

**OFFICE COPY**

CONDITIONAL USE  
PERMIT

**APPLICATION FOR  
NEW CUP OR A  
REVISION TO AN  
EXISTING CUP**

Chatham County  
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312  
Telephone: (919) 542-8204 FAX: (919)542-2698

**Section A. APPLICANT INFORMATION**

NAME OF APPLICANT: Scott and Diana Schultz

MAILING ADDRESS OF APPLICANT: 6545 NC Hwy 87 N Pittsboro, NC 27312

PHONE NUMBER/E-MAIL OF APPLICANT: (919) 622-1967 / sschultz4243@embargmail.com

PROPERTY OWNER INFORMATION (If different from the applicant): \*Owner Authorization Signature Required; See end of application.

Name(s) \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**PROPERTY INFORMATION:** The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE: 6545 NC Hwy 87 N

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 84022

CURRENT ZONING DISTRICT(S): RA-40 PROPOSED ZONING DISTRICT(S): CUP RA-40

TOTAL SITE ACRES/SQUARE FEET: 5.45 acres

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: Boarding kennel

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information.** Please use attachments if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable.

1. **The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.**

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No change from approved CUP

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2. **The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**

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No change from approved CUP

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3. **The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.**

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No change from approved CUP

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4. **The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**

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No change from approved CUP

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5. **Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.**

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No change from approved CUP

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## **Section B. SUBMITTAL INFORMATION AND PROCEDURE**

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- (1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

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- (2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.
- (3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.
- a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
  - b. The Planning Department shall take no further action on the application until the applicant submits the required information.
  - c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
  - d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.
- (4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.
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## **Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN**

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**PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF).** Please check the list below carefully before you submit:

- (1) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:
- a. Information showing the boundaries of the proposed property as follows:
    1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.
    2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
  - b. Legal Description of proposed conditional zoning district;
  - c. All existing and proposed easements, reservations, and rights-of-way;
  - d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
  - e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;
  - f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; (**SECTION 12 LANDSCAPING & BUFFERING REQUIREMENTS**)
  - g. All existing and proposed points of access to public and/or private streets;
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**SECTION D. SIGNATURE STATEMENTS**

**OWNER'S SIGNATURE\*:** In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate \_\_\_\_\_ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICANT SIGNATURE:** I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: 

Date: 7/1/2013

**OFFICE USE ONLY:**

DATE RECD:	<u>July 5, 2013</u>
BY:	<u>A. Birchett</u>
APPLICATION #:	<u>PL 20130675</u>
FEE PAID \$:	<u>250.00</u>

Scott and Diana Schultz  
6545 NC Hwy 87 N  
Pittsboro, NC 27312  
June 30, 2013

Board of Commissioners  
Chatham County NC  
PO Box 1809  
Pittsboro, NC 27312

Dear Commissioners:

We are requesting your consideration for a time extension of two years for our existing approved Conditional Use Permit on our property for the purpose of building a pet boarding facility. Specifically, we are requesting a revision to stipulation #9 of the original approved CUP. No other revisions to the CUP are necessary.

We remain fully committed to the completion of the boarding facility and have made significant progress to this end. We have secured a local contractor, listed potential sub-contractors, hired a new designer, evaluated and determined preferred suppliers, developed financial considerations and worked and re-worked a design of the building.

Switching kennel designers during the developmental process, re-starting the building design and incorporating new ideas into the layout, added unanticipated time demands to the project. However, due to the fact that the boarding care field relies heavily on discretionary funds of customers, the slow national (and local) economic recovery had remained a significant point of concern. We concluded that it would be too risky to open a start up business that relies so heavily on customers taking vacations while economic conditions remained so uncertain. Now that the current economy shows signs of maintaining slow but positive future growth we find our project in a difficult time constraint. We respectfully ask for some relief of this constraint.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Schultz & Diana Schultz". The signature is stylized and cursive, with a long horizontal line extending to the left.

Scott Schultz & Diana Schultz

Enclosures

Planning Department  
Post Office Box 54  
80-A East Street - Dunlap Building  
Pittsboro, NC 27312-0054



Phone: 919-542-8204  
Fax: 919-542-2698  
[www.chathamnc.org/planning](http://www.chathamnc.org/planning)

August 21, 2008

Scott and Diana Schultz  
6545 NC Hwy 87 N  
Pittsboro, NC 27312

Dear Mr. and Mrs. Schultz:

During their regular meeting August 18, 2008, the Chatham County Board of Commissioners considered your request as described below:

A request by Scott and Diana Schultz for a Conditional Use Permit in an RA-40 Residential/Agricultural District on approximately 5.45 acres of a 16 acre tract, Hadley Township, on Parcel No. 84022, located at 6545 NC 87 N, Pittsboro, NC, for a boarding kennel.

After considering your written request, comments received at the public hearing, and recommendations of the Planning Department and Planning Board, the Board of Commissioners approved your request according to the enclosed Board action.

Minutes of the Board meeting are available from Sandra Sublett, Clerk to the Board of County Commissioners at 542-8200. If you have any questions about the Board's actions or would like to discuss uses of your land, you may contact me at 542-8285 or Keith Megginson at 542-8205.

Sincerely,

A handwritten signature in cursive script that reads "Angela Birchett".

Angela Birchett  
Zoning Administrator

AB/ke  
Enc.



Established 1771

COUNTY COMMISSIONERS  
George Lucier, *Chairman*  
Mike Cross, *Vice Chairman*  
Patrick Barnes  
Carl Thompson  
Tom Vanderbeck

COUNTY MANAGER  
Charlie Horne

P. O. Box 1809, Pittsboro, NC 27312-1809 • Phone: (919) 542-8200 • Fax: (919) 542-8272

## **A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUESTED BY Scott and Diana Schultz**

WHEREAS, Winter Scott and Diana Schultz, has applied to Chatham County for a conditional use permit for an area containing approximately 5.45 acres out of a 16 acre tract, located on Parcel No. 84022, adjacent to 6545 NC 87 N, Hadley Township, RA-40 Residential/Agricultural District, for a boarding kennel.

WHEREAS, the Chatham County Board of Commissioners, having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The uses requested are among those listed as an eligible conditional uses in the district in which the subject property is located or is to be located. Boarding kennels are listed as permitted conditional uses in this district with an approved conditional use permit.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the Land Conservation and Development Plan encourages a mix of development for economic development and this is an area suitable for this activity. The use will provide employment opportunities as well as provide economic benefits to the county by adding to the tax base, generating new tax revenues, both ad valorem and sales.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. Among the evidence supporting this finding is the following: Traffic utilizing the site is expected to be minimal and mainly during off-peak hours, most often during mid-morning or mid-afternoon. The facility is to be to the center of the property limiting visibility from the road and adjacent property owners by being at least 100 feet from the front property line and 200 feet +/- from any side or rear property line/boundary. The owner will maintain ownership of the surrounding acreage being the balance of the parcel. Lighting is to be minimal and in conformity with the lighting requirements of the Zoning Ordinance allowing specifically for downcast lighting of the entrance sign. The vegetative buffers and screening set out in the approved site plan have been well designed and improved through Appearance Commission review such that the integrity and character of the surrounding area will not be impaired.

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, preserving the form and function of rural character, by supporting employment opportunities in Chatham County, and by encouraging balanced growth that consists of a mix of different types of development. This request also incorporates the large lot development as described in the Plan and is in close proximity to major subdivisions to offer a service not readily available in the area.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through conditions placed on its approval as seen below. The property will be served by private well and septic; county water is not available at this time. The NCDOT office has approved a preliminary commercial driveway permit for the use proposed and the amount of impervious surface coverage will be approximately 29% of the 5.45 acre site; 10% of the entire 16 acre tract; below the maximum allowance of 36%. Stormwater runoff and retention as well as erosion and sedimentation control will utilize "sheet flow" as part of "green" design standards.

**NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS,** as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

**BE IT RESOLVED FURTHER,** that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, Scott and Diana Schultz, attached hereto and incorporated herein by reference with specific conditions as listed below:

**Stipulations Specific to the Application**

**Site Specific Conditions:**

1. A buffer composed of evergreen plantings, with a different choice for landscape plantings, as specified on the list of recommended plant material provided by the Appearance Commission, shall be planted during the next optimal growing season after approval, as recommended by the Chatham County Appearance Commission. All other recommendations by the Appearance Commission regarding plantings and buffering shall be met. The Planning Department, with the Appearance Commission, reserves the right for periodic inspections to ensure vegetation is adequate.
2. Signage is limited to one monument style sign as drawn on the site plan. The sign area itself shall not exceed 32 square feet as described in Section 13.5 of the Zoning Ordinance. *The sign is shall not have any lighting other than exterior downcast lighting, directed on the sign face.*
3. The applicants shall submit an engineer's certification that the existing roadway drainage ditches and streams on the property will support a two-year, 24-hour storm event to the



Planning Department prior to issuance of a Certificate of Occupancy if allowed to be used as such. Otherwise a storm water detention pond may be required to be installed to meet the requirement.

4. The site plan shall serve as the "sketch" design when the applicant applies for the *major* subdivision of the property as stated in the application.

**Standard Site Conditions:**

5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
6. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the landowner/operator and shall hold no liability against Chatham County for the compliance measures.
7. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
8. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
9. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first structure shall be approved and submitted within 24 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

**Standard Administrative Conditions:**

10. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.

11. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
12. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
13. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
14. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

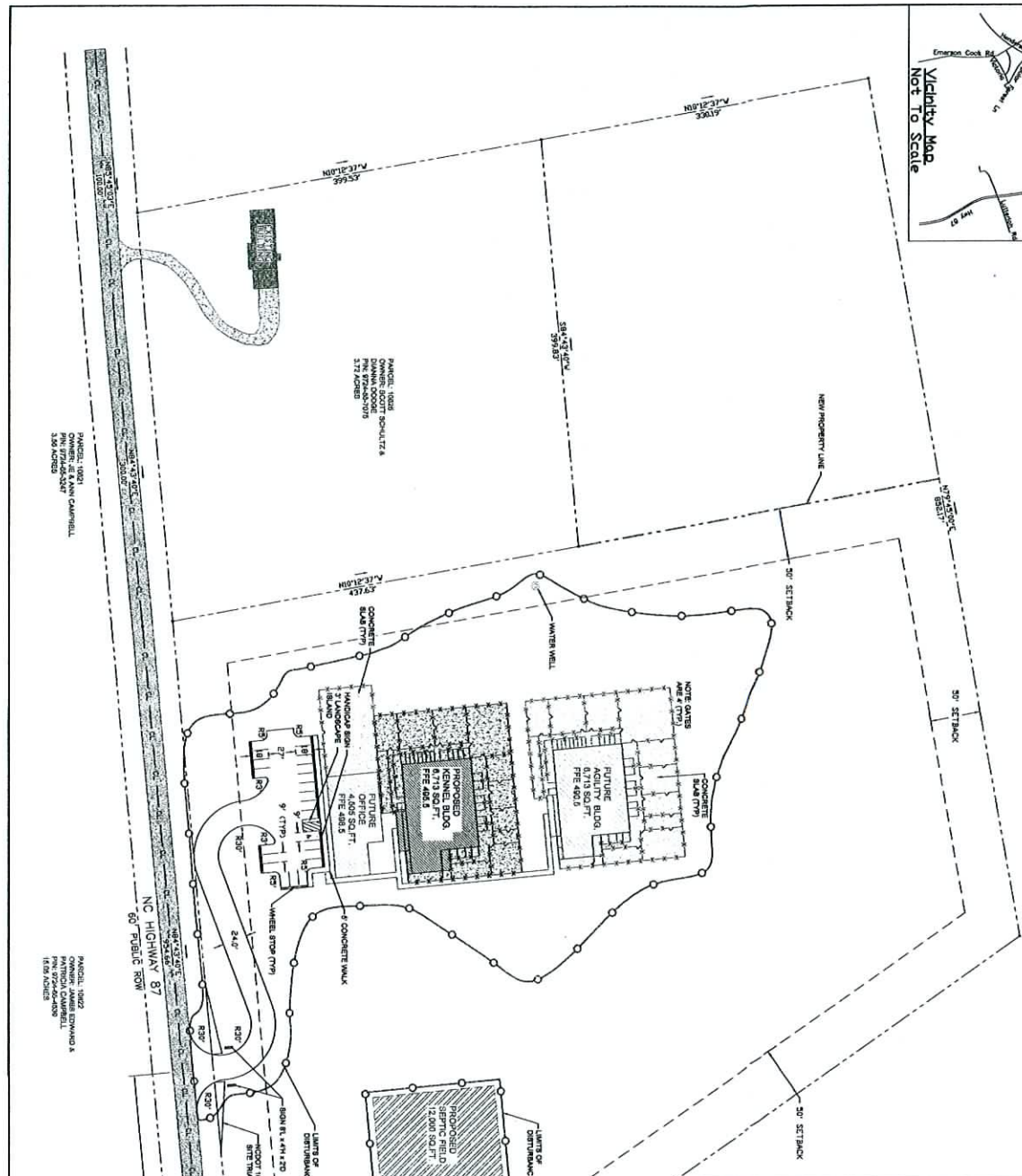
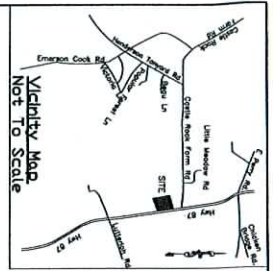
Adopted this, the 18th day of August 2008

By:

  
George Lucier, Chairman

ATTEST:

  
Sandra E. Sublett, CMC, Clerk to the Board  
Chatham County Board of Commissioners



**GENERAL NOTES:**

1. BOUNDARY SURVEY AND TOPOGRAPHIC INFORMATION TAKEN FROM CATAWHA COUNTY GIS INFORMATION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL LOCAL, COUNTY AND STATE PERMITS. WORK ON THE TOTAL AREA OF DISTURBANCE HAS BEEN DETERMINED TO BE 7/- 281,000 SQ. FT.
3. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING ANY WORK ON THE PROJECT.
4. TEMPORARY CONSTRUCTION DITCHES SHALL BE INSTALLED ALONG THE SIDES OF THE CLEARING AREA UNTIL SUCH AS TO PROVIDE FOR DRAINAGE FROM THESE SLOPES AND WATER HIGH WINDS SHALL BE DONE ONLY WITH THE CONTRACTOR'S SUPERVISOR'S PRESENTATION AND APPROVAL.
5. ALL EXISTING UTILITIES SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, COUNTY AND STATE AUTHORITIES.
7. THE CONTRACTOR SHALL MAINTAIN TRAFFIC CONTROL DURING ALL PHASES OF THIS CONSTRUCTION IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND SHALL MAINTAIN TRAFFIC CONTROL THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL MAINTAIN TRAFFIC CONTROL THROUGHOUT THE PROJECT AND SHALL MAINTAIN TRAFFIC CONTROL THROUGHOUT THE PROJECT.
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**NOTE:** Payment to U.S. 113A-5123, the area for graded areas and fill will be no greater than 10% of the total area of disturbance. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities.

**NOTE:** Payment to U.S. 113A-5123, the area for graded areas and fill will be no greater than 10% of the total area of disturbance. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the local, county and state authorities.

**SITE DATA TABLE**

OWNER	JOHN W. HARRIS, P.E.
OWNER ADDRESS	6002 N.C. HWY 87N MIDWINTER, NC 27112
TYPE OF PROJECT	CONCRETE
SITE AREA	0.33 AC
DISTURBED AREA	0.33 AC
NO. OF PROPOSED BLDGS	1 (1/2 FUTURE)
EXISTING UNDEVELOPED AREA	0 AC
EXISTING IMPROVED AREA	0 AC
NO. OF PROPOSED STAGES	23 (INCLUDES 1 MC STAGE)

**Schultz Kennel**

**Site/Utility Plan**  
For  
**Schultz Kennel**

**John W. Harris, P.E.**  
Consulting Engineer, Inc.  
5112 Bur Oak Circle  
Raleigh, N.C. 27612  
(919) 789-0744

**Adjacent/Adjoining Landowners: These are those properties that share a common property line as well as those that are directly across a public or private road, easement, or waterway.**

Legal notices are mailed to these owners so please type or write neatly

(1) Joseph Scott Justice & Tom Justice  
1728 Stone Wood Dr  
Winterville, NC 28590

(3) James Edward Campbell & Patricia Campbell  
635 Sheep Rock Rd  
Snow Camp, NC 27349

(5) Donna Holt  
4546 NC Hwy 87 N  
Pittsboro, NC 27312

(7) \_\_\_\_\_  
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(25) \_\_\_\_\_  
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(2) Clark H Jokl  
8170 Silver Birch Way  
Lehigh Acres, FL 33971

(4) J E Campbell & Ann Campbell  
635 Sheep Rock Rd  
Snow Camp, NC 27349

(6) Edward H Straughn & Kay T Straughn  
281 Lutterloh Rd  
Pittsboro, NC 27312

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