

NORTH CAROLINA

DARE COUNTY

ESTABLISHED TULLEIT
SECTION "C", CAROLINA DUNES
RECORDS
AMENDED DECLARATION OF
RESTRICTIVE COVENANTS

THIS AMENDED DECLARATION, made this the 21st day of August, 1978, by William A. Small and wife, Margaret R. Small and Gaston E. Small, Jr. and wife, Beverly M. Small, declarants, of Elizabeth City, North Carolina,

W I T N E S S E T H : -

That whereas, declarants are the fee simple owners of that certain tract of land located near the village of Duck, Atlantic Township, Dare County, North Carolina, and shown on that certain map or plat entitled "Revised Section 'C', Carolina Dunes" by S. Elmo Williams, Registered Surveyor, dated November 11, 1976 and recorded in Plat Cabinet A, Slide 3, in the office of the Register of Deeds of Dare County, North Carolina; and

That whereas, declarants previously adopted restrictive covenants, same being of record in Book 251, page 501 in the office of the Register of Deeds of Dare County, on the property shown on the aforesaid plat, and whereas it is the desire of Declarants to change or amend those restrictive covenants and to subject all of said land to certain protective covenants and use restrictions, as amended, for the benefit of all of the owners of property within said area;

NOW, THEREFORE, Declarants hereby covenant, declare and make known that the land shown on the map hereinbefore designated is hereby subjected to the following restrictions as to the use thereof, which said restrictions shall run with the said land and shall be binding upon the successors in interest of the Declarants:

ONE: Residential Use. All lots shall be used for residential purposes only, with no structures being erected or maintained on any lot other than a private single family residence and a private garage for the sole use of the lot owner or occupant; however, when one owner acquires two or more adjoining lots, then in that event, the adjoining one or more lots may be

used as one building site, in which event the side line restrictions hereinafter referred to shall apply to the outside perimeter property line of the combined lots acquired by one property owner. No lots may be re-subdivided for the purpose of creating additional lots.

TWO: Type, Size and Construction.

(a) No dwellings shall be constructed (on any one building site) containing less than 1000 square feet of living floor space, excluding all wall space, garages, breezeways, porches and unfinished attics, even though the breezeways and porches are enclosed.

(b) The construction of a dwelling or garage shall not be commenced until the construction plans have been submitted in writing and approved by the declarants herein or their successors or assigns. Any addition to any dwelling or garage, including fencing, will require like additional approval from said declarants.

(c) All dwellings must have private inside bathroom facilities, private water wells, and septic tanks which conform to the minimum requirements of the Public Health laws and ordinances of the Dare County Board of Health.

(d) All structures and any alterations to the original structures shall be completed on the exterior within six (6) months from start of construction.

(e) No structure of a temporary nature, house-trailer, mobile home, trailer, modular home, basement, tent, shack, garage, barn or other outbuildings shall be occupied or stored on any residential lot either permanently or temporarily.

(f) No structure shall be moved on any lot unless it shall conform with and be in compliance with the existing conditions set forth herein, including approval of the declarants.

THREE: Set-Back Restrictions. No building shall be erected or maintained on any lot closer than thirty (30) feet from the front lot line, nor closer than eight (8) feet from the side lines. Buildings shall be erected or maintained on a lot so that 20% of the lot area shall be open and free of construction behind the house. No building shall be erected or maintained on the oceanfront except within the minimum building lines specified in the aforementioned plat, and in no event shall be located in violation of any dune ordinances or laws. For the purpose of this covenant, eaves, steps and open porches shall be considered as a part of a building.

FOUR: Nuisances. No nuisance or offensive, noisy, or illegal activity shall be done, suffered, or permitted upon any lot; no part of any lot shall be used or

occupied injuriously to affect the use or value of the adjoining premises for residential purposes or the neighborhood wherein the premises are situated. No outdoor toilets or privies shall be permitted. Outside garbage and trash accumulation shall be emptied regularly and all service utilities, fuel tanks, wood piles, and trash and garbage accumulation, are to be enclosed within a wall or fence so as to preclude any unsightly view. No signs or advertising posters shall be permitted on any lot, except signs identifying the owner or occupant of the property or signs used by a builder to advertise the property during construction. No animals, livestock or poultry of any kind, other than household pets, shall be kept or maintained on any lot. No junk, wreck, or inoperative automobile, truck, bus or boat shall be permitted to remain on the property, nor shall other unsightly materials be stored thereon. Owners of unoccupied lots shall at all times keep and maintain their property in this subdivision in an orderly manner and prevent the accumulation of rubbish and debris on the premises.

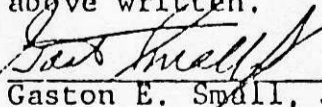
All buildings, structures and other appurtenances shall be maintained in suitable state of repair; and in the event of destruction by fire or other casualty the premises are to be cleaned and cleared of debris within 90 days from the date of such casualty.

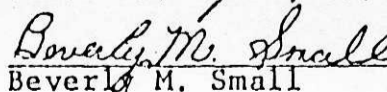
FIVE: Easements. An easement of 35 feet is hereby reserved from the center line of the dedicated streets as shown on the aforesaid plat for the erection of telephone lines and poles, underground electric lines and other utilities for the subdivision.

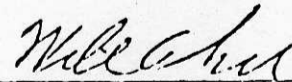
SIX: Roads. Each lot owner shall be responsible for the maintenance and repair of the roads adjoining his lot to the extent of one-half thereof until such time as the North Carolina Highway Commission, or other state agency with jurisdiction over public roads, has accepted the roads for public maintenance.

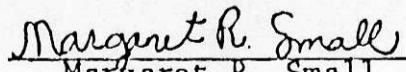
SEVEN: Violation. If the owners or occupants of any lot, their successors and assigns, shall violate any of the covenants and restrictions herein, it shall be the right of any lot owner to institute proceedings at law or in equity against the person or persons violating, or attempting to violate, any such covenants or restrictions for the purpose of preventing him or them from so doing, or to recover damages for such violation, or both. Invalidation of these covenants by judgment or court order shall in no way effect any of the other provisions,

IN WITNESS WHEREOF, Declarants have executed this Amended Declaration of Restrictive Covenants, this the day and year first above written.

 (SEAL)
Gaston E. Small, Jr.

 (SEAL)
Beverly M. Small

 (SEAL)
William A. Small

 (SEAL)
Margaret R. Small

LAW OFFICES
WHITE, HALL, MULLEN,
BRUMSEY & SMALL
501 E. Main Street
ELIZABETH CITY, N. C.

NORTH CAROLINA

PASQUOTANK COUNTY

I, the undersigned notary public, do hereby certify that William A. Small and wife, Margaret R. Small, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this 21st day

of August, 1978.

Virginia E. Bundy
Notary Public

My Commission Expires:

May 28, 1980

NORTH CAROLINA

PASQUOTANK COUNTY

I, the undersigned notary public, do hereby certify that Gaston E. Small, Jr. and wife, Beverly M. Small, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this 21st day

of August, 1978.

Virginia E. Bundy
Notary Public

My Commission Expires:

May 28, 1980

NORTH CAROLINA

DARE COUNTY

The foregoing certificates of Virginia E. Bundy, a notary public of Pasquotank Co., NC and , a notary public of , are certified to be correct.

Presented for registration this 29 day of August, 1978, at 4:41 o'clock P.m., and recorded in this office in Book 266, page 860.

Estelle B. Tillitt
Register of Deeds

By: Acorn L. Wiece
Assistant Register of Deeds

9-6-78