

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
David S. Brown, Sara Brown, Myer Cohen, Ruth Cohen,
Julian Kermisch & Irene Kermisch, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 16 zone to an B.L. zone; for the following reasons:

- 1.) In classifying the property D.R. 16, the Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and
- 2.) Substantial changes have occurred in the neighborhood as to alter its character since the property was so classified by the Council, as set out on the attached exhibit which is incorporated by reference herein.

See attached description
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for N.A.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

David S. Brown
Sara Brown
Myer Cohen
Ruth Cohen
Julian Kermisch
Irene B. Kermisch Legal Owner
Address: 101 East Mount Royal Ave.
Baltimore, Maryland 21202

James D. Nolan
James D. Nolan Petitioner's Attorney
Address: 204 West Pennsylvania Avenue
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of July, 1972, at 1:00 o'clock.

S. Eric Di Nenna
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
David S. Brown, Sara Brown, Myer Cohen, Ruth Cohen,
Julian Kermisch & Irene Kermisch, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from an Undistricted Status to a C.N.S. District district; for the following reasons:

- 1.) In classifying the property DR-16 with no District the Council committed errors as set out on the Points of Error attached to the Petition for Reclassification filed herewith.
- 2.) Substantial changes have also occurred in the neighborhood since the property was so classified by the Council, again as set out on the Points of Error attached to the Petition for Reclassification filed herewith.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for N.A.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above re-districting and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

David S. Brown
Sara Brown
Myer Cohen
Ruth Cohen
Julian Kermisch
Irene B. Kermisch Legal Owner
Address: 101 East Mount Royal Avenue
Baltimore, Maryland 21202

James D. Nolan
James D. Nolan Petitioner's Attorney
Address: 204 West Pennsylvania Avenue
Towson, Maryland 21204

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S. Eric Di Nenna
Zoning Commissioner of Baltimore County.

July 28, 1972

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Reisterstown Road, 544
N of Craddock Lane - 3rd District
David S. Brown, et al - Petitioners
NO. 73-3-R

Dear Mr. Nolan:

I have this date passed my Amended Order in the above captioned matter. Copy of said Amended Order is attached.

Very truly yours,
S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

SE/Dvc
Attachments

cc: James H. Cook, Esquire
Mercantile Bank Building
409 Washington Avenue
Towson, Maryland 21204

Calhoun Bond, Esquire
915 Blaustein Building
Baltimore, Maryland 21201

July 27, 1972

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Reisterstown Road, 544
N of Craddock Lane - 3rd District
David S. Brown, et al - Petitioners
NO. 73-3-R

Dear Mr. Nolan:

I have this date passed my Order in the above captioned matter. Copy of said Order is attached.

Very truly yours,
S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

SED/srl
Attachments

cc: James H. Cook, Esquire
Mercantile Bank Building
409 Washington Avenue
Towson, Maryland 21204

Calhoun Bond, Esquire
915 Blaustein Building
Baltimore, Maryland 21201

RE: PETITION FOR RECLASSIFICATION
E/S of Reisterstown Road, 544 N of Craddock Lane - 3rd District
David S. Brown, et al - Petitioners
NO. 73-3-R

AMENDED ORDER

It is hereby ORDERED by the Zoning Commissioner of Baltimore County this 28th day of July, 1972, that the Order dated July 27, 1972, passed in this matter should be and the same is hereby AMENDED to read as follows:

"that the herein described property or area be reclassified from a D.R. 16 Zone to a B.L. Zone, saving and excepting therefrom that portion of the property having a frontage of four hundred and twenty-nine (429) feet, more or less, on Craddock Lane, with a depth of one hundred and fifty (150) feet measured at right angles in a westerly direction from the center line of said Lane, the southernmost boundary being formed by a line parallel to and two hundred and fifteen (215) feet measured at right angles from the center line of Reisterstown Road (sixty-six (66) feet wide), the northernmost boundary being formed by the northernmost boundary of the tract herein petitioned for, said portion being intended to coincide with the D.R. 16 area as indicated on the Zoning Commissioner's Exhibit No. 1 taken from the recommendation of the Baltimore County Planning Board, with the aforesaid exception that the said portion shall be measured from the center line of the said Craddock Lane; also, that portion fronting Reisterstown Road for the full width of the property herein petitioned for, with a depth of two hundred and fifteen (215) feet measured at right angles from the center line of said Road; should be Redistricted from Undistricted to a C.N.S. District, all subject to the approval of a site plan by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

It is further ORDERED that the Reclassification of the above described saving and excepting portion along Craddock Lane should be and the same is hereby DENIED and is hereby continued as and to remain a D.R. 16 Zone; also, that portion of the Redistricting requested by the Petitioners, located northeast of the two hundred and fifteen (215) feet parallel strip described above be and the same is hereby DENIED and the same is hereby continued as and to remain Undistricted."

S. Eric Di Nenna
Zoning Commissioner of Baltimore County

JOSEPH D. THOMPSON, P.E. & L.S.
CIVIL ENGINEERS & LAND SURVEYORS

DESCRIPTION FOR REZONING, VALLEY VILLAGE SHOPPING CENTER, REISTERSTOWN ROAD AND CRADDOCK LANE, THIRD DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northeast side of Reisterstown Road, 66 feet wide, at the dividing line between that land zoned B.L. and that land zoned DR. 16 said point being at the distance of 544.00 feet more or less measured northwesterly along the north east side of Reisterstown Road from the west side of Craddock Lane and running thence and binding on the northeast side of Reisterstown Road, North 42 Degrees 41 Minutes 15 Seconds West 195.00 feet, more or less, thence leaving the northeast side of Reisterstown Road and running North 47 Degrees 18 Minutes 45 Seconds East 450.00 feet, more or less, South 42 Degrees 41 Minutes 15 Seconds East 237.00 feet more or less, and South 84 Degrees 01 Minutes 45 Seconds East 79.00 feet, more or less to the west side of Craddock Lane herein referred to and running thence and binding thereon South 5 Degrees 58 Minutes 15 Seconds West 429.00 feet, more or less, to the dividing line between that land zoned B.L. and that land zoned D.R. 16 herein referred to thence leaving the west side of Craddock Lane and binding on said dividing line North 42 Degrees 41 Minutes 15 Seconds West 385.00 feet, more or less and South 47 Degrees 18 Minutes 45 Seconds West 181.00 feet, more or less, to the place of beginning.

CONTAINING 7.73 acres of land, more or less.



5-15-72

Dear Mr. Di Nenna.
Owner will assume all financial responsibility in the event an appeal is taken in reference to Valley Village Shopping Center. 9101 to 9195 Reisterstown Rd.
Valley Village Shopping Center
Howard's Brown
agent



ORDER RECEIVED FOR FILING

DATE July 28, 1972
BY Julia R. Hays
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE July 28, 1972
BY Julia R. Hays
ADMINISTRATIVE ASSISTANT

MAR 10 1977

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1977, that the herein described property or area should be and the same is hereby reclassified; from a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1977, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for a be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

as and to remain a D.R.16 Zone; also, that portion of the Redistricting requested by the Petitioners, located northeast of the two hundred and fifteen (215) feet parallel strip described above be and the same is hereby DENIED and the same is hereby continued as and to remain Undistricted.

[Signature]
Zoning Commissioner of Baltimore County

POINTS OF ERROR COMMITTED BY
THE COUNTY COUNCIL IN MISTAKENLY
DOWNSHIFTING THE SUBJECT TRACT
FROM BL-CNS TO D.R.-16

The Petitioners state that the County Council committed at least the following errors in downshifting the subject tract mistakenly from BL-CNS to D.R.-16:

- 1.) The Petitioners are reliably informed by the Planning Staff that neither the Planning Staff nor the County Council in any way meant to subtract from the BL-CNS zoning which had existed on this tract for some time prior to the adoption of the Comprehensive Zoning Maps in March of 1971, but due to a drafting error a part of the property was mistakenly and improperly downshifted.
- 2.) That the subject tract has been most compatibly developed for a very fine shopping facility known as Valley Village Shopping Center and the property, as mistakenly rezoned, is not divided into zones on any rational basis, but is arbitrarily and improperly divided by the mistaken zoning line due to the aforesaid drafting error.
- 3.) That the Petitioners are entitled to the restoration of the BL-CNS zoning that was mistakenly and improperly taken from them, and the within Petition, which is requested to be heard outside of the Zoning Cycle, merely seeks the restoration of the said zoning.
- 4.) For such other and further reasons as may be disclosed upon minute study throughout this case, and further error by the Council is hereby assigned and will be noted when and as found.

Respectfully submitted,
James D. Nolan
James D. Nolan
Attorney for Property Owners

JDN:ak

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
E/S of Reisterstown Road, 544' : ZONING COMMISSIONER
of Craddock Lane - 3rd Dis- :
trict :
David S. Brown, et al - : OF
Petitioners : BALTIMORE COUNTY
NO. 73-3-R :
111 111 111 111 111 111

The Petitioners request a Reclassification from a D.R.16 Zone to a B.L. Zone and further requests Redistricting from Undistricted to a C.N.S. District for a parcel of property located on the east side of Reisterstown Road, five hundred and forty-four (544) feet north of Craddock Lane, in the Third District of Baltimore County, containing 3.73 acres of land, more or less.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the opinion of the Zoning Commissioner, the Comprehensive Zoning Map as adopted on March 24, 1971, is partially in error in classifying the subject property D.R.16. There is an existing shopping center on the frontage of Reisterstown Road and part of the buildings thereon were classified in the D.R.16 Zone.

No notice was given to the property owners as to the proposed downshift. Mr. Norman E. Gerber, Office of Planning and Zoning of Baltimore County, testified that it was assumed by the Baltimore County Planning Staff, the Baltimore County Planning Board and the Baltimore County Council that all the frontage and property along Reisterstown Road, north of Craddock Lane, was in one (1) ownership when, in fact, it was not. Notice of a proposed downshift was given to the adjoining property owner to the north, but not to the Petitioners.

There are extensive Covenants concerning the use of this property. The present recommendation by the Baltimore County Planning Board does not include a total reclassification of the property that was downshifted. The Zoning Commissioner is in agreement with the recommendation of the Baltimore County Planning

ORDER RECEIVED FOR FILING

DATE July 27, 1977
BY *[Signature]*
BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE July 27, 1977
BY *[Signature]*
BALTIMORE COUNTY

Board with reference to classifying part of the property B.L. and the remainder, a strip along Craddock Lane which under the Covenants cannot be developed for twenty (20) years, remaining in a D.R.16 Zone. Furthermore, a C.N.S. District is not necessary for the total tract but for only the frontage along Reisterstown Road.

After reviewing the above testimony, it is the opinion of the Zoning Commissioner that in accordance with Section 259.2.B. a C.N.S. District should be granted in part.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of July, 1972, that the herein described property or area be reclassified from a D.R.16 Zone to a B.L. Zone, saving and excepting therefrom that portion of the property having a frontage of four hundred and twenty-nine (429) feet, more or less, on Craddock Lane, with a depth of one hundred and fifty (150) feet measured at right angles in a westerly direction from the west side of said Lane, the southernmost boundary being formed by a line parallel to and two hundred and fifteen (215) feet measured at right angles from the centerline of Reisterstown Road (sixty-six (66) feet wide), the northernmost boundary being formed by the northernmost boundary of the tract herein petitioned for, said portion being intended to coincide with the D.R.16 area as indicated on the Zoning Commissioner's Exhibit No. 1 taken from the recommendation of the Baltimore County Planning Board; also, that portion of the property fronting Reisterstown Road for the full width of the property herein petitioned for, with a depth of two hundred and fifteen (215) feet measured at right angles from the centerline of said Road, should be Redistricted from Undistricted to a C.N.S. District, all subject to the approval of a site plan by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

It is further ORDERED that the Reclassification of the above described saving and excepting portion along Craddock Lane should be and the same is hereby DENIED and is hereby continued

- 2 -

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 30, 1972

GEORGE E. GAYRELLS
Director
Office of Planning
and Zoning
County Office Building
111 N. Charles Ave.
Baltimore, Md. 21204
(410) 321-1111

The Honorable Francis C. Barnett
Chairman
Baltimore County Council
Towson, Maryland 21204

Dear Sir:

At its regular meeting on Thursday, May 18, 1972, the Baltimore County Planning Board, under the provisions of subsection 22-22(i), Baltimore County Code 1968, as amended, unanimously approved the following resolution:

- WHEREAS, the Baltimore County Planning Board has favorably received the report of the Comprehensive Planning Committee with respect to certain zoning reclassification petitions, and
- WHEREAS, the Comprehensive Planning Committee recommends that these petitions be exempted from the regular, cyclical procedures of subsections 22-22 (a) through (h), Baltimore County Code, 1968, as amended, being convinced that it is in the public interest to rectify, as speedily as possible, what the committee considers to be an error of commission and omission by the Planning Staff in drafting the comprehensive zoning maps now, therefore, be it
- RESOLVED, that the Baltimore County Planning Board certifies to the Baltimore County Council that early action is manifestly required because of emergency and in the public interest on the below listed zoning reclassification petitions, copies of which are attached.
- (1) Petition of Harry Giardina, et al, east and west sides of Kings Ridge Road;
 - (2) Petition of David Brown, et al, east side of Reisterstown Road, north of Craddock Lane;
 - (3) Petition of Harry A. Dundore, east side of York Road, north of Western Run; and
 - (4) Petition of M. Denton Smith, et al, east side of York Road, north of Ridgely Road.

May 30, 1972
Page 2
By The Honorable Francis C. Barnett

Mr. Giardina's properties were zoned B.C. and B.P. by Petition 64-245 R.A., and apartments and townhouses were subsequently constructed. The Planning Staff, in preparing the maps, erroneously placed the properties in the D.R.16 classification. Mr. Giardina has sold many of the townhouses; therefore, the home-owners are being allowed to come in under Mr. Giardina's petition by merely signing an extra petition.

Mr. Brown's property was zoned B.L. prior to adoption of the 1971 maps. The Planning Board's Plan recommended B.L. - C.N.S. to cover existing development and the downshift of the remaining existing B.L. zone - thought to be in a different ownership - to D.R.16. Mr. Brown, the property owner was not notified by certified letter as to the owner of the adjacent property to the north. The staff also overlooked an approved development plan for additional retail stores, to the rear of the existing stores.

The Board felt that if all the circumstances were known at the time, it would have recommended leaving enough additional B.L. zoning to cover the proposed expansion.

In accordance with a preliminary development plan, the Planning Board recommended 56.6 acres of D.R.16 zoning for portions of Mr. Dundore's property. When transferring from a larger scale map, the Planning staff plotted a D.R.16 zone of only slightly more than 54 acres which did not match Mr. Dundore's property boundaries.

During the 1971 Comprehensive Zoning Map processing, D.R.16 zoning was created on a portion of Mr. Smith's property, as well as on the properties adjoining to the north. The Board's intent had been to cover each of the properties north of the stream and north of Ridgely Road and fronting on the east side of York Road with D.R.16 zoning for a depth of 250' from the centerline of York Road.

As the maps were drawn, only a portion of the frontage of the Smith property along York Road was so zoned; the balance of the frontage, southerly to the stream was zoned D.R.16. It was the intent of the Board that all of the frontage be zoned D.R.16.

The Planning Board agreed that these petitions should be exempted from the regular, cyclical procedures of subsections 22-22(c) through (h), Baltimore County Code 1968, as amended, for the reasons stated above.

If further information is needed, please contact me.

Sincerely yours,
George E. Gayrells
Director
Office of Planning
and Zoning

Approved by the County Council June 5, 1972
Robert E. Hohenberger
Robert E. Hohenberger, Secretary

DATE July 27, 1977
BY *[Signature]*
BALTIMORE COUNTY

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
 204 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204
 MAY 15, 1972



The Honorable Charles B. Heyman and
 Members of the Baltimore County Planning Board
 Suite 301, Jefferson Building
 Towson, Maryland 21204

Re: Property of David S. Brown, et al
 (Valley Village Shopping Center)
 Reisterstown and McDonough Roads
 Request for Hearing Outside the Zoning
 Cycle to correct Technical Drafting Error

Dear Mr. Heyman and Members of the
 Baltimore County Planning Board:

Pursuant to the procedure outlined by Mr. Oliver L. Myers of the
 Zoning Staff in his Memo of May 3, 1972, a Petition with attached Points
 of Error and a Zoning Plat are being filed with the Zoning Commissioner
 contemporaneously with the sending of this letter to you requesting that
 the above matter be heard outside the Zoning Cycle as soon as possible
 with other technical error cases.

Thanking you and the Board and the Planning and Zoning Staffs for
 their attention to this request, I am,

Sincerely,

James D. Nolan

JDN:sk
 cc: The Honorable S. Eric Dinenna
 Zoning Commissioner, Baltimore Co.
 cc: Mr. George Cavrella
 Office of Planning & Zoning
 cc: Mr. Oliver L. Myers
 Office of Planning & Zoning
 cc: Mr. David S. Brown, et al
 101 East Mt. Royal Ave.
 Baltimore, Md. 21202

TO: Mr. S. Eric Dinenna, Zoning Commissioner
 FROM: Baltimore County Planning Board
 SUBJECT: Zoning Petition No. 73-3-R

Property Owner: David S. Brown, et al
 Location: E/S of Reisterstown Road, 544' N. of Craddock Lane
 Existing Zoning: D.R. 16
 Requested Zoning: B.L. - C.N.S. District
 Date of Hearing: July 5, 1972

Prior to the adoption of the comprehensive zoning maps, the 7.09 acre tract was zoned B.L.;
 C.N.S. District zoning existed to a depth of 250 feet from the center line of Reisterstown Road for
 a distance of 250 feet measured northwesterly along Reisterstown Road from the intersection of
 Craddock Lane; C.S.2 District zoning existed to the same depth, 250 feet from the center line
 of Reisterstown Road, for the remainder of the front portion of this property.

On November 24, 1971, the Planning Board recommended B.L. - C.N.S. District zoning for
 that portion of the property to be labeled on the petitioner's plat, thus expanding the C.N.S. District
 zoning acreage here. Further, it was recommended that the C.S.2 District zone be removed and
 that the remainder of the tract be zoned D.R. 16; on March 24, 1971, the County Council adopted
 the zoning as recommended.

When this recommendation was made to the County Council, the Board was unaware of the
 existence of an approved development plan for expanding the uses on the tract. Additionally,
 the planning staff inadvertently neglected to notify the property owner of the recommended
 "downshift".

The Planning Board agrees in part with the petitioner's request and recommends the extension of
 the existing B.L. - C.N.S. District zoning for the entire front portion of the tract; however, the
 Board does not agree that B.L. - C.N.S. District zoning would be appropriate for the entire
 property. The Board recommends restoration of B.L. zoning for the remainder of the tract with
 the exception of that portion of the property to a depth of 150' from the northeast side of
 Craddock Lane; D.R. 16 zoning should be retained here.

It should be noted that the proposed realignment and extension of McDonough Road binds upon
 the north side of the subject property. The Planning Board believes that this road is the logical
 stopping point for commercial zoning on this side of Reisterstown Road.

It is therefore recommended that B.L. - C.N.S. District, B.L., and D.R. 16 zoning be granted
 here (see the attached revision of the petitioner's plat).

PETITION FOR
 RECLASSIFICATION AND
 REDISTRICTING
 ZONING FROM D.R. 16 to B.L.
 FROM UNDEVELOPED TO C.N.S. DISTRICT
 LOCATION: East side of Reisterstown Road 544' N. of Craddock Lane
 JULY 5, 1972 at 10:00 P.M.
 PUBLIC HEARING Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above petition at the time and place specified.
 By Order of
 S. ERIC DINENNA
 ZONING COMMISSIONER OF BALTIMORE COUNTY
 June 15

ORIGINAL
 OFFICE OF
THE COMMUNITY TIMES
 RANDALLSTOWN, MD. 21133 June 19 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
 S. Eric Dinenna
 Zoning Commissioner of Baltimore County
 was inserted in THE COMMUNITY TIMES, a weekly newspaper published
 in Baltimore County, Maryland, once a week for one advertisement
 week before the 19 day of June 1972 that is to say, the same
 was inserted in the issue of June 15, 1972.

STROMBERG PUBLICATIONS, Inc.

By: *Ruth Morgan*

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 15, 1972

THIS IS TO CERTIFY, that the annexed advertisement was
 published in THE JEFFERSONIAN, a weekly newspaper printed
 and published in Towson, Baltimore County, Md. on June 15, 1972
 at 10:00 A.M. before the 19th day of June 1972 the first publication
 appearing on the 15th day of June 1972.

THE JEFFERSONIAN
A. L. Smith
 Manager

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND No. 3690
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE June 13, 1972 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
 WHITE - CASHIER
 YELLOW - CUSTOMER
 Messrs. Nolan, Plumhoff & Williams
 204 W. Penna. Ave.
 Towson, Md. 21204
 Petition for Reclassification and Redistricting for
 David S. Brown, et al June 13 50.00
 #73-3-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

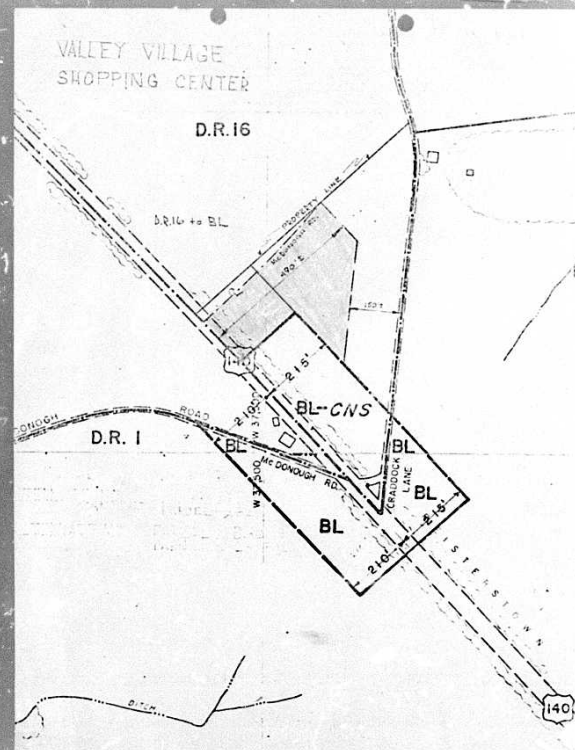
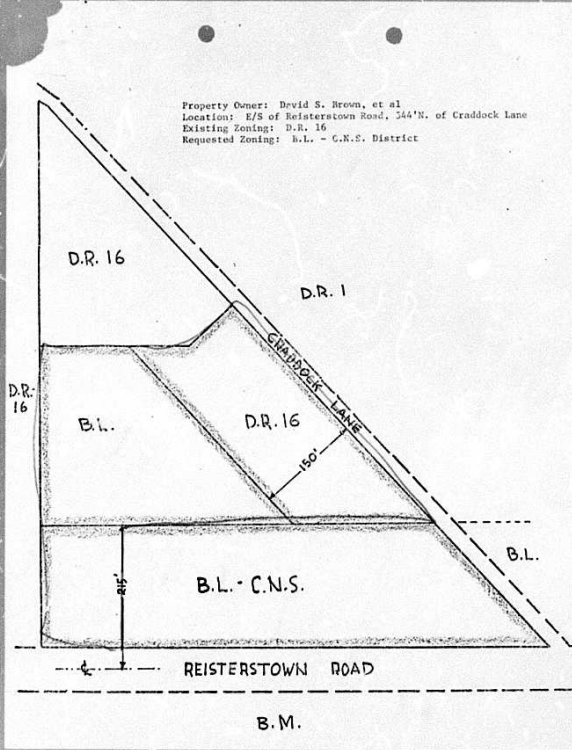
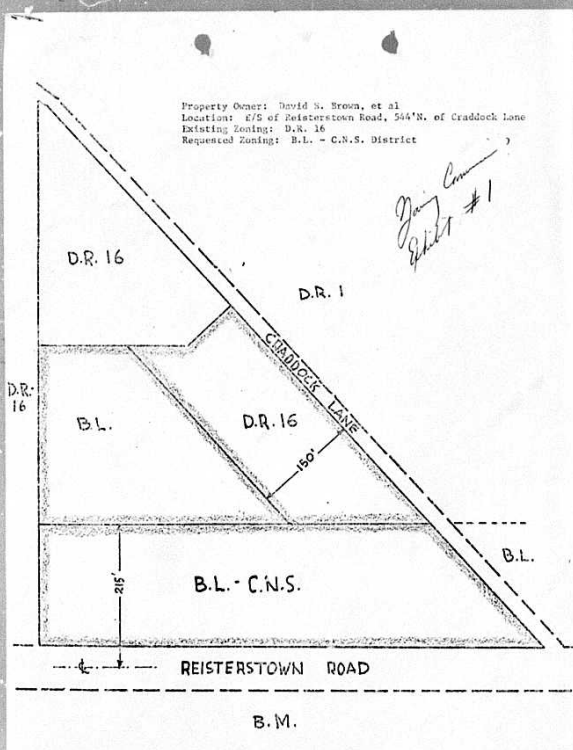
District 3 RD Date of Posting June 19, 1972
 Posted for: RECLASSIFICATION
 Petitioner: David S. Brown
 Location of property E/S of Reisterstown Rd. 544' N. of Craddock Lane
 Location of Signs: E/S of Reisterstown Rd. 630' E. of Craddock Lane
 Remarks: Craddock Lane
 Posted by: *Charles H. Hall* Date of return: June 26, 1972

BALTIMORE COUNTY, MARYLAND No. 3732
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE June 26, 1972 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION
 WHITE - CASHIER
 YELLOW - CUSTOMER
 James D. Nolan, Esq.
 204 W. Penna. Ave.
 Towson, Md. 21204
 Posting of property for David S. Brown
 #73-3-R



MOREOVER

THIS AGREEMENT made and entered into this 28th day of January, 1966, by and between DAVID S. BROWN and SARA BROWN, his wife, JULIAN KERMISH and IRENE B. KERMISH, his wife, MYER J. COHEN and RUTH COHEN, his wife, and HARRY O. WALLER and ANNA S. WALLER, his wife, doing business as VALLEY FARMS, LTD., HOWARD S. BROWN, Mortgagee, parties of the first part, GREENSPRING and WORTHINGTON VALLEY PLANNING COUNCIL, INC., a Maryland Corporation (hereinafter called the "Council"), JACOB BLAUSTEIN and HILDA K. BLAUSTEIN, his wife, MORTON K. BLAUSTEIN, DON M. BROTMAN and PHYLLIS B. BROTMAN, his wife, THOMAS D. WASHBURN and KATHARINE M. WASHBURN, his wife, EDMUND P. SCARLETT and RUTH FRANCES R. SCARLETT, his wife, and HERBERT A. WAGNER and ELIZABETH M. WAGNER, his wife, parties of the second part.

WHEREAS, by Deed dated October 23, 1962, and recorded among the Land Records of Baltimore County in Liber WJR 4063, Folio 468, Thomas Craddock Jensen and Julia B. Jensen, his wife, granted and conveyed to David S. Brown, Julian Kermish, Myer J. Cohen and Harry O. Waller as tenants in common 60.890 acres of land which lie more or less at the northeast intersection of Craddock Lane and Reisterstown Road;

Exh. 7 No. 3

WHEREAS, in order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect on the tracts of land consisting of 103.65 acres hereinbefore referred to and upon the present and future owners and occupants thereof, the parties have entered into this Agreement to the end and intent that the parties of the first part, their successors, heirs and assigns, will hold, utilize and hereafter convey or foreclose said property subject to the said covenants, restrictions and conditions contained herein.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that in consideration of the mutual agreements, covenants, restrictions and conditions herein contained and the sum of Five Dollars (\$5.00) paid by each party to the other and for other good and valuable consideration, the receipt of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County, and that the covenants, restrictions and conditions shall run with and be binding upon the said 103.65 acre tract and upon present and all future owners thereof and shall inure to the benefit of each of the parties hereto respectively, their successors, heirs and assigns as well as any purchaser at foreclosure, his, her or its heirs and assigns, as follows:

WHEREAS, by Deed dated October 23, 1962, and recorded among the Land Records of Baltimore County in Liber WJR 4063, Folio 478, Thomas Craddock Jensen and Julia B. Jensen, his wife, granted and conveyed to David S. Brown, Julian Kermish, Myer J. Cohen and Harry O. Waller as tenants in common 42.766 acres of land which lie more or less south-east of Craddock Lane and north from Valley Road;

WHEREAS, by two Mortgages both dated October 23, 1962, and recorded among the Land Records of Baltimore County in Liber WJR 4063, Folio 472 and 482, the aforesaid individual purchasers mortgaged the 60.890 and the 42.766 acre tracts respectively to Thomas Craddock Jensen, both of which said mortgages are now held by Howard S. Brown.

WHEREAS, Myer J. Cohen conveyed his interest in the aforesaid two tracts to Loretta E. Gutberlet by Deed dated February 24, 1964, and recorded among the Land Records of Baltimore County in Liber RRG 4268, Folio 457, and Loretta E. Gutberlet conveyed back this interest to Myer J. Cohen and wife as tenants by the entireties by Deed of same date and recorded among the Land Records of Baltimore County in Liber RRG 4268, Folio 461;

WHEREAS, the aforesaid individuals D/B/A Valley Farms, Ltd., are desirous of developing these two tracts of

THE PARTIES OF THE FIRST PART ON BEHALF OF THEMSELVES AND THEIR HEIRS, SUCCESSORS AND ASSIGNS AGREE AS FOLLOWS:

I. Density

- The number of dwelling units on the 60.890 acre tract at the Northeast corner of Craddock Lane and Reisterstown Road shall not exceed 795 residential units.
- The number of individual, single-family residences shall not exceed four upon that 5 acre portion of the 42 acre tract described as follows:

BEGINNING for the same at a point in the center line of Craddock Lane, at the distance of 50 feet, more or less, as measured southerly along said center line from its intersection with the center line of Green Spring Valley Road, said point of beginning being at the beginning of the last or S. 89° 02' E. - 569.09 foot line of the first parcel of land described in the deed from Loretta E. Gutberlet to Myer J. Cohen and wife, dated February 24, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4268, Page 461, and running thence binding on said last line, and running for a part of said line in Green Spring Valley Road, (1) S. 89° 02' E. - 569.09 feet to the beginning of said first parcel, thence leaving said Green Spring Valley Road and binding on the first line of said first parcel, (2) S. 00° 30' 00" W. - 315.23 feet, thence along the westerly prolongation of the second and third lines of said first parcel, (3) N. 80° 15' 00" W. - 430 feet, more or less, to a point in the center line of said Craddock Lane and in the twenty-first or N. 19° 55' 40" W. - 153.64 foot line of the aforesaid first parcel, thence binding on a part thereof, (4) N. 19° 55' 40" W. - 153.64 feet, more or less, to the end of said twenty-first line, thence still binding on the outlines of said first parcel and on the center line of said Craddock Lane, the five following courses and distances: (5) N. 12° 12' 00" W. - 80.00 feet, (6) N. 06° 37' 00" W. - 73.08 feet, (7) N. 16° 07' 00" W. - 76.89 feet, (8)

land which would require the existing zoning of said tracts be amended and which require that certain changes be made in the zoning laws, rules and regulations pertaining to the tracts;

WHEREAS, the aforesaid individuals D/B/A Valley Farms, Ltd., have undertaken certain rezoning proceedings in Baltimore County and that these proceedings are presently before the Circuit Court of Baltimore County;

WHEREAS, Howard S. Brown, Mortgagee as aforesaid, specifically joins in this Agreement for the purpose of consenting to the covenants, restrictions and conditions set forth herein and consents that any right he may have as Mortgagee, or his heirs and assigns or any purchaser at foreclosure in any foreclosure proceedings will be subordinate to this Agreement. It is agreed by the Mortgagee that this consent shall be binding upon him, his heirs and assigns as well as any purchaser, his, her, or its heirs and assigns, at any foreclosure, sale;

WHEREAS, the Council is comprised of many residents and property owners of the area joined together for the purpose of implementing and protecting its "Plan for the Valleys" and therefore by furthering the proper use and amenity of the area encompassed by the Plan, which includes the two tracts owned by Valley Farms, Ltd., within the overall Baltimore County land use and zoning plans.

N. 19° 49' 00" W. - 102.05 feet, and (9) N. 09° 13' 00" W. - 69.40 feet to the place of beginning.

There may be also constructed on this last mentioned tract a pumping station not more than 15 feet high with a base no larger than 37 feet by 30 feet, and said pumping station shall be screened with suitable shrubbery.

C. The number of individual, single-family residences upon the tract located on the Southeast side of Craddock Lane containing approximately 37 acres (excluding the 5 acre portion referred to in B above) shall not exceed seventy-four.

2. Setbacks

A. There shall be a setback area (as defined in paragraph D below) running approximately parallel to Valley Road described as follows.

BEGINNING for the same at the pipe heretofore set at the end of the thirteenth or S. 84° 47' E. - 390.41 foot line of the land, which by deed dated October 23, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. 4063, Page 468 was conveyed by Thomas Craddock Jensen and wife to David S. Brown and others, said point of beginning being distant 410 feet, more or less, as measured westerly along the easterly prolongation of said line from its intersection with the center line of Craddock Lane, said point of intersection being distant 50 feet, more or less, as measured southerly along said center line from its intersection with the center line of Green Spring Valley Road, and running thence, binding on a part of the fourteenth line of said land, and referring the courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the four following courses and distances: (1) S. 00° 02' 55" E. - 300.42 feet, thence by lines parallel with and 300.00 feet southerly from the aforesaid thirteenth line and the twelfth line of said land the

WHEREAS, Jacob Blaustein and Hilda K. Blaustein are the owners of the property known as Alto Dale immediately adjoining said tracts to the South; Don M. Brotman and Phyllis Brotman are owners of the property on McDonogh Lane adjoining said property to the West; Morton K. Blaustein is one of the tenants in common owning the property adjacent to the acre tract to the Southwest; and Thomas D. Washburne and Katharine M. Washburne, Edmund P. Scarlett and Ruth Frances R. Scarlett and Herbert A. Wagner and Elizabeth M. Wagner are all owners of property located within the immediate vicinity of the two tracts owned by Valley Farms, Ltd.

WHEREAS, the individuals comprising Valley Farms, Ltd., desire to secure the dismissal of the appeal in the Circuit Court by the Council and the aforesaid property owners and to have certain changes in the zoning laws, rules and regulations pertaining to the aforesaid tracts become final and effective;

WHEREAS, the Council and property owners desire to place certain restrictions upon the development of the tracts;

WHEREAS, the individuals comprising Valley Farms, Ltd., are willing to place such restrictions upon the development of the tracts provided the Council and the other parties to this Agreement dismiss the appeal now pending in the Circuit Court of Baltimore County;

two following courses and distances: (2) S. 86° 56' 45" W. - 375.26 feet, and (3) S. 87° 05' 10" W. - 635.4 feet to a point in the eleventh or S. 68° 34' E. - 316.04 foot line of the land herein referred to, thence binding on a part of said eleventh line, (4) N. 01° 43' 00" W. - 390.07 feet to the concrete monument heretofore set at the end of said eleventh line, thence binding on the twelfth line of said land, (5) N. 87° 05' 10" W. - 635.4 feet to the stone heretofore set at the end of the twelfth line, and thence, binding on the aforesaid thirteenth line, (6) N. 86° 36' 45" E. - 397.65 feet to the place of beginning.

Containing 7.0191 acres of land.

B. There shall be a setback area 150 feet deep measuring westerly from the center line of Craddock Lane as now existing described as follows:

BEGINNING for the same at a point in the center line of Craddock Lane, at the end of the sixteenth or S. 81° 42' 30" E. - 600.00 foot line of the land conveyed by Thomas Craddock Jensen and wife to David S. Brown and others by deed dated October 23, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. 4063, Page 468, said beginning point being located S. 89° 59' 20" E. - 33.94 feet from a pipe heretofore set in said sixteenth line, said point of beginning being also distant 1670 feet, more or less, as measured southerly along said center line of Craddock Lane from its intersection with the center line of Green Spring Valley Road, and running thence, binding on said center line of Craddock Lane and binding also on the seventeenth, eighteenth, nineteenth and twentieth lines of said land, and referring the courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, the four following courses and distances: (1) S. 05° 48' 20" E. - 175.05 feet, (2) S. 10° 33' 40" E. - 99.99 feet, (3) S. 17° 30' 40" E. - 113.88 feet, and (4) S. 14° 18' 00" E. - 29.77 feet to the beginning of said land, thence binding on a part of the first line of said land, which first line is in Craddock Lane, (5) S. 05° 58' 15" W. - 766.66 feet to the end of the third line of the

1.0993 acre parcel conveyed by David S. Brown, et al to Loyola Federal Savings and Loan Association by mortgage dated December 28, 1964, and recorded among the aforesaid Land Records in Liber R.R.G. 4407, Page 304, thence binding reversely on said third line, and continuing the same course, in all, (6) N. 42° 41' 15" W., 179.81 feet, thence along lines approximately parallel with Craddock Lane and 150 feet, more or less, west of the center line thereof, (7) N. 05° 58' 15" E., 217.38 feet, and (8) N. 02° 14' 45" W., 104.97 feet, thence by lines parallel with the fourth, third, second and first lines of this description and the center line of said Craddock Lane, and distant 150.00 feet southwesterly therefrom the four following courses and distances: (9) N. 14° 18' 00" W., 58.75 feet, (10) N. 79° 30' 40" W., 118.78 feet, (11) N. 10° 31' 40" W., 115.33 feet, and (12) N. 05° 48' 20" W., 196.56 feet to a point in the aforementioned sixteenth line, and thence, binding on a part thereof, and passing over the pipe herein mentioned, (13) S. 89° 59' 20" E., 156.78 feet to the place of beginning.

Containing 3.8404 acres of land.

C. There shall be a setback area measured at right angles from the property line fronting along Reisterstown Road described as follows:

BEGINNING for the same at a point on the northeast side of Reisterstown Road, as laid out sixty-six feet wide, and in the second or N. 149° 23' W., 705.01 feet line of the land conveyed to Thomas Craddock Jensen and wife to David S. Brown and others by deed dated October 23, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. 4063, Page 468, at the distance of 733.86 feet, as measured along said northeast side of Reisterstown Road and said second line from the beginning thereof, and running thence, binding on said northeast side of Reisterstown Road and on a part of said second line, and referring the courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District (1) N. 42° 41' 15" W., 31.25 feet to the end of said second line, thence still binding on said northeast side of Reisterstown Road and on the outlines of the land herein referred to the five following courses and distances: (2) N. 43° 22' 43" W., 270.05 feet, (3) N. 44° 19' 43" W., 388.03 feet (4) N. 44° 51' 03" W., 166.61 feet,

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4. Entrances

There shall be no vehicular exits or entrances to the property from Valley Road. There shall be no more than four vehicular entrances or exits to the 60.89 acre tract from Reisterstown Road. There may be two vehicular entrances or exits from the presently existing or relocated Craddock Lane, including the one presently constructed. It is further agreed that if any County or State authority refuses to grant the necessary approval for construction of vehicular entrances or exits because of the restrictive provisions of this paragraph, the parties in good faith will negotiate to modify this paragraph to comply with the demands of said authority in order to arrive at the next best solution in view of the intention of the parties to so restrict the flow of vehicular traffic.

5. Lighting

Any lights which may be installed on the premises shall be of such type, so shielded and so situated that they do not cause glare offensive to neighbors.

6. Architecture

The Parties of the first part hereby consent to consult with the Council and either Jacob Blaustein or Morton K. Blaustein regarding the architecture and landscaping plans and in good faith to give the utmost consideration and reasonable effect to the recommendations of the Council and either Jacob Blaustein or Morton K. Blaustein concerning the

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(5) N. 45° 23' 23" W., 1385.44 feet, and (6) N. 47° 08' 23" W., 15.56 feet, thence leaving said Reisterstown Road and the seventh line of said land and running for a new line of division, (7) N. 44° 36' 37" E., 100.48 feet, thence for new lines of division parallel with the fifth, fourth, third, second and first lines of this description and 100.00 feet northwesterly therefrom the five following courses and distances: (8) S. 45° 23' 23" E., 1401.46 feet, (9) S. 44° 51' 03" E., 167.54 feet, (10) S. 44° 19' 43" E., 269.31 feet, (11) S. 43° 22' 43" E., 271.48 feet, and (12) S. 42° 41' 15" E., 314.89 feet, and thence for another new line of division, (13) N. 47° 08' 45" W., 100.00 feet to the place of beginning.

Containing 5.1868 acres of land.

The below-described area shall be excluded from this setback and there shall be permitted to be restored by the parties of the first part, and used for an antique shop or wool shop, (including incidental office use); provided that there shall be no additional entrances from the Reisterstown Road, other than those provided for in paragraph 4 hereof and further provided that a parking area of no more than Fifteen (15) spaces be permitted in this area immediately adjacent to and in the rear of said building:

BEGINNING for the same at a point on the northeast side of Reisterstown Road, as laid out sixty-six feet wide, and in the sixth or N. 37° 04' 40" W., 1365.19 feet line of the land conveyed by Thomas Craddock Jensen and wife to David S. Brown and others by deed dated October 23, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. 4063, Page 468, at the distance of 785.00 feet, as measured along said northeast side of Reisterstown Road and said sixth line from the beginning thereof, said beginning point being also distant 2396 feet, more or less, as measured northwesterly along said northeast side of Reisterstown Road from its intersection with the center line of Craddock Lane, and running thence, binding on said northeast side of Reisterstown Road and on a part of said sixth line, and referring the courses of this description to the Grid Meridian established in the Baltimore County

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outward appearance of the buildings and the landscaping towards developing both tracts in a dignified manner compatible with the neighborhood.

7. Mortgagee's Consent to Subordination

Howard S. Brown, Mortgagee named in the aforesaid mortgage dated October 18, 1962, hereby joins in this Agreement for the purpose of covenanting, agreeing and consenting that all the terms and provisions of said mortgage shall be subject to and subordinated to the covenants, restrictions and conditions contained herein.

8. Cost of Recording and Other Expenses

The recording of this instrument and all of the foregoing covenants, restrictions and conditions and the expenses of the title work and survey in connection herewith shall be at the sole cost and expense of the individuals D/B/A Valley Farms, Ltd., without any contribution on the part of the parties of the second part whatsoever.

9. Restrictive Covenants

The parties of the first part hereby agree that these covenants, restrictions and conditions shall run with and be binding upon the land and shall inure to the benefit of and shall be jointly and severally enforceable by Greenspring Worthington Valley Planning Council, Inc., its successors and assigns, the other parties of the second part hereto, their

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Metropolitan District, (1) N. 45° 23' 23" W., 145.75 feet, thence leaving said Reisterstown Road and running for new lines of division the three following courses and distances: (1) N. 44° 36' 37" E., 100.00 feet, (3) S. 45° 23' 23" E., 145.75 feet, and (4) S. 44° 36' 37" W., 100.00 feet to the place of beginning.

Containing 0.3346 of an acre of land.

D. The setback areas described above shall be areas landscaped with grass, trees, shrubbery and other planting with extreme care being taken to preserve all healthy trees and shrubs. That portion of the setback area immediately adjacent to the west side of Craddock Lane as widened shall contain evergreen trees planted in a staggered pattern on ten foot centers for a depth of thirty-five feet. These setback areas may contain gardens and walkways and access roads as hereinafter set forth. There shall be in these setback areas no buildings or other structures (other than the ancient building already specified), no parking areas (other than that already specified for the ancient building), no additional drives or roadways, tennis or golf courts, swimming pool or other recreation or service facilities. All property lines referred to are those existing as of the date of this Agreement.

3. Commercial

A. No commercial uses of any type will be permitted on the property except in the southwesternmost 3.7220 acre corner of the property described as follows:

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heirs and assigns, the owners of the properties located in the vicinity of said tracts, their heirs, successors, and assigns, for a period of twenty years from the date of recording hereof. The restrictions set forth in this Agreement may be voided or modified by mutual agreement between the individuals D/B/A Valley Farms, Ltd., their heirs, successors and assigns, and all of the parties of the second part, their heirs, successors or assigns.

THE PARTIES OF THE SECOND PART AGREE AS FOLLOWS:

1. That an Appeal presently filed before the Circuit Court of Baltimore County pertaining to said tracts shall be dismissed with prejudice and the order of dismissal signed by all counsel of record for the Appellants in the proceeding now pending will be turned over subsequent to execution of this Agreement and prior to recording thereof.

2. This Agreement or any provision hereof may be terminated, altered or amended by a subsequent Agreement signed by the owners of the 60.89 acre or 42.766 acre tract and all of the parties of the second part, their heirs, successors and assigns.

3. In the event the Greenspring Worthington Valley Planning Council shall cease to exist, the rights, obligations and duties conferred upon the Council by this Agreement shall automatically pass to the individual parties hereto, their heirs and assigns. For purposes of this Agreement, the Council

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BEGINNING for the same at a point on the northeast side of Reisterstown Road, as laid out sixty-six feet wide, at the end of the first or S. 14° 16' 30" W., 1022.73 foot line of the land conveyed by Thomas Craddock Jensen and wife to David S. Brown and others by deed dated October 23, 1962 and recorded among the Land Records of Baltimore County in Liber W. J. R. 4063, Page 468, and running thence, binding on said northeast side of Reisterstown Road and on a part of the second line of said land, and referring the courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) N. 42° 41' 15" W., 653.86 feet thence leaving said Reisterstown Road and running for new lines of division the five following courses and distances: (2) N. 47° 08' 45" E., 207.59 feet, (3) northwesterly, by a curve to the left with the radius of 1040.00 feet, the distance of 255.28 feet, which arc is subtended by a chord bearing N. 40° 10' 50" E., 254.61 feet, (4) S. 42° 41' 15" E., 100.31 feet, (5) S. 05° 58' 15" W., 357.26 feet, and (6) S. 42° 41' 15" E., 14.87 feet to the end of the second line of the 1.0993 acre parcel described in the mortgage from David S. Brown, et al to Loyola Federal Savings and Loan Association, dated December 28, 1964, and recorded among the aforesaid Land Records in Liber R. A. G. 4407, Page 304, thence binding on said last mentioned line, (7) S. 42° 41' 15" E., 104.94 feet to a point in the first line of the land first herein referred to, and thence binding on a part thereof and on the last line of said 1.0993 acre parcel, and on a line in Craddock Lane, (8) S. 05° 58' 15" W., 255.73 feet to the place of beginning.

Containing 3.7220 acres of land.

Commercial uses not to exceed, forty-four thousand square feet of retail selling space appropriate to the area may be included. No more than three buildings having a maximum height of twenty-five (25) feet shall be erected within this area and no sign or advertisement of said commercial facilities shall be extended from the buildings. There shall be no parking of vehicles utilizing the buildings in this area except within the area itself.

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shall be deemed to have ceased to exist when it shall have undergone a formal dissolution or when it shall have held no meetings for a period of twenty-four months.

This Agreement contains the entire understanding of the parties and each of the parties hereto warrants that it has carefully read and understands this Agreement and is cognizant of the terms hereof and has had ample time to have been fully advised by counsel of their own choosing of their respective rights and obligations with respect to all matters involved in this Agreement.

All the agreements, covenants, restrictions and conditions contained in this instrument shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto, as well as all subordinate and successor mortgagees and any purchaser at foreclosure under any mortgage or deed of trust, and all persons claiming by or through them or any of them, shall run with the land and be binding upon the property hereinbefore described.

The failure to enforce any of the covenants, restrictions and conditions herein contained, in any instance, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in event of another violation occurring prior or subsequent thereto. Moreover, in the event any one or more of the covenants, restrictions and conditions herein contained should for

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IN WITNESS WHEREOF, the parties have affixed their hands and seals as of January 28, 1966.

WITNESS:

<u>Stollmeyer</u>	<u>David S. Brown</u> David S. Brown
<u>Stollmeyer</u>	<u>Sara Brown</u> Sara Brown
<u>Stollmeyer</u>	<u>Julius Kernisch</u> Julian Kernisch
<u>Stollmeyer</u>	<u>Irene B. Kernisch</u> Irene B. Kernisch
<u>Stollmeyer</u>	<u>Hyge C. Cohen</u> Hyge C. Cohen
<u>Stollmeyer</u>	<u>Ruth Cohen</u> Ruth Cohen
<u>Stollmeyer</u>	<u>Harry O. Waller</u> Harry O. Waller

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