

②
17



FOR REGISTRATION REGISTER OF DEEDS
JENNIFER H. MACNEISH
NEW HANOVER COUNTY, NC
2008 DEC 05 03:55:33 PM
BK:5362 PG:1736-1738 FEE:\$17.00

INSTRUMENT # 2008045656

**Prepared by and return to: Eugene B. Davis, Jr., P.C., 2030 Eastwood Rd., Ste. 6,
Wilmington, NC 28403**

**STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER
DECLARATION OF WITHDRAWAL FROM
DEDICATION**

By Michael A. Giglio and wife, Deborah Giglio, as Successors in Title to John Lewis Williams and C.E. Taylor

This Declaration Made this 3rd day of December, 2008, by **MICHAEL A. GIGLIO and wife, DEBORAH GIGLIO**, of the County of New Hanover, State of North Carolina.

W I T N E S S E T H:

THAT Whereas, Michael A. Giglio and wife, Deborah Giglio, are the successors in title through mesne conveyances of John Lewis Williams and C. E. Taylor, predecessors in title to the lands herein described as follows:

Beginning at the point of intersection of the southern line of Cherry Avenue with the eastern line of Tenth Street (now 39th Street) as shown by Map of Garden City duly recorded in Map Book 3 at Page 39 of the New Hanover County Registry, and running thence from said beginning point in a southwardly direction with and along the said eastern line of Tenth Street 70 feet thence eastwardly and parallel with the said southern line of Cherry Avenue 70 feet thence northwardly and parallel with the said Eastern line of Tenth Street 70 feet to the said southern line of Cherry Avenue; thence westwardly with and along the said southern line of Cherry Avenue 70 feet to the point of Beginning. Same being a portion designated as "Park" as shown by map of Garden City by H. de W. Rapalje, C.E., surveyed August 1912, and recorded in Map Book 3, Page 39 of the New Hanover County Registry.

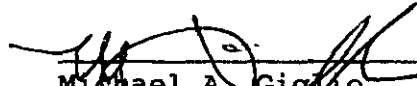
AND THAT WHEREAS by a map of Garden City, duly recorded in the Office of Register of Deeds of New Hanover County, in Map Book 3, at Page 39, the property hereinbefore described was designated on said map as "Park".

And that whereas, since the recording of said map or plat and for more than twenty years next preceding the date of this instrument, the area above described has not been subjected by the public or any member or members thereof to use as a park or for any other purpose, neither has the public nor any member thereof claimed the right to use the area above described for any purpose, public or private, and there now being no necessity nor any public benefit to be derived from the dedication of the area aforesaid,

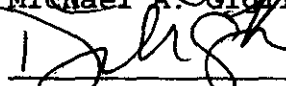
AND THAT WHEREAS, no part of said property is necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of such "park" and that neither the public nor any member thereof will suffer any injury or loss by the withdrawal of said area from the public or private use to which it may be claimed to have been dedicated by the recording of and reference to said map or plat;

NOW, THEREFORE, on this 3rd day of December, 2008, Michael A. Giglio and wife, Deborah Giglio, as successors in title to John Lewis Williams and C. E. Taylor, the developers of said Garden City, hereby make declaration withdrawing the said tract, piece or parcel of land hereinabove described from the public or private use to which it may have heretofore been dedicated by the recording of any reference to said map or plat, in accordance with and under and by virtue of the General Statutes of North Carolina, Chapter 136, Section 96.

IN WITNESS WHEREOF the said Michael A. Giglio and wife, Deborah Giglio hereunto set their hands and attix their seals the day and year first above written.



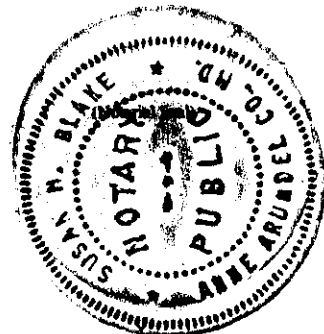
Michael A. Giglio (SEAL)



Deborah Giglio (SEAL)

State of Maryland
County of Anne Arundel
I, Susan M. Blake, a Notary Public in and for the State and County aforesaid, do hereby certify that **MICHAEL A. GIGLIO and wife, DEBORAH GIGLIO** personally appeared before me this day and acknowledged the due execution of the annexed instrument for the purposes therein stated.
Witness my hand and seal this 4th day of December, 2008.

My commission expires: _____
SUSAN M. BLAKE
NOTARY PUBLIC - STATE OF MARYLAND
My Commission Expires August 1, 2010





JENNIFER H. MACNEISH
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 12/05/2008 03:55:33 PM
Book: RE 5362 **Page:** 1736-1738
Document No.: 2008045656
DECL 3 PGS \$17.00

Recorder: JOHNSON, CAROLYN

State of North Carolina, County of New Hanover

**YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.**

2008045656

2008045656