Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/19/2014 4:40:22 PM
Fee Amt: $26.00 Page 1 of 5
Iredell County, NC
Matthew J. McCall Register of Deeds

BK 2333 PG 1015 - 1019

THIS INSTRUMENT PREPARED BY

& AFTER RECORDING MAIL TO:

Todd Jason Farlow, Esq.

PO Box 4328

Mooresville, NC 28117

STATE OF NORTH CAROLINA

RELEASE OF RESTRICTIVE COVENANT

COUNTY OF IREDELL

Lot 110 Mallard Head, Sect. 1; PB 16/10

THIS RELEASE OF RESTRICTIVE COVENANT is given by **Mallard Head Development Corp.**, a North Carolina Corporation (hereinafter referred to as "Developer"), and joined by **Mallard Head Home Owner's Association, Inc.**, a North Carolina Non-Profit Corporation (hereinafter referred to as "HOA"); and

WITNESSETH

THAT Developer caused that certain "Declaration and Establishment of Conditions, Reservations, Covenants and Restrictions for Mallard Head Subdivision" (hereinafter referred to as the "Declaration") to be recorded in Record Book **627**, at page **136**, Iredell County Register of Deeds, and as subsequently amended; and

THAT Paragraph 2 of said Declaration set forth that front setbacks for construction shall be not less than forty (40) feet from the front street line; and

THAT Paragraph 2 of said Declaration also identified a ten percent (10%) allowance in setbacks in the Developer's discretion; and

THAT Dumitru Zdrentan and wife Lidia Zdrentan (hereinafter referred to as "Zdrentan") are the owners of Lot 110 Mallard Head, Section 1, by virtue of that certain deed recorded in Record Book **2178**, at page **528**, Iredell County Register of Deeds; said deed being recorded on June 5, 2012; and

ROTC Page Count 5
NS PO SI

THAT Zdrentan has constructed a residential home on the property, and a survey of the property has identified that said home is located less than forty (40) feet from the front property line; and

THAT said home is in violation of the Declaration identified above; however, said home is within the thirty-five (35) foot front setback as established by Iredell County; and

THAT Zdrentan has requested of Developer and the HOA that said home and lot/property be released from the Restrictive Covenant provision identified above; and Developer and HOA are willing to do so;

NOW THEREFORE, for Ten Dollars and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties due execution of this Agreement, **Mallard Head Development Corp.**, joined by the **Mallard Head Home Owner's Association, Inc.**, do grant the release from front setback restriction for Lot 110 Mallard Head, Section 1, pursuant to the terms and conditions as follows:

(1) That Lot 110 Mallard Head, Section 1, will be released from the front setback requirement set forth in Paragraph 2 of the Declaration as recorded in Record Book 627, at page 136, ICR; and as subsequently amended, supplemented, and/or restated; and
(2) That said release shall be an appurtenance to said Lot 110, and shall run with the title to the land, and shall benefit Zdrentan, their heirs, successors, and/or assigns; and
(3) That in the even that said home shall ever be destroyed for any reason, that said setback as set forth in the Declaration shall apply to any new construction on the property; and
(4) This Release of Restrictive Covenant shall be recorded with the Iredell County Register of Deeds; and
(5) This Release is solely limited to the front setback restriction. This release shall in no manner release Lot 110 Mallard Head, Section 1, from any other terms and obligations as set forth in the Declaration, as amended, supplemented, and/or restated.
(6) The Mallard Head Home Owner's Association, Inc. joins in this release to evidence their acceptance and approval of the release.

THIS the 17th day of December, 2014.

Mallard Head Development Corp.
A North Carolina Corporation

By: _____
Edward P. Campbell
Its _____ President

Mallard Head Home Owner's Association, Inc.
A North Carolina Non-Profit Corporation

By: Gail Shook
Gail Shook
Its Architectural Comm. Chair

THAT Zdrentan has constructed a residential home on the property, and a survey of the property has identified that said home is located less than forty (40) feet from the front property line; and

THAT said home is in violation of the Declaration identified above; however, said home is within the thirty-five (35) foot front setback as established by Iredell County; and

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(1) That Lot 110 Mallard Head, Section 1, will be released from the front setback requirement set forth in Paragraph 2 of the Declaration as recorded in Record Book 627, at page 136, ICR, and as subsequently amended, supplemented, and/or restated; and
(2) That said release shall be an appurtenance to said Lot 110, and shall run with the title to the land, and shall benefit Zdrentan, their heirs, successors, and/or assigns; and
(3) That in the even that said home shall ever be destroyed for any reason, that said setback as set forth in the Declaration shall apply to any new construction on the property; and
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THIS the 17th day of December, 2014.

Mallard Head Development Corp.
A North Carolina Corporation

By: Edward P. Campbell
Edward P. Campbell
Its President

Mallard Head Home Owner's Association, Inc.
A North Carolina Non-Profit Corporation

By: _____
Gayle Shook
Its _____

_____ County, NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Edward P. Campbell, _____ President of Mallard Head Development Corporation; Grantor** (person signing)

Date:_____ _____

_____, Notary Public

My Commission Expires: _____

Iredell County, NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Gail Shook,** Architectural Comm. Chair **of Mallard Head Home Owner's Association, Inc.; Grantor** (person signing)

Date: 12/17/14 _____

Adam F. Sailers, Notary Public

My Commission Expires: November 25, 2017

ADAM F. SAILERS
NOTARY PUBLIC
Cabarrus County
North Carolina
My Commission Expires Nov. 25, 2017

IREDELL County, NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Edward P. Campbell, _____ President of Mallard Head Development Corporation; Grantor** (person signing)

Date: 12-16-2014

Forest L Turner JR Notary Public

My Commission Expires: October 21, 2014

FOREST L TURNER, JR NOTARY PUBLIC IREDELL COUNTY, NC MY COMMISSION EXPIRES OCTOBER 21, 2015

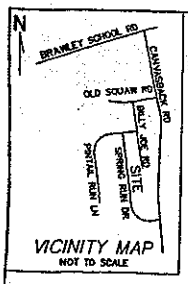
_____ County, NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Gayle Shook, _____ of Mallard Head Home Owner's Association, Inc.; Grantor** (person signing)

Date:_____

_____, Notary Public

My Commission Expires: _____



NOTES:

1) Area determined by Coordinate Computation Method.
2) Property subject to any facts that may be disclosed by a full and accurate title search.
3) Property may be subject to any Easements and Right of Ways of record and those not of record if they exist.
4) Subject Property is not located in a Special Flood Hazard Area as designated by the FEMA FLOOD INSURANCE RATE MAPS. See Map Number 3710453600J – Effective Date 3/18/2009.
5) No Geodetic Monuments were located within 2000' of Subject Property.
6) The purpose of this survey is to create off-site septic easements for Lot 129 and Lot 131 along with 10' utility easement.

I, Thomas E. Williams, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 691, Page 829, or other reference source AS NOTED); that the boundaries not surveyed are shown as broken lines drawn from information found in adjoining deeds and plats as noted; that the ratio of precision is 1 : 10,000+; and that this plat meets the requirements of the Standards of Practice for Land Surveying in North Carolina accordity to North Carolina Administrative Code Title 21, Chapter 56, Section 1600.

This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

This 29th day of August, 2013.

Thomas E. Williams, NCPLS 4718

NORTH CAROLINA PROFESSIONAL SEAL L-4718 LAND SURVEYOR THOMAS E. WILLIAMS

LOT 132
PB 16-11
PETERS
785-809

LOT 131

LOT 130
PB 16-11
DAVIE REALTY CORP.
DB 659-261

HOLE # 11
MALLARD HEAD
DEVELOPMENT CORP.
DB 691-829

LOT 129

LOT 128
PB 16-11
HARDING
DB 1145-1773

LOT 127
PB 16-11
MUCKERMAN
DB 1985-1610

LOT 126
PB 16-11
LEAZER
DB 630-888

LOT 125
PB 16-11
CHASE
DB 1058-260

LOT 124
PB 16-11
WEBER
DB 1762-620

HOLE # 11
MALLARD HEAD
DEVELOPMENT CORP.
DB 691-829

LOT 123
PB 16-11
TAULBORG
DB 1552-1815

S18°26'06"E 111.14' SSE 131
L2
L1
10' UTILITY EASEMENT FOR LOT 131
S18°26'06"E 120.00' SSE 130
L3
S18°18'23"E 119.88'
10' UTILITY EASEMENT FOR LOT 129
L5
L4
S18°06'26"E 120.15' SSE 128
L6
10' UTILITY EASEMENT FOR LOTS 129 & 131
S11°18'47"E 134.16' SSE 127
L7
S11°14'18"E 149.61' SSE 126
APPROXIMATE LOCATION OF SEPTIC SUPPLY LINE SEE DB 825-641
SSE 132
SSE 133
SSE 124
SSE 125
S0°55'00"E 125.15'
S0°54'34"E 120.03'
L8
APPROXIMATE LOCATION OF SEPTIC SUPPLY LINE SEE DB 688-247
S0°54'23"E 119.77' SSE 123

PB 16-10

LINE TABLE

NUM	BEARING	DISTANCE
L1	N18°26'06"W	5.00'
L2	N71°41'59"E	55.24'
L3	S18°18'01"E	239.37'
L4	N18°18'23"W	5.50'
L5	N71°41'59"E	54.93'
L6	S18°18'01"E	125.30'
L7	S11°22'39"E	293.62'
L8	S0°55'00"E	422.22'
L9	S6°51'09"E	25.13'
L10	S0°55'00"E	50.00'
L11	S5°01'09"W	25.13'
L12	S0°55'00"E	214.47'
L13	N81°54'34"E	154.27'
L14	S3°43'46"E	135.40'
L15	S9°31'15"W	72.46'
L16	S80°24'55"E	13.14'
L17	S80°24'55"E	38.91'
L18	S9°34'40"W	55.80'
L19	S9°03'51"E	79.50'
L20	N87°48'37"W	5.10'
L21	N87°48'37"W	44.82'
L22	N9°19'07"E	5.00'
L23	N9°19'07"E	51.83'
L24	S80°24'55"E	8.13'
L25	S80°24'55"E	43.89'

LEGEND

- PROPERTY LINE (P/L)
- RIGHT OF WAY (R/W)
- SANITARY SEWER EASEMENT
- ADJOINING PROPERTY LINE FROM DEED OR PLAT
- 10' UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- EXISTING IRON
- COMPUTED POINT
- SIP SET #4 REBAR

Williams Land Surveying, Inc.
License Number C-3638
274 Baymount Drive, Statesville, NC 28625
phone:(704)876-3098 ~ emailrunningonfaith@bellsouth.net
file: 13\MALLHEAD

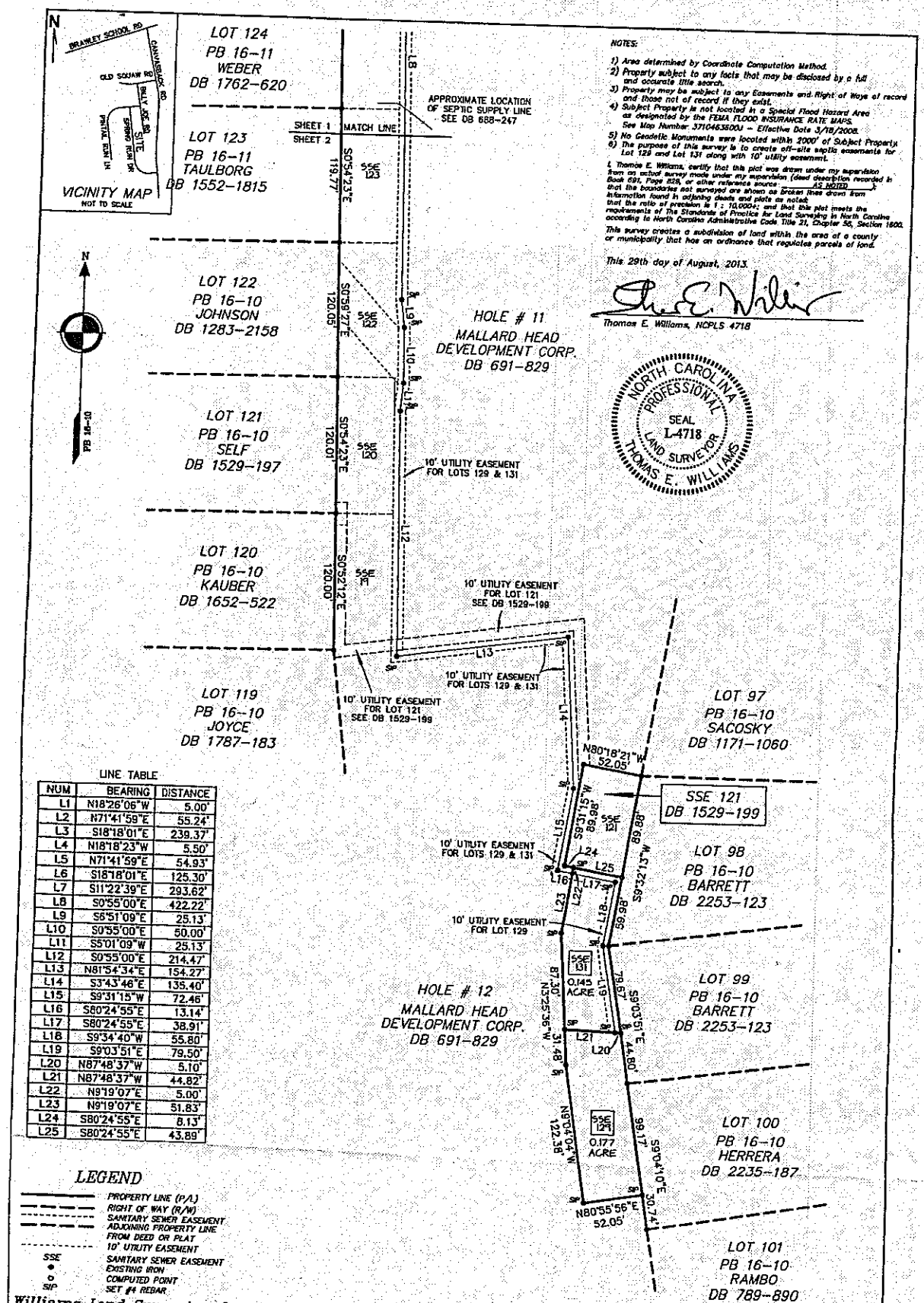
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SCALE: 1" = 100'

SHEET 1 MATCH LINE SHEET 2

SHEET 1 OF 2

SURVEY OF
SEPTIC EASEMENT AND 10' UTILITY EASEMENT
FOR LOT 129 AND LOT 131
MALLARD HEAD COUNTRY CLUB
SECTION 1
PB 16-10 & PB 16-11
Davidson Township, Iredell County, NC
Portion of PIN 4638-67-9017 ~ D.B. 691-829



NOTES:

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- SSE — SANITARY SEWER EASEMENT
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- SIP — SET #4 REBAR

SCALE: 1" = 100'

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SURVEY OF
SEPTIC EASEMENT AND 10' UTILITY EASEMENT
FOR LOT 129 AND LOT 131
MALLARD HEAD COUNTRY CLUB
SECTION 1
PB 16-10 & PB 16-11
Davidson Township, Iredell County, NC
Portion of PIN 4636-67-9017 ~ D.B. 691-829