

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

DECLARATION

WHEREAS, the undersigned are the owners of, or the holders of encumbrances on, all of that tract of land known as Englewood Subdivision as the same is shown on a map recorded in Map Book 8 at Page 17 in the Office of the Register of Deeds of New Hanover County, including all of Lots 1 through 40 as shown on said map; and

WHEREAS, all of the lots in Englewood Subdivision are subject to those restrictive covenants contained in a Declaration of Restrictions which is recorded in Book 724 at Page 246 in the Office of the Register of Deeds of New Hanover County; and

WHEREAS, items one and two of said Declaration of Restrictions provide as follows:

"1. No lot or lots shall be put to any use other than for residential purposes. No portion of any lot or lots shall be used for a roadway, either public or private, except that a portion of any lot may be used as a driveway incidental to the normal use of such lot for residential purposes, with the sole exception of Lots 18, and 19 which, due to their nature and location shall be left unrestricted and Lot 29, which may be used either for residential purposes or for use as a public or private street or roadway, but for no other purposes.

2. No building shall be erected, altered, placed upon or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height, and a private garage for not more than two cars. No such garage shall be more than one story in height and shall never be used for living quarters of any kind, either for guests, members of the family or servants, and the construction or maintenance of so-called "garage apartments" on any lots is expressly prohibited."

AND, WHEREAS, The Wesleyan Methodist Church desires to acquire Lots 35 and 36 of Englewood Subdivision and use the same for church and/or church school purposes; and

WHEREAS, the undersigned desire to release said Lots 35 and 36 of Englewood Subdivision from items one and two of the said Declaration of Restrictions set out above, and in lieu thereof restrict the use of said lots to residential, church, and/or church school purposes only.

IT IS NOW, THEREFORE, mutually agreed by the undersigned that Lots 35 and 36 of Englewood Subdivision as the same are shown on a map recorded in Map Book 8 at Page 17 in the Office of the Register of Deeds of New Hanover County be and the same are hereby released from items one and two of those restrictive covenants contained in a Declaration of Restrictions recorded in Book 724 at Page 246 in the Office of the Register of Deeds of New Hanover County, and said items one and two of said restrictive covenants shall no longer apply to said lots.

IT IS FURTHER AGREED by the undersigned, in consideration of the mutual covenants and agreements herein entered into between them, that in lieu of said items one and two of said Declaration of Restrictions, which is hereinabove released as to them, said Lots 35 and 36 of Englewood Subdivision as the same are shown on map recorded in Map Book 8 at Page 17 in the Office of the Register of Deeds of New Hanover County shall be subject to the following restrictive covenant:

"Lots 35 and 36 of Englewood Subdivision shall not be put to any use other than for residential, church, and/or church school purposes and such driveways incidental to the use of such lots for such purposes."

IT IS FURTHER UNDERSTOOD AND AGREED that except for the change made in items one and two as herein expressly set out all other restrictive covenants set out in that Declaration of Restrictions recorded in Book 724 at Page 246 in the Office of the Register of Deeds of New Hanover County are unmodified and remain in full force and effect as to these lots and all other lots in said subdivision.

IN WITNESS WHEREOF the undersigned have hereunto set their hands and seals, this the 7th day of March, 1966.

WITNESS: Earl E. Walker Richard D. Christoph (SEAL)

WITNESS: Earl E. Walker Lina S. Christopher (SEAL)

WITNESS: Earl E. Walker Betty H. Hill (SEAL)

WITNESS: Earl E. Walker Roger White (SEAL)

WITNESS: Earl E. Walker Wm. Nancy B. Bell (SEAL)

~~WITNESS: Earl E. Walker Mrs. C. W. Langston (SEAL)~~

~~WITNESS: Earl E. Walker _____ (SEAL)~~

WITNESS: Earl E. Walker John S. Moore Jr. (SEAL)

WITNESS: Earl E. Walker Mrs. John S. Moore (SEAL)

WITNESS: Earl E. Walker Mrs. Helen Ferris (SEAL)

WITNESS: Earl E. Walker Mr. Arnold Ferris (SEAL)

WITNESS: Earl E. Walker Woodrow N. Smith, Jr. (SEAL)

WITNESS: Earl E. Walker Grace E. Smith (SEAL)

WITNESS: Earl E. Walker William M. Sadey (SEAL)

WITNESS: Earl E. Walker Mrs. William M. Sadey (SEAL)

WITNESS: Earl E. Walker Mrs. M. J. Johnson (SEAL)

WITNESS: Earl E. Walker Maurice F. Johnson (SEAL)

WITNESS: Earl E. Walker Mildred S. Costin (widow) (SEAL)

WITNESS: Earl E. Walker W. C. Rogers (SEAL)

WITNESS: Earl E. Walker Mrs. Nellie P. Rogers (SEAL)

WITNESS: Earl E. Walker Clifford C. Jones (SEAL)

WITNESS: Earl E. Walker Mrs. Shirley L. Norris (SEAL)

WITNESS: Earl E. Walker Mrs. Frances Collins (SEAL)

WITNESS: Earl E. Walker John W. Collins (SEAL)

ATTEST: Wm. Moss Secretary (SEAL)

By: D. S. Smith, Clerk (SEAL)

G. Dudley Humphrey, Trustee (SEAL)



WITNESS: W.M. Phillippe Sr Mrs Magdalena Lewis ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Earl E. Walker ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Mrs Earl Walker ✓ (SEAL)

WITNESS: Earl E. Walker Mr Battista Fering ✓ (SEAL)

WITNESS: Earl E. Walker William Cook Lee ✓ (SEAL)

WITNESS: Earl E. Walker Mrs. Lura Clark Lee ✓ (SEAL)

WITNESS: Earl E. Walker Mrs. N. S. Wood ✓ (SEAL)

WITNESS: Earl E. Walker Mrs Anna Pison ✓ (SEAL)

WITNESS: Earl E. Walker Ed Long ✓ (SEAL)

WITNESS: Earl E. Walker Mrs. G.C. Long ✓ (SEAL)

WITNESS: Earl E. Walker J. M. Clark ✓ (SEAL)

WITNESS: Earl E. Walker Mrs J. W. Allard ✓ (SEAL)

WITNESS: Earl E. Walker Belle Bean ✓ (SEAL)

WITNESS: Earl E. Walker Travis Barrow ✓ (SEAL)

WITNESS: Earl E. Walker Douglas E Handwick ✓ (SEAL)

WITNESS: Earl E. Walker Virginia A Handwick ✓ (SEAL)

WITNESS: Earl E. Walker O.D. Harrell ✓ (SEAL)

WITNESS: Earl E. Walker J. S. Wood ✓ (SEAL)

WITNESS: _____ Robert E. Calder, TRUSTEE ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Ch Lewis ✓ (SEAL)

WITNESS: _____ James D. Carr, Trustee ✓ (SEAL)

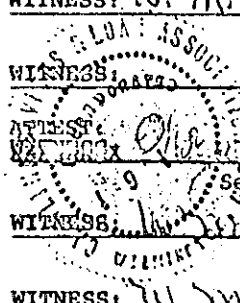
WITNESS: _____ By _____ ✓ (SEAL)

WITNESS: _____ Secretary ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Fanny Jones ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Geraldine Jones ✓ (SEAL)

WITNESS: W.M. Phillippe Sr Rea Mae Harrell ✓ (SEAL)



CAROLINA SAVINGS & LOAN ASSOCIATION
By _____
President

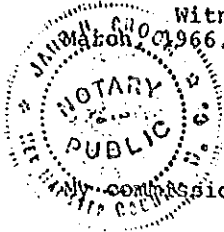
W. M. Phillippe Sr.
W. M. Phillippe, Jr.

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Jane H. Coom, a Notary Public in and for the State and County aforesaid, certify that W. M. Phillippe, Sr. personally appeared before me this day, and being duly sworn, stated that in his presence Earl E. Walker and Mrs. Earl Walker signed and acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 7th day of



Jane H. Coom
Notary Public

My commission expires: 2/6/67

Earl E. Walker
Earl E. Walker

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

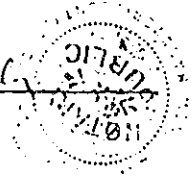
I, Grace R. Stealy, a Notary Public in and for the State and County aforesaid, certify that Earl E. Walker personally appeared before me this day, and being duly sworn, stated that in his presence Richard D. Christopher and wife, Lois L. Christopher, Ralph L. White, Betty W. White, Mrs. Dorothy B. Bell, Widow, John S. Monroe, Jr., Mrs. John S. Monroe, Jr., Mrs. Helen Ferris, Mr. Arnold Ferris, Woodrow W. Smith, Jr., Grace F. Smith, William M. Saleeby, Mrs. William M. Saleeby, Mrs. M. F. Johnson, Monroe F. Johnson, Mildred S. Costin (Widow), W. C. Rogers, Mrs. Nellie P. Rogers, Willie C. Norris, Mrs. Shirley S. Norris, Mrs. Frances Collins, John D. Collins, Mr. Battista Peconie, William Clark Lee, Mrs. Wm. Clark Lee, Mrs. N. S. Wood, Mrs. Anna Peconie, G. C. Long, Mrs. G. C. Long, J. W. Allard, Mrs. J. W. Allard, Belle Brown, Travis Brown, Douglas E. Hardwick, Virginia A. Hardwick, A. H. Harrell, and N. S. Wood, personally signed and acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 7 day of March, 1966.

Grace R. Stealy
Notary Public

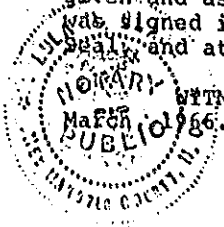
My commission expires:

August 26, 1966



STATE OF NORTH CAROLINA :
: COUNTY OF NEW HANOVER :

I, Lula M. Clark, a Notary Public in and for the State and County aforesaid, certify that Lula M. Butler personally came before me this day and acknowledged that she is Secretary of PEOPLES SAVINGS AND LOAN ASSOCIATION, a North Carolina Corporation, 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 Lula M. Butler, as its Secretary.



WITNESS my hand and Official Seal, this the 7th day of

Lula M. Clark
Notary Public

My commission expires: August 5, 1966

STATE OF NORTH CAROLINA :
: COUNTY OF NEW HANOVER :

I, Carolyn J. Raynor, a Notary Public in and for the State and County aforesaid, certify that Margaret T. Hewlett personally came before me this day and acknowledged that she is Secretary of CAROLINA SAVINGS AND LOAN ASSOCIATION, a North Carolina Corporation, 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 Margaret T. Hewlett as its Secretary.



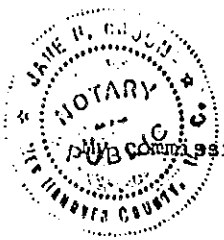
Witness my hand and Official Seal, this the 14th day of March, 1966.

Carolyn J. Raynor
Notary Public

My commission expires: November 30, 1966

STATE OF NORTH CAROLINA :
: COUNTY OF NEW HANOVER :

I, Jane H. Croom, a Notary Public in and for the State and County aforesaid, do hereby certify that ROBERT E. CALDER, TRUSTEE, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.



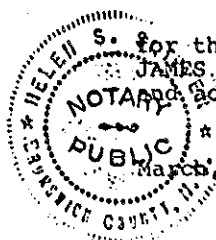
Witness my hand and Notarial Seal, this the 15th day of March, 1966.

Jane H. Croom
Jane H. Croom,
Notary Public

My commission expires: 2-6-67.

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER



I, Helen S. Skipper, a Notary Public in and for the State and County aforesaid, do hereby certify that JAMES D. CARR, TRUSTEE, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 28th day of March, 1966.

Helen S. Skipper
Notary Public

My commission expires:

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, June M. Silverman, a Notary Public in and for the State and County aforesaid, do hereby certify that G. DUDLEY HUMPHREY, TRUSTEE, personally appeared before me this date, and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 28th day of March, 1966.



June M. Silverman
Notary Public

My commission expires: 11/10/66

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Jane H. Croom, a Notary Public in and for the State and County aforesaid certify that W. M. PHILLIPPE, SR. personally appeared before me this date, and being duly sworn, stated that in his presence C. H. Lewis, Mrs. Magdalene Lewis, Danny Jones, Geraldine Jones and Rosa Mae Harrell personally signed and acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 29th day of March, 1966.



Jane H. Croom
Notary Public

My commission expires: 2/6/67.

STATE OF NORTH CAROLINA

New Hanover County

The Foregoing Certificate of

Jane H. Croom, Lela L. Stack, Lula M. Clark, Carolyn J. Raynor, Helen S. Skipper, and June M. Silverman

Notary Public of New Hanover County, is adjudged to be correct. Let the instrument with the Certificate be recorded.

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Received and Recorded

Drawn by Robert Calder

MAR 29 1966

12:25 P. M.

This the 29th day of Mar 19 66

Elizabeth Davis
Clerk Superior Court

Paul Blomquist Register of Deeds