

BK 62480922

Rtn To: Biggs & Roney
Attorneys at Law
P.O. Box 7247
Rocky Mount, NC
27804-0247

NORTH CAROLINA

WAKE COUNTY

DECLARATION OF EXTENSION OF
RESTRICTIVE COVENANTS

RECORDED
1989 NOV 13
WAKE COUNTY

KNOW ALL MEN, that BIRCHWOOD HILLS, INC., a North Carolina corporation with its principal office in Wake County, North Carolina, did covenant and agree on March 18, 1964 for itself, its successors and assigns, to and with all persons, firms or corporations who are or which may hereafter acquire any interest in or title to any of the property described by the Declaration and Agreement recorded on March 19, 1964 in the Office of Register of Deeds for Wake County, North Carolina, in Book 1589, page 257, and as an inducement to said persons, firms and corporations to purchase a part of said property, that all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of BIRCHWOOD HILL SUBDIVISION, Section 1, according to plat of Birchwood Hills Subdivision, Section 1, by John W. Collier, Registered Surveyor and Robert L. Spence, Registered Surveyor, of record in Book of Maps 1963, page 246, Wake County Registry, which said land was then owned by BIRCHWOOD HILLS, INC., was thereby made subject to Restrictive Covenants as to the use of said land as set out in the Declaration and Agreement as above described, which covenants were declared to run with said land by whomsoever owned until January 1, 1990, on which date, they shall automatically expire; provided, however, that the expiration date may be extended for a period not to exceed twenty-five (25) additional years by the recording of an instrument so extending the expiration date in the Office of the Register of Deeds of Wake County, said instrument to be executed by the owners of a majority of the lots in said subdivision and to be recorded after the 30th day of November, 1989 and prior to January 1, 1990.

KNOW ALL MEN, that BIRCHWOOD HILLS, INC. through Grover C. Canthen III, President, as owner of property adjacent to Birchwood Hills Subdivision, Section I caused to be drawn on July 6, 1964 by John W. Collier, Registered Surveyor, and Robert L. Spence, Registered Surveyor, a plat entitled Birchwood Hills

Subdivision, Section II, and recorded in Book of Maps 1964, Page 121 in the Wake County Registry; that said plat revised Lot 13 of Birchwood Hills Subdivision, Section I, by redesignating it Lot 13A and burdening it with a relocated 20-foot drainage easement and with a portion of a 20-foot utility easement; that said plat revised Lot 24 of Birchwood Hills Subdivision, Section I, by redesignating it Lot 24A, enlarging it by moving the east lot line in an easterly direction 53.4 feet along Hillock Drive and 69.28 feet along the back lot line and burdening it with a 20-foot utility easement, 20-foot drainage easement and a control corridor; that the original deed out from Birchwood Hills, Inc. for Lot 13A and Lot 24A dated February 25, 1965 and recorded on March 5, 1965 in Book 1633, Page 479 in the Wake County Registry, describes the properties as follows:

All of Lot 13A and Lot 24A of Birchwood Hills Subdivision, Section I, according to plat of Birchwood Hills Subdivision, Section I, by John W. Collier, Registered Surveyor, and Robert L. Spence, Registered Surveyor, of record in Book of Maps 1963, at Page 246, Wake County Registry, as revised by plat of record in Book of Maps 1964, at Page 121, Wake County Registry.

This conveyance is made subject to easements of record and to protective covenants dated March 16, 1964, of record in the Wake County Registry in Book 1589, at Page 257, and to ad valorem taxes for 1963.

NOW, THEREFORE, the undersigned majority of the owners of lots in Birchwood Hills Subdivision, Section I, according to plat by John W. Collier, Registered Surveyor, and Robert L. Spence, Registered Surveyor, recorded in Book of Maps 1963, Page 246, Wake County Registry, as revised by plat of record in Book of Maps 1964, Page 121, Wake County Registry, do hereby extend the expiration date of the Restrictive Covenants adopted for Birchwood Hills Subdivision, Section I, by Declaration and Agreement dated March 18, 1964 and recorded on March 19, 1964 at Book 1589, Page 257 in the Wake County Registry, for a period of twenty-five (25) additional years so that the Restrictive Covenants shall not expire until January 1, 2015.

IN TESTIMONY WHEREOF, a majority of the record owners of the 24 lots of Birchwood Hills Subdivision, Section 1, have caused this instrument to be signed and recorded in the Wake County Registry.

Edward S. Hill (SEAL)
Edward S. Hill

Mary S. Hill (SEAL)
Mary S. Hill

Norman K. Stanley (SEAL)

Evelyn B. Stanley (SEAL)

James D. Hawfield, Jr. (SEAL)
James D. Hawfield, Jr.

Joan J. Hawfield (SEAL)
Joan J. Hawfield

Albert Sabitsch (SEAL)

Patricia A. Sabitsch (SEAL)

George William Arseniu (SEAL)
George William Arseniu

Carolyn Arseniu (SEAL)
Carolyn Arseniu

Dwight E. Ogier, Jr. (SEAL)
Dwight E. Ogier, Jr.

Barbara W. Ogier (SEAL)
Barbara W. Ogier

Frederick Carlson Tyner (SEAL)
Frederick Carlson Tyner

Betty Bullard Tyner (SEAL)
Betty Bullard Tyner

Mark L. Alexander (SEAL)
Mark L. Alexander

Julie L. Alexander (SEAL)
Julie L. Alexander

Samuel Kardon (SEAL)
Samuel Kardon

Rita M. Kardon (SEAL)
Rita M. Kardon

Walter Eugene Roeske (SEAL)
Walter Eugene Roeske

Roberta Judith Roeske (SEAL)
Roberta Judith Roeske

Guy T. Jones
 Guy T. Jones (SEAL)

Alice K. Jones
 Alice K. Jones (SEAL)

Gregory R. Struble
 Gregory R. Struble (SEAL)

Ruth Ann Struble
 Ruth Ann Struble (SEAL)

E. Grayson Hodge (SEAL)

Leslie P. Hodge (SEAL)

Robert J. Daly
 Robert J. Daly (SEAL)

Allan M. Lovett
 Allan M. Lovett (SEAL)

Helen T. Lovett
 Helen T. Lovett (SEAL)

Robert Kenneth Hayes
 Robert Kenneth Hayes (SEAL)

Katherine Barno Hayes
 Katherine Barno Hayes (SEAL)

Clair J. Switzer
 Clair J. Switzer (SEAL)

Suzanne M. Switzer
 Suzanne M. Switzer (SEAL)

Ralph E. Campbell, Jr. (SEAL)

Helen E. Campbell (SEAL)

Ranjodh Singh Grewall (SEAL)

Rajinder Kaur Grewall (SEAL)

Robert L. Walker
 Robert L. Walker (SEAL)

Gracie D. Walker
 Gracie D. Walker (SEAL)

Benjamin E. Roney, Jr.
 Benjamin E. Roney, Jr. (SEAL)

Carrie B. Roney
 Carrie B. Roney (SEAL)

Jean S. Andrus
 Jean S. Andrus (SEAL)

Stanley Simon (SEAL)
Stanley Simon
Betty June Simon (SEAL)
Betty June Simon
Wilson W. Woodhouse (SEAL)
Wilson W. Woodhouse
Joyce Woodhouse (SEAL)
Joyce Woodhouse

NORTH CAROLINA

Wake COUNTY

I, JANE C. MURRAY,

Notary Public, do hereby certify that Edward S. Hill and wife, Mary S. Hill, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 1, Birchwood Hills Subdivision, Section 1, described in Deed dated the 19th day of August, 1966, filed for recordation on August 23, 1966, and recorded in Book 1726, Page 573, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)



NORTH CAROLINA

COUNTY

I, _____,
Notary Public, do hereby certify that Norman K. Stanley and wife,
Evelyn B. Stanley, personally appeared before me this day and
acknowledged the execution of the foregoing Declaration of
Extension of Restrictive Covenants as owners of Lot 2, Birchwood
Hills Subdivision, Section 1, described in Deed dated the 25th
day of August, 1965, filed for recordation on September 9, 1965,
and recorded in Book 1664, Page 422, Wake County Registry.

Witness my hand and Notarial seal or stamp, this _____
day of _____, 1989.

Notary Public

My Commission Expires: _____

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTY

I, JANE C MURRAY,
Notary Public, do hereby certify that James D. Hawfield, Jr. and
wife, Joan J. Hawfield, personally appeared before me this day
and acknowledged the execution of the foregoing Declaration of
Extension of Restrictive Covenants as owners of Lot 3, Birchwood
Hills Subdivision, Section 1, described in Deed dated the 2nd day
of October, 1970, filed for recordation on October 23, 1970 and
recorded in Book 1952, Page 638, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12
day of December, 1989.

Jane C Murray
Notary PublicMy Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

COUNTY

I, _____,
Notary Public, do hereby certify that Albert Sabitsch and wife,
Patricia A. Sabitsch, personally appeared before me this day and
acknowledged the execution of the foregoing Declaration of
Extension of Restrictive Covenants as owners of Lot 4, Birchwood
Hills Subdivision, Section 1, described in Deed dated the 15th
day of June, 1979, filed for recordation on June 15, 1979, and
recorded in Book 2739, Page 546, Wake County Registry.

Witness my hand and Notarial seal or stamp, this _____
day of _____, 1989.

Notary Public

My Commission Expires: _____

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTY

I, JANE C. Murray,
Notary Public, do hereby certify that George William Arseniu and
wife, Carolyn Arseniu, personally appeared before me this day and
acknowledged the execution of the foregoing Declaration of
Extension of Restrictive Covenants as owners of Lot 5, Birchwood
Hills Subdivision, Section 1, described in Deed dated the 26th
day of March, 1975, filed for recordation on April 7, 1975, and
recorded in Book 2308, Page 20, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12
day of December, 1989.

Notary PublicMy Commission Expires: 4-10-1990

(SEAL OR STAMP)



NORTH CAROLINA

Wake COUNTYI, Jane C. Murray,

Notary Public, do hereby certify that Dwight E. Ogier, Jr. and wife, Barbara W. Ogier, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 6, Birchwood Hills Subdivision, Section 1, described in Deed dated the 29th day of April, 1988, filed for recordation on April 29, 1988, and recorded in Book 4250, Page 391, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 20 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Jane C. Murray,

Notary Public, do hereby certify that Frederick Carlson Tyner and wife, Betty Bullard Tyner, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 7, Birchwood Hills Subdivision, Section 1, described in Deed dated the 21st day of July, 1971, filed for recordation on July 27, 1971, and recorded in Book 2006, Page 227, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C. Murray,

Notary Public, do hereby certify that Mark L. Alexander and wife, Julie L. Alexander, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 8, Birchwood Hills Subdivision, Section 1, described in Deed dated the 21st day of March, 1989, filed for recordation on April 3, 1989, and recorded in Book 4466, Page 166, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C. MURRAY,

Notary Public, do hereby certify that Samuel Kardon and wife, Rita M. Kardon, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 9, Birchwood Hills Subdivision, Section 1, described in Deed dated the 16th day of May, 1967, filed for recordation on May 31, 1967, and recorded in Book 1768, Page 266, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Jane C. Murray,

Notary Public, do hereby certify that Walter Eugene Roeske and wife, Roberta Judith Roeske, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 10, Birchwood Hills Subdivision, Section 1, described in Deed dated the 12th day of June, 1973, filed for recordation on June 12, 1973, and recorded in Book 2164, Page 578 Wake County Registry.

Witness my hand and Notarial seal or stamp, this 20 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C. MURRAY,

Notary Public, do hereby certify that Guy T. Jones and wife, Alice K. Jones, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 11, Birchwood Hills Subdivision, Section 1, described in Deed dated the 2nd day of July, 1965, filed for recordation on July 9, 1965, and recorded in Book 1657, Page 177, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Beth A. Whately,

Notary Public, do hereby certify that Gregory R. Struble and wife, Ruth Ann Struble, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 12, Birchwood Hills Subdivision, Section 1, described in Deed dated the _____ day of December, 1983, filed for recordation on January 12, 1984, and recorded in Book 3225, Page 398, Wake County Registry.

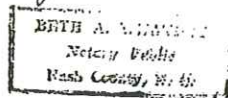
Witness my hand and Notarial seal or stamp, this 19th day of December, 1989.

Beth A. Whately
Notary Public

My Commission Expires: June 16, 1994

(SEAL OR STAMP)

NORTH CAROLINA

COUNTY

I, _____,

Notary Public, do hereby certify that E. Grayson Hodge and wife, Leslie P. Hodge, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 13A, Birchwood Hills Subdivision, Section 1, described in Deed dated the 29th day of September, 1987, filed for recordation on September 30, 1987, and recorded in Book 4118, Page 521, Wake County Registry.

Witness my hand and Notarial seal or stamp, this _____ day of _____, 1989.

Notary Public

My Commission Expires: _____

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C Murray,

Notary Public, do hereby certify that Robert J. Daly personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owner of Lot 14, Birchwood Hills Subdivision, Section 1, described in Deed dated the 15th day of April, 1986, filed for recordation on April 16, 1986, and recorded in Book 3699, Page 489, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Beth A. Whatley,

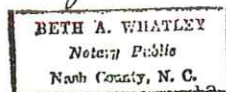
Notary Public, do hereby certify that Allan M. Lovett and wife, Helen T. Lovett, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 15, Birchwood Hills Subdivision, Section 1, described in Deed dated the 27th day of August, 1976, filed for recordation on August 30, 1976, and recorded in Book 2430, Page 305, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 30th day of December, 1989.

Beth A. Whatley
Notary Public

My Commission Expires: June 16, 1994

(SEAL OR STAMP)



NORTH CAROLINA

Wake COUNTYI, JANE C. MURRAY,

Notary Public, do hereby certify that Robert Kenneth Hayes and wife, Katherine Barno Hayes, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owner of Lot 16, Birchwood Hills Subdivision, Section 1, described in Deed dated the 13th day of July, 1965, filed for recordation on July 15, 1965, and recorded in Book 1657, Page 367, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990
(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Jane C. Murray,

Notary Public, do hereby certify that Clair J. Switzer and wife, Suzanne M. Switzer, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 17, Birchwood Hills Subdivision, Section 1, described in Deed dated the 20th day of May, 1987, filed for recordation on May 21, 1987, and recorded in Book 4020, Page 337, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990
(SEAL OR STAMP)

NORTH CAROLINA

____ COUNTY

I, _____,

Notary Public, do hereby certify that Ralph E. Campbell, Jr. and wife, Helen E. Campbell, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 18, Birchwood Hills Subdivision, Section 1, described in Deed dated the 28th day of September, 1965, filed for recordation on September 30, 1965, and recorded in Book 1667, Page 536, Wake County Registry.

Witness my hand and Notarial seal or stamp, this _____ day of _____, 1989.

Notary Public

My Commission Expires: _____

(SEAL OR STAMP)

NORTH CAROLINA

____ COUNTY

I, _____,

Notary Public, do hereby certify that Ranjodh Singh Grewall and wife, Rajinder Kaur Grewall, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 19, Birchwood Hills Subdivision, Section 1, described in Deed dated the 7th day of March, 1986, filed for recordation on March 17, 1986, and recorded in Book 3678, Page 681, Wake County Registry.

Witness my hand and Notarial seal or stamp, this _____ day of _____, 1989.

Notary Public

My Commission Expires: _____

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTY

I, JANE C. Murray,

Notary Public, do hereby certify that Robert L. Walker and wife, Gracie D. Walker, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 20, Birchwood Hills Subdivision, Section 1, described in Deed dated the 25th day of June, 1965, filed for recordation on July 8, 1965, and recorded in Book 1657, Page 141, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTY

I, JANE C. Murray,

Notary Public, do hereby certify that Benjamin E. Roney, Jr. and wife, Carrie B. Roney, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 21, Birchwood Hills Subdivision, Section 1, described in Deed dated the 17th day of February, 1977, filed for recordation on February 22, 1977, and recorded in Book 2477, Page 658, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12 day of December, 1989.

Jane C. Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C MURRAY,

Notary Public, do hereby certify that Jean S. Andrus personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owner of Lot 22, Birchwood Hills Subdivision, Section 1, described in Deed dated the 3rd day of September, 1965, filed for recordation on September 3, 1965, and recorded in Book 1664, Page 258, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12
day of December, 1989.

Jane C Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, JANE C MURRAY,

Notary Public, do hereby certify that Stanley Simon and wife, Betty June Simon, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 23, Birchwood Hills Subdivision, Section 1, described in Deed dated the 2nd day of April, 1976, filed for recordation on April 23, 1976, and recorded in Book 2396, Page 43, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 12
day of December, 1989.

Jane C Murray
Notary Public

My Commission Expires: 4-10-1990

(SEAL OR STAMP)

NORTH CAROLINA

Wake COUNTYI, Beth A. Whatley,

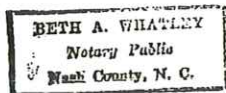
Notary Public, do hereby certify that Wilson W. Woodhouse and wife, Joyce Woodhouse, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Extension of Restrictive Covenants as owners of Lot 24A, Birchwood Hills Subdivision, Section 1, described in Deed dated the 3rd day of December, 1971, filed for recordation on December 14, 1971, and recorded in Book 2038, Page 253, Wake County Registry.

Witness my hand and Notarial seal or stamp, this 20th day of December, 1989.

Beth A. Whatley
Notary Public

My Commission Expires: June 16, 1994

(SEAL OR STAMP)



NORTH CAROLINA — WAKE COUNTY

The foregoing certificate _____ of Beth A. WhatleyJane C. Murray _____ Notary Public is

(are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

KENNETH C. WILKINS, Register of Deeds

By Diana K. Boone
Asst. / Deputy Register of Deeds