

NORTH CAROLINA,  
RANDOLPH COUNTY.

THIS AGREEMENT ENTERED into this 27th day of October, 1939, by and between J.A.Hightower and wife Ola H.Hightower, J.C.Rayle and wife Velna Rayle, W.S.Price and wife Elizabeth R.Price, Glenn Ring and wife Bonnie Ring, Cleveland Thayer and wife Helen Harper Thayer, Lester Trotter and wife Leocia Trotter, R.L.Spencer and wife Lillian Rush Spencer, George E.Ward and wife Alice W.Ward, Bill Wright, Vernon Moore and wife Mae Moore, J.T.Rhymer, C.Don Alexander and wife Mable C.Alexander, James B.Neely and wife Golda H.Neely, W.A.Underwood, Jr. and wife Elizabeth C.Underwood, all of Randolph County, North Carolina.

W I T N E S S E T H

THAT WHEREAS, said parties are the owners of certain lots or tracts of land which have been platted and recorded in the Register of Deed's Office of Randolph County, known as "Lots #125 to #149 inclusive, #149 to 171 inclusive, #359 to #381 inclusive, #15 to #23 inclusive in Block D; #30 to #32 inclusive in Block D, as shown on Map #4 of Dogwood Acres" (see page #227 in Plat Book #1 in Office of Register of Deeds of Randolph County, North Carolina) and the tract of land known as "John Hill and Fannie Hill land" lying West of Dogwood Acres and between U.S.Highway #64 and South Park Drive and the "James B.Neely land" lying between U.S.Highway #64 and South Park Drive, also the lot or tract of land of W.A.Underwood, Jr., which was formerly a part of "James B.Neely land", all of these tracts, lots or parcels of land being owned by one of the parties here to, and each has agreed with the other that certain restrictions are to be placed and are placed on the use of said property:

In consideration of the benefits to be hereinafter derived by each and every one of the parties to this agreement, their heirs or assigns, it is hereby covenanted and agreed between the parties hereto, each with the other as follows:

1. That the restrictions herein shall apply to those lots, tracts or parcels of land hereinbefore referred to and listed above.
2. That the property shall be used for residential purposes only, and no buildings other than residences, except garages or outhouses for domestic purposes, shall be built on said premises, provided, that this shall not apply to Churches and Schools.
3. No shop, store, factory, hotel or place of public resort, or business house of any kind shall be erected or suffered or licensed to exist on the property above described and no hospital, asylum or institution of like or kindred nature shall be erected or suffered or licensed to exist on the property or building described.
4. No property or building shall be owned or occupied by the colored race, except such buildings as may be constructed by the owners and residents of the property for the use of their servants. *SHELLEY v. KRAMER, CONTRA.*
5. No residence or building of any kind erected on the property shall be nearer the front property line on any street than thirty feet except Lot #125 where front property line may be as close to building front as twenty five feet, nor nearer either of the side property lines of a "building lot" than ten (10) feet, provided this section shall not apply to garages and outhouses which are erected in the rear of the residence and dwelling.
6. That no swine shall be kept on the premises and no enclosure for swine shall be erected and maintained on the land referred to.
7. That all sewage disposal shall be made through use of approved septic tanks, or through connection of sewage lines to an underground sewer system when and if such underground sewer system is installed to serve this area.
8. That no residence shall be constructed on a lot facing upon US Highway No. 64 that shall contain an area of less than 16,000 square feet, and no residence shall be constructed on a lot facing Dogwood Ave., Oak Street, Hanner Ave., Cleveland Ave., Thomas Street or other streets that may be opened subsequently, that has an area of less than 10,000 square feet. That any residence erected upon any lot facing one of these streets listed above or which may be opened subsequently to the use of the public, shall be of artistic design and shall conform to the class of architecture of residences on adjacent property or which are located on lots in the same immediate area.

It is expressly understood and agreed by the parties hereto that the conditions and restrictions herein shall not only apply to the land when held by themselves, but that it shall apply to their successors, heirs and assigns and shall be covenants running with the land. This agreement to be in force and effect until October 27, 1969. //

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals the day and year first written above. //

W.S.Price _____ (SEAL)	Elizabeth C.Underwood _____ (SEAL)
Elizabeth R.Price ✓ _____ (SEAL)	Mable C.Alexander ✓ _____ (SEAL)
Cleveland Thayer _____ (SEAL)	C.Don Alexander _____ (SEAL)
Helen Harper Thayer ✓ _____ (SEAL)	Geo.E.Ward _____ (SEAL)
Vernon Moore _____ (SEAL)	Alice Ward ✓ _____ (SEAL)
Mae Moore ✓ _____ (SEAL)	Bill Wright _____ (SEAL)
James B.Neely _____ (SEAL)	J.T.Rhymer _____ (SEAL)
Golda H.Neely ✓ _____ (SEAL)	_____ (SEAL)
Lester Trotter _____ (SEAL)	Velna Rayle ✓ _____ (SEAL)

<u>Leocia Trotter ✓</u> (SEAL)	<u>J.A.Hightower</u> (SEAL)
<u>J.C.Rayle</u> (SEAL)	<u>Ola H.Hightower ✓</u> (SEAL)
<u>W.A.Underwood, Jr.</u> (SEAL)	<u>Glenn Ring</u> (SEAL)
<u>R.L.Spencer</u> (SEAL)	<u>Bonnie Ring ✓</u> (SEAL)
<u>Lillian Rush Spencer ✓</u> (SEAL)	<u>.....</u> (SEAL)

NORTH CAROLINA,  
RANDOLPH COUNTY.

The Execution of the foregoing instrument was this day duly proved before me by the acknowledgement of J.A.Hightower and wife Ola H.Hightower, J.C.Rayle and wife Velna Rayle, W.S.Price and wife Elizabeth R.Price, Glenn Ring and wife Bonnie Ring, Lester Trotter and wife Leocia Trotter, R.L.Spencer and wife Lillian Rush Spencer, George E.Ward and wife Alice W.Ward, Bill Wright, Vernon Moore and wife Mae Moore, W.T.Rhymer, C.Don Alexander and wife Mable C.Alexander, James B.Neely and wife Golda H.Neely, W.A.Underwood, Jr., and wife Elizabeth C.Underwood for the purposes therein expressed; and the said Ola H.Hightower wife of J.A.Hightower, Velna Rayle wife of J.C.Rayle, Elizabeth R.Price wife of W.S.Price, Bonnie Ring wife of Glenn Ring, Leocia Trotter wife of Lester Trotter, Lillian Rush Spencer wife of R.L.Spencer, Alice W.Ward wife of George E.Ward, Mae Moore wife of Vernon Moore, Mable C.Alexander wife of C.Don Alexander, Golda H.Neely wife of James B.Neely, Elizabeth C.Underwood wife of W.A.Underwood, Jr., being by me privately examined separate and apart from their said husbands, touching their voluntary execution of the same, do state that they signed the same freely and voluntarily, without fear or compulsion of their said husband or any other person, and that they do still voluntarily assent thereto.

Witness my hand and notarial seal, this the 27 day of October, 1939.

N.P.Seal-  
My Commission expires July 29, 1941.

C.Thayer  
Notary Public.

NORTH CAROLINA,  
RANDOLPH COUNTY.

The Execution of the foregoing instrument was this day duly proved before me by the acknowledgement of Cleveland Thayer and wife Helen Harper Thayer for the purposes therein expressed; and the said Helen Harper Thayer wife of Cleveland Thayer being by me privately examined separate and apart from her husband, touching her voluntary execution of the same, does state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she does still voluntarily assent thereto.

Witness my hand and notarial seal, this the 22nd day of November, 1939.

N.P.Seal-  
My Commission expires Dec. 12, 1940.

E.C.Garner  
Notary Public.

NORTH CAROLINA,  
RANDOLPH COUNTY.

The foregoing Certificates of E.C.Garner a Notary Public of Randolph County, C.Thayer a N.P. of Randolph are adjudged to be correct. Let the instrument with the certificate be recorded.

This the 23 day of Nov. 1939.

Rufus F.Routh  
Clerk Superior Court.

Filed for registration at 10:00 o'clock A.M., November 23rd. 1939 and recorded in Book No. 290, Page No. 578 and duly verified.

Iola Lowdermilk  
Register of Deeds.