

which is hereby acknowledged, the undersigned do hereby mutually agree:

(1) As to the property of Clarence E. Tolly and Fred G. Tolly, Jr. conveyed to them by deed dated September 7, 1972, said property fronting on White Horse Road for a distance of 100 feet, no building shall be constructed on any portion thereof within fifty (50) feet of the right of way of White Horse Road.

(2) As to the property of Perry S. Luthi, as Trustee for the Kull Trust, located on White Horse Road adjoining the above described property conveyed to Clarence E. Tolly and Fred G. Tolly, Jr., no building shall be constructed on any portion thereof within one hundred (100) feet of the right of way of White Horse Road; provided, however, it is expressly understood and agreed that there shall be excluded from this restriction that portion of the property of Perry S. Luthi, Trustee for the Kull Trust, which is located at or nearest to the southernmost intersection of White Horse Road and Rangeview Circle, commencing at said intersection and extending north of Rangeview Circle along the right of way of White Horse Road for a distance of <sup>221.7</sup> ~~150~~ feet. *P.S. 221.7*

(3) This agreement shall be binding upon the undersigned, their heirs, successors and assigns, and if the undersigned, their heirs, successors or assigns, shall violate, or attempt to violate, the restrictions contained herein, it shall be lawful for any other person or persons owning any of the property affected by these restrictions to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any of the within restrictions and either to prevent him or them from so doing or to recover damages for such violation.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 27<sup>th</sup> day of September, 1972.

WITNESSETH:

A. Marvin Pratt

Virginia J. Nalley

Sylvia Corbin

Ann Renty

Carol E. Lunder

Ann O. Hillard

Perry S. Luthi, Trustee for Kull Trust (SEAL)  
Perry S. Luthi, Trustee for Kull Trust

Clarence E. Tolly (SEAL)  
Clarence E. Tolly

Fred G. Tolly, Jr. (SEAL)  
Fred G. Tolly, Jr.

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