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NORTH CAROLINA

LINCOLN COUNTY

DECLARATION OF RESTRICTIONS

FOR

NORTH BROOK ESTATES

THIS DECLARATION made this the 25<sup>th</sup> day of September, 1992, by Selba William Freeman and William Bradley Freeman hereinafter called "Declarants".

W I T N E S S E T H

WHEREAS, Declarants are the owners of that certain real property located in North Brook Township, Lincoln County, North Carolina, known as NORTH BROOK ESTATES as shown upon a plat and survey made thereof and recorded in Plat Book F at Page 469 of the Lincoln County Registry.

WHEREAS, IT IS THE DESIRE AND INTENTION OF Declarants to sell the above described real property and to impose upon it mutual, beneficial restrictions under a general plan or scheme of improvement for the benefit of all land and the future owners of said land.

NOW THEREFORE, Declarants hereby declare that all of the property described above is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following provisions and restrictions which are declared and agreed to be in futherance of a plan for the subdivision, improvement, and sale of the said real property and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of said real property and every part thereof, and all of which shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the described lands or any part thereof.

COVENANTS RELATING TO PRIMARY USE AND CONSTRUCTION ON LOTS

- (1) Single-Family Residence. Not more than one single-family dwelling house shall be constructed on any one lot as shown on the recorded plat, without the prior written consent of the Declarants.
- (2) Further Subdivision. No lot shall be subdivided into more than one building lot, without the prior written consent of the Declarants.
- (3) Minimum Residential Living Space. The minimum square feet of finished heated living area exclusive of porches, patios, breezeways, basements, garages or car ports shall be 1200 square feet, with a height not exceeding two stories.

(4) Setbacks. No building or extension of any building shall extend nearer than forty feet from any road right-of-way, nor nearer than ten feet from the side line or thirty feet from the rear line of any lot.

(5) Compliance with all Applicable Governmental Regulations. All construction shall be in compliance with all applicable state and local governmental regulations including building codes.

(6) Completion Schedule. All building or other construction shall be completed within twelve months of initiation, and no construction equipment or any type of building supplies and/or materials shall be allowed to remain on any lot for more than twelve months.

(7) Specific Requirements and Prohibitions. All construction shall be of new materials and no exposed cement block or metal siding exteriors shall be permitted. No single-wide or double-wide mobile homes, used buildings, modular structures, temporary structures of any kinds, campers or trailers shall be allowed to be placed on any lot, and any garage, barn or other accessory structures shall be constructed so that their visible appearance shall not diminish the general esthetic value of the surrounding property of any lot.

(8) Driveway Requirements. Any driveway constructed on subject lots shall be constructed with an "L" shaped, "T" shaped, or "circular" shaped turnaround in accordance with the requirements of the Lincoln County Planning Board so that access from subject lot to Highway #274 is negotiated in such a manner that it is not necessary for any vehicle to back onto Highway #274.

#### USE AND UPKEEP

(1) Residential Use Only. All numbered lots shown on the above referenced plat of the NORTH BROOK ESTATES shall be used exclusively for single-family residential purposes.

(2) No Nuisances. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause discomfort, annoyance or nuisance to the neighborhood. There shall not be maintained any conduct of any sort whose normal activities or existence is in any way noxious, dangerous, unsightly, unpleasant or of a nature as may diminish the enjoyment of other property in the neighborhood by the owners thereof. Outside privies are expressly forbidden. Household pets shall be restrained or confined on the property of the owners. No abandoned or junked vehicles shall be permitted at anytime on any lot.

(3) Restriction on Signs. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

(4) Refuse Disposal and Concealment of Fuel Storage Tanks and Trash Receptacles. Fuel storage tanks on any lot shall not be visible from any street, or adjoining lots in the subdivision. No accumulation of refuse or garbage except in such concealed receptacles, shall be permitted.

(5) Sewage Disposal Systems. No individual sewage disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the North Carolina Board of Health. Approval of such system as installed shall be obtained from the proper authority.

#### RESERVATIONS OF EASEMENTS

(1) Utility Easements and Drainways. The Declarants reserve unto themselves, their successors and assigns, a perpetual, inalienable, and releasable easement over, upon, across and under the rear ten (10) feet and the side ten (10) feet of each lot for the erection, maintenance, installation and use of electrical and telephone wires, conduits, sewers, water mains and other suitable equipment for the conveyance and use of electricity, community television, telephone equipment, gas, sewer, water or other public convenience or utilities.

#### REMEDIES FOR VIOLATIONS AND AMENDMENT

(1) Enforcement. All provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges herein shall be binding on all the lots subject to these restrictions, and the owners thereof, regardless of the source of title of such owners, and if there be any breach of these restrictions, then the Declarants or any other lot owner may apply to any court of law or equity having jurisdiction thereof for any injunction or other proper relief, and if such relief be granted, the court may at its discretion, award to the plaintiff of such action reasonable expense in prosecuting such suit, including attorney's fees.

(2) Amendment. Any of the provisions of this Declaration may be annulled, amended, or modified as to all or part of the lots subject to these restrictions at any time by filing in the Office of the Register of Deeds for Lincoln County an instrument setting forth such annulment, amendment or modification, executed by the owner or owners of record (as shown upon the records in the Office of the Register of Deeds for Lincoln County at the time of filing of such instrument) of eighty percent (80%) of the lots (computed by number) shown upon the above referenced plat of NORTH BROOK ESTATES.

IN TESTIMONY WHEREOF, Selba William Freeman and William Bradley Freeman have caused these Restrictions to be executed by their seals hereto affixed, this the 25<sup>th</sup> day of September, 1992.

Selba William Freeman  
Declarant

William Bradley Freeman  
Declarant

STATE OF NORTH CAROLINA

COUNTY OF Gaston

I, a Notary Public of the County and State aforesaid, certify that Selba William Freeman and William Bradley Freeman personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this the 25<sup>th</sup> day of September, 1992.

Beverly S. Clawson  
Notary Public



My Commission Expires:  
11-02-92

North Carolina, Lincoln County

The foregoing certificate of Beverly S. Clawson, Notary Public of Gaston County, NC, is certified to be correct. Presented for registration and recorded this the 1st day of October, 1992, at 12:25 P.M. in Bk 807, pg 594.

Elaine N. Harmon  
Register of Deeds