

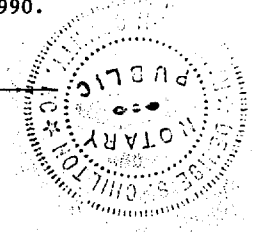
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NORTH CAROLINA
RANDOLPH COUNTY

I, Denise S. Chilton, a Notary Public, do hereby certify that Teresa Shoe personally appeared before me this day and acknowledged that he is _____ Secretary of New Space Construction, 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 himself as its _____ Secretary.

Witness my hand and official seal this the 23rd day of July, 1990.

Denise S. Chilton
Notary Public



My commission expires: 4/17/95

NORTH CAROLINA
RANDOLPH COUNTY

I, Denise S. Chilton, a Notary Public of the County and State aforesaid, do hereby certify that R. E. Bagley, III and wife, Lois P. Bagley, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 23rd day of July, 1990.

Denise S. Chilton
Notary Public



My commission expires: 4/17/95

NORTH CAROLINA — Randolph County

The foregoing certificate(s) of Denise S. Chilton, NP

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1271, Page 647, This 28th day of August, 19 90 at 9:01 o'clock A M.

Ann Shaw, Register of Deeds
By Coker Baynes Deputy Register of Deeds

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