

Drawn by & made to: Henry B. Smith, Jr.

BOOK 438 PAGE 509

*[Handwritten signature]*

STATE OF NORTH CAROLINA  
COUNTY OF UNION

AMENDMENT OF RESTRICTIVE COVENANTS

RECORDED  
and  
VERIFIED  
*[Signature]*

THIS AMENDMENT made this the 17<sup>th</sup> day of June, 1988, by  
RUMMAGE & EDWARDS COMPANY, a Partnership;

WITNESSETH:

WHEREAS, Rummage & Edwards Company, declared certain Restrictive Covenants dated the 28th day of June, 1982 and recorded in Book 357 Page 774 in the Union County Registry upon Greenbrook Subdivision, Section 1, which is shown on that plat recorded in Plat Cabinet B, File 74A in the Union County Registry; and

WHEREAS, the Declarant in said Restrictive Covenants reserves the right to amend said covenants until Declarant has conveyed Seventy-Five percent (75%) or more of the lots in said subdivision; and,

WHEREAS, Declarant has conveyed less than Seventy-Five percent (75%) of said lots in the subdivision, as there are Forty-Six (46) lots in the subdivision, Seventy-Five percent (75%) of which is Thirty-Four and One-Half (34.5) lots and Declarant has only conveyed Thirty-Four (34) lots; and,

WHEREAS, the twelve (12) lots remaining in the ownership of the Declarant are as follows: Lots 11-13, 15, 18 and 19, 21 and 22 of Block A; Lot 2 of Block B; Lots 9, 11 and 12 of Block C, Section 1;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that those Restrictive Covenants for Greenbrook Subdivision, Section One, Plat Cabinet B File 74A which covenants are recorded in Book 357 Page 774 all in the Union County Registry, be in the same are hereby amended as follows:

Paragraph 6 of the original Restrictive Covenants is hereby deleted and in lieu thereof the following:  
"Basements for utilities and streets are reserved across said lots as shown on said Plat except that

BOOK 438 PAGE 590

the 7.5 foot wide strip reserved along all  
 sidelines for the purpose of drainage and  
 utility easements as shown on said plat is  
 hereby deleted along the common sidelines of  
 any two or more lots which are developed as  
 a single lot unless drainage or utility  
 structures have been installed within said  
 easement prior to the time of development."  
 Except as to the amendment herein contained, the original  
 Restrictive Covenants are hereby readopted, republished and  
 redeclared.

IN WITNESS WHEREOF, the Declarant has executed these  
 presents, this the day and year first above written.

RUMMAGE & EDWARDS COMPANY, a Partnership

By: Nancy C. Rummage  
 Harvey C. Rummage, Partner

By: Jimmy Wilson Edwards  
 Jimmy Wilson Edwards, Partner

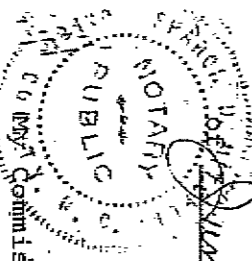
STATE OF NORTH CAROLINA  
 COUNTY OF UNION

I, Harold A. Mitchum a Notary Public, do hereby  
 certify that HARVEY C. RUMMAGE, Partner, JIMMY WILSON  
 EDWARDS, Partner, trading as RUMMAGE & EDWARDS COMPANY,  
 personally appeared before me this day and acknowledged  
 the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 17th day

19 88.

Harold A. Mitchum  
 Notary Public



NORTH CAROLINA - Union County Harold A. Mitchum  
 The foregoing certificate(s) of Harold A. Mitchum  
 Notary Public of Union County

MC  
 is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 438 Page 589  
 this 29th day of September, 19 88 at 3:45 o'clock P.M.  
 JUDY B. CHAPMAN, REGISTER OF DEEDS  
 By: Judy B. Chapman Deputy/Asst.

ENVIRONMENTAL HEALTH DIVISION  
Sewage Disposal/Land Use Agreement

BOOK 438 PAGE 59

Date June 20, 1988

I acknowledge that I have been informed by the Union County Health Department that the property located at:

ON Noah Helms Road

RECORDED  
and  
VERIFIED  
BPP

does not meet established soil criteria for a conventional subsurface waste water disposal system for the reason or reasons listed below. This property may be developed with an appropriate alternative type of sewage disposal system. I agree to immediately abate any nuisance which occurs from wastewater disposal at this location for as long as I own or have controlling interest of the property. Failure to abate such nuisance shall provide cause for the Health Director to condemn the system as provided in Rules and Regulations Governing the Design, Installation, Cleaning, and Use of Sewage Disposal Systems in Union County, Section IV-B. I also agree to inform any person, firm, or corporation buying or accepting transfer of this property from me of this agreement.

Limited area of a shallow clay soil underlain by rock at an average depth of 14 inches.

Bulk of lot had soil less than 12 inches deep to rock.

Willy B.  
Owner Benny Burns  
Benny Burns  
Route 1, Box 188  
Indian Trail, N.C. 28079

State of North Carolina  
County of Union

I, Wanda S. Helms, a notary public in and for the said County and State, do hereby certify that

Benny Burns, personally appeared before me this day and being duly sworn, signed the foregoing instrument.

Wanda S. Helms  
NOTARY PUBLIC

NOTARY  
11-20-89  
My Commission Expires 11-20-89  
UCHD-2H 1/1/89

STATE OF NORTH CAROLINA-UNION COUNTY  
The foregoing certificate is of Wanda S. Helms, Notary (Notarizes)

Public for Union County, State of NC is (are) certified to be correct. Filed for record this the 20 day of June, 1988 at 4:00 o'clock P. M. in Book 438 Page 59  
By: Mary B. Carraker Deputy

Drawn by Thomas R. Ward, Director, Environmental Health Division  
Union County Health Department, Monroe, North Carolina

REFERENCE TO: Amendment of Restrictive  
Covenants

Book 398 Page 698

RECORDED and  
VERIFIED

8:58 AM

REFERENCE MADE TO:

BOOK

586

PAGE 38

(DMD)

BOOK 357 PAGE 774

NORTH CAROLINA  
UNION COUNTY

RESTRICTIVE COVENANTS

THIS DECLARATION made this the 28th day of June, 1982,  
by RUMMAGE & EDWARDS COMPANY, a Partnership, hereinafter called "Declarant";

W I T N E S S E T H:

THAT WHEREAS, the Declarant is the owner of a tract of land containing  
77.062 acres, more particularly described in that Deed to Declarant recorded in  
Book 348, Page 578, in the Union County Registry; and

WHEREAS, Declarant has caused said property to be subdivided into lots  
all as shown on that plat recorded in Plat Cabinet B, File 77A,  
which plat is incorporated herein by reference; and

WHEREAS, Declarant desires that said subdivision be developed according  
to a uniform plan of development in order to protect the value of said pro-  
perty as a residential subdivision.

NOW, THEREFORE, know all men by these presents that the Declarant hereby  
declares the following restrictions upon each lot within the subdivision  
hereinafter referred to which restrictions shall be considered covenants  
running with the land for a period of twenty (20) years from the date hereof,  
to-wit:

1. No lot as designated on said plat shall be further subdivided such  
that the result is any lot having less than 20,000 square feet of surface area  
exclusive of the right of way.
2. No lot or portion thereof shall be used for other than single family  
residential purposes and no mobile homes, house trailers, modular mobile units  
or similar structures shall be located or maintained on said premises, either  
permanently or temporarily, provided, customary home occupations as defined,  
described and allowed in the Union County Zoning Ordinance, as amended from  
time to time, may be permitted.
3. No animals shall be maintained upon any of said lots except customary  
household pets. In no event shall horses, ponies or the like be maintained on  
any of said lots.
4. No residence which is constructed shall have less than One Thousand

*Declarant by*  
*Mar 15 1982*  
LAW OFFICE OF  
HENRY B. SMITH, JR.  
ROHNOC, N. C.

## BOOK 357 PAGE 775

(1,000) square feet of heated floor space for single story dwellings and One Thousand Three Hundred (1,300) square feet for multi-story dwellings, exclusive of carport, garage, breezeway and porches. No outbuildings shall be constructed upon said lots other than of materials and design of the same or substantially similar to that of the principal dwelling located upon said lot.

5. No building or structure shall be located nearer to an abutting street than thirty (30) feet from the right of way line nor nearer to an interior side line or rear line than ten (10) feet.

6. Basements for utilities and streets are reserved across said lots as shown on said plat.

7. No dwelling located upon above described property shall be constructed in such manner as to leave showing in the main structure thereof any concrete block or concrete brick, asbestos siding or cinder block.

8. No junk motor vehicles or abandoned vehicles shall be located or maintained on said property.

9. No fence or other obstruction erected from the front line of a dwelling to the street right of way line shall exceed three (3) feet in height.

10. Until seventy-five per cent (75%) of said lots have been sold and conveyed by the Declarant, the Declarant shall have the right and hereby reserves the right and authority to amend said restrictions in any and all respects, including the cancellation thereof, as to delete any or all of said lots from the effect of these restrictions. However, after the sale of seventy-five per cent (75%) of said lots, these restrictions shall not be amended, altered or the effect thereof deleted from any of said lots without the joinder of the owners of the majority of said lots.

IN WITNESS WHEREOF, the Declarant has executed these presents, this the day and year first above written.

RUMMAGE & EDWARDS COMPANY, a Partnership

By: Harvey C. Rummage  
Harvey C. Rummage, Partner

By: Jimmy Wilson Edwards  
Jimmy Wilson Edwards, Partner

BOOK 357 PAGE 776

STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, Carolyn S. Greene, a Notary Public, do hereby certify that HARVEY C. RUMAGE, Partner, JIMMY WILSON EDWARDS, Partner, trading as RUMAGE & EDWARDS COMPANY, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 28<sup>th</sup> day of June, 1982.

Carolyn S. Greene  
Notary Public

My Commission Expires: 10-9-85

STATE OF NORTH CAROLINA-UNION COUNTY  
The foregoing certifies of Carolyn S. Greene

Notary (Notarizes) Public of Union County, State of N.C.  
is (was) certified to be correct. This instrument was presented for registration  
and recorded in this office in Book 357 Page 774, this the 29<sup>th</sup> day  
June, 1982 at 4:25 o'clock P. M.  
By: Deborah Chapman Deputy  
Mary B. Carriker-Register of Deeds

LAW OFFICE OF  
HENRY B. SMITH, JR.  
MONROE, N. C.

NOTARY PUBLIC STATE OF NORTH CAROLINA  
HENRY B. SMITH, JR., MONROE, N. C.  
NOTARY PUBLIC STATE OF NORTH CAROLINA

RECORDED  
and  
VERIFIED  
TK SE

BOOK 398 PAGE 692

STATE OF NORTH CAROLINA  
COUNTY OF UNION

AMENDMENT OF RESTRICTIVE COVENANTS

THIS AMENDMENT made this the 4 day of December, 1985, by  
RUMMAGE & EDWARDS COMPANY, a Partnership;

W I T N E S S E T H:

WHEREAS, Rummage & Edwards Company, declared certain Restrictive Covenants upon that subdivision known as Greenbrook Subdivision, as would appear with reference to the recorded Restrictive Covenants dated June 28, 1982 and recorded in Book 357 Page 774 in the Union County Registry; and,

WHEREAS, the Declarant in said Restrictive Covenants reserve the right until Seventy-Five percent (75%) or more of the lots in said subdivision had been conveyed to amend the same; and,

WHEREAS, Rummage & Edwards Company is still the owner of more than Seventy-Five percent (75%) of the lots in said subdivision; and

WHEREAS, the topography of Lot No. 9, Block A of said subdivision Section One is such that the Forty (40) foot setback requirement in the front yard of said lot should be amended to allow reasonable placement of a dwelling house thereon;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the front yard setback line for Lot No. 9, Block A, Greenbrook Division, Section One, is hereby amended to 37.3 feet.

IN WITNESS WHEREOF, the Declarant has executed these presents, this the \_\_\_\_\_ day and year first above written.

RUMMAGE & EDWARDS COMPANY, a Partnership

By: Harvey C. Rummage, Partner

By: Jimmy Wilson Edwards, Partner

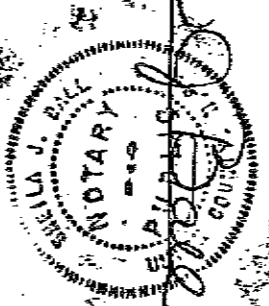
BOOK 398 PAGE 693

STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, Shelia J. Ball, a Notary Public, do hereby certify that HARVEY C. RUMMAGE, Partner, JIMMY WILSON EDWARDS, Partner, trading as RUMMAGE & EDWARDS COMPANY, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 4th day of December, 1985.

*Shelia J. Ball*  
Notary Public



My Commission Expires: 9/26/89

STATE OF NORTH CAROLINA-UNION COUNTY  
The foregoing certificate is of \_\_\_\_\_

*Shelia J. Ball*

Notary (Notaries)

Public of Union County, State of NC is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 398 Page 692, this the 4th day of December, 1985 at 10:40 o'clock A M.

Mary B. Garriker-Register of Deeds By: *Judith Chapman* Deputy

*Drawn By & Return To:  
Smith & Co*