

TITLE TO REAL ESTATE

45782 PROVENCH-JARRARD CO.-GREENVILLE

STATE OF SOUTH CAROLINA,
COUNTY OF GREENVILLE.

WHEREAS, by deed bearing date of February 26, 1917, recorded in the R. M. C. Office for Greenville County in Deed Book 32, at page 528, the Colonia Company conveyed to W. N. Miller 15.78 acres, more or less, and more fully described in said deed, and

WHEREAS, said conveyance was made subject to certain conditions, among which were the following:

"First: That this property shall be used for agricultural and residence purposes, for white people only; (This, however, does not apply to servants); and

"Second: That the purchaser hereof, his heirs, administrators, executors, successors or assigns, shall be amenable to the sanitary rules and regulations past by a majority of the holders of property purchased from the Colonia Company,";

And said deed further provides: "That these stipulations and conditions are material, and have affected the purchase price hereof; and are therefore, conditions subsequent", and

WHEREAS, the said W. N. Miller, having sold or retained all of the elevated land suitable for residential purposes, has entered into a contract for the sale of the remaining 12.41 acres of low land which is clearly unfit for residential purposes, with Marsmen, Inc., and the said Marsmen, Inc. will not accept title to the said property unless the conditions hereinabove referred to are released, and

WHEREAS, it was not intended by the first condition hereinabove set forth that said property should not be used for business purposes but was only intended to limit the sale or use of said property to white people, and

WHEREAS, the words "conditions subsequent" were inadvertently and mistakenly used without consideration of the cloud thereby being placed upon the title to said lands, and the embarrassment they would inevitably cause to its owners by their presence in said deed; and it is now desired to remove said cloud upon said title and to expressly permit the use of said lands for business purposes;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the Colonia Company, a corporation organized and existing under the laws of the State of South Carolina, in consideration of the premises and the further sum of One Dollar (\$1.00) paid to the Colonia Company by W. N. Miller, receipt whereof is hereby acknowledged, does hereby agree with the said W. N. Miller, and does hereby declare unto all whom it may concern as follows:

(1) That it was not intended by said deed to prevent the use of said property from being used for business purposes by white people.

(2) That it was not intended by said deed to create a conditional limitation upon the said title, nor was it intended that the violation of the conditions or any of them should work a forfeiture of the said property; but said conditions are hereby expressly declared to be by way of or in the nature of building restrictions, limiting the sale or use of said property to white persons only, and are for the benefit of all persons who now own or who may hereafter purchase any of the Colonia Company's property.

(3) That said conditions together with any right to declare a forfeiture, or right to reenter on breach, referred to in said deed, are hereby released and waived, so that in case of a breach of the conditions or any of them, the the title of the said property shall not revert to the Colonia Company or the immediate grantor.

IN WITNESS WHEREOF and pursuant to a resolution executed by all of the stockholders of the Colonia Company, the said Colonia Company has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed by its duly authorized officers, W. T. Henderson, President, and Belle B. Hunt, Treasurer, on this the 19 day of November, 1943.

Signed, sealed and delivered
in the presence of:

N. O. McDowell, Jr.
N. O. McDowell

No Stamps

Colonia Company
BY: W. T. Henderson
President
Belle B. Hunt,
Treasurer.

State of South Carolina,
County of Greenville.

Personally appeared before me N. O. McDowell, Jr. and made oath that he saw the within named Colonia Company, by its duly authorized officers, W. T. Henderson, President, and Belle B. Hunt, Treasurer, sign, seal with its corporate seal, and as the act and deed of said corporation deliver the within written instrument, and that he with N. O. McDowell, Sr. witnessed the execution thereof.

Sworn to before me this the 19 day of November, 1943.

N. O. McDowell, Sr. (L. S.)
Notary Public for South Carolina.

N. O. McDowell, Jr.