

PREPARED/HOLD FOR:
WILLARD POWELL

NORTH CAROLINA

Wake County, NC 1293
Laura M Riddick, Register Of Deeds

WAIVER OF RESTRICTIVE COVENANTS

WAKE COUNTY

Presented & Recorded 05/31/2001 16:49:00

Book : 008943 Page : 02024 - 02027

WHEREAS, Article 12 of the Declaration of Covenants, Conditions and Restrictions for Amherst Subdivision, as same are recorded in Book 6410 at Page 128 in the Wake County Registry and amended by Supplement Declarations as recorded in Book 8120, Page 2252, and re-recorded in Book 8153, Page 2313, Wake County Registry (hereinafter the "Declaration"), requires each dwelling to be located 8 feet from the Lot side line; and,

WHEREAS, the dwelling constructed on Lot 142, Phase 2, Section C of Amherst Subdivision, as same is shown on a plat recorded in Book of Maps 1998, Page 1167 Wake County Registry was inadvertently constructed so that each side of the front of said house is 6.7 feet and 6.8 feet from the side lot lines of said property, as shown by the attached survey of Daniel V. Partin dated May 16 and 20, 2001, being fully incorporated herein by reference; and,

WHEREAS, Article 15 of the Declaration permits the Amherst Homeowners Association ^{OF AMHERST, INC.} to waive violations of setback requirements which would allow reasonable variances and adjustments of these Restrictions in order to alleviate practical difficulties and hardship in their enforcement and operation, provided that the violation was unintentional and that the dwelling is in full compliance with the provisions of the building code of the Town of Apex; and,

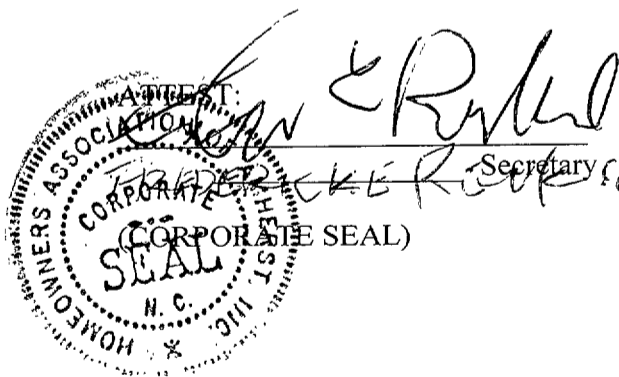
WHEREAS, the Amherst Homeowners Association ^{OF AMHERST, INC.} has determined that the violation was unintentional and has further determined that the location of the dwelling on Lot 142, Phase 2, Section C, Amherst Subdivision, as recorded in Book of Maps 1998, Page 1167, Wake County Registry, is in compliance with the building code of the Town of Apex and that in waiving the Restrictive Covenant as to the setback at the side lot line referred to above, the spirit and intent of the Restrictive Covenants has not been compromised.

NOW, THEREFORE, for valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Amherst Homeowners Association ^{OF AMHERST, INC.} hereby waives the 8-foot side setback requirement of Article 12 of the Declarations as said requirement applies to Lot 142, Phase 2, Section C of Amherst Subdivision, as same is shown on a plat recorded in Book of Maps 1998, at Page 1167 in the Wake County Registry, so as to permit the house constructed thereon to remain 6.7 feet and 6.8 feet from the side lot lines.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed as of the 22 day of May, 2001.

AMHERST HOMEOWNERS ASSOCIATION, ^{OF AMHERST, INC.}
a North Carolina Corporation

By: James K. Long
JAMES K. LONG President



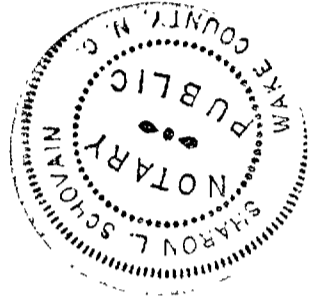
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the said County and State aforesaid, do hereby certify that FREDERICKE REWKOWSKI personally came before me this day and acknowledged that he is Secretary of the Amherst Homeowners Association, Inc. and that by authority duly given, and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by (above) as its Secretary.

WITNESS my hand and notarial seal, this the 22 day of May, 2001..

My Commission expires:
August 15, 2004

Sharon L. Schovan
Notary Public



North Carolina

Wake Co.

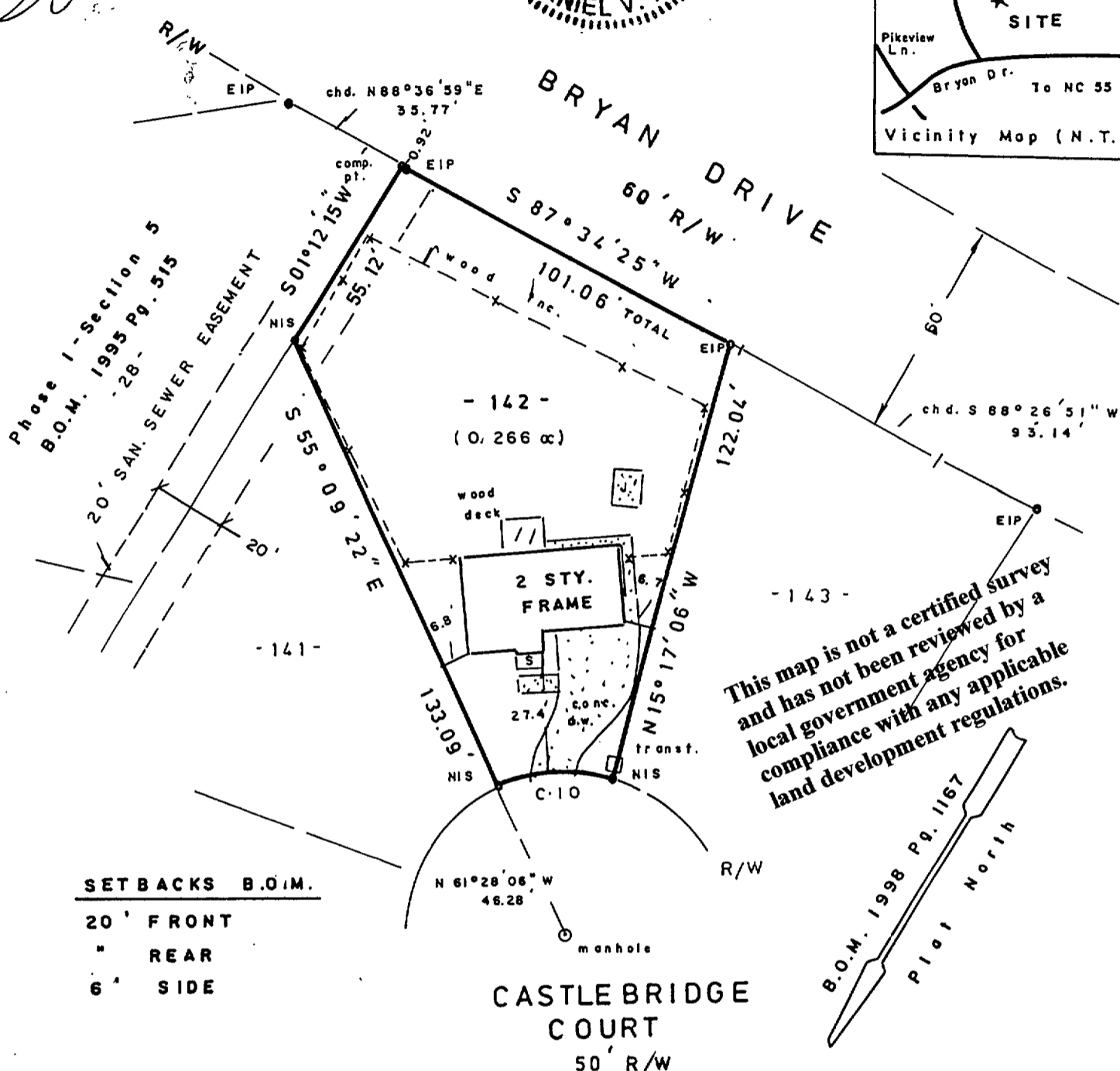
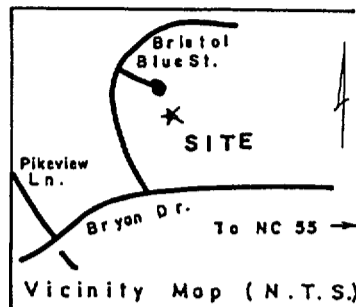
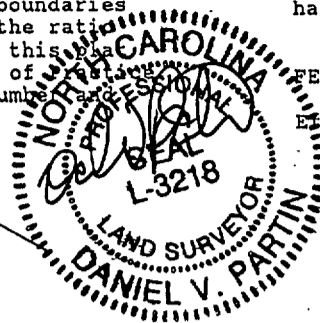
Daniel V. Partin, PLS certify that this plat was drawn under my supervision from an actual survey made under my supervision (BOOK 1998 PG. 1167); that the boundaries not surveyed are shown as dashed lines; that the ratio of reduction as calculated is 1:10000; that this plat was prepared in accordance with the Standards of Practice. With my original signature, registration number and seal. Date: MAY 20, 2001

The property (X) (is not) in an area designated as having special flood hazards as of this date.

3 7 1 8 3 C 0 4 7 9 E X

FEMA MAP # _____ ZONE _____

Effective Date: March 3, 1992



This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

SETBACKS B.O.M.
 20' FRONT
 " REAR
 6' SIDE

C-1
 R - 45.00' A - 31.32
 chd. 54° 46' 25" E
 30.69

GENERAL NOTES:

- 1.) Computed by coordinate computations.
 - Crandall rule adjustment
 - Compass rule adjustment
 - X No adjustment
- 2.) This is to certify that this survey is of an existing parcel or parcels of land.
- 3.) All distances are horizontal ground.

REFERENCES
 D.B. 8215 PG. 2220
 pin 0732. 2091 7751

LEGEND
 EIP - EXIST IRON PIPE
 NIP - NEW IRON PIPE
 EIS - EXIST IRON STAKE
 NIS - NEW IRON STAKE
 ECM - EXIST. CONC. MON.

SUB'D. RECORDED B.O.M. 1998 VOL. - PG. 1167

DATE MAY 16, 2001 MAY 20, 2001	SURVEY OF LOT 142, AMHERST SUB'D. Phase 2 - Section C White Oak Twsp., Wake Co., N.C.	SCALE 1" = 40'
SURVEYED BY JFG/JDP/DVP	SURVEY FOR CHARLES FRANKLIN RENN, JR. and SHARON TERRY RENN 104 CASTLEBRIDGE COURT APEX, N.C. 27502	DRAWN BY DVP
FIELD BOOK 2001-165		DANIEL V. PARTIN PROFESSIONAL LAND SURVEYOR 200 WENDY CT. CARY, N.C. 27511 (919) 469-4683
PROJECT 5364A - 01		

Laura M Riddick
Register of Deeds
Wake County, NC



Book : 008943 Page : 02024 - 02027

**Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

North Carolina - Wake County

The foregoing certificate of _____
Sharon L. Schovan

_____ Notary(ies) 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.

Laura M. Riddick, Register of Deeds
By: *Laura M. Riddick*
Assistant/Deputy Register of Deeds

This Customer Group
3 # of Time Stamps Needed

This Document
4 New Time Stamp
of Pages