

DRAWN BY: Samuel M. Booth

BOOK PAGE

MAIL TO: Mr. Samuel M. Booth, 1171 West Fourth Street, Winston-Salem, N. C. 27101

A241 031

NORTH CAROLINA)
YADKIN COUNTY)

MODIFICATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, That whereas SHUGART ENTERPRISES, INC., a corporation of Forsyth County, North Carolina, was the owner and developer of all the lots in the development known as DEERBROOK, a map of which is recorded in the Office of the Register of Deeds of Yadkin County, North Carolina, in Plat Book 5, page 240; and

WHEREAS, Shugart Enterprises, Inc. caused to be placed on record Declaration of Restrictive Covenants imposing restrictions on the subdivision of Deerbrook, said instrument being recorded in Book 227, page 304, in the Office of the Register of Deeds of Yadkin County, North Carolina. By Paragraph Number 11 of said Restrictive Covenants, Shugart Enterprises, Inc. reserved the right to modify, cancel or change the restrictions.

WHEREAS, Paragraph Number 2 of said restrictions provides: "2. No number lot as shown on the recorded plat shall be subdivided except that two lot owners may subdivide a lot between them but only one residence shall be built on the combined original lot and the subdivided portion of any lot.";

WHEREAS, a strip of Lot 9 was conveyed with Lot 8 in order to cover the inadvertent placement of driveway and due to the conveyance of a part of Lot 9 in conjunction with Lot 8, it is necessary to amend and modify Paragraph 2 of the restrictions.

NOW THEREFORE, Shugart Enterprises, Inc. under the authority of Paragraph 11 of the stated restrictions for Deerbrook does hereby release and discharge Lot 9 as shown on the said plat of Deerbrook and all owners thereof, both present and future, from that certain restriction in Paragraph 2 above recited and hereby modify the same and establish in lieu thereof, that as to Lot 9 of said plat, that Lot 9, as shown on the recorded plat shall not be subdivided except a strip along and adjacent to Lot 8 measuring in width 9.0 feet along the southeastern right of way line of Deerbrook Drive and expanding to 16.30 feet into Lot 9 at the rear common corner of Lots 8 and 9. The strip containing approximately 2,420 square feet may be cut off said Lot 9 and used in conjunction with Lot 8, thereby allowing the remaining and major part of Lot 9 as a building lot not in violation of Restriction Number 2 as originally stated. It being, however, understood that each and all of said restrictions, except as here modified as to Lot 9, shall be and remain in full force and effect.

IN TESTIMONY WHEREOF, SHUGART ENTERPRISES, INC. has caused these presents to be signed by its _____ President, attested by its Secretary and has caused its Corporate Seal to be affixed hereto, this the _____ day of July, 1983.

ATTEST



SHUGART ENTERPRISES, INC.

By [Signature]
President

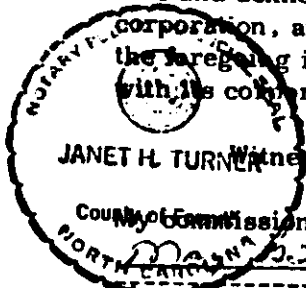
[Signature]
Secretary

BOOK 7702

A241 032

STATE OF NORTH CAROLINA - COUNTY OF FORSYTH

I, Janet H. Turner, a Notary Public of Forsyth County, North Carolina, do hereby certify that Kay W. Shugart personally came before me this date and acknowledged that she is the Secretary of Shugart Enterprises, Inc., a 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 herself as its Secretary.



Witness my hand and notarial seal this the 22nd day of July, 1983.

Janet H. Turner
Notary Public

STATE OF NORTH CAROLINA - COUNTY OF YADKIN

The foregoing certificate of Janet H. Turner, a Notary Public of Forsyth County, North Carolina, is certified to be correct. This instrument was presented for registration this 25th day of July, 1983, at 3:40 PM, P.M., and duly recorded in the Office of the Register of Deeds of Yadkin County, North Carolina.

This the 25th day of July, 1983.

BILLIE N. RENEGAR, REGISTER OF DEEDS

By Mary Jane Cassanova
Deputy/Assistant

MAIL TO:

DRAWN BY: *Samuel W. Booth*
FRYE, BOOTH & PORTER
P. O. Box 2974
Winston-Salem, N. C. 27102
NORTH CAROLINA)
YADKIN COUNTY)

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A227 304

DECLARATION OF RESTRICTIVE COVENANTS
OF DEERBROOK

KNOW ALL MEN BY THESE PRESENTS, That Shugart Enterprises, Inc., a Corporation of Forsyth County, does hereby covenant and agree to and with all persons, firms and corporations hereinafter acquiring lots in the Development known as DEERBROOK, a plat of which is recorded in Plat Book 5, page 240, in the Office of the Register of Deeds of Yadkin County, North Carolina, the said lots being now owned by Shugart Enterprises, Inc.; that all numbered lots shown on the plat are hereby subjected to the following restrictions as to the use thereof, the said restrictions being appurtenant to and running with the said land by whomsoever owned. These said restrictions shall apply to each and every numbered lot as shown upon the said plat.

1. All lots shall be used for residential purposes only. No building shall be erected, placed or permitted to remain on any lot other than one detached single-family dwelling and customary accessory buildings used in connection therewith for customary purposes.
2. No number lot as shown on the recorded plat shall be subdivided except that two lot owners may subdivide a lot between them, but only one residence shall be built on the combined original lot and the subdivided portion of any lot.
3. No single-family dwelling shall be built, erected or used unless it shall contain at least 900 square feet of floor space on the ground level. The floor space herein referred to shall be exclusive of porches, garages, breezeways, terraces and basement areas.
4. No building or part of building other than steps, open porches, overhanging eaves or cornices shall extend nearer to the front property line than 40 feet. In the case of a corner lot, no building may be placed within 20 feet to the side street property line. The rear yard shall have a depth of not less than 35 feet, except that the detached private garages may be placed within 10 feet of the rear property line.
5. Every building erected on the properties shown on the plat shall have two side yards with a total footage of not less than 25 feet, and in no case shall the width of either yard be less than 10 feet.
6. All detached private garages or other buildings shall be erected at least 75 feet from the front property line.
7. No swine or other livestock shall be kept on the premises. Household pets may be kept for non-commercial purposes on the property described herein, if they are properly confined and do not constitute a nuisance.
8. No portions of any building erected on this property shall have exposed concrete blocks on the exterior; stucco foundations are acceptable. The roof style of buildings erected on this property shall be limited to mansard, hip and/or gable; and flat roofs are specifically prohibited.

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9. No building may be moved from another location and placed on any lot in this subdivision, it being specifically required that any dwelling house in this subdivision shall be of new construction and constructed on the premises.

10. The foregoing covenants, restrictions and conditions shall run with the land and shall be kept, observed and performed by the parties charged therewith for a period of thirty (30) years from the date of recording of this instrument.

11. Any restriction, covenant or condition hereinabove set forth may be removed, modified or changed by securing written consent of Shugart Enterprises, Inc., which written consent shall be duly executed, acknowledged and recorded in the Office of the Register of Deeds of Yadkin County, North Carolina, and which written consent may be given or withheld within the uncontrolled and sole discretion of Shugart Enterprises, Inc., its successors or assigns.

12. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain or to recover damages. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect. By accepting a deed subject to these restrictions, the grantees therein cannot maintain any action at law or in equity against any person or persons violating the building line as shown on the recorded plat, if any, as said building lines are a requirement of the Yadkin County Health Department, which may be changed from time to time depending on the circumstances and in their discretion. However, this does not preclude enforcement of Restriction Number 4 set out above.

IN TESTIMONY WHEREOF, Shugart Enterprises, Inc., has caused these presents to be signed in its name by its James M. Wooten President, attested to by its Secretary and its corporate seal to be affixed hereto, this the 27th day of April, 1981.

SHUGART ENTERPRISES, INC.

By

President

Secretary

NORTH CAROLINA - Forsyth County

I, Janet H. Turner, Notary Public of Forsyth County, North Carolina; do hereby certify that James M. Wooten personally came before me this date and acknowledged that he is the Secretary of Shugart Enterprises, Inc., a 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 to by himself as its Secretary.

NOTARY WITNESS my hand and notarial seal, this the 27th day of April, 1981.

My commission expires: April 22, 1984

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF YADKIN.

The foregoing certificate(s) of Janet H. Turner

Notary Public

is (are) certified to be correct. This instrument was presented for registration this 27th day of April, 1981, at 9:50 A.M., and duly recorded in the office of the Register of Deeds of Yadkin County, North Carolina in Book Page

This the 27th day of April, A.D., 1981.Billie N. Renegar
REGISTER OF DEEDSBy: Billie N. Renegar
REGISTER OF DEEDS.