

16521 BLACKBERRY HILLS DR

13917345

5/31/2007

duponbj

Groundwater and Wastewater Services File Imaging Project
May 2007
Barcode Font = IDAutomationHC39M

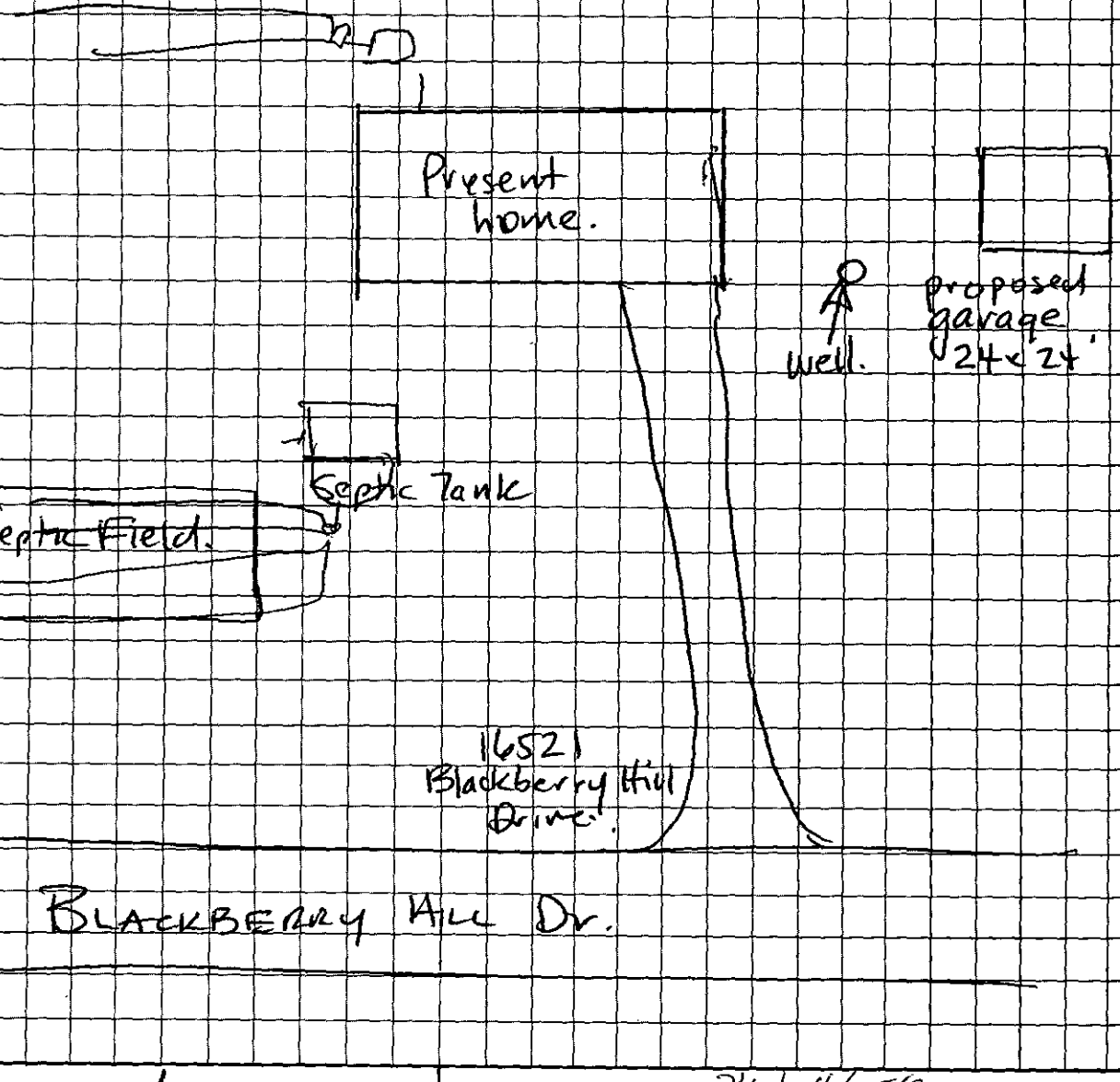
PROPOSED PLOT PLAN

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
PHONE (704) 336-5102

FILE: 5304A

TC: 139-173-45

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



James Wright
OWNER/AGENT SIGNATURE

DATE April 23, 1997

APPROVAL DATE PHW 4/25/97

White - Health Department's Copy

Canary - E.H.S. Copy

Pink - Owner's Copy

400 PW

50' ch. W 35 4/23/97 PW

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR SERVICES

5304A

Mecklenburg County Health Dept.
Environmental Health Division
c/o Hal Marshall Ctr., Suite 211
700 N. Tryon St.
Charlotte, NC 28202

(704)336-5102

PERSON FILING APPLICATION:
NAME: Wright T JAMES N (last) (first) (mi)
ADDRESS: 16521 Blackberry Hill Dr. PHONE: (704) 5450189
CITY: Midland NC (MECK COUNTY) STATE: NC ZIPCODE: 28107

Date: April 23, 1997

PROPERTY OWNER:
NAME: Wright JAMES N (last) (first) (mi)
ADDRESS: 16521 Blackberry Hill PHONE: (704) 545 0189
CITY: Midland NC STATE: NC ZIPCODE: 28107

PROPERTY INFORMATION (FROM ENGINEERING FORM):
TAX/PARCEL NUMBER: 139-173 45
STREET ADDRESS: 16521 Blackberry Hill Dr
ZONING:

Township (check one):
[X] 0 Mecklenburg County [ ] 2 Davidson [ ] 4 Pineville [ ] 6 Huntersville
[ ] 1 Charlotte [ ] 3 Cornelius [ ] 5 Matthews [ ] 7 Mint Hill

SUBDIVISION OR MOBILE HOME PARK NAME: BLACKBERRY HILL

LOT NUMBER: LOT #1 LOT SIZE (in acres): 2.75 acres

TYPE APPLICATION (check one):

[ ] EXCHANGE MOBILE HOME - SAME # BEDROOMS (Y)
[ ] ADDITION - INCREASE ROOMS/OCCUPANCY/MOBILE HOME SIZE (A or M)
[ ] COMMERCIAL OR INDUSTRIAL (N)
[X] ADDITION - GARAGE OR RENOVATION/NO MAJOR CHANGES (X)

RESIDENTIAL PROPERTY (Type Building, check one):
[ ] SINGLE MOBILE HOME (S) [X] HOUSE (H) [ ] MULTIPLE FAMILY (U)
[ ] DOUBLE WIDE (D) [ ] MODULAR HOME (M) [ ] OTHER _____ (O)

NUMBER BEDROOMS: 4 NUMBER OCCUPANTS: 4

SYSTEM CLASSIFICATION:

COMMERCIAL/INDUSTRIAL PROPERTY:
Type Business _____ # Employees ___ Per Shift ___ ___ ___
Industrial Wastes (Y/N) ___
Underground Storage Tanks On Property (Y/N) ___ Type _____

WATER SUPPLY (check one):
[ ] Community (C) [ ] Shared Well (S)
[ ] Municipal (M) [ ] Other 'spring' (O)
[X] Private Well (P)

FUTURE ADDITIONS - ALL PLANNED ADDITIONS MUST BE ENTERED (check all that apply):
[ ] Swimming Pool [ ] Jacuzzi [ ] Stable/Barn [ ] Workshop [ ] None
[ ] Garage [ ] Storage Building [ ] Deck/Patio [ ] Bedrooms [ ] Other

The undersigned, owner, or legal agent for the owner, of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: James N Wright Date: April 23, 1997

NOTICE:

The undersigned, an authorized agent of the MECKLENBURG COUNTY HEALTH DEPARTMENT, certifies that the Department has approved the Request for the Job Location contained in this document. This approval is granted in accordance with the provisions of Laws And Rules For Sanitary Sewage Collection, Treatment And Disposal in effect at the time of issuance of the permit and is subject to the following provisions:

...No work shall be conducted on the septic tank system until an installation, Construction, Alteration and/or Repair approval is granted by this Department.

...This permit is not transferable.

...Approval for Garage Addition use existing system

[ ] IMPROVEMENT PERMIT - VALID 60 MONTHS FROM ISSUANCE
[ ] MOBILE HOME EXCHANGE APPROVAL - VALID 6 MONTHS FROM ISSUANCE
[X] ADDITION/RENOVATION APPROVAL - VALID 1 YEAR FROM ISSUANCE

PW VES 4/25/97
Environmentalist Date

Phila A Walker P.S. 4/25/97

WWATER : 122791

Built 1989

PW

CERTIFICATE OF COMPLETION/OPERATION PERMIT

MECKLENBURG COUNTY · ENVIRONMENTAL HEALTH ·
1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

FILE: 5304-A DATE: 12-14-89
TC: 139-173-12 ☐ L ☒ CRT
SERIAL № 12288

Name of Owner James Wright Juris.:
Address of Property 16521 Blackberry Hills Dr.

Inspection Data:

Tank Material PCC
Total Length of Drainfield 535'
Number of Lines 4+2 @96'+75'
Cover Depth 21"-24"
Water Supply Source well
Distance to Water Source > 50'
Excavation Inspected 12-14-89
Tank(s) Inspected 12-14-89
Wash Line Inspected
High Water Alarm Inspected

PLOT

Design: 1989, 1500ST, con, 1605FT, 12", cecil CTR# 117

The undersigned has inspected the Septic Tank System described above, and certifies it has been
☒ installed or constructed ☐ altered or repaired
☒ in accordance with the permit issued ☐ as detailed in the plot above
and meets the provisions of 10 NCAC 10A .1900, "Laws And Rules For Sanitary Sewage Collection, Treatment, And Disposal" in effect on the date of issuance of the permit. The issuance of this
☒ Certificate of Completion ☐ Operation Permit
does not in any way guarantee that the system will operate properly or relieve any person now or hereafter owning, controlling, or using such system from any liability resulting from the failure of the system to operate properly. This document is issued subject to those restrictions and conditions shown on the permit(s) and the provisions of 10 NCAC 10A .1900 in addition to those listed below under "COMMENTS." This document shall be null and void if any information contained in the application is untrue or if any additions are made to the property which would increase the requirements for said system.

COMMENTS: Installed for 4 bedrooms

B. R. Ferguson
Environmentalist

Mecklenburg County services are available without regard to ethnic origin, sex, or disability.

INSTALLATION, CONSTRUCTION, ALTERATION, AND/OR REPAIR PERMIT

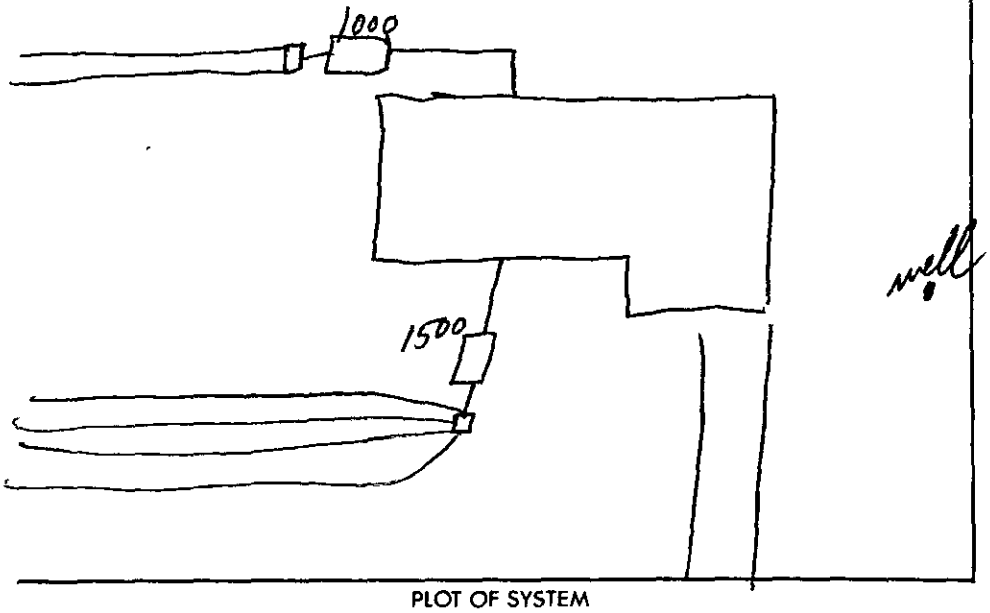
HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

FILE: 5304-A DATE: 11-27-89

TC: 139-173-12 ☐ L

SERIAL Nº 13084

Permission is hereby given to ✓ Install or Construct, _____ Alter or Repair the individual septic tank wastewater treatment system with subsurface, soil absorption, effluent discharge as specified herein at the described location. This permit is granted based upon the information supplied in the application dated 11-2-89. All work shall be completed on or before 12-27-89, after which date this permit shall be null and void. The system shall meet all of the construction requirements of 10 NCAC 10A .1900 which are in effect on the date of the granting of this permit. A Certificate of Completion or an Operation Permit must be obtained from the Mecklenburg County Health Department before any system can be covered up or placed into service. The issuance of this permit does not in any way guarantee that the system anticipated to be constructed will operate properly, or relieve any person now or hereafter owning, controlling or using such system from any liability resulting from the failure of the system to operate properly.



PLOT OF SYSTEM

Liquid Capacity of Septic Tank 1500 gallons

Liquid Capacity of ~~Dosing~~ Tank 1000 gallons

Tank Construction PCC

Absorption and/or Nitrification Lines:

Trench Width 3 feet

Total Line Length 535 feet

Number of Lines 4 + 2

Depth of Stone 12 inches

Distance from House 15 feet

Distance from Property Line 10 feet

Distance from Well >50 feet

NAME OF OWNER James Wright

LOCATION OF PROPERTY 16521 Blackberry Hills Dr.

Comments: Have 3'X96'X12" stone
2" 3X75'X12" " installed for one bathroom only.

C. Watson
Division or Section Head

D. A. Ferguson
Environmentalist

* If this permit is for the installation or construction of a new system, it must be signed by the division or a section head of the Mecklenburg County Health Department in order to be valid. Only the signature of the Environmentalist is required where an existing system is being altered or repaired.

WHITE - HEALTH DEPARTMENT'S COPY • CANARY - ENVIRONMENTALIST'S COPY • PINK - OWNER OR AGENT'S COPY

PROPOSED PLOT PLAN

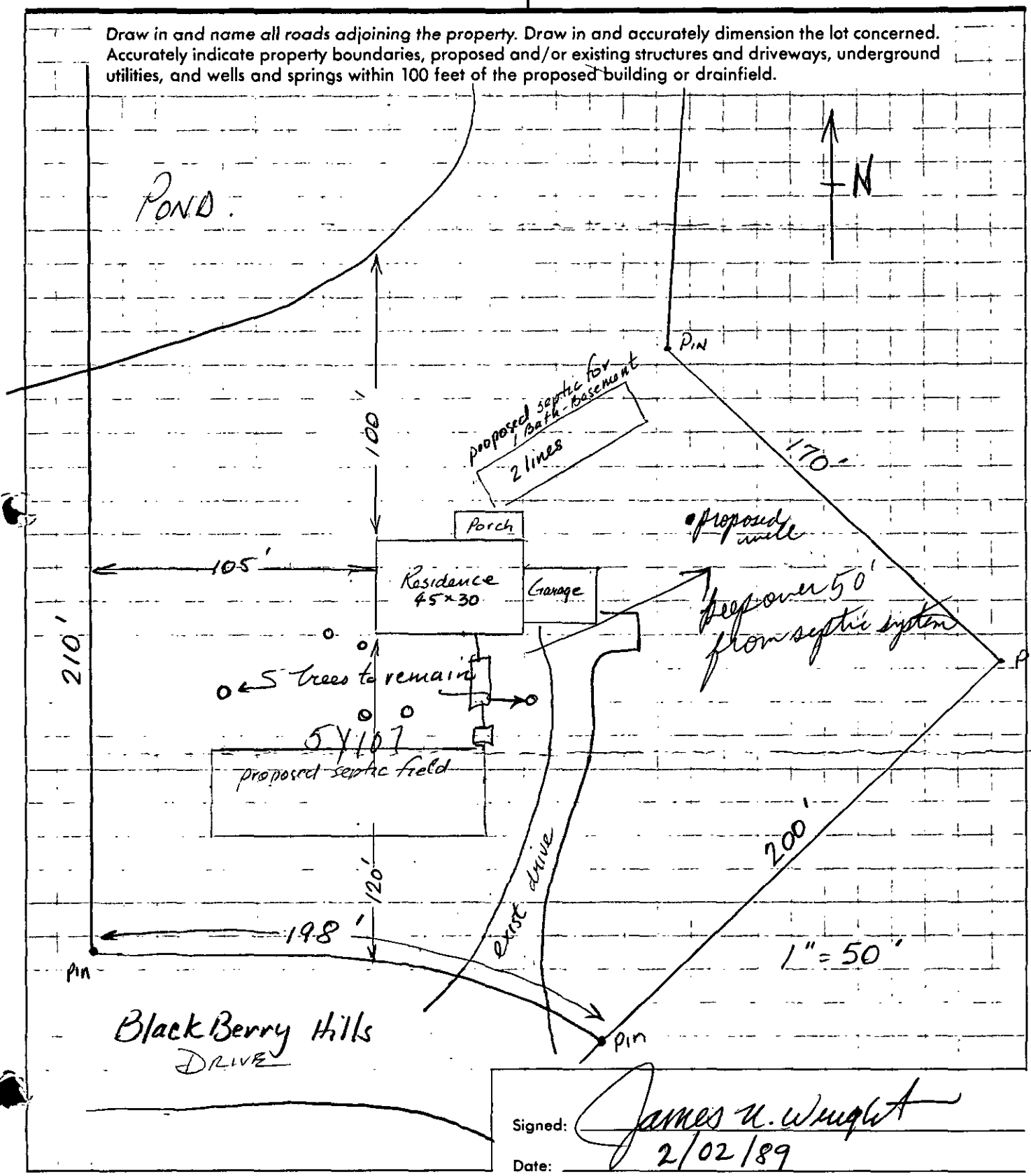
MECKLENBURG COUNTY ENVIRONMENTAL HEALTH

1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

FILE: _____

TC: _____

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries, proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



Signed: James R. Wright

Date: 2/02/89

Residence to have one bath in Basement & 2 Baths upstairs -
Would like to install 2 systems, one for Basement and one for Upstairs
Basement Septic possibly added at later time

MECKLENBURG COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

CHARGE SLIP

Date 2/10/89

Name/Company James Wright

Sanitation ____
Vector Control ____
O.P.W.D. ✓

Service: mp permit
53044

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
PAID

FEB 10 1989

Fee: $ 150.00 ck # 2570
150.00

Completed by K Zachton

Collected by

APPLICATION FOR AN IMPROVEMENT PERMIT

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

Mecklenburg County services are available without regard to ethnic origin, sex, or disability.

(OFFICE USE ONLY)
FILE: 5304A
TC: _____
SERIAL: № 17580
☐ L ☑ CRT

JOB LOCATION

① ADDRESS: 16521 (STREET NO.) Blackberry Hills Drive (STREET) ② FILE: 5304 A
③ JURISDICTION: _____ ④ TAX PARCEL NO.: Out of 139-173-12
⑤ SUBDIVISION: Blackberry Hills. ⑥ LOT: # 1 ⑦ BLOCK: _____

OWNER

⑧ NAME: James (FIRST) Nathan (MIDDLE) Wright (LAST)
⑨ MAILING ADDRESS: 3952 Sheffield Dr.
⑩ CITY: Charlotte ⑪ STATE: NC ⑫ ZIP: 28205
⑬ PHONE: (WORK) 567 9548 ⑭ (HOME) 535 4671

REQUEST

This request is for a(n):

⑮ ☒ New permit
⑯ ☐ Repair or alteration permit
⑰ ☐ Authorization for mobile home exchange
⑱ ☐ Other (specify) _____

DESIGN CRITERIA

System will serve:

⑲ ☒ Residence ⑳ ☐ Mobile home
㉑ ☐ Business or place of public assembly
㉒ Number of bedrooms? 4
㉕ Type? _____
㉓ Maximum occupancy? 4
㉖ Maximum number of employees? _____
㉔ Basement? ☒ yes ☐ no
㉗ Maximum number of seats? _____

WATER SUPPLY

㉘ Water supply from (present or proposed):

A ☒ Individual well
B ☐ Municipal system
C ☐ Community well
D ☐ Community system

㉙ The undersigned, owner of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: James Wright
Date: 2/2/89

IMPROVEMENT PERMIT

The undersigned, an authorized agent of the MECKLENBURG COUNTY HEALTH DEPARTMENT, certifies that the Department has approved the Request for the Job Location contained in this document. This approval is granted in accordance with the provisions of Laws And Rules For Sanitary Sewage Collection, Treatment And Disposal in effect at the time of issuance of the permit and is subject to the following provisions:

... No work shall be conducted on the septic tank system until an Installation, Construction, Alteration and/or Repair permit is issued by this Department.

... This permit is not transferable, and shall become null and void 36 months from the date of issuance.

B. M. Ferguson 6-20-89
Environmentalist Date

Jim Ellison 6-20-89
Director or Authorized Section Head Date

*This permit must be signed by the Director of Mecklenburg County Health Department or an authorized section head in order to be valid.

Mecklenburg County
Health Department

Basil G. Deltu, M.D., M.P.H.
Health Director

January 9th, 1989

James Nathan Wright
3952 Sheffield Drive
Charlotte, NC 28205

RE: Property located at Blackberry Hills Drive
FILE: 5304A
PARCEL: 13917312 PO

Dear Sir:

At your request, a field investigation was conducted on the property designated above for the purpose of determining site suitability for the installation of a ground absorption sewage disposal system. The property was found to contain a limited area of soils which were classified as provisionally suitable for such an installation. A copy of the Site Evaluation Report (Serial Number 15857) is enclosed for your information.

Should you desire to file for permission to install a ground absorption sewage disposal system, please submit an Application For An Improvement Permit with an ACCURATELY dimensioned plot plan detailing the location of current and/or proposed buildings, wells and sewage disposal systems to this office. The plan will be reviewed and if it is found that the area of provisionally suitable soils is adequate for the proposed construction, an Improvement Permit will be issued by this Department.

If I may be of assistance, please do not hesitate to contact me.

Very truly yours,

Sylvia D. Daniel, R.S., Supervisor
On Premises Waste Disposal & Water Supply

Enclosure

MECKLENBURG COUNTY ENVIRONMENTAL HEALTH
SITE EVALUATION REPORT
SERIAL NUMBER 15857

File: 5204A Action 1

Parcel: 13917312 PO ☐ PC

Location: Blackberry Hills Drive

Subdivision:

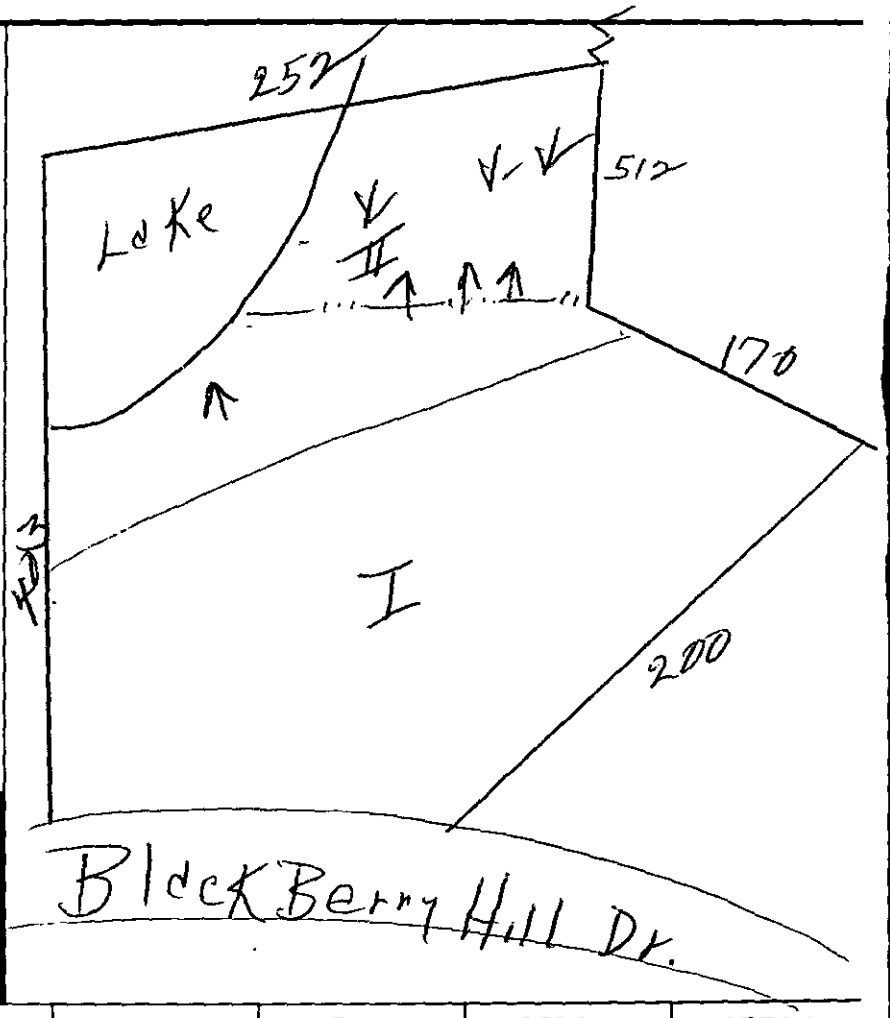
Lot: Block: Acres: 1A

Owner: James Nathan Wright
Address: 3952 Sheffield Drive
Charlotte, NC 28205

Comments: _____

Described by: W. B. Ramsey

Date: 1-5-89



*** EVALUATION KEY ***

S = Suitable U = Unsuitable
PS = Provisionally Suitable
The "Area Classification" below indicates the suitability of areas in the diagram.

FACTORS	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6
Topography	S (PS) U 2-16	S PS (U)	S PS U	S PS U	S PS U	S PS U
Texture	S (PS) U	S (PS) U	S PS U	S PS U	S PS U	S PS U
Structure	S (PS) U	S (PS) U	S PS U	S PS U	S PS U	S PS U
Drainage	S (PS) U	S PS (U)	S PS U	S PS U	S PS U	S PS U
Depth	S (PS) U 44-48	S PS (U) Various	S PS U	S PS U	S PS U	S PS U
Restrictive Horizons	S (PS) U	S (PS) U	S PS U	S PS U	S PS U	S PS U
Available Space	S (PS) U	S PS (U)	S PS U	S PS U	S PS U	S PS U
Other (specify)	S (PS) U	S PS U Lake Set Back	S PS U	S PS U	S PS U	S PS U
Soil Group/Series	IIa Cecil	IIb area Drainage may incl				
Area Classification	S (PS) U	S PS (U)	S PS U	S PS U	S PS U	S PS U

MECKLENBURG COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

CHARGE SLIP

Date 12/23/88

Name/Company Nela Wright

Sanitation _____

Vector Control _____

O.P.W.D. ✓

Service: Soil Investigation
#5204A

MECKLENBURG COUNTY
HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
PAID
DEC 23 1988

Fee: $ 30.00 Check #2705 $30.00

Cheryl A. Hale
Completed by

Collected by

APPLICATION FOR SOIL INVESTIGATION

MECKLENBURG COUNTY · ENVIRONMENTAL HEALTH ·

1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

(OFFICE USE ONLY)

FILE: 5204A

TC: 139-173-12 PO

☐ PC ☐ REPT

JOB LOCATION

① ADDRESS: Blackberry Hills Drive -

② SUBDIVISION: Blackberry Hills Subdivision ③ LOT: #1 plus triangular strip. ④ BLOCK: ____

⑤ PARCEL REFERENCE: BOOK NO.: 22 PAGE NO.: 348 PARCEL NO.: ____

⑥ DEED REFERENCE: BOOK NO.: 5794 PAGE NO.: 0364

OWNER

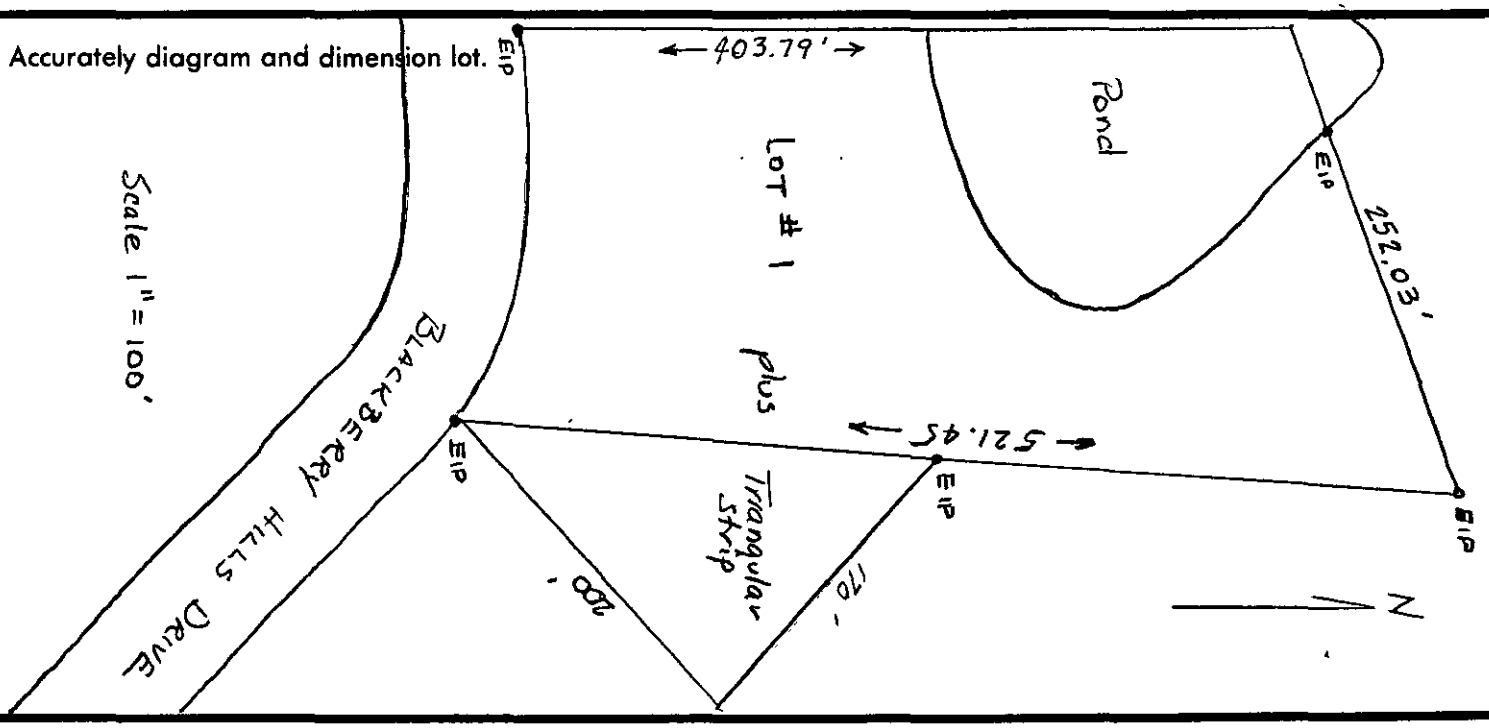
⑦ NAME: James (FIRST) Nathan (MIDDLE) WRIGHT (LAST)

⑧ MAILING ADDRESS: 3952 Sheffield Drive

⑨ CITY: Charlotte ⑩ STATE: NC ⑪ ZIP: 28205

⑫ PHONE: (WORK) (704) 567 9548 (HOME) 535-4671

⑬ Accurately diagram and dimension lot.



⑭ The undersigned, owner of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH to enter onto the property for the purpose of processing this request.

Signed: James M Wright

Date: 12-21-88

Mecklenburg County services are available without regard to ethnic origin, sex, or disability.

WHITE - ENVIRONMENTAL HEALTH DEPARTMENT'S COPY ● CANARY - ENVIRONMENTALIST'S COPY ● PINK - OWNER'S COPY

COPY

Excise Tax	Recording Time, Book and Page

Tax Lot No. Out of 139-173-12 Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to Louis A. Trosch, Attorney (#78)
Suite 405, Park View Bldg., 5821 Park Road, Charlotte, NC 28209-0919

This instrument was prepared by Louis A. Trosch

Brief description for the Index Lot 1, plus triangular stip, Blackberry Hills Subdivision

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 22nd day of June, 19 88, by and between

GRANTOR	GRANTEE
JAMES W. CLAY and wife MARY FRANCES CLAY	JAMES N. WRIGHT and wife JANE C. WRIGHT 3952 Sheffield Drive Charlotte, NC 28205

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ....., Clear Creek Township, Mecklenburg County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY EXPRESS REFERENCE.

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 — James Williams & Co., Inc., Box 127, Yadkinville, N.C. 27055
Printed by Agreement with the N. C. Bar Assoc. – 1981

COPY

The property hereinabove described was acquired by Grantor by instrument recorded in 3638/684

A map showing the above described property is recorded in Plat Book ..... page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

However, there is excepted from these warranties, all such valid and enforceable easements, conditions and restrictions as may appear of record and the lien of ad valorem taxes for the current year, which the grantee(s) hereby assume and agree to pay.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: .....

.....President

ATTEST:

.....

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

James W. Clay (SEAL)

JAMES W. CLAY

.....(SEAL)

James W. Clay (SEAL)

JAMES W. CLAY, Attorney-in-Fact
for MARY FRANCES CLAY

.....(SEAL)

SEAL CATHY S. COLLINS NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

Use Black Ink

NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that .....

James W. Clay Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 22nd day of June, 19 88

My commission expires: 10/5/91 Notary Public

STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG

I, Cathy S. Collins, a Notary Public in and for said County and State, certify that JAMES W. CLAY, attorney-in-fact for MARY FRANCES CLAY, personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of MARY FRANCES CLAY, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and duly recorded in the Mecklenburg Public Registry, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that said JAMES W. CLAY acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said MARY FRANCES CLAY.

WITNESS my hand and notarial seal, this the 22nd day of June 1988.

CATHY S. COLLINS NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

My Commission Expires: 10/5/91

Notary Public

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 -- James Williams & Co., Inc., Box 122, Yadkinville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc. 1981

EXHIBIT "A"

TRACT I:

BEING all of Lot 1, Map I, as shown on map of Blackberry Hills Subdivision, recorded in Map Book 22, at page 348, of the Mecklenburg Public Registry.

TRACT II:

A triangular strip of land, more particularly described as follows:

BEGINNING at an existing iron pin (EIP), said point being the southeastern corner of Tract I above, as shown on Map I of Blackberry Hills Subdivision, recorded in Map Book 22, at page 348, of the Mecklenburg Public Registry; thence from said beginning point along the eastern boundary of Tract I, N. 08-40-28 E., 252.70 feet to an EIP; thence S. 42-59-12 E., 172.63 feet to an existing stone, said point being the northeastern corner of Lot 15, as shown on Sheet 1 of 2 of Clear Creek Acres, recorded in Map Book 12, at page 589, of the Mecklenburg Public Registry; thence along the northwestern boundary line of said Lot 15, S. 51-30-58 W., 140.00 feet to an EIP; thence S. 50-49-27 W. 58.61 feet to a point in the northern right-of-way line of Blackberry Hills Drive; thence with the northern right-of-way line of Blackberry Hills Drive N. 51-54-57 W, 1.0 feet, to the point and place of Beginning; containing 0.393 acres, and being a portion of Tract 1 as shown on the boundary survey of James W. Clay and Mary F. Clay, prepared by Concord Engineering and Surveying, Inc., dated April 28, 1986.

BEING part of Tract II conveyed to James W. Clay and wife, Mary Frances clay, by Deed recorded in Book 3638, at page 684, of the Mecklenburg Public Registry.

This conveyance is made subject to the following conditions and restrictions which are and shall be covenants running with the land by whomsoever owned, to-wit:

RESTRICTIVE COVENANTS

1. USE OF LAND. 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 three cars and other out-buildings incidental to residential use of the plot.

2. MINIMUM SIZE OF RESIDENCE. No one-story residence shall be constructed or permitted to remain on any lot unless it shall have at least 1,500 square feet of heated floor space. No residence of more than one story shall be constructed or permitted to remain on any lot unless it shall have at least 1,700 square feet of heated floor space.

3. LOCATION OF BUILDINGS. No building shall be erected on any lot nearer any front or side street line than the building setback line shown on the recorded map, which map is incorporated by reference herein, except that an unattached garage or carport any portion of which is nearer than two feet to an interior side lot line shall not be deemed a violation of this covenant if the same is located in its entirety on the rear one-quarter of the lot.

4. SIZE OF LOTS. No residential structure shall be placed or erected on any lot which has an area less than the minimum square footage required by the applicable zoning ordinances in effect as of the date hereof or a width less than the minimum width at the front setback lines required by the applicable zoning ordinances in effect as of the date hereof. No lot may be subdivided by sale or otherwise unless such subdivision is agreed to in writing by the Grantors, or by their successors or assigns, and the written agreement to such subdivision is recorded in the Mecklenburg County Public Registry.

5. UNINTENTIONAL VIOLATIONS. In the event of the unintentional violation of any of the building line restrictions herein set forth, James W. and Mary F. Clay, their successors or assigns, reserve the right, by and with the mutual written consent of the owner or owners for the time being of such lot, to change the building line restrictions set forth in this instrument; provided, however, that such change shall not exceed ten percent (10%) of the marginal requirements of such building restrictions.

6. CONDITIONS.

a. No chain link fence shall be erected on any lot except in the rear lot area and no closer to any front lot line than the back residence line and no fence shall be erected on any lot closer to any street line than the building setback line shown upon the recorded map, except with permission of the Grantors or their successors or assigns.

b. No house or other structure on any lot shall be used for commercial or business purposes. Each owner shall refrain from any act or use of his lot which could reasonably cause embarrassment, discomfort, annoyance or nuisance to the neighborhood. No noxious, offensive or illegal activity shall be conducted upon any lot. No lot shall be used, in whole or in part, for storage of rubbish of any character whatsoever; nor shall any substance, thing or material be kept upon any lot which will emit foul or noxious orders, or that will cause any noise that will or might disturb the peace and quiet of the occupants of surounding property. No trash, rubbish, stored materials, wrecked or inoperable vehicles or similar unsightly items shall be allowed to remain on any lot outside an enclosed structure. However, the foregoing shall not be construed to prohibit temporary deposits of trash, rubbish and other debris for pickup by garbage and trash removal service units. In the event any owner of any developed lot fails or refuses to keep such property free from any of the foregoing unsightly items, weeds or underbrush, the Grantors, or their successors or assigns, may, at their option, ten (10) days after posting a notice thereon or mailing a notice to said owner at his property address, requesting owner to comply with the requirements of this paragraph, enter and remove all such unsightly items and growth at said owner's expenses, and owner shall be personally liable to the Grantors, or their successors or assigns, for the costs of removal. By acquiring property subject to these restrictions, each and every owner agrees to pay such costs promptly upon demand by the Grantors, or their successors or assigns. No such entry as provided herein shall be deemed a trespass. The provisions of this paragraph shall not apply to lots upon which houses are under construction.

c. No trailer, tent, shack, garage, barn, storage shed or other outbuilding erected on any lot 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.

d. No shack, storage shed, barn or any other outbuilding shall be constructed on any lot unless said structure is constructed with the same or similar materials as the residence located thereon and is of a similar architectural design.

e. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising by a builder, contractor or subcontractor to advertise during the construction and sales period.

f. No billboards, advertising signs or sign boards of any description shall be displayed upon or above any lot with the exception of:

(i) Signs "For Rent" or "For Sale", which such signs shall not exceed two feet by three feet in dimensions; describing only the premises on which displayed; and limited to one sign per lot;

(ii) The name of the owner and the street address, the design of which shall be furnished the Grantors, their successors or assigns, upon request; and the Grantors, their successos or assigns, shall have the right to disapprove such design and prohibit the erection of such sign as does not meet with their approval.

(iii) Grantors or their successors or assigns shall have the right to erect an entrance sign, designating the name of the subdivision on a lot adjacent to the main entrance to the subdivision.

g. It is agreed that a right-of-way across the said lots for poles, lines, wires and/or conduits for use in connection with supplying natural gas, light, power, water, telephone and other utilities to lands comprising said lots or other lands adjacent or in the neighborhood thereof is reserved unto the Grantors, their heirs and assigns. Such a right-of-way shall be limited as nearly as practicable to an area not exceeding ten (10) feet from lot lines and the reservation of such right-of-way shall not imply any obligation on the part of the Grantors to furnish or make available any utilities or services.

h. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots (exclusive of trustees in deeds of trust and owners and holders of notes secured by deeds of trust) has been recorded, agreeing to change said covenants in whole or in part.

i. No mobile homes, modular homes or mobile home parks shall be allowed or maintained upon any of said lots.