

RETURN TO: Mattox, Davis & Naylor, PA

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NORTH CAROLINA

PITT COUNTY

THIS AGREEMENT, made and entered into this 7<sup>th</sup> day of January, 1988 by and between Ralph D. Moulton, Jr. and wife Judith A. Moulton, of Carteret County, North Carolina, William Cleveland Mills and wife Lynn Annette Mills, Albert Small and wife Renee' Small and Silas Allen Gaskins and wife Debbie Jean Gaskins, all of Pitt County, North Carolina, hereinafter parties of the first part and Timothy Owen Lewis and wife Kimberly Wells-Lewis of Pitt County, North Carolina, hereinafter parties of the second part.

HORNE AND SMITH, P.A. Attorneys at Law, P.O. Drawer 755, Greenville, North Carolina 27935

W I T N E S S E T H:

THAT WHEREAS, the parties of the first part are all the owners of lots in Berachah Valley Subdivision, which appears of record in Map Book 34, Page 47 of the Pitt County Public Registry; and

WHEREAS, Ralph D. Moulton, Jr. and wife Judith A. Moulton have heretofore conveyed certain property known as the Berachah Valley Forrest land to the parties of the second part by a deed appearing of record in Book 110, Page 31 of the Pitt County Registry; and

WHEREAS, said deed conveyed the property subject to a certain Declaration of Covenants, Conditions and Restrictions appearing of record in Book 109, Page 739 of the Pitt County Registry; and

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WHEREAS, Article VIII of said declaration requires that the land conveyed to the parties of the second part be "subdivided into Lots of at least one and one-half acres and fronting on BERACHAH ROAD extended; and

WHEREAS, because of the nature of the land, some exception from said restriction is needed for the development of the land; and

WHEREAS, the parties of the second part have requested that the parties of the first part allow for the development of an additional road known as Timothy Drive in Berachah Valley Subdivision, Section 2 and that some lots will therefore not front on Berachah Road; and

WHEREAS, the parties of the second part have further requested that lots 13, 14 and 18 be allowed to be subdivided into lots containing more than one acre, but less than one and one-half acres; and

WHEREAS, the parties of the first part have agreed to allow the exceptions stated above;

NOW THEREFORE, said parties of the first part, for and in consideration of the sum of one dollar, the receipt and sufficiency of which are hereby acknowledged, do hereby release and discharge the land conveyed to the parties of first part in that deed appearing of record in Book 110, Page 31 of the Pitt County Registry from those certain restrictions contained in ARTICLE VIII in those restrictions appearing of record in Book 109, Page 739 of the Pitt County Registry which is as follows:

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"subdivided into Lots of at least one and one-half acres and fronting of BERACHAH ROAD extended" to the extent that some lots may front on Timothy Road instead of Berachah Road and that Lots 13, 14 and 18 may contain less than one and one-half acres, but must contain more than one acre.

It being, however, understood and agreed that each and all of said restrictions other than the one herein expressly quoted and released shall be and remain in full force and effect.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and adopted the word "SEAL" appearing after their name as their own, the day and year first above written.

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*Ralph D. Moulton, Jr.* (SEAL)  
RALPH D. MOULTON, JR.

*Judith A. Moulton* (SEAL)  
JUDITH A. MOULTON

*William Cleveland Mills* (SEAL)  
WILLIAM CLEVELAND MILLS

*Lynn Annette Mills* (SEAL)  
LYNN ANNETTE MILLS

*Albert Small* (SEAL)  
ALBERT SMALL

*Renee Small* (SEAL)  
RENEE SMALL

*Silas Allen Gaskins* (SEAL)  
SILAS ALLEN GASKINS

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Debbie Jean Gaskins (SEAL)  
DEBBIE JEAN GASKINS

NORTH CAROLINA  
Pitt COUNTY

I, Stephen F. Horne, a Notary Public in and for the State of North Carolina, do hereby certify that Ralph D. Moulton, Jr. and wife Judith A. Moulton personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial Seal, this the 13 day of January, 1988.

Stephen F. Horne  
NOTARY PUBLIC

My Commission expires: July 4, 1989

NORTH CAROLINA  
PITT COUNTY

I, Stephen F. Horne, a Notary Public in and for the State of North Carolina, do hereby certify that William Cleveland Mills and wife Lynn Annette Mills personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial Seal, this the 27 day of January, 1988.

Stephen F. Horne  
NOTARY PUBLIC

My Commission expires: July 4, 1989

NORTH CAROLINA  
PITT COUNTY

I, Stephen F. Horne, a Notary Public in and for the State of North Carolina, do hereby certify that Albert Small and wife Renee' Small personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial Seal, this the 29 day of January, 1988.

Stephen F. Horne  
NOTARY PUBLIC

My Commission expires: July 7, 1989

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NORTH CAROLINA  
PITT COUNTY

I, Stephen F. Horne, a Notary Public  
in and for the State of North Carolina, do hereby certify  
that Silas Allen Gaskins and wife Debbie Jean Gaskins  
personally appeared before me this day and acknowledged the  
due execution of the foregoing instrument for the purposes  
therein expressed.

Witness my hand and Notarial Seal, this the 27 day  
of January, 1988.

NOTARY PUBLIC

My Commission expires: July 4, 1989

NORTH CAROLINA: Pitt County  
The foregoing certificate of Stephen L. Horne II N.P. of Pitt Co. NC  
is certified to be correct.  
Filed for registration at 12:02 o'clock P M this 30th day of December, 1988

ANNIE G. HOLDER, Register of Deeds

By Annie G. Holder

HORNE AND SMITH, P.A. Attorneys at Law Greenville, North Carolina 27833