

which encroachment consists of a portion of the brick uncovered front porch and concrete side steps leading thereto; and

WHEREAS, said sub-division is restricted property, there having been imposed by the Owner on December 27, 1950, restrictive covenants recommended by the Federal Housing Administration, which appear of record in the said R. M. C. Office in Deed Book 425, at page 500; that included in said restrictions are the following pertinent provisions:

- (a) No lot in said sub-division shall be used other than for residential purposes, except Lots Nos. 1, 2, 24 and 25, which latter four lots are designated business areas and upon which only modern, substantial constructed buildings costing not less than \$10,000.00 may be erected.
- (b) No dwelling may be erected upon any lot facing Highway No. 25 at a cost less than \$8,000.00; and
- (c) On all lots abutting Highway No. 25, no building shall be located nearer than 50 feet to the street property line; and

WHEREAS, four of the lots above shown are designated in the restrictions as "Commercial Lots", and are each restricted to a minimum front building line of fifty (50) feet, and the Owner contemplates a reduction in the front building line requirement for Lot No. 25 from fifty (50) feet to twenty-five (25) feet, due to its location in the apex of the three roads or streets, as shown on said plat; and, to the end that this course may be obviated, the Owner is endeavoring to procure additional property across the Tindal Road in order that the location of said road may be shifted westward; that since the acquisition of this additional property is problematical, the Owner desires to encroach upon the said beautification easement, as it relates to Lot No. 25, to a maximum depth of twenty-five (25) feet, if such course be necessary; and

WHEREAS, the Owner believes that the easements above obtained by the Highway Department for beautification purposes are invalid and of no effect, there having been no transfer of the undivided $\frac{6}{9}$ ths interest of the then minor children of W. B. Tindal, deceased, and the purported transfer by Frances T. Tindal, at best, conveyed only her individual undivided $\frac{3}{9}$ ths interest (which is questionable due to the fact that she signed as "Administrator" and not individually). Further-