

EXPLANATION STATEMENT TO CORRECT OBVIOUS <sup>EX 1580 26 001</sup> MINOR ERROR MADE IN AN INSTRUMENT AS ORIGINALLY RECORDED

RE: BOOK 1577  
PAGE 687

RECORDED IN THE CRAVEN COUNTY REGISTRY:

NAMES OF ALL PARTIES TO THE ORIGINAL INSTRUMENT:

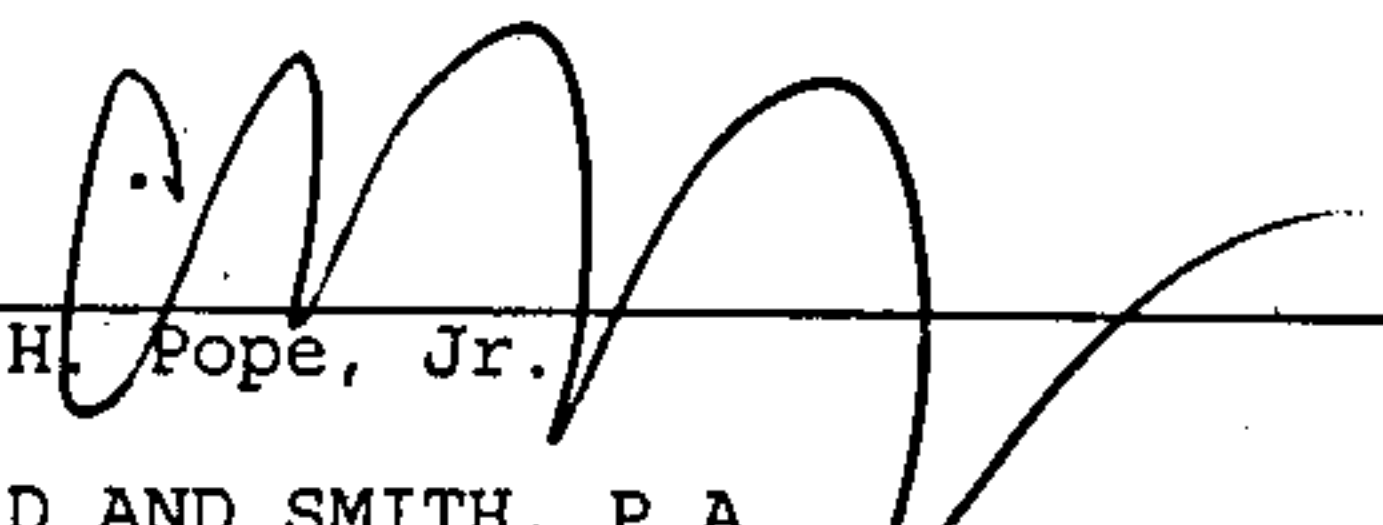
GRANTORS: TOMMY BATTEN PROPERTIES, LLC  
GRANTEES: ALL PROSPECTIVE PURCHASERS

STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN

I, C. H. Pope, Jr., hereby certify that I drafted the instrument described above and that the following corrections are made in the above named recorded instrument in accordance with the provisions of N.C.G.S. 47-36.1 ratified June 30, 1986.



DESCRIPTION OF CORRECTION(s): Description was inadvertently left off of instrument.

This the 1st day of August, 1997.

  
C. H. Pope, Jr. (SEAL)

WARD AND SMITH, P.A.  
1001 College Court  
New Bern, North Carolina 28562

This explanation statement together with the attached instrument was duly recorded at 11:05 o'clock A.m. this the 1 day of August, 1997, in the book and page shown on the first page hereof.

 Register of Deeds BY:  Deputy/Asst. Register of Deeds

STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT made and entered into this the 18<sup>th</sup> day of July, 1997 by and between TOMMY BATTEN PROPERTIES, LLC (hereinafter called "Declarant") and ALL PROSPECTIVE PURCHASERS of any portion of the property hereinbelow described (hereinafter called "Prospective Purchasers").

W I T N E S S E T H :

Declarant hereby restricts the property described by Attachment A attached hereto and incorporated herein by reference as follows:

Said property shall not be used for mining purposes.

This restrictive covenant shall run with and burden the aforesaid property and all the owners of any interest in said property.

IN TESTIMONY WHEREOF, Tommy Batten Properties, LLC has caused this instrument to be signed and sealed in a manner so as to be binding, this day and year first above written.

TOMMY BATTEN PROPERTIES, LLC (SEAL)

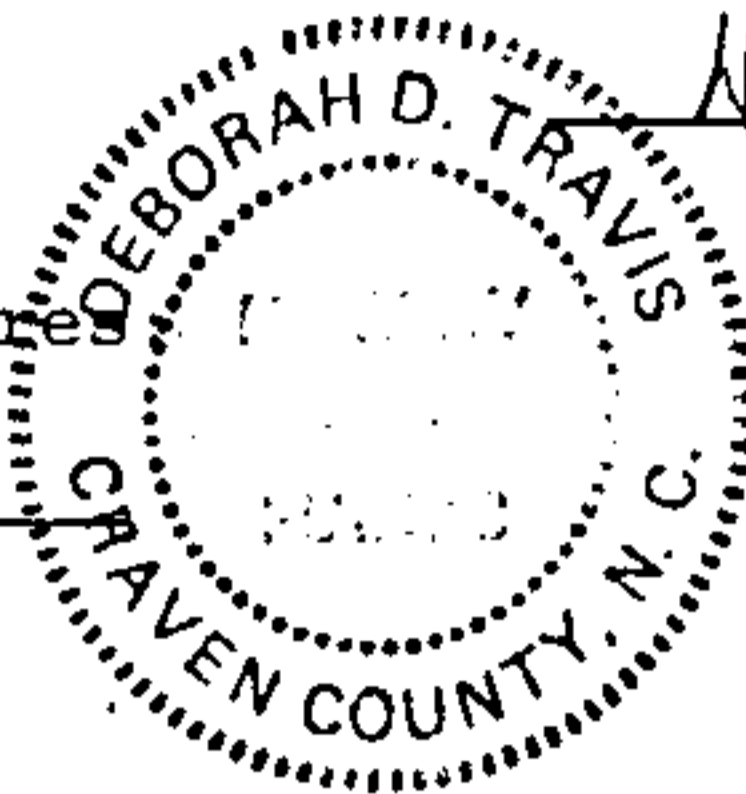
By: [Signature] (SEAL)  
Thomas H. Batten  
Member/Manager

STATE OF NORTH CAROLINA  
COUNTY OF NORTH CAROLINA

I, Deborah D. Travis, a Notary Public in and for said County and State, do hereby certify that THOMAS H. BATTEN before me this day personally appeared, who being by me first duly sworn, says that he is the member/manager of TOMMY BATTEN PROPERTIES, LLC, the limited liability company described in and which executed the foregoing instrument; that he executed said instrument in the limited liability company name by subscribing his

name thereto; and that the instrument is the act and deed of said limited liability company.

WITNESS my hand and notarial seal, this the 18th day of July, 1997.



Deborah D. Travis  
Notary Public

My Commission Expires

10/22/99

STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN

The foregoing certificate of Deborah D. Travis, a Notary Public of said County and said State, is certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Craven County, North Carolina, in Book 1577, Page 687.

This 18 day of July, 1997, at 12:00 o'clock P.M.

Becky Thompson  
Register of Deeds  
By Alice Buck Deputy

## ATTACHMENT A

All of that certain tract or parcel of land lying and being situate in No. Eight (8) Township, Craven County, North Carolina, being more particularly described as follows:

BEGINNING at an iron pipe located in the westernmost corner of Lot No. 104 of that certain subdivision known as "Forest Park, Section 2, Phase 2", a map or plat of which said subdivision is recorded in the Office of the Register of Deeds of Craven County in Plat Cabinet G at Slides 2-C, 2-D and 2-E; and running thence from said point of beginning, so located, north  $54^{\circ} 36' 38''$  West 1,605.50 feet to an iron pipe; thence North  $35^{\circ} 23' 22''$  East 577.90 feet to an iron pipe; thence South  $54^{\circ} 36' 38''$  East 1,581.52 feet to an iron pipe located in the northwestern boundary line of Lot No. 98 in the above-mentioned subdivision; thence South  $33^{\circ} 00' 48''$  West 578.40 feet along and with the northwestern boundary lines of Lots Nos. 98, 99, 100, 101, 102, 103 and 104 in the aforesaid Forest Park, Section 2, Phase 2, to the point of beginning, containing 21.141 acres, more or less, and being shown and delineated on that certain map or plat entitled "Survey for Thomas H. Batten" prepared by Robert H. Davis, Registered Land Surveyor, and dated July 9, 1997.