

NORTH CAROLINA

VANCE COUNTY

AMENDMENT TO RESTRICTIVE COVENANTS  
FOR DABNEY ESTATES ASSOCIATES

DABNEY ESTATES ASSOCIATES, a North Carolina Partnership with its principal office and place of business in Henderson, Vance County, North Carolina and JAMES E. KENNEY and wife, CONNIE J. KENNEY, Vance County, North Carolina are owners of lots or parcels of land situated in Dabney Township, Vance County, North Carolina, and more particularly described as follows:

BEGIN at an existing iron pin on the eastern edge of the right of way for State Road 1326, corner of Polly Burroughs, Mary Helen Grant, William Burroughs, Gary Burroughs, and Stephen Burroughs, and William B. Granger, Jr., said iron pin being located 1.2 miles South of the intersection of State Road 1326 and State Road 1308 and being further located 38.52 feet from an rr spike in the center of State Road 1326; run thence along the line of William B. Granger South 83° 58' 21" East 2441.59 feet to an existing iron pin; thence continuing South 83° 58' 21" East 299.86 feet to an existing iron pin; thence along the line of Continental Can Company South 5° 37' 59" West 1511.71 feet to an existing iron pin; thence along the line of Vernon Mitchell North 84° 38' 04" West 1208.89 feet to a 36-inch white oak; thence continuing through said oak North 82° 35' 48" West 2690.35 feet to a new iron pin in the center of the old road; thence up the center of said road North 53° 56' 25" East 297.25 feet to an iron pin, North 52° 10' 30" East 132.53 feet to a new iron pin, North 59° 58' 07" East 119.64 feet to an iron pin, North 44° 53' 22" East 226.65 feet to a rr spike, North 46° 01' 34" East 89.79 feet to a pk nail, North 40° 39' 53" East 89.97 feet to a pk nail, North 34° 53' 10" East 88.15 feet to a pk nail, North 32° 28' 12" East 361.22 feet to a pk nail, North 33° 25' 44" East 131.91 feet to a pk nail, North 35° 39' 30" East 86.02 feet to a pk nail, North 40° 02' 16" East 109.9 feet to a pk nail, North 45° 21' 24" East 120.25 feet to a rr spike; thence South 83° 58' 21" East 38.52 feet to the place of beginning. The same being more specifically shown on plat of property of Myrtle Brame Estate, Henderson Township, Vance County, N. C., prepared by Cawthorne & Bobbitt, Surveyors, dated November 19, 1982 and recorded in Vance County Registry, Plat Book U, at page 213.

That from the above described Tract, Lots 1-12 as recorded in Plat Book U, page 455, of the Vance County Register of Deeds, only are included in the hereinafter imposed Restrictive Covenants.

THAT WHEREAS CORNELIUS F. CATHCART, WILLIAM A. MURPHY, JAMES E.

KENNEY, J. HENRY BANKS and MOUHAMMAD FAROUK SOUKKAR, doing business and trading as DABNEY ESTATES ASSOCIATES, a North Carolina partnership with its principle office and place of business at Henderson, Vance County, North

Carolina executed certain restrictive covenants touching and concerning that certain parcel of land described hereinabove; said restrictive covenants are recorded at Book 597, Page 1 of the Vance County Registry.

WHEREAS by deed dated June 24, 1985 and recorded at Book 597, Page 166, CORNELIUS F. CATHCART and wife, M. FAY CATHCART of Vance County, North Carolina, WILLIAM A. MURPHY and wife, GLENNETTE C. MURPHY, of Vance County, North Carolina; FRANK W. BALLANCE, JR. and wife, BERNADINE S. BALLANCE of Warren County, North Carolina; J. HENRY BANKS and wife, PATRICIA C. BANKS of Vance County, North Carolina; and MOUHAMMAD FAROUK SOUKKAR, and FATIMA BADAWI of Vance County, North Carolina, D/B/A DABNEY ESTATES ASSOCIATES and WILLIE S. DARBY, Trustee, conveyed a certain lot known as Lot 10 of Dabney Estates, Section I, as shown on the map of Cawthorne and Associates, RLS, dated June 14, 1984, to JAMES E. KENNEY and wife, CONNIE J. KENNEY of Vance County, North Carolina.

WHEREAS, the Restrictive Covenants for DABNEY ESTATES ASSOCIATES recorded in Book 597, Page 1 of the Vance County Registry at Covenant 5 require that no building shall be located on any lot nearer than 100 feet from the right of way line of any road, or nearer than 50 feet from a side lot line; and whereas the survey of Cawthorne and Associates, RLS dated June 14, 1984, establishes a setback of 30 feet from the edge of the 30 foot right of way for State Road 1326 for those five lots fronting State Road 1326 and 60 feet from the edge of the right of way for the remaining lots in Section I which front the Private Road constructed by DABNEY ESTATES ASSOCIATES.

WHEREAS, the parties hereto desire to alleviate the discrepancy;

NOW THEREFORE, said parties for the purpose of alleviating the discrepancy concerning the setback for the lots in the DABNEY ESTATES ASSOCIATES SUBDIVISION as well as creating and maintaining a quiet, restful and desirable development in which the improvements situated therein are generally consistent in design and motif, one with the other, and for the protection of the landowners who buy or build houses in said above-described

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development, DABNEY ESTATES ASSOCIATES, and JAMES M. KENNEY and wife, CONNIE S. KENNEY as grantees of a lot from DABNEY ESTATES ASSOCIATES do hereby amend Covenant 5 of the Restrictive Covenants for DABNEY ESTATES ASSOCIATES as recorded at Book 597, Page of the Vance County Registry as follows:

5. No building shall be located on any lot nearer than 90 feet from the center line of any road, or near than 50 feet from a side lot line. For the purposes of these covenants, the eaves, steps, open porches and closed garages attached to the house shall be a part of the building and are not allowed within the above described distances; but paved or unpaved driveways shall not be considered a part of the building and therefore the distance limits would not apply to said driveways.

Except to the extent that they are inconsistent with this Amendment the Restrictive Covenants recorded in Book 597, Page 1 of the Vance County Registry shall remain in full force and effect and the same are incorporated herein by reference and together with this amendment shall run with the land hereinabove described and are binding on the parties hereto and any persons claiming under them.

IN WITNESS WHEREOF, the said parties hereto have set their hands and seals this the 24<sup>th</sup> day of October, 1986.

DABNEY ESTATES ASSOCIATES, A  
North Carolina Partnership

BY: Cornelius F. Carthcart  
CORNELIUS F. CARTHART, Partner

BY: James E. Kenney  
JAMES E. KENNEY, Partner

BY: William A. Murphy  
WILLIAM A. MURPHY, Partner

BY: Mohammad Farouk Soliman  
MOHAMMAD FAROUK SOLIMAN, Partner

BY: J. Henry Banks  
J. HENRY BANKS, Partner

James E. Kenney  
JAMES E. KENNEY

Connie S. Kenney  
CONNIE S. KENNEY

STATE OF NORTH CAROLINA  
WARREN COUNTY

I, DOLLIE A. BURWELL, a Notary Public of said County and State do hereby certify that JAMES E. KENNEY and wife, CONNIE J. KENNEY personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 24 day of October, 1986



*Dollie A. Burwell*  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/20/89

STATE OF NORTH CAROLINA  
WARREN COUNTY

I, DOLLIE A. BURWELL, a Notary Public of said County and State do hereby certify that CORNELIUS F. CATHCART, JAMES E. KENNEY, WILLIAM A. MURPHY, MOUHAMMAD FAROUK SOUKKAR, and J. HENRY BANKS, personally appeared before me this day and acknowledged that they are partners in DABNEY ESTATES ASSOCIATES, a North Carolina Partnership and that they have this day acknowledged the due execution of the foregoing instrument.

WITNESS my hand and and seal this the 24 day of October, 1986.



*Dollie A. Burwell*  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/20/89

J. HENRY BANKS  
ATTORNEY AT LAW  
HENDERSON, N.C. 27536

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STATE OF NORTH CAROLINA, VANCE COUNTY

The foregoing certificate~~(s)~~ of Dollie A. Burwell, Notary Public of  
Warren County, N. C.,

is ~~(are)~~ certified to be correct. This instrument was presented for  
registration and recorded in this office in Book 613, Page 730.

This 10 day of November 1986 at 11:29 o'clock A.M.  
SARAH H. HALE, REGISTER OF DEEDS BY: Jair Perkins  
~~Deputy~~ Assistant Register of Deeds