



Drawn by David M. Booth  
By

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NORTH CAROLINA )  
FORSYTH COUNTY )

MODIFICATION OF BUILDING LINE  
AND COVENANT NOT TO SUE

This Modification of Building Line and Covenant Not to Sue made this the 19<sup>th</sup> day of July, 1973, by ROGER D. JONES and wife, EMILY K. JONES, J. RAY WOODRUFF (Single), L & H LAND COMPANY, THE FIDELITY COMPANY, PIEDMONT FEDERAL SAVINGS AND LOAN ASSOCIATION, parties of the first part to JOHN H. WHITEHEART and wife, BETTY JO WHITEHEART, parties of the second part.

W I T N E S S E T H :

WHEREAS, ROGER D. JONES and wife, EMILY K. JONES, are the owners of Lot 6 as shown on the plat of Carroll Estates recorded in Plat Book 24, page 102 in the Office of the Register of Deeds of Forsyth County, North Carolina.

WHEREAS, THE FIDELITY COMPANY is Trustee in a deed of trust to Piedmont Federal Savings and Loan Association covering Lot 6 recorded in Deed of Trust Book 1080, page 505, Forsyth County Registry.

WHEREAS, J. RAY WOODRUFF is the owner of Lot 8 as shown on said plat and L & H LAND COMPANY is the developer of said subdivision.

WHEREAS, JOHN H. WHITEHEART and wife, BETTY JO WHITEHEART are the owners of Lot 7 as shown on said plat and are in the process of constructing a dwelling thereon and the Forsyth County Health Department has recommended that the structure be set back from the right of way line of Poplaridge Drive between 60 and 65 feet.

WHEREAS, the recorded plat shows a 75 foot building line set back from Poplaridge Drive for Lot 7 and restrictions covering the development recorded in Deed Book 1014, page 366, under Paragraph 7 provides for the modification of said restrictions and building lines.

NOW THEREFORE, THE parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) paid by the parties of the second part to the parties of the first part, the receipt of which is hereby acknowledged do hereby release and discharge Lot 7 and all owners thereof, both present and future from the 75 foot building set back line shown on the plat of Carroll Estates in Plat Book 24, page 102, and establishing in lieu thereof a minimum set back line of 60 feet and by allowing the houses now being constructed thereon to remain so that the same is not in violation of the building set back line as stated above; and the parties of the first part, their heirs, successors and assigns covenant not to sue or bring any action to enforce the building line as first established at 75 feet or for damages for violating the 75 foot building set back line.

BOOK 1112P0647

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IN WITNESS WHEREOF the said parties of the first part hereunto set their hands and seals and/or has caused these presents to be signed by its President, attested by its Secretary and its corporate seal to be affixed hereto.

Roger D. Jones (SEAL)  
ROGER D. JONES

Emily K. Jones (SEAL)  
EMILY K. JONES

L & H LAND COMPANY

J. Ray Woodruff (SEAL)  
J. RAY WOODRUFF (Single)

By James R. Williams (SEAL)  
General Partner

Attest:

Anna E. Drake  
Secretary

THE FIDELITY COMPANY

By Lelia E. Sneider  
President

PIEDMONT FEDERAL SAVINGS AND  
LOAN ASSOCIATION

By J. M. Steele  
President

NORTH CAROLINA  
FORSYTH COUNTY

I, J. Melvin Hunter, Notary Public, do certify that Roger D. Jones and wife, Emily K. Jones personally appeared before me this day and acknowledged the due execution of the within instrument.

Witness my hand and official seal, this 7<sup>th</sup> day of AUGUST, 1973.

J. Melvin Hunter  
Notary Public

My Commission expires:

June 2, 1975

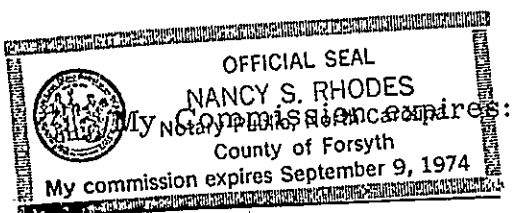
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NORTH CAROLINA  
FORSYTH COUNTY

I, Nancy S. Rhodes, a Notary Public of Forsyth County, North Carolina, certify that James L. Williams, a partner of L & H Land Company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for and on behalf of said business.

Witness my hand and official seal this 19th day of July, 1973.

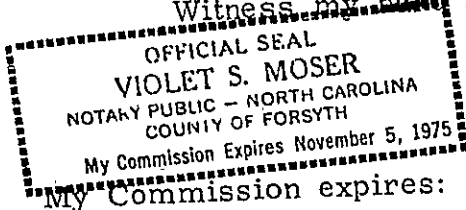


Nancy S. Rhodes  
Notary Public

NORTH CAROLINA  
FORSYTH COUNTY

.....  
This 14th day of <sup>August</sup> ~~July~~, 1973, personally came before me, Violet L. Moser, a Notary Public, Anne G. Drake who, being by me duly sworn, says that she knows the Common Seal of The Fidelity Company and is acquainted with Leslie K. Browder who is the President of said Corporation, and that she, the said Anne G. Drake is the Secretary of the said Corporation, and saw the said President sign the foregoing instrument, and saw the Common Seal of said Corporation affixed to said instrument by said President, and that she, the said Anne G. Drake signed <sup>her</sup> ~~his~~ name in attestation of the execution of said instrument in the presence of said President of said Corporation.

Witness my hand and notarial seal, this the 14th day of <sup>August</sup> ~~July~~, 1973.



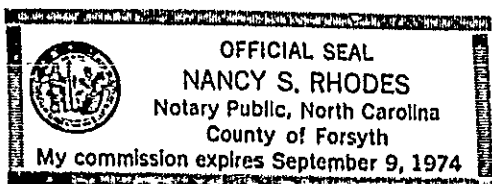
Violet L. Moser  
Notary Public

November 5, 1975

NORTH CAROLINA  
FORSYTH COUNTY

I, Nancy S. Rhodes, a Notary Public of Forsyth County, do hereby certify that J. Ray Woodruff (Single) personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal, this the 25th day of July, 1973.



Nancy S. Rhodes  
Notary Public

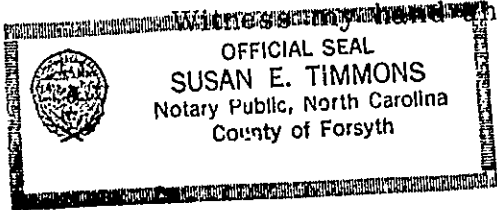
BOOK 1112 P 0649

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NORTH CAROLINA  
FORSYTH COUNTY

This 13 day of <sup>August</sup> ~~July~~, 1973, personally came before me,  
Susan E. Timmons a Notary Public, R.M. King  
who, being by me duly sworn, says that he knows the Common Seal of  
Piedmont Federal Savings and Loan Association and is acquainted with  
N.W. Mitchell who is the President of said  
Corporation, and that he, the said R.M. King, is the  
Secretary of the said Corporation, and saw the said President  
sign the foregoing instrument, and saw the Common Seal of said Corp-  
oration affixed to said instrument by said President, and that he, the  
said R.M. King signed his name in attestation of the execution  
of said instrument in the presence of said President of said Corporation.

Witness my hand and notarial seal, this the 13 day of <sup>August</sup> ~~July~~, 1973.



Susan E. Timmons  
Notary Public

My Commission expires:

June 14, 1976

NORTH CAROLINA  
FORSYTH COUNTY

The foregoing (or annexed) certificates of J. Melvin Hunter,  
Nancy S. Rhodes, Violet S. Moser, and Susan E.  
Timmons Notaries Public, Forsyth Co., N.C.  
are certified to be correct. This the 23 day of August, 1973

Eunice Ayers, Register of Deeds

By Barbara Braswell  
Deputy-Assistant

Probate fee 50¢ paid.

PRESENTED FOR  
REGISTRATION  
AND RECORDED

AUG 23 10 10 AM '73

\$ 5.00  
EUNICE AYERS  
REGISTER OF DEEDS  
FORSYTH CTY. N.C.  
RB

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