

Hanover County, but as affected by the filling in of Myrtle Grove Sound at this point, it being specifically understood as to this lot that the grantors convey only so much thereof as is now vested in them.

The above lot is the same lot described in a deed from Maurice Margolis and wife, Florence Margolis, and Samuel Leder and wife, Sylvia K. Leder to the said W. Carl Averitt and wife, Eva S. Averitt, dated October 21, 1949, and registered in Book 436, page 378, in the office of the Register of Deeds for New Hanover County; and the same lot described in a deed from W. Carl Averitt and wife Eva S. Averitt to D. G. Gower, dated May 30, 1951 and recorded in Book 481, page 508, Registry of New Hanover County, to which deed with the references therein given, reference is hereby made.

The Grantees assume the payment of all taxes for the year 1955, on this property. The grantors also hereby convey to the grantees herein all household and kitchen furniture and all fixtures and equipment now located in and on said premises.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, and all privileges, and appurtenances thereto belonging, to the said John N. Denning and wife, Helen G. Denning, and their heirs and assigns, to their only use and behoof forever.

And the said D. G. Gower and wife, Willie Boykin Gower, for themselves, and their heirs, executors and administrators, covenant with said John N. Denning and wife Helen G. Denning, and their heirs and assigns, that they are seized of said premises in fee and have the right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said D. G. Gower and wife, Willie Boykin Gower, have hereunto set their hands and seals the day and year first above written.

D. G. Gower (Seal)  
Willie Boykin Gower (Seal)

STATE OF NORTH CAROLINA  
JOHNSTON COUNTY

I, E. C. Jones, notary public, do hereby certify that D. G. Gower, and Willie Boykin Gower, his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance.

Witness my hand and notarial seal this the 13 day of April, A.D. 1955.

Notarial Seal  
My commission expires 3-4-57

E. C. Jones, N. P. (Seal)

STATE OF NORTH CAROLINA  
NEW HANOVER COUNTY

The Foregoing Certificate of E. C. Jones, notary public of Johnston County, is adjudged to be correct. Let the instrument with the certificate be registered.

Witness my hand this 28 day of May, A.D. 1956.

Ethel A. Brown,  
Dy. Clerk Superior Court

Received and Recorded, May 28, 1956  
at 4:20 P. M., and Verified.

*R. L. Black*  
Register of Deeds

KEN RENE D'AUBOUR, ET UX : NORTH CAROLINA  
DECLARATION : NEW HANOVER COUNTY

THIS DECLARATION made by Ken Rene D'Aubour

and his wife, Josephine Duffy D'Aubour,

WITNESSETH: That the undersigned are the successors in title through mesne conveyances from the Highwood Park Company, a corporation to those lots and parcels of land lying and being in the City of Wilmington, New Hanover County, North Carolina, and more particularly described as follows:

All of Lots 1, 2, 3, 8, 9, and 10, in Block C, of the Subdivision known as Highwood Park as the same is shown on a map of said Subdivision recorded in Map Book 2, at page 4, of the office of the Register of Deeds of New Hanover County.

AND WHEREAS, there is shown on said map of the Subdivision known as Highwood Park recorded in Map Book 2, at page 4 in the office of the Register of Deeds for New Hanover County a street or road denominated "Peachtree Street" which is adjacent to and adjoins said Lots 1, 2, and 3, of Block C of the Subdivision of Highwood Park on the north, and that the recording of said map constituted a dedication to public use as a street or road of the area so denominated as "Peachtree Street"; and,

WHEREAS, since the recording of said map or plat above referred to and for more than twenty years next preceding the date of this instrument the area hereinafter described has not been actually opened and used by the public, nor has it been subjected by the public or any member thereof to use as a street or way, nor has the public or any member thereof claimed the right to use the same as a street or way, public or private, and there being now no necessity nor any public benefit to be derived from the dedication of the area aforesaid; and,

WHEREAS, the Highwood Park Company, the corporation dedicating the above described area as a street or road, is not now in existence; and,

WHEREAS, the City Council of the said City of Wilmington by resolution duly adopted on the 10th. day of November, 1948, pursuant to the provisions of subsection 11 of Section 200 of Chapter 160 of the General Statutes of North Carolina officially closed and removed from dedication as a street or road of the said City of Wilmington the area of "Peachtree Street" hereinafter described; and,

WHEREAS, 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 have been dedicated, or be claimed to have been dedicated by the recording of and reference to said map or plat and continued use of said area or strip of land is not necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the Highwood Park Company; and,

WHEREAS, the strip or area of said "Peachtree Street" hereinafter described is now conclusively presumed to have been abandoned by the public pursuant to the provisions of Section 96 Chapter 136, of the General Statutes of North Carolina;

NOW, THEREFORE, the undersigned Ken Rene D'Aubour and his wife, Josephine Duffy D'Aubour successors in title to Highwood Park Company, hereby make declaration withdrawing said area,

tract, piece or parcel of land hereinafter described from the public or private use to which it may have been heretofore dedicated by the recording of and reference to said map or plat and any prior or succeeding maps or plats made or revised and recorded in the office of the Register of Deeds of New Hanover County, area, tract, piece, or parcel of land lying and being in the City of Wilmington, New Hanover County, North Carolina, and more particularly described as follows:

BEGINNING at a concrete monument, which said concrete monument is located on the southwest corner of Lot 20 of Rosemont Subdivision as the same is shown on a map or plat recorded in the office of the Register of Deeds of New Hanover County, said concrete monument being also in the former center line of Peachtree Street; running thence from said beginning point south 45 degrees 44 minutes east with and along the former center line of Peachtree Street and along the southern line of Lot 20 of said Rosemont Subdivision 140.44 feet to the western line of Rosemont Avenue (said western line of Rosemont Avenue being thirty (30) feet from the center line thereof) running thence south 44 degrees 03 minutes west with and along said western line of Rosemont Avenue 20 feet to a point in the former Southern line of Peachtree Street, the same being also the northern line of Lot 3, Block C, of the Subdivision known as Highwood Park; running thence north 45 degrees 44 minutes west with and along the former southern line of Peachtree Street 300 feet to a point in the eastern line of Orchard Avenue (said eastern line of Orchard Avenue being twenty (20) feet from the center line thereof); running thence north 17 degrees 48 minutes east 22 feet more or less to the point of intersection of the said eastern line of Orchard Avenue with the former center line of Peachtree Street; running thence south 45 degrees 44 minutes east with and along the former center line of Peachtree Street 168.8 feet more or less to the said concrete monument, the point of Beginning, the same being shown together with the other tracts or parcels of land owned by the said Ken D'Aubour and his wife, Josephine Duffy D'Aubour on a map or plat prepared by M. H. Lander, C.E., October 14, 1955, a copy of which said map or plat is attached to this Declaration as a part of the description of the lands herein withdrawn from dedication.

This withdrawal from dedication is done in accordance with and under and by virute of Section 96 of Chapter 136 of the General Statutes of North Carolina, this the 26th. day of May, 1956.

Ken Rene D'Aubour (Seal)  
Josephine Duffy D'Aubour (Seal)

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Christine B. Farrow, a notary public in and for the State and County aforesaid, do hereby certify that Ken Rene D'Aubour and wife, Josephine Duffy D'Aubour, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26th. day of May, 1956.

Notarial Seal  
My commission expires Jan. 9, 1958

Christine B. Farrow  
Notary Public

STATE OF NORTH CAROLINA  
NEW HANOVER COUNTY

The Foregoing Certificate of Christine B. Farrow, notary public of New Hanover County, is adjudged to be correct. Let the instrument with the Certificate be recorded.

This the 28 day of May, 1956.

Vernell DeVane,  
Asst. Clerk Superior Court

Received and Recorded, May 28, 1956  
at 5:20 P. M., and Verified.

*R. L. Black*  
Register of Deeds

RESTRICTIONS----- : STATE OF NORTH CAROLINA -----  
PINE VALLEY ESTATES, INC.-----SECTION 2 : COUNTY OF NEW HANOVER

THIS DECLARATION, Made this 31 day of May, 1956, by Pine Valley Estates, Inc. a North Carolina Corporation.

WITNESSETH: THAT WHEREAS, Pine Valley Estates, Inc. has placed on record in the New Hanover County Registry a map showing an area designated as Pine Valley Estates, Section 2, said area designated, lying and being in Masonboro Township, County of New Hanover and State of North Carolina, and,

WHEREAS, it is the desire of Pine Valley Estates, Inc. for itself, its successors and assigns to declare the following restrictions which shall apply to all lots located in said subdivision known as Pine Valley Estates, Section 2, a map of which is recorded in the New Hanover County Registry and these restrictions shall be binding on all parties claiming title to said lots under said Pine Valley Estates, Inc.;

1. All lots in this Subdivision shall be used for residential purposes only, and no dwelling shall be erected on any residential plot other than one detached single family dwelling not to exceed two and one-half stories in height and a one or two car garage.

2. No building shall be erected nearer the front street line than sixty feet on any residential lot in this subdivision, and no building shall be erected nearer an adjacent property line than 10 feet. For any lot having a street on more than one side, the side having the least street frontage shall be considered to be the front street line. No building on any lot adjoining the Pine Valley Country Club Golf Course, namely lots 94-113 inclusive, shall be built nearer than fifty feet to the Country Club Golf Course line.

3. No lot as shown by the official plan of the above lots shall be re-subdivided unless such part of the subdivided lot becomes a part of a whole lot, and the remainder of the subdivided lot becomes a part of another whole lot.

4. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on the tract shall at any time be used as a residence.

5. The design of all buildings which shall be erected or moved onto any lot will be subject to the approval by the developer or its attorney-in-fact or a Committee appointed by the developer or its attorney-in-fact. Upon written request by a lot owner for approval of plans, the developer or said committee shall have ten (10) days to approve or disapprove the plans. In the event of failure to approve or disapprove within the ten (10) days, such approval will not be required, provided the design of the proposed building is in harmony with existing structures in the section. In any case, with or without approval, no dwelling shall be constructed on any lot numbered 66-79, both inclusive, 116, 127-133, both inclusive, 138-151, both inclusive,