

7. After the expiration of five years from the date of filing this instrument for record, any one or more of such lots in such subdivision may be relieved at any time or times of any or all of the foregoing covenants, restrictions and conditions by the written consent of the owners of two-thirds of the "lots immediately affected thereby". The "lots immediately affected thereby" shall consist of: (a) the lot so to be relieved, (b) other numbered lots subject hereto and fronting the same street and in the same block with the lot so to be relieved, and (c) other numbered lots subject hereto and fronting such street in the block on the opposite side of such street from such lot so to be relieved.
8. Abney Mills reserves the right to convey additional lots which are located near the lots now subject to the aforementioned covenants, restrictions and conditions at any time or times hereafter. In the event such additional lots shall be conveyed by Abney, and also in the event such lots are conveyed expressly subject to the within restrictions, such additional lots shall be included herein and shall be deemed to be a portion of the original lots for all purposes of the within Instrument, including the determination of a waiver of any of the provisions hereof.

If the owners of said lots or any of them or their heirs or assigns shall violate or attempt to violate any of the provisions hereof, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

The foregoing provisions hereof shall not become effective with respect to any particular numbered lot shown on the aforementioned plat unless and until Abney Mills shall convey said lot and the deed conveying the same shall specifically subject said lot to these covenants, restrictions and conditions.

All lots in the subdivision upon which the aforesaid plat indicates an easement for an alleyway shall be subject to said easement in perpetuity but the owner of any lot affected thereby shall have the perpetual right to use said alley, in common with others, for access to such lot.

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

IN WITNESS WHEREOF, Abney Mills has caused this instrument to be executed by its duly authorized officer and its corporate seal to be hereunto affixed this 27th day of April, 1959.

In the Presence of:

Elizabeth B. Wood
Neil Watson

ABNEY MILLS

BY:

H. C. Runge