

I find from the testimony that the defendants are owners of certain lots neighboring that of the plaintiffs with both plaintiffs and defendants deriving their ownership from the same predecessor in interest, D. B. Tripp.

It further appears from the testimony, as well as the deed introduced into evidence as plaintiff's Exhibit "A" that both the property of the plaintiffs and the defendants are restricted to residential purposes only and the following uniform building conditions and restrictions were included in plaintiff's deeds and in the original deeds to all purchasers of lots in this tract.

This conveyance is subject to the following restrictions:

- (1) The property shall be used for residential purposes only.
- (2) No building shall be erected on the premises costing less than \$3,000.00.
- (3) No building shall be erected near the sidewalk than 30 feet.

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From the testimony of Alvin L. Huff, one of the plaintiffs, who has resided upon property in this area since 1946, I find the real property embraced within the limits of this tract was on the outskirts on the City of Greenville, County of Greenville, State of South Carolina, and the property surrounding the tract was used primarily for agricultural purposes. It further appears that since that date, and particularly within the last ten years, owing to the general growth of the City of Greenville, there has been a change in the uses to which the property in the neighborhood of the plaintiffs' property hereinabove described is being put so that the property is no longer suitable or desirable for residential purposes and is unsuitable for uses to which it is now restricted. I further find that said property has been zoned Classification S-1 as of April, 1972, and that thereby the Planning and