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:: " DECLARATION AND AGREEMENT " ::
 :: WHITE BUILDING COMPANY, E T AL ::
 :: TO ::
 :: H. J. PLONK, TRUSTEE ::

NORTH CAROLINA
 WAKE COUNTY

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THIS DECLARATION AND AGREEMENT,
 made and entered into this 23rd day
 of October, 1948, by White Building
 Company and Wachovia Bank and Trust
 Company, corporations organized
 and existing under and by virtue
 of the laws of the State of North
 Carolina, and H. J. Plonk, Trustee,
 of Wake County, North Carolina:

WITNESSETH: That whereas

by written instrument filed May 13,

1948 and recorded in Book 998 , at page 7, in the office of the Register of Deeds
 of Wake County, North Carolina, the said White Building Company placed restrictive
 covenants on all of the numbered lots shown on plat of property known as Belvidere Park,
 Raleigh, N. C., as shown on plat recorded in Book of Maps 1947, at page 114, in said
 Wake County Registry :

And whereas, the said White Building Company thereafter executed deed of
 trust to H. J. Plonk, Trustee, conveying said lots in Belvidere Park as shown
 on said plat as security for its note payable to the said Wachovia Bank and Trust
 Company, which note is now held and owned by said Wachovia Bank and Trust Company,

AND WHEREAS, a plat of said lots and property adjacent thereto known as
 Belvidere Park Revised was made by J. McCree Smith, Engineer, dated 7/21/48, and is
 now recorded in Book of Maps 1948, at page 46, in said Wake County Registry, which
 map superseded the said map of Belvidere Park, recorded in Book of Maps 1947, at
 page 114, of said Wake County Registry;

AND WHEREAS, the parties hereto desire to place the same restrictive covenants
 against the numbered lots shown on said plat of Belvidere Park Revised that were shown
 on the original plat of Belvidere Park.

NOW, THEREFORE, in consideration of the premises and for the mutual benefit
 of those who become purchasers of said lots in Belvidere Park Subdivision, the parties
 hereto for themselves, their heirs, successors and assigns, hereby covenant and agree
 with all persons, firms or corporations who may hereafter acquire any interest in or
 title to any of the property hereinafter described and as an inducement to said
 persons, firms or corporations to purchase a part of said property, that all of the
 numbered lots shown on plat of property known as Belvidere Park Revised, Raleigh,
 N. C., owned by White Building Company, made by J. McCree Smith, Engineer, dated
 7/21/48, recorded in Book of Maps 1948, at page 46, in the office of the Register of
 Deeds of Wake County, North Carolina, which said numbered lots are now owned by the said

White Building Company, subject to said deed of trust to H. J. Plonk, Trustee, are hereby subject to the following restrictive covenants as to the use thereof, which covenants shall run with the said land by whomsoever owned, to-wit:

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1975, at which time said Covenants shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

If the parties hereto, or any of them, or their successors or assigns, shall violate or attempt to violate any of the covenants herein it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these Covenants by judgment or court order shall in no wise arrect any of the other prpvisions which shall remain in full force and effect.

FIRST: All lots in the tract shall be known and described as residential lots, No structures shall be erected, altered, placed, or permitted to remain on any residential building plot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars and other outbuildings incidental to residential use of the plot.

SECOND: No part of any building except porches shall be located nearer to the front lot line or nearer to the side street line than the building setback lines shown on the recorded plat. In any event, no part of any building except porches shall be located on any residential building plot, nearer than 35 feet to the front line, nor nearer than 35 feet to any side street line, except this paragraph shall not apply to lot No. 53. No building, except a detached garage or other outbuilding located 100 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line.

THIRD: No residential structure shall be erected or placed on any building plot, which plot has an area of less than 8000 square feet or a width of less than 65 feet at the front building setback line, except that a residence may be erected or placed on Lot No. 22 as shown on the recorded plat.

FOURTH: No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

FIFTH: No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

SIXTH: No dwelling costing less than \$4000.00 shall be permitted on any lot in the tract. The ground floor area of the main structure, exclusive of

one story open porches and garages, shall be not less than 750 square feet in the case of a one-story structure nor less than 550 square feet in the case of a one and one-half, two, or two and one-half story structure.

SEVENTH: An easement is reserved over the rear 5 feet of each lot for utility installation and maintenance.

EIGHTH: No person of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

IN TESTIMONY WHEREOF, the said White Building Company has caused this instrument to be signed in its corporate name by its President, attested by its Secretary, and its corporate seal to be hereunto affixed, all by order of its Board of Directors duly given, and the said Wachovia Bank and Trust Company has caused this instrument to be signed in its corporate name by its Vice President, attested by its Assistant Secretary, and its corporate seal to be hereunto affixed, all by order of its Board of Directors, and the said H. J. Plonk, Trustee, has hereunto set his hand and seal, on the day and year first above written.

(CORPORATE SEAL)
ATTEST:
ELIZABETH K. WHITE
Secretary

WHITE BUILDING COMPANY
BY: R. SHELTON WHITE
President

(CORPORATE SEAL)
ATTEST:
A. J. MORRIS
Assistant Secretary

WACHOVIA BANK AND TRUST COMPANY,
BY: G. P. GEOGHEGAN, JR.
Vice President

H. J. PLONK, TRUSTEE
Trustee

(SEAL)

NORTH CAROLINA

WAKE COUNTY

This is to certify that on the 26th day of October 1948, before me personally came Elizabeth K. White, with whom I am personally acquainted, who, being by me duly sworn says that R. Shelton White is the President and that she, the said Elizabeth K. White, is Secretary of White Building Company, the corporation described in and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said R. Shelton White; President, and that the said President and Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and the said instrument is the act and deed of said corporation.

Witness my hand and Notarial Seal, this 26th day of October 1948.

MARY N. SMITH
Notary Public

(NOTARIAL SEAL) MY COMMISSION EXPIRES FEB. 8., 1950.

NORTH CAROLINA....WAKE COUNTY. This is to certify that on the 27 day of October, 1948

before me personally came A. J. Morris, with whom I am personally acquainted, who, being by me duly sworn, says that G. P. Geoghegan, Jr., is the Vice President, and that he, the said A. J. Morris, is the Assistant Secretary of the Wachovia Bank & Trust Company the corporation descrined in and which executed the foregoing instrument that he knows the common seal of said corporation, that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said G. P. Geoghegan, Jr., Vice President, and that the said Vice President and Assistant Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and Notarial seal, this 27 day of October, 1948.

ELIZABETH W. PERKINS
Notary Public

(NOTARIAL SEAL) MY COMMISSION EXPIRES APRIL 17th, 1949

NORTH CAROLINA
WAKE COUNTY

I, Elizabeth W. Perkins, a Notary Public in and for said county and State, do hereby certify that H. J. Plonk, Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Release.

Witness my hand and Notarial Seal this 27 day of October, 1948.

ELIZABETH W. PERKINS
Notary Public

(NOTARIAL SEAL) MY COMMISSION EXPIRES APRIL 17th, 1949

STATE OF NORTH CAROLINA
WAKE COUNTY

The foregoing certificates of Mary N. Smith, and Elizabeth Perkins, Notaries Public of Wake County, State of North Carolina, are adjudged to be correct. Let the instrument with the certificates, be registered.

WITNESS my hand this the 28th day of October 1948.

ESTA S. CALLAHAN
Deputy C. S. C.

Filed for registration at 12:20 o'clock P. M., Oct. 28, 1948, and registered in the office of the Register of Deeds for Wake County, North Carolina, in Book 1006, page 437, November 12, 1948.

HUNTER ELLINGTON, Register of Deeds
BY [Signature] Deputy

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