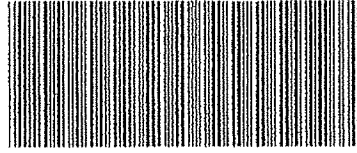


Mary Kozak  
Berks County Recorder of Deeds

Berks County Services Center 3<sup>rd</sup> Floor  
633 Court Street  
Reading, PA 19601  
Office: (610) 478-3380 ~ Fax: (610) 478-3359  
Website: www.countyofberks.com/recorder

INSTRUMENT # 2023013481

RECORDED DATE: 05/11/2023 12:17:48 PM



5144133-0008M

Document Type: DEED

Transaction #: 5957805  
Document Page Count: 4  
Operator Id: rmartello

PARCEL ID(s): (See doc for additional parcel #'s)  
89539802580383

SUBMITTED BY:  
PATRIOT LAND TRANSFER, INC  
408 W LINFIELD-TRAPPE ROAD

LIMERICK, PA 19468

\* PROPERTY DATA:

Municipality: WASHINGTON TOWNSHIP  
School District: BOYERTOWN

\*\* PLEASE SEE DOCUMENT OR INDEX FOR ADDITIONAL PROPERTY DATA

\* ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURE AMT:	\$290,000.00
TAXABLE AMOUNT:	\$290,000.00
<b>FEES / TAXES:</b>	
RECORDING FEES: DEED	\$14.75
AFFORDABLE HOUSING FEE	\$11.50
RECORDS IMPROVEMENT FUND	\$5.00
JUDICIAL FEE	\$40.25
WRIT TAX	\$0.50
PARCEL ID FEE	\$10.00
WASHINGTON TOWNSHIP	\$1,450.00
STATE RTT	\$2,900.00
BOYERTOWN SD	\$1,450.00
<b>Total:</b>	<b>\$5,882.00</b>

INSTRUMENT #: 2023013481  
Recorded Date: 05/11/2023 12:17:48 PM

I hereby CERTIFY that this document is recorded  
in the Recorder of Deeds Office in Berks County,  
Pennsylvania.



Mary Kozak  
Recorder of Deeds

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

**PLEASE DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

\*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

Prepared by:

Patriot Land Transfer, Inc.  
408 West Linfield-Trappe Road  
Limerick, PA 19468  
File No. PLT-9192

Return to:

Patriot Land Transfer, Inc.  
408 West Linfield-Trappe Road  
Limerick, PA 19468

Premises:

Route 100  
Bechtelsville, PA 19505  
Washington Township, Berks County  
Parcel ID # 89539802580383

**This Indenture**, made the 3rd day of May, 2023,

**Between**

**MICHAEL D. RHODES**

(hereinafter called the Grantor), of the one part, and

**EASTERN BERKS FIRE DEPARTMENT, A PENNSYLVANIA NON-PROFIT  
CORPORATION**

(hereinafter called the Grantee), of the other part,

**Witnesseth**, that the said Grantor for and in consideration of the sum of **Two Hundred Ninety Thousand And 00/100 Dollars (\$290,000.00)** lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee

ALL THAT CERTAIN lot of ground situate on the Northwest line of Route 100 (SR0100) in Washington Township, Berks County, Pennsylvania, being Lot No. 2 of the "Ray Nell Estate", Subdivision recorded in Plan Book 201 page 17, being more fully bounded and described as follows:

BEGINNING at an iron pin in Route 100, said point being on the division line between Lot No. 2 and land now or late of Calvary United Church of Christ; thence in and along Route 100, South 41 degrees 07 minutes 30 seconds West, 290.35 feet to an iron pin; thence along lands now or late of William and Doris Gross and along Lot No. 3, North 42 degrees 27 minutes 30 seconds West, 449.84 feet to an iron pin; thence continuing along Lot No. 3, North 41 degrees 07 minutes 30 seconds East, 298.80 feet to an iron pin; thence along land now or late of Calvary United Church of Christ, South 41 degrees 23

minutes 30 seconds East, 450.86 feet to a point in Route 100, being the place of beginning.

SUBJECT to a 50 feet wide utility easement along the side lot line as more fully outlined on the aforesaid plan.

UNDER AND SUBJECT to the terms of the Amended Restrictive Covenant Dated April 27, 2023 and Recorded April 28, 2023 in the office of the Recorder of Deeds of Berks County, Pennsylvania in Instrument Number 2023012021.

BEING the same premises which Betty N. Gailey and Joseph Gailey, husband and wife, Mary E. Nell, single woman, Frederick I. Ebersole, individually and as Executor of the Estate of Nancy N. Ebersole and Eric Milne, Executor of the Estate of Joyce A. Milne, by deed dated January 10, 2022, and recorded January 29, 2002, in the Recorder of Deeds Office, in and for Berks County, Pennsylvania, in Record Book 3472, Page 572, granted and conveyed unto Michael D. Rhodes, in fee.

**Together with** all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of him, the said grantor, as well at law as in equity, of, in and to the same.

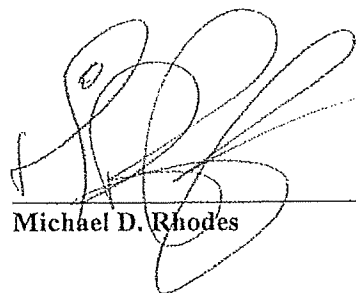
**To have and to hold** the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

**And** the said Grantor, for himself and his heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that he, the said Grantor, and his heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against him, the said Grantor, and his heirs, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

**In Witness Whereof**, the party of the first part has hereunto set his hand and seal. Dated the day and year first above written.

**Sealed and Delivered**  
IN THE PRESENCE OF US

\_\_\_\_\_



Michael D. Rhodes

{SEAL}

Commonwealth of Pennsylvania }  
County of Berks } ss

This record was acknowledged before me on May 3, 2023 by Michael D. Rhodes.

Zachary Holley  
Notary Public  
My commission expires 7/3/2026

Commonwealth of Pennsylvania - Notary Seal  
Zachary Holley, Notary Public  
Montgomery County  
My commission expires July 3, 2026  
Commission number 1335685  
Member, Pennsylvania Association of Notaries

The precise residence and the complete post office address of the above-named Grantee is:

PO Box 43  
Barto, PA 19504

Zachary Holley  
On behalf of the Grantee

# Deed

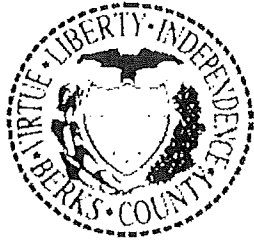
Parcel ID # 89539802580383

Michael D. Rhodes

TO

Eastern Berks Fire Department, a  
Pennsylvania non-profit Corporation

Patriot Land Transfer, Inc.  
408 West Linfield-Trappe Road  
Limerick, PA 19468

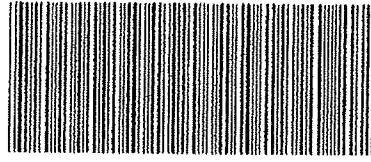


Mary Kozak  
Berks County Recorder of Deeds

Berks County Services Center 3<sup>rd</sup> Floor  
633 Court Street  
Reading, PA 19601  
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Website: www.countyofberks.com/recorder

INSTRUMENT # 2023012021

RECORDED DATE: 04/28/2023 09:22:54 AM



5142185-0016Q

Document Type: DECLARATION/AFFIDAVIT

Transaction #: 5954270  
Document Page Count: 6  
Operator Id: Kmarvel

PARCEL ID(s): (See doc for additional parcel #'s)  
89539802580383

SUBMITTED BY:  
Patriot Land Transfer, Inc  
408 W LINFIELD TRAPPE RD

LIMERICK, PA 19468

\* PROPERTY DATA:

\*\* PLEASE SEE DOCUMENT OR INDEX FOR PROPERTY DATA

**FEES / TAXES:**

RECORDING FEES: DECLARATION	\$29.50
RECORDS IMPROVEMENT FUND	\$5.00
WRIT TAX	\$0.50
ADDITIONAL PAGE FEE	\$8.00
PARCEL ID FEE	\$10.00
<b>Total:</b>	<b>\$53.00</b>

INSTRUMENT #: 2023012021

Recorded Date: 04/28/2023 09:22:54 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Berks County, Pennsylvania.



Mary Kozak  
Recorder of Deeds

OFFICIAL RECORDING COVER PAGE

Page 1 of 7

**PLEASE DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

\*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

PREPARED BY:  
LEE A. STIVALE, ESQUIRE  
MILLS OF VICTORIA, SUITE 103  
1489 BALTIMORE PIKE,  
SPRINGFIELD, PA 19064

PARCEL ID NO. 89539802580383

### AMENDED RESTRICTIVE COVENANT

THIS AMENDED RESTRICTIVE COVENANT is made this 27<sup>th</sup> day of April, 2023, by and between CALVARY UNITED CHURCH OF CHRIST & n/a CHRIST EVANGELICAL AND REFORMED CHURCH, a Pennsylvania non-profit corporation with a notice address at 1231 Route 100, Barto, PA 19504 ("Church Owner"), MICHAEL D. RHODES ("Rhodes") with a notice address at 813 S. Reading Ave., Boyertown, PA 19512.

#### Background Recitals:

Betty N. Gailey and Joseph Gailey, h/w, Mary E. Nell, single woman, Frederick I. Ebersole, individually and as executor of the estate of Nancy N. Ebersole, and Eric Milne, as executor of the estate of Joyce A. Milne, conveyed the "Subject Property" containing approximately 3.023 acres, as herein described on Exhibit "A" attached hereto, being assigned parcel number 89539802580383 unto the Rhodes owner by deed dated January 10, 2002, recorded in the Office of the Recorder of Deeds for Berks County on January 29, 2002, at Deed Book 3472, Page 572;

The Subject Property was made subject to a "Restriction Covenant" dated January 10, 1965, recorded in the Office of the Recorder of Deeds for Berks County, at Deed Book 251, Page 119;

The Restrictive Covenant limited the use and occupancy of the Subject Parcel to "recreational, religious, farming or forestry purposes, only, without the express written consent of said Christ Evangelical and Reformed Church. . ."

The Church Owner does hereby consent to the release and modification of the Restrictive Covenant upon the Subject Property;

**NOW THEREFORE**, the parties, for good and valuable considerations and intending to be legally bound hereby, do agree as follows:

1. Release of Restrictive Covenant: Church Owner does hereby consent to the release

and termination of the restrictions and limitations imposed by the Restrictive covenant dated January 10, 1965, recorded in the Office of the Recorder of Deeds for Berks County, at Deed Book 251, Page 119 upon the Subject Property.

2. Modification of the Restrictive Covenant. Church Owner does hereby modify and amend the Restrictive Covenant to hereafter preclude any use or occupancy of the Subject Property described on Exhibit "A" involving the consumption, sale, manufacture, distillation, bottling or storage of alcoholic beverages without the express written consent of said Church Owner, its successors and assigns.

3. Duration of Restrictive Covenant: The Restrictive Covenant hereby imposed shall run with the land in perpetuity and shall be binding upon the parties hereto and their respective heirs, successors and assigns. To that end, this Restrictive Covenant shall be recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania and shall be indexed against the Subject Property. The restrictions imposed hereby shall automatically terminate and lapse upon the Church Owner, and its successor and assigns, cessation of religious use upon the real property located at 1231 Route 100, Barto, PA 19504.

4. Notation for All Deeds for the Subject Property: Any and all deeds for the conveyance or other transfer of the Subject Property, or portion thereof shall include the following language:

UNDER AND SUBJECT TO the terms of te Amended Restrictive Covenant dated March , 2023, and recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania, in Record Book \_\_\_\_\_ Page \_\_\_\_\_, being assigned document index number \_\_\_\_\_ ( with date and recording information



inserted).

5. Miscellaneous: This Amended Restrictive Covenant Agreement shall be governed by the laws of the Commonwealth of Pennsylvania. This Amended Restrictive Covenant

Agreement is binding upon the parties and their respective heirs, successors, assigns and personal representatives.

IN WITNESS WHEREOF, the parties do hereunto set their hands and seals the day and year first above written.

**CALVARY UNITED CHURCH OF CHRIST F/N/  
A CHRIST EVANGELICAL AND REFORMED  
CHURCH, A PENNSYLVANIA NON-PROFIT  
CORPORATION:**

\_\_\_\_\_  
Rebecca J. Crist, Consistory President (SEAL)

\_\_\_\_\_  
MICHAEL D. RHODES (SEAL)

COMMONWEALTH OF PENNSYLVANIA }

} SS

COUNTY OF BERKS }

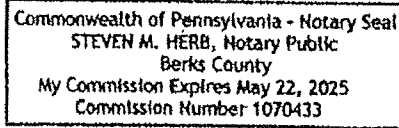
On this, the 27<sup>th</sup> day of April, 2023, before me, <sup>Consistory President</sup> the undersigned Officer, personally appeared Rebecca J. Crist who acknowledged himself to be the of CHRIST EVANGELICAL AND REFORMED CHURCH, a Pennsylvania non-profit corporation, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*Steven M Herb*

Notary Public

My Commission expires:



COMMONWEALTH OF PENNSYLVANIA }

} SS

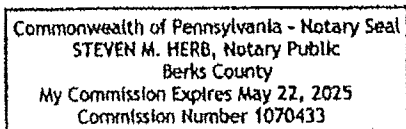
COUNTY OF BERKS }

On this, the 27<sup>th</sup> day of April, 2023, before me, the undersigned officer, personally appeared, MICHAEL D. RHODES, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that executed the same for the purposes herein contained.

IN WITNESS WHEREOF, I/We have hereunto set my hand and official seal.

*Steven M Herb* SEAL

NOTARY PUBLIC



## EXHIBIT "A"

ALL THAT CERTAIN lot of ground situate on the Northwest line of Route 100 (SR0100) in Washington Township, Berks County, Pennsylvania, being Lot No. 2 of the "Ray Nell Estate", Subdivision recorded in Plan Book 201 page 17, being more fully bounded and described as follows:

BEGINNING at an iron pin in Route 100, said point being on the division line between Lot No. 2 and land now or late of Calvary United Church of Christ; thence in and along Route 100, South 41 degrees 07 minutes 30 seconds West, 290.35 feet to an iron pin; thence along lands now or late of William and Doris Gross and along Lot No. 3, North 42 degrees 27 minutes 30 seconds West, 449.84 feet to an iron pin; thence continuing along Lot No. 3, North 41 degrees 07 minutes 30 seconds East, 298.80 feet to an iron pin; thence along land now or late of Calvary United Church of Christ, South 41 degrees 23 minutes 30 seconds East, 450.86 feet to a point in Route 100, being the place of beginning.

SUBJECT to a 50 feet wide utility easement along the side lot line as more fully outlined on the aforesaid plan

BEING the same premises which Betty N. Gailey and Joseph Gailey, husband and wife, Mary E. Nell, single woman, Frederick I. Ebersole, individually and as Executor of the Estate of Nancy N. Ebersole and Eric Milne, Executor of the Estate of Joyce A. Milne, by deed dated January 10, 2022, and recorded January 29, 2002, in the Recorder of Deeds Office, in and for Berks County, Pennsylvania, in Record Book 3472, Page 572, granted and conveyed unto Michael D. Rhodes, in fee.

**AMENDED  
RESTRICTIV  
E  
COVENANT**

**CHRIST EVANGELICAL AND  
REFORMED CHURCH, a Pennsylvania  
non-profit corporation**

**TO**

**MICHAEL D. RHODES**

The address of the  
above-named Grantee is:

813 S. Reading Ave.,  
Boyertown, PA 19512

On behalf of the Grantee

*Margery Holley*

---

**PREMISES:**

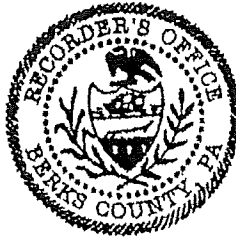
**ROUTE 100, BECHTELSVILLE,  
BERKS COUNTY, PA**

**PARCEL NO. 89539802580383**

**Recorder of Deeds  
BERKS COUNTY  
*Frederick C. Sheeler***

Berks County Services Center  
633 Court Street, 3rd Floor  
Reading, PA 19601  
Office: 610.478.3380 ~ Fax: 610.478.3359

I hereby certify that the following is a true and correct  
copy of the original document  
recorded in Berks County, PA



*Frederick C. Sheeler*



RESTRICTIONS UPON LAND

WHEREAS, We, RAY E. NELL and MABEL S. NELL, his wife, have granted and conveyed a certain tract of land containing 4.58074 Acres in Washington Township, Berks County, Pennsylvania as hereafter more fully described, to CHRIST EVANGELICAL AND REFORMED CHURCH, a non profit corporation, existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal office and place of business in the Township of Douglass, County of Montgomery and State of Pennsylvania, by Deed of even date herewith not yet recorded but intending forthwith so to be, and,

WHEREAS, We the said Ray E. Nell and Mabel S. Nell, his wife, own certain land and may hereafter acquire certain land within five hundred (500') feet of the boundaries of said tract conveyed to the said Church, and,

WHEREAS, in part consideration for the purchase of said tract by said Church, we, for ourselves, our heirs, executors, administrators and assigns agreed to use all land which we or either of us now own or which we or either of us may hereafter acquire within five hundred (500') feet of the boundaries of said tract of land conveyed to said Church for recreational, religious, farming or forestry purposes only, without the express written consent of said Church, its successors or assigns, and

WHEREAS, it is our intention to carry out said Agreement by formally restricting said land,

WA 251 ■ 119

- 1 -



Calvary United Church - Christ

wa 251 120

NOW THEREFORE, Know All Men By These Presents, that we, the said Ray E. Nell and Mabel S. Nell, his wife, expressly intending to be legally bound, do hereby restrict all land which we or either of us now own or which we or either of us may hereafter acquire within five hundred (500') feet of the following described premises so that the same shall be used hereafter for recreational, religious, farming or forestry purposes only, without the express written consent of said Christ Evangelical and Reformed Church, its successors or assigns;

ALL THAT CERTAIN tract or parcel of land, situate on the northwesterly side of Traffic Route No. 100 (60 feet wide), leading from Boyertown to Bally, in the Township of Washington, County of Berks and Commonwealth of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at an iron pin on the northwesterly side of Traffic Route No. 100 (60 feet wide), said iron pin being located from the intersection of the center line of said Traffic Route No. 100 with the center line of Congo Road on the two (2) following courses and distances, viz; north 43 degrees 31 minutes east 475.00 feet along the center line of said Traffic Route No. 100; and north 39 degrees 00 minutes west 30.26 feet, crossing the bed of said Traffic Route No. 100 to said iron pin, the place of beginning; thence along lands of Ray E. Nell (about to be leased to the Niantic Evangelical and Reformed Church), north 39 degrees 00 minutes west 350.00 feet to an iron pin; thence along lands of Ray E. Nell, north 43 degrees 31 minutes east 575 feet to an iron pin; thence along lands now or late of West Service Co., south 39 degrees 00 minutes east 350 feet to an iron pin on the northwesterly side of said Traffic Route No. 100; thence along the northwesterly side of said Traffic Route No. 100, south 43 degrees 31 minutes west 575.00 feet to an iron pin, the place of Beginning.

CONTAINING in area 4.58074 acres of land;

The adjective, recreational, as used herein shall mean recreation of a private and non-commercial sort or activities of said Christ Evangelical and Reformed Church, its successors and assigns, held in connection with or for the benefit of its or their religious groups or for the furtherance of its or their religious activities.

IN WITNESS WHEREOF, we have hereunto set our respective hands and seals this 12 day of January, 1965.

Ray E. Nell (SEAL)  
Ray E. Nell

Mabel S. Nell (SEAL)  
Mabel S. Nell

COMMONWEALTH OF PENNSYLVANIA:  
: SS.  
COUNTY OF BERKS :

On this the 12 day of January, 1965 before me a Notary Public, the undersigned officer, personally appeared Ray E. Nell and Mabel S. Nell, his wife, known to me (or satisfactorily proven) to be the persons whose names are inscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Lawrence W. Sands  
My Commission Expires:  
My Commission Expires Jan. 1, 1968

LAWRENCE W. SANDS, J.P.  
31 E. PHILA. AVE.  
BOYERTOWN, PA.

Recorded in the office for Recording of Deeds in and for Berks County, Pa., in Book No. 251 Page 119

WITNESS my hand and seal of Office  
this 12 day of Jan A.D. 1965  
Clayton H. Hiltner

vt. 251 ■ 121