

SCHELLBRAY

SCHELL BRAY PLLC
Attorneys and Counselors at Law

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July 8, 2019

Ralph D. Karpinos
Town Attorney
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

PAUL H. LIVINGSTON, JR.
THOMAS C. WATKINS
MICHAEL H. GODWIN
BARBARA R. CHRISTY
JENNIFER L.J. KOENIG
HOLLY H. ALDERMAN
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CHRISTINA FREEMAN PEARSALL
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STACEY A. BRADY
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WILLIAM B. AYCOCK II
KRISTIN J. KING
ADRIANNE F. EDMONDS
ANDREW D. STEFFENSEN
PETER G. MATTOCKS

OF COUNSEL
DORIS R. BRAY

BRAXTON SCHELL
(1924-2008)

RE: Deed of Gift to Town of Chapel Hill regarding open space property commonly known as PIN #9789-58-1224 as more particularly shown on that certain "Revised Final Plat for Forest Creek" recorded in Plat Book 36 at Page 187 of the Orange County Registry (the "Property")

Dear Ralph:

Pursuant to our telephone conversation late last month, please accept this letter as a formal request to the Town of Chapel Hill that it accept a conveyance of the Property via quit-claim deed of gift from Pine Tree Corporation (the "Developer").

To refresh your memory, enclosed please find the following:

1. a copy of the plat recorded in 1983 where the Developer created the Lots in Forest Creek and the open space that is referenced as the Property;
2. the GIS map illustrating the boundaries of the Property;
3. the documents indexed as affecting the Property in the Orange County Registry; and
4. the tax bills for 2015 – 2018 for this Property.

It is our understanding that a home owners association has not been incorporated for the Forest Creek community and the Developer is no longer in business. As you will also see from the enclosed, the restrictive covenants for Forest Creek do not establish a home owners association nor do they appear to actually encumber the open space Property, just the lots.

Consistent with most other local authorities, Orange County has not been taxing this Property separately and for the past 10 years the amount taxed was typically \$0.01 for the County and \$0.01 for the Town, which appears to have been ignored. Since 2015, however, the Town has been assessing a storm water

Mr. Ralph D. Karpinos

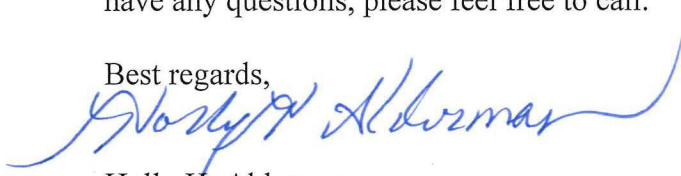
July 8, 2019

Page 2

fee. Although the Developer is no longer in business, one of its former officers, John W. Nelley, Jr., recently received notice that the Property will be sold at a tax foreclosure sale. Although this is acceptable to the Developer and Mr. Nelley, if the Town would prefer, Mr. Nelley is willing to sign a quit-claim deed (on behalf of the Developer, which is permitted in order to wind up the affairs of a dissolved entity) in order to convey the Property to the Town.

If this is amenable to the Town, I will prepare the proposed deed for your review. If you have any questions, please feel free to call.

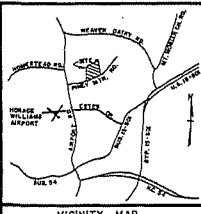
Best regards,



Holly H. Alderman
North Carolina board certified specialist in
Real Property Law- Business,
Commercial and Industrial Transactions

Enclosures

Cc: John W. Nelley, Jr.



HARVEY ENNIS D.B. 243, P.G. 589

- NOTES**
- ALL DIMENSIONS IN FEET.
 - ALL PUBLIC STREET RIGHTS-OF-WAY ARE 60'.
 - TOTAL AREA IN TRACT = 80.85 AC.
 - AREA IN LOTS = 41.04 AC.
 - AREA IN STREET RIGHTS-OF-WAY = 10.39 AC.
 - TOTAL OPEN SPACE AREA = 9.43 AC.
 - ALL CUL-DE-SAC RETURNS: Δ = 42°50'00", T+9.81, R=25.00.
 - DRIVEWAY ACCESS TO LOT #2 OFF LINNAEUS PLACE ONLY.
 - 25' SIGHT EASEMENT AT EACH INTERSECTION.
 - AFTER FINAL PAVING, RR SPIKES TO BE SET ON STREET & AT ALL PC, PT, AND INTERSECTIONS.
 - ALL LOTS MUST CONFORM TO STREET, INTERIOR, AND SOLAR SETBACKS REQUIRED UNDER CHAPEL HILL DEVELOPMENT ORDINANCE ADOPTED MAY 11, 1981, AND SUBSEQUENTLY AMENDED.
 - ORIGINAL PLAT RECORDED AT ORANGE COUNTY REGISTER OF DEEDS, BOOK 33 PAGE 21.

IMPROVEMENTS CERTIFICATE

The Town Manager hereby certifies that all improvements required by the Chapel Hill Development Ordinance have been installed as specified by the approved preliminary plat for Parcel C-141. He certifies and has this improvement completed with this certification.

By: *[Signature]* Date: 3/31/83

TOWN MANAGER CERTIFICATE

Provided that this plat is recorded within 30 days of final approval, approved by Town Manager

By: *[Signature]* Date: 3/31/83

CERTIFICATE OF FINISH

The undersigned owner(s) hereby certify that all rights-of-way, easements, encroachments, etc., have been corrected, removed, and other improvements, in public or private common use as noted on this plat, and further certify that they are acceptable for maintenance and control by an appropriate public authority, and incorporate the same into the subdivision's association or similar legal entity.

FILE THIS CERTIFICATE WITH THE CORPORATION

By: *[Signature]* Date: 3/31/83
 Attest: *[Signature]* Secretary, Inc. Date: 3/31/83



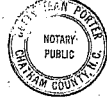
NOTARY PUBLIC

I, *[Signature]*, a Notary Public for said County and State, do hereby certify that the foregoing plat, accompanied only by the address of the designated governmental units to be conveyed, and the signatures of the designated governmental units, were filed in its name by its authorized representative, and that the same are correct and true.

Witness my hand and official seal, this 31st day of March, 1983.

[Signature]
 Notary Public

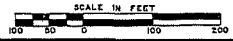
No Commission Expires: Oct. 23, 1985



RESERVED FOR FUTURE DEVELOPMENT

PROPERTY OF
PINE TREE CORPORATION
 121 N. COLUMBIA ST.
 CHAPEL HILL, N.C.

- LEGEND**
- EXISTING IRON PIPE
 - IRON PIPE SET
 - P.K. MASONRY NAIL SET (COVERED BY NEW PAVEMENT AT LATER DATE)



NORTH CAROLINA ORANGE COUNTY

The foregoing certificate(s) of *Betty Jean Porter and Matthew K. Moore*

Notary Public of the designated governmental units to be conveyed, to be correct.

Filed for registration on the 31st day of March 1983 at 3:21 o'clock P.M. in Book 36 Page 187.

This the 31 day of March, 1983.

Betty Jean Porter, Register of Deeds
 By: *[Signature]* Assoc./Deputy

CERTIFICATE OF SURVEY

I, Philip Post, do hereby certify that under my direction and supervision the following plat was drawn from an actual survey made under my supervision, and that the direction of the plat was drawn from the records of the last survey, and that the boundaries of the lots shown on the plat were established by the plat, and that the facts of practice as herein stated are true and correct.

Dated this 22nd day of December, 1982.

[Signature]
 LAND SURVEYOR, No. 1-5112



NOTARY PUBLIC

I, *[Signature]*, a Notary Public for said County and State, do hereby certify that the foregoing plat, accompanied only by the address of the designated governmental units to be conveyed, and the signatures of the designated governmental units, were filed in its name by its authorized representative, and that the same are correct and true.

Witness my hand and official seal, this 22nd day of December, 1982.

[Signature]
 Notary Public



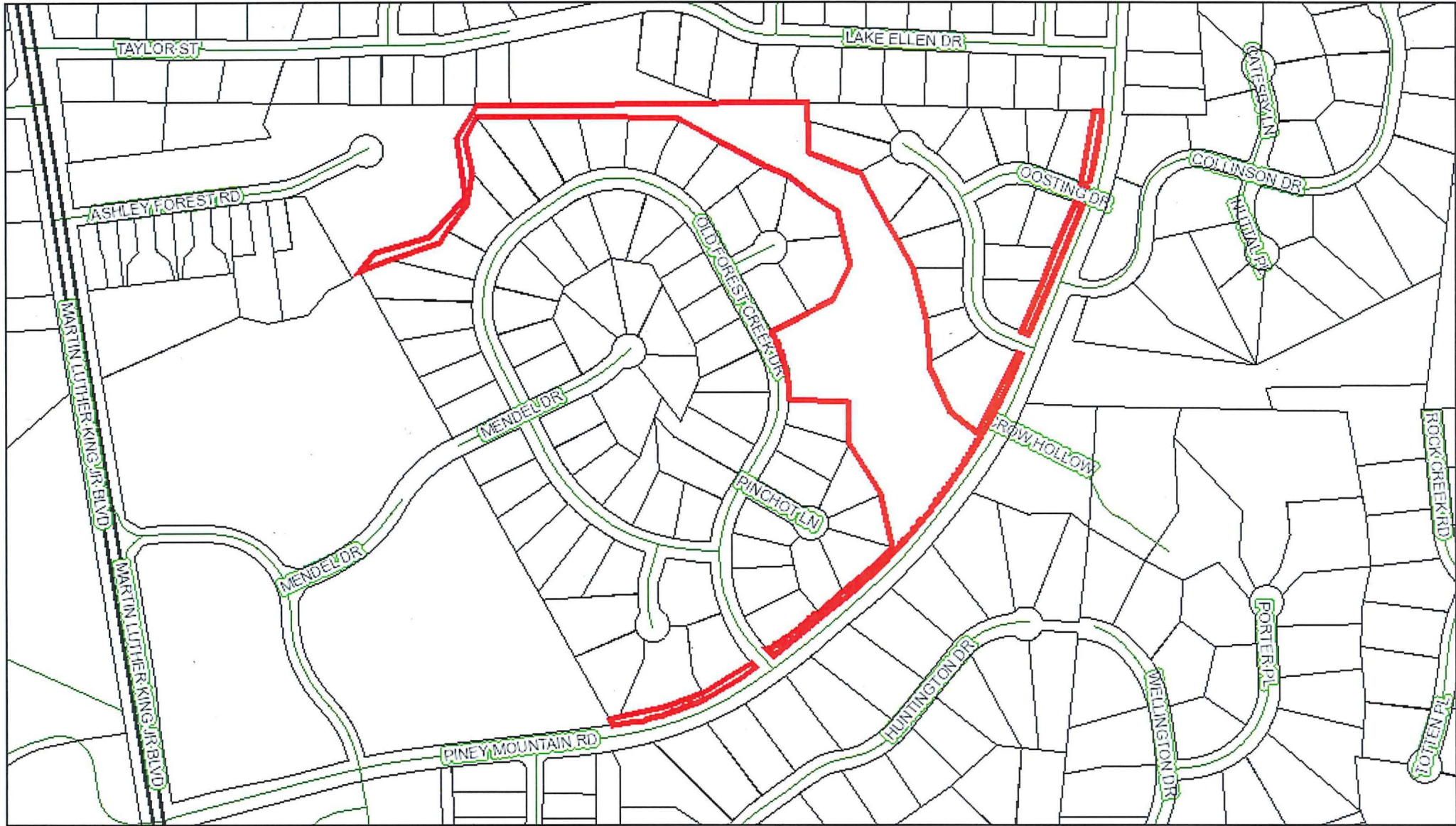
NORTH CAROLINA, Orange County

COVER HILLS WEST, SECTION 9
 P.B. 31 P.G. 85

—REVISED—
FINAL PLAT
FOREST CREEK
 CHAPEL HILL TOWNSHIP ORANGE COUNTY, N.C.

SCALE 1" = 100' DATE: DEC. 21, 1982
 PHILIP POST & ASSOCIATES
 CHAPEL HILL, N.C.
 (919) 928-1173

Orange County



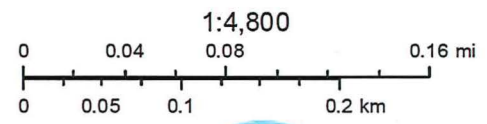
May 2, 2019 This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

The county and its mapping companies assume no legal responsibility for the information on this map.

PIN: 9789581224
OWNER 1: PINE TREE CORP
OWNER 2:
ADDRESS 1: PO BOX 270365
ADDRESS 2: C/O JOHN NELLEY JR
CITY: NASHVILLE
STATE, ZIP: TN 37219
LEGAL DESC: OPEN SPACE FOREST CREEK CH TP P33/21

SIZE: 9.43 A
DEED REF: 347/47
RATECODE: 22
TOWNSHIP: CHAPEL HILL
BLDG SQFT:
YEAR BUILT:

BUILDING COUNT:
LAND VALUE: \$1
BLDG_VALUE: \$
USE VALUE: \$
TOTAL VALUE: \$1
DATE SOLD: 01/08/1981
TAX STAMPS:





Disclaimer: Orange County Tax Office provides property tax information as a public service. This information is date sensitive. Any data obtained from this site should not be construed as an official receipt or as legal proof of property ownership.

Vehicle Property Taxes paid to the North Carolina Division of Motor Vehicles (NCDMV) are not available on this website. To obtain a vehicle property tax statement from NCDMV, call 919-814-1779 or [email NCDMV](#).

By North Carolina statute, real and personal property taxes are due annually on September 1st of the tax year and are current if paid by January 5th of the following year. Solid Waste Programs and Stormwater Fees do not constitute a lien on the real property. To pay by mail, search for and print your bill, then mail it with your check or money order to: **Orange County Tax Office, PO Box 8181, Hillsborough, NC 27278-8181.** [Contact Orange County Tax](#) to verify current payment status.

Beginning with 2016 taxes, Orange County is billing and collecting Mebane City Taxes for properties located within Orange County. For prior year taxes, contact the City of Mebane at 919-563-5901. Mebane offers a 0.5% discount for Mebane City Taxes paid by August 31st each year and is the only jurisdiction offering a discount in Orange County. Partial payments submitted by August 31st are applied proportionately between the Mebane City and Orange County taxes. Only the portion applied to Mebane City taxes is eligible for the discount.

[Bill Search](#) [Special Assessment Search](#) [Delinquent Bill Search](#) [Personal Property Search](#)

[Research Property](#) [GIS](#)

[Go To Abstract](#) [New Search](#) [Return](#)

**Property Tax Collections
Bill Detail**

	PINE TREE CORP	Property Tax	Real Property
Description:	OPEN SPACE FOREST CREEK CH TP P33/21 (9.	Bill Status:	UNPAID
Location:	ORANGE COUNTY NC	Bill Flag:	
Mailing Address:	% JOHN NELLEY JR PO BOX 270365 NASHVILLE TN 37219	Bill #:	0000054863-2015-2015-0000-00
Parcel #:	9789581224	Old Bill #:	
Lender:		Old Account #:	
		Due Date:	9/1/2015 ←
		Interest Begins:	1/6/2016

	Value	Rate	Tax Districts	Description	Amount
Real	\$1	.8780	ORANGE	Tax	\$0.01
Deferred	\$0		ORANGE	Advertisement	\$3.75
Use	\$1		CHAPEL HILL	Tax	\$0.01
Personal Exempt & Exclusion	\$0		CHAPEL HILL	Chapel Hill Stormwater Fee	\$52.30
Total Assessed Value	\$1				Interest: \$0.00
					Total Billed: \$56.07

Last Payment Date :

Current Due: **\$56.07**

Correct if paid by ▼

HELPFUL HINTS FOR SEARCH BY OPTIONS:

- **OLD BILL NUMBER:** Bills received prior to September 30, 2010 have bill numbers in the OLD BILL NUMBER format. These bill numbers are 5-10 digits long and begin with the year of the bill. Enter the entire bill number like this: 2009102456

- **BILL NUMBER:** Bills received after September 30, 2010 have bill numbers in the new BILL NUMBER format. These bill numbers are in this format: **0000123456**-2010-2010-0000. Enter the **first section** of the bill number.

Cross Reference Tool for TMBL and Tract - This tool is provided to assist the public in finding Parcel Identification Numbers (PIN) based on TMBLs or Tracts.



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Bill Detail**

PINE TREE CORP		Property Tax	Real Property
Description:	OPEN SPACE FOREST CREEK CH TP P33/21 (9.	Bill Status:	UNPAID
Location:	ORANGE COUNTY NC	Bill Flag:	Fee Only Owing
Mailing Address:	% JOHN NELLEY JR PO BOX 270365 NASHVILLE TN 37219	Bill #:	0000054863-2016-2016-0000-00
Parcel #:	9789581224	Old Bill #:	
Lender:		Old Account #:	
		Due Date:	9/1/2016 ←
		Interest Begins:	1/6/2017

	Value	Rate	Tax Districts	Description	Amount
Real	\$1	.8780	ORANGE	Tax	\$0.00
Deferred	\$0				
Use	\$1	.5240	CHAPEL HILL	Tax	\$0.00
Personal	\$0				
Exempt & Exclusion	\$0		CHAPEL HILL	Chapel Hill Stormwater Fee X	\$52.30
					Interest: \$0.00
Total Assessed Value	\$1				Total Billed: \$52.30

Last Payment Date :

Current Due: **\$52.30**

Correct if paid by

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Location:	ORANGE COUNTY NC	Bill Flag:	Fee Only Owing
Mailing Address:	PO BOX 270365 C/O JOHN NELLEY JR NASHVILLE TN 37219	Bill #:	0000054863-2017-2017-0000-00
Parcel #:	9789581224	Old Bill #:	
Lender:		Old Account #:	
		Due Date:	9/1/2017
		Interest Begins:	1/6/2018

	Value	Rate	Tax Districts	Description	Amount
Real	\$1	.8377	ORANGE	Tax	\$0.00
Deferred Use	\$0				
Personal Exempt & Exclusion	\$1	.5080	CHAPEL HILL	Tax	\$0.00
	\$0		CHAPEL HILL	Chapel Hill Stormwater Fee	\$64.30
					Interest: \$0.00
Total Assessed Value	\$1				Total Billed: \$64.30

Last Payment Date :

Current Due: **\$64.30**

Correct if paid by

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Bill Detail**

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Description:	OPEN SPACE FOREST CREEK CH TP P33/21	Bill Status:	UNPAID
Location:	ORANGE COUNTY NC	Bill Flag:	Fee Only Owing
Mailing Address:	PO BOX 270365 C/O JOHN NELLEY JR NASHVILLE TN 37219	Bill #:	0000054863-2018-2018-0000-00
Parcel #:	9789581224	Old Bill #:	
Lender:		Old Account #:	
		Due Date:	9/1/2018 ←
		Interest Begins:	1/8/2019

	Value	Rate	Tax Districts	Description	Amount
Real	\$1	.8504	ORANGE	Tax	\$0.00
Deferred Use	\$0				
Personal Exempt & Exclusion	\$1	.5280	CHAPEL HILL	Tax	\$0.00
	\$0		CHAPEL HILL	Chapel Hill Stormwater Fee *	\$64.30
					Interest: \$0.00
Total Assessed Value	\$1				Total Billed: \$64.30

Last Payment Date :

Current Due: **\$64.30**

Correct if paid by

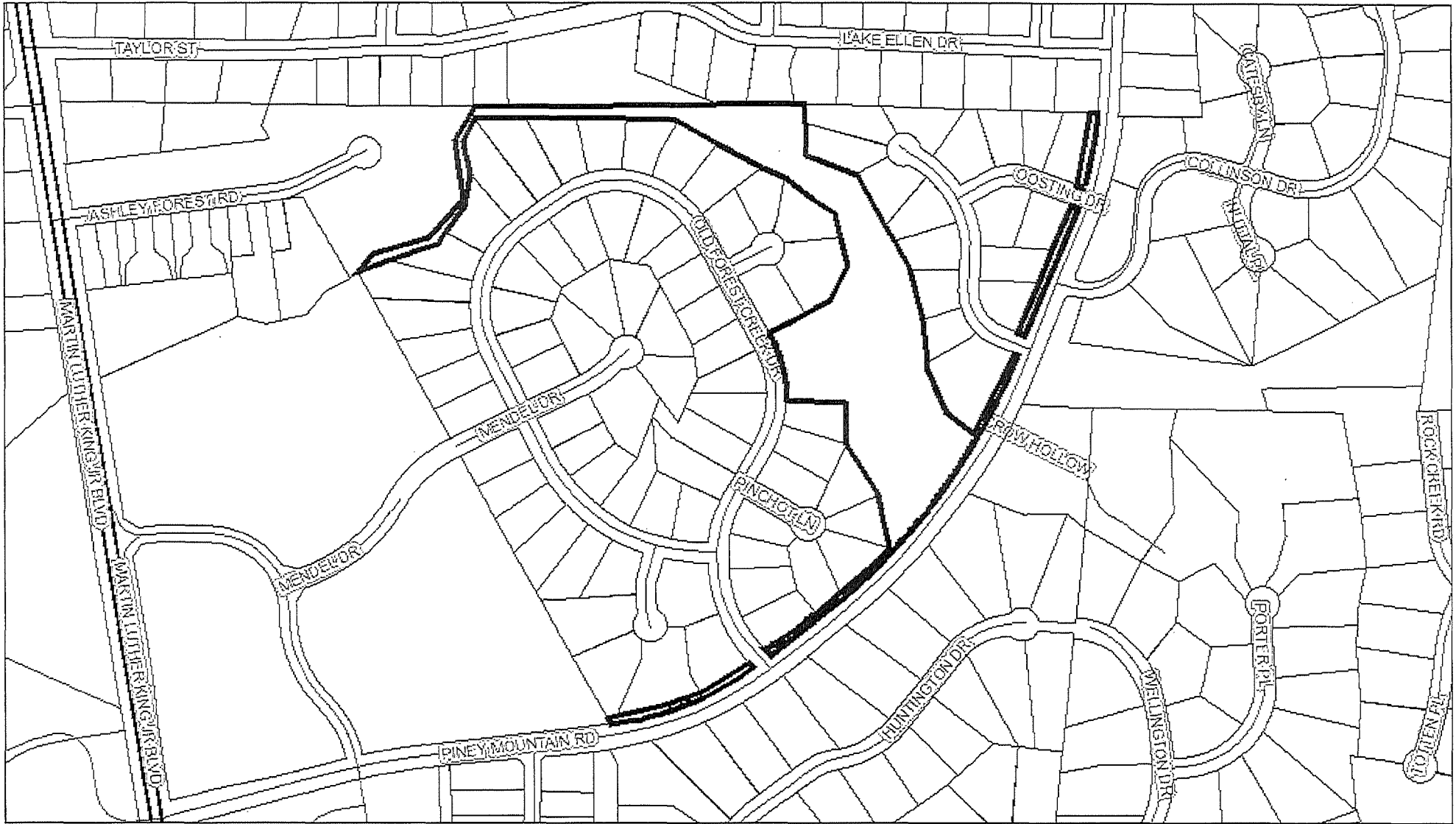
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Orange County



May 2, 2019

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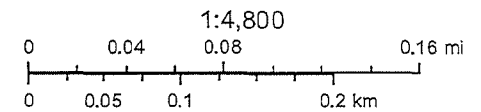
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PIN: 9789581224

OWNER 1: PINE TREE CORP
 OWNER 2:
 ADDRESS 1: PO BOX 270365
 ADDRESS 2: C/O JOHN NELLEY JR
 CITY: NASHVILLE
 STATE, ZIP: TN 37219
 LEGAL DESC: OPEN SPACE FOREST CREEK CH TP P33/21

SIZE: 9.43 A
 DEED REF: 347/47
 RATECODE: 22
 TOWNSHIP: CHAPEL HILL
 BLDG SQFT:
 YEAR BUILT:

BUILDING COUNT:
 LAND VALUE: \$1
 BLDG_VALUE: \$
 USE VALUE: \$
 TOTAL VALUE: \$1
 DATE SOLD: 01/08/1981
 TAX STAMPS:



ORANGE COUNTY
 NORTH CAROLINA

Search Criteria GPIN:"9789581224"

View Instrument	Recorded Date	Name	Desig Status	Party Role	Doc Type	Book	Page	Other Name	Legal Description	First Reference
1984081300008 3540	08/13/1984 00:00:00 AM	NCNB NATIONAL BANK OF NORTH CAROLINA		Grantor	ASGM	478	614	PINE TREE CORP,	Gpin: 9789581224	1980111700007 4060
1984081300008 3540	08/13/1984 00:00:00 AM	PINE TREE CORP		Grantee	ASGM	478	614	NCNB NATIONAL BANK OF NORTH CAROLINA,	Gpin: 9789581224	1980111700007 4060
1983103100009 7310	10/31/1983 00:00:00 AM	FOREST CREEK SUBDIVISION		Grantee	AMD <i>r/e 400/238</i>	440	563	PINE TREE CORP,	Gpin: 9789581224	1983032100002 0060
1983103100009 7310	10/31/1983 00:00:00 AM	PINE TREE CORP		Grantor	AMD	440	563	FOREST CREEK SUBDIVISION,	Gpin: 9789581224	1983032100002 0060
1983103100009 7090	10/31/1983 00:00:00 AM	FOREST CREEK SUBDIVISION		Grantor	AMD	440	563.1	PINE TREE CORP,	Gpin: 9789581224	1983032100002 0060
1983103100009 7090	10/31/1983 00:00:00 AM	PINE TREE CORP		Grantee	AMD	440	563.1	FOREST CREEK SUBDIVISION,	Gpin: 9789581224	1983032100002 0060
1983032100002 0060	03/21/1983 00:00:00 AM	PINE TREE CORP		Grantor	PLAT	36	187		Gpin: 9789581224	
1983032100002 0050	03/21/1983 00:00:00 AM	FOREST CREEK		Grantor	PLAT	36	187.1		Gpin: 9789581224	
1983030800001 5810	03/08/1983 00:00:00 AM	PINE TREE CORP		Grantor	R/W	411	478	DUKE POWER COMPANY,	Gpin: 9789581224	1981010900000 1830
1983030800001 5810	03/08/1983 00:00:00 AM	DUKE POWER COMPANY		Grantee	R/W	411	478	PINE TREE CORP,	Gpin: 9789581224	1981010900000 1830
1982122200008 3540	12/22/1982 00:00:00 AM	FOREST CREEK		Grantor	AMD	405	441	PINE TREE CORP,	Gpin: 9789581224	1981010900000 1830
1982122200008 3540	12/22/1982 00:00:00 AM	PINE TREE CORP,		Grantee	AMD	405	441	FOREST CREEK,	Gpin: 9789581224	1981010900000 1830
1982122200008 3480	12/22/1982 00:00:00 AM	FOREST CREEK		Grantee	AMD	405	441.1	PINE TREE CORP,	Gpin: 9789581224	1981010900000 1830
1982122200008 3480	12/22/1982 00:00:00 AM	PINE TREE CORP		Grantor	AMD	405	441.1	FOREST CREEK,	Gpin: 9789581224	1981010900000 1830
1982102100006 5920	10/21/1982 00:00:00 AM	FOREST CREEK SUBDIVISION		Grantee	R/C	400	238	PINE TREE CORP,	Gpin: 9789581224	1981010900000 1830
1982102100006 5920	10/21/1982 00:00:00 AM	PINE TREE CORP		Grantor	R/C	400	238	FOREST CREEK SUBDIVISION,	Gpin: 9789581224	1981010900000 1830
1982102100006 5850	10/21/1982 00:00:00 AM	FOREST CREEK SUBDIVISION		Grantor	R/C	400	238.1	PINE TREE CORP,	Gpin: 9789581224	1981010900000 1830
1982102100006 5850	10/21/1982 00:00:00 AM	PINE TREE CORP		Grantee	R/C	400	238.1	FOREST CREEK SUBDIVISION,	Gpin: 9789581224	1981010900000 1830

cancel

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NORTH CAROLINA
ORANGE COUNTY

AMENDMENT TO RESTRICTIONS
OF FOREST CREEK SUBDIVISION

THIS AMENDMENT OF RESTRICTIONS, made and entered into this the 1st day of June, 1983, by PINE TREE CORPORATION, a Tennessee Corporation:

W I T N E S S E T H :

THAT WHEREAS, all lots in FOREST CREEK SUBDIVISION, according to Plat Book 33, at Page 21, and Plat. Book 36, at Page 187, Orange County Registry, are subject to "Restrictions for FOREST CREEK SUBDIVISION", as recorded in Book 400, at Page 238, Orange County Registry, and as recorded in Book 405, at Page 441, Orange County Registry; and

THAT WHEREAS, PINE TREE CORPORATION desires to amend said Restrictions, and

THAT WHEREAS, the said Restrictions provide that the Restrictions may be amended by seventy-five percent (75%) of the owners of real estate in FOREST CREEK SUBDIVISION; and

THAT WHEREAS, PINE TREE CORPORATION is the present owner of more than seventy-five percent (75%) of the lots in FOREST CREEK SUBDIVISION.

NOW THEREFOR, PINE TREE CORPORATION does hereby amend the aforesaid Restrictions as follows:

Article (4) shall be deleted in its entirety and shall read as follows:

No building or part of a building other than steps, overhanging eaves or cornices shall extend nearer to the front property line, side street line or interior lot lines than the setback distances as set forth in the Chapel Hill Development Ordinance enacted May 11, 1981, and as subsequently amended. For corner lots, the front property setback line shall apply only to the street side of the lot that the house faces.

This amendment to the aforesaid Restrictions shall inure to the benefit of and run with the title of all of the lots

FOR MULTIPLE PIN SHEET
SEE BOOK 440 PAGE 555

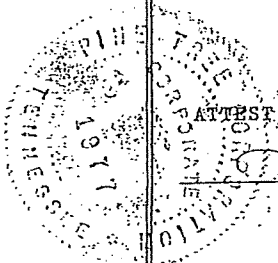
Prepared By
G. RUTHERFORD

MIDDETT, HIGGINS,
FRANKSTONE & GRAVES
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELLORS
AT LAW
POST OFFICE DRAWER 2688
CHAPEL HILL, NORTH CAROLINA
27514

in FOREST CREEK SUBDIVISION, according to Plat Book 33, at Page 21, and Plat Book 36, at Page 187, Orange County Registry, and shall apply to and bind the successors in title to all of said lots the same as if originally set forth in the aforesaid Restrictions.

IN WITNESS WHEREOF, PINE TREE CORPORATION has caused this instrument to be signed in its corporate name by its President, attested by its Secretary and its corporate seal to be attached hereto, all by order of its Board of Directors.

PINE TREE CORPORATION
BY [Signature]
President



[Signature]
Secretary

Address of PINE TREE CORPORATION:
26th Floor, First American Center,
Nashville, Tennessee 37238

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, a Notary Public, do hereby certify that JOHN W. NELLY, JR. personally appeared before me this day and acknowledged that he is the Secretary of PINE TREE CORPORATION, a corporation of Tennessee, 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 himself as its Secretary.

Witness my hand and notarial seal, this the 28th day of October, 1983.

[Signature]
Notary Public

My commission expires:
10-21-84

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of _____
Sandy K. Cartier,

A Notary ~~(XXXXXX)~~ Public of the designated Governmental units is ~~(XX)~~ certified to be correct. Filed for registration this the 31st day of October, 1983, at 2:20 o'clock, P.M.
in Record Book 440 Page 563

Return: _____

Betty June Hayes Register of Deeds
By [Signature]
Assistant/Deputy
Register of Deeds

DRAWN BY: John R. Herndon
Form No. 152-A N. C. Rev. 10-75

JOB NAME: Forest Creek

STATE OF ~~NORTH CAROLINA~~ TENNESSEE

JOB NO: 438110763

COUNTY OF Davidson BOOK 411 PAGE 478

KNOW ALL MEN BY THESE PRESENTS, That Pine Tree Corporation

a corporation,
in consideration of the sum of one (\$1.00) dollar and other good and valuable considerations, does hereby grant unto said DUKE POWER COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, ~~BOOK 411 PAGE 478~~ known as Forest Creek and recorded as a 'FINAL PLAT' in Orange County; North Carolina, Plat Book 31, Page 21

and to construct, maintain and operate in, upon and through said premises in a proper manner, with poles, wires, guys, conduits, cables, transformers, and other necessary apparatus and appliances, overhead or underground lines for transmitting and distributing power by electricity, and for communication purposes, together with the right at all times to enter said premises for the purpose of inspecting said lines and making necessary repairs and alterations thereon and additions thereto; together with the right at all times to cut away, or by other means to keep clear of said lines, all trees, brush, structures, and other obstructions that may, in any way, endanger the proper maintenance and operation of the same; also including the right to relocate said lines over said premises to conform to any future highway or street location, widening or improvement.

1983 MAR -8 AM 10:46

ORANGE CITY, LAND RECORDS

IN WITNESS WHEREOF, The said Pine Tree Corporation has caused this instrument to be executed by its proper officials this 5th day of August 1981

ATTEST: [Signature] Secretary
By [Signature] President
Pine Tree Corporation (SEAL)

(Affix Corporate Seal)

STATE OF ~~NORTH CAROLINA~~ TENNESSEE

COUNTY OF Davidson

I, Sandy K. Cartier, a Notary Public for the above State and County, hereby certify that John W. Halley, Jr. personally came before me this day and acknowledged that he is Secretary of Pine Tree Corporation, a corporation, and that by authority duly given and as the act of said corporation the foregoing and annexed instrument was signed in its name by Albert W. Buckley, Jr., its President, sealed with its corporate seal and attested by himself as its Secretary.

WITNESS my hand and official seal this the 5th day of August 1981

My Commission Expires 12/31/81

The foregoing certificate of Sandy K. Cartier, a Notary Public of Davidson County, Tennessee is certified to be correct.

This the 8th day of March, 1983

By [Signature] Assistant Betty June Hayes, Register of Deeds

Orange County, N. C.

Filed 8th Day Of March, A. D. 1983 and recorded in Book 411 Page 478 Fee, \$ at 11:53 o'clock a.m.

Betty June Hayes, Register of Deeds
[Signature] Orange County, N. C.

RETURN TO:
DUKE POWER COMPANY
Attn: Edith Carter
P. O. Box 2080
Chapel Hill, NC 27514

RETURN TO:
DUKE POWER COMPANY
Attn: Edith Carter
P. O. Box 2080
Chapel Hill, NC 27514

NORTH CAROLINA

BOOK 405 PAGE 441

AMENDMENT OF RESTRICTIONS
OF FOREST CREEK SUBDIVISION

ORANGE COUNTY

THIS AMENDMENT OF RESTRICTIONS, made and entered into this the 13 day of December, 1982, by PINE TREE CORPORATION, a Tennessee Corporation;

W I T N E S S E T H :

THAT WHEREAS all lots in FOREST CREEK SUBDIVISION, according to Plat Book 33, at Page 21, Orange County Registry, are subject to "Restrictions for Forest Creek"; and

THAT WHEREAS, PINE TREE CORPORATION desires to amend said restrictions,

NOW THEREFORE, PINE TREE CORPORATION does amend the aforesaid restrictions as follows:

- Article 3.a) The word furnished is to be changed to "finished", and
- b) ONE THOUSAND TWO HUNDRED SQUARE FEET is to be changed to "ONE THOUSAND SQUARE FEET".

Article (4) shall be deleted in its entirety and shall read as follows:

"No building or part of a building other than steps, overhanging eaves or cornices shall extend nearer to the front property line than Twenty-Eight Feet (28'). On any corner lot, the Twenty-Eight Foot setback line shall apply only to that side of the lot that the house faces and the other setback shall be considered an interior lot line and shall only be Fourteen Feet (14'). All interior setbacks shall be Fourteen Feet (14').

A new Article 14 shall be added and shall read as follows:

14. No individual mailboxes of any type shall be displayed. All homeowners shall use a cluster type mailbox system supplied by the developer.

A new Article 15 shall be added and shall read as follows:

15. No signs of any type shall be permitted to stand on any lot except those lots that are for sale and for those lots on which construction is underway.

This amendment to the aforesaid Restrictions shall inure to the benefit of and run with the title of all of the

Prepared by
& return to:

ROBERT J. PAGE
ATTORNEY AND COUNSELLOR
AT LAW
POST OFFICE DRAWER 1105
CHAPEL HILL, NORTH CAROLINA
27514

lots in FOREST CREEK SUBDIVISION, according to Plat Book 33, at Page 21, Orange County Registry, and shall apply to and bind the successors in title to all of said lots the same as if originally set forth in the aforesaid Restrictions.

IN WITNESS WHEREOF, PINE TREE CORPORATION has caused this instrument to be signed in its corporate name by its President, attested by its Secretary and its corporate seal to be attached hereto, all by order of its Board of Directors.

ROBERT J. PAGE
ATTORNEY AND COUNSELLOR
AT LAW
POST OFFICE DRAWER 1109
CHAPEL HILL, NORTH CAROLINA
27514

PINE TREE CORPORATION

BY: Albert W. Dudley
President

John W. Nelley
Secretary

Address of Grantee: 26th Floor, First American Center,
Nashville, TN 37238

STATE OF TENNESSEE
COUNTY OF DAVIDSON

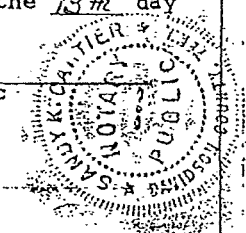
I, a Notary Public, hereby certify that JOHN W. NELLEY, JR., personally appeared before me this day and acknowledged that he is the Secretary of PINE TREE CORPORATION, a corporation of Tennessee, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal, this the 13th day of December, 1982.

Sandy K. Cartier
Notary Public

My Commission Expires:

10-21-84



NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate is of Sandy K. Cartier

A Notary ~~Public~~ of the designated Governmental units is ~~not~~ certified to be correct. Filed for registration this the 22nd day of December, 19 82, at 9:51 o'clock, A.M.

in Record Book 405 Page 441

Return: Robert Page

Betty June Hayes, Register of Deeds

By: Billy B. Norman
Assistant/ ~~Exec~~
Register of Deeds

NORTH CAROLINA

VOL 400 PAGE 238

RESTRICTIONS FOR FOREST CREEK

ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS that Pine Tree

Corporation, a Tennessee Corporation, does hereby covenant and agree with all persons purchasing lots from it within the area

designed as FOREST CREEK SUBDIVISION, as shown on a map recorded in the Orange County Registry in Plat Book 33, at Page 21, that all of the lots in the said area shall be and are hereby made subject to the following covenants and restrictions as to the use thereof, which covenants and restrictions shall run with the land by whomsoever owned, to wit:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family residence and its customarily accessory buildings and uses. No duplex houses, apartments, commercial or industrial buildings shall be constructed within the area. This provision shall not be interpreted to preclude the provision of servant's quarters or rooms incidental to the residence and garage structure, nor does it preclude the inclusion of one small light housekeeping apartment within the residential structure, nor does it preclude gardens and outdoor tennis courts and basketball courts.

2. No residence can be erected on less than one lot and no lot as shown on the recorded plat shall be subdivided, except that two lot owners may subdivide a lot between them, but only one residence shall be built on the combined original lot and the subdivided portion of any lot; provided further, that adjoining property owners may adjust a common boundary line by the sale or exchange of property between such owners, so long as such sale or exchange conforms in all respects with the Zoning Ordinances of the City of Chapel Hill and all other provisions of these restrictive covenants.

3. The minimum size of dwelling structures within this area shall be EIGHTEEN HUNDRED SQUARE FEET heated and furnished living area. A two story structure shall have no less than ONE THOUSAND TWO HUNDRED SQUARE FEET on its first floor in complying with this minimum.

4. No building or part of a building other than steps, overhanging eaves or cornices shall extend nearer to the front and side property line than Twenty Five Feet (25'). In any event no building shall be located on any lot nearer than Fourteen Feet (14') to any side property line.

5. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a temporary residence. No boat, boat trailer, camper, truck or other recreational vehicle may be parked temporarily or otherwise on any dedicated street or on any lot within said subdivision with the exception of construction vehicles and pick ups during the course of the construction of any house within said subdivision.

6. No cattle, swine, ducks, geese, chickens or goats may be kept on any homesite or reserved area, but limited numbers

Prepared by
and return to:

ROBERT J. PAGE
ATTORNEY AND COUNSELLOR
AT LAW
POST OFFICE DRAWER 1109
CHAPEL HILL, NORTH CAROLINA
27514

of dogs and cats may be kept on homesites under reasonable regulations of control and sanitation, provided they do not become a nuisance to other owners in the development, and further, provided that they are not kept, bred or maintained for any commercial purpose.

7. This conveyance is made and accepted subject to any easements of right-of-way that may have been granted for power, light and telephone lines and drainage facilities, or as shown on the recorded plat of FOREST CREEK SUBDIVISION.

8. Garbage containers will be concealed from public view.

9. No dwelling house, building, fence or other structure of any kind shall be erected, placed or altered on any building lot in this area until the building plans and specifications have been approved in writing by the grantor herein, or a person or persons designated by said grantor. Said plans shall show floor elevation, drainage and grades, driveways and walks and the location of said building as to conformity and harmony of exterior design with existing structures in the area, and as to location of the building with respect to topography and the finished ground elevation and orientation relative to neighboring structures. In the case of death, resignation or inability to serve of any designated person, the vacancy created shall be filled by appointment by the President of Pine Tree Corporation of Nashville, Tennessee; and pending such appointment, the surviving member or members of the designated representative shall have authority to approve or disapprove such design or location. If the aforesaid grantor or its authorized representatives fail to approve or disapprove a design or location within thirty (30) days after plans, specifications, and plat plans have been submitted to it in writing, or in any event, if no suit to enjoin the erection, placement or alteration of such building has been commenced prior to the completion thereof, such approval of said design or location so submitted will not be required. Said approval shall be required until the 31st day of December, 2000, at which time the then record owners of a majority of the lots which are subject to the covenants herein set forth may designate in writing duly recorded in the Office of the Register of Deeds of Orange County their authorized representatives who thereafter shall have all the powers subject to the same limitations delegated herein to the aforesaid grantor, and for the time limited in said writing. If there is more than one owner of a lot, these owners shall be entitled to only one vote.

10. No contiguous area greater than twenty percent (20%) of a lot shall be cleared of trees until approval in writing is given by the grantor herein. Any clearing of trees which exceeds twenty percent (20%) of a lot must be approved by the grantor herein. Any owner violating this provision will be responsible for restoring the damaged area as nearly as possible to its original condition.

11. It is expressly understood and agreed between the owners of FOREST CREEK SUBDIVISION and all subsequent purchasers of lots therein that all conveyances of lots in FOREST CREEK SUBDIVISION are made subject to the foregoing covenants, conditions, and restrictions, and that they are for the protection and general welfare of the development and shall be covenants running with the land and binding upon all parties buying lots in FOREST CREEK SUBDIVISION. These covenants, conditions and restrictions shall remain in full force and effect through December 21, 2000, after which said covenants shall be automatically extended for successive periods of ten (10) years

unless, by vote of majority of the then owners of the lots in the area it is agreed otherwise. These provisions may be amended at any time by a written agreement approved by at least a seventy-five percent (75%) vote of the owners of real estate in this area. All owners of a single lot shall have one (1) vote.

12. It is further stipulated and agreed that the owners of property in FOREST CREEK SUBDIVISION and their heirs, successors or assigns, may enforce the above restrictive covenants and agreements by injunction and that this shall not be in exclusion of, but in addition to, other remedies available by law.

13. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, Pine Tree Corporation has caused this instrument to be signed in its name by its President, attested by its Secretary and its corporate seal to be attached all by order of its Board of Directors this the 14 day of October, 1982.



PINE TREE CORPORATION

Albert W. Buckley, Jr.
ALBERT W. BUCKLEY, President

ATTEST:

John W. Nelley, Jr.
JOHN W. NELLEY, Jr., Secretary

STATE OF TENNESSEE
COUNTY OF DAVIDSON

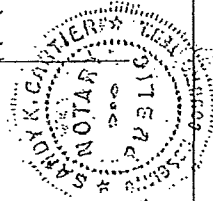
I, a Notary Public in and for said County and State do hereby certify that JOHN W. NELLEY, JR. personally came before me this day and acknowledged that he is the Secretary of PINE TREE CORPORATION, and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and official seal, this the 14th day of October, 1982.

My Commission Expires:

10-21-84

Sandy K. Cartier
Notary Public



NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate is of Sandy K. Cartier

A Notary Public of the designated Governmental units is certified to be correct. Filed for registration this the 21st day of October, 19 82, at 9:32 o'clock A.M.

in Record Book 400 Page 238

Return: _____

Betty June Hayes, Register of Deeds

By: *Betty B. Homer*
Assistant/Deputy
Register of Deeds