

Mail to: P.O. Box 4609, Asheville, N.C. 27263

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**RESTRICTIVE COVENANTS
BROKAW ESTATES SUBDIVISION
Plat Book 19, Page 32**

KNOW ALL MEN BY THESE PRESENTS that the undersigned are owners of lots or tracts in Plat Book 19, Page 32 of the Randolph County Registry known as "BROKAW ESTATES" and have joined together to provide a continuation of a uniform scheme of development for said real property for the preservation of the neighborhood and orderly development of said area for the mutual benefit of all land owners therein in the future; and pursuant to the scheme of development, the parties do hereby set forth the following restrictive covenants applicable to said lands in accordance with the prior restrictions placed on a deed recorded in Book 1102 and Page 922 and continuing with a slight modification to those restrictions recorded in Book 1104 page 206 of the Randolph County Registry as follows:

- (1) The subject property shall be used for single family residential purposes only during the term of these restrictions.
- (2) No mobile homes are to be set up for living purposes upon the subject property, nor may mobile homes be parked on the subject property at any time, save and except recreational campers owned by the owner of tract of real property may be parked or stored upon the property of the owner so long as they are parked or stored in the rear of the permanent residence or in an appropriate garage or other building.
- (3) All single family residences constructed on the property shall contain a minimum of 1400 square feet of heated floor space, excluding garages, carports, porches, stoops and decks.
- (4) All structures proposed to be built upon the subject property must be approved in writing as to the type, structure, design, and location of the building upon the property by majority vote of a committee of not less than 4 individuals, all of whom shall be property owners in the subdivision, which committee members in turn shall be selected or appointed in writing by a majority of the land owners within the subdivision (counting a tenancy by the entirety as being two persons) to serve until their successors are duly appointed in writing in the same manner. The purpose of this restriction is to attempt to preserve a cohesive and architecturally pleasing or compatible neighborhood.
- (5) Domesticated pets such as dogs, cats and horses are

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permitted upon the property, but chickens, goats and pigs are not permitted, nor shall a property owner maintain other animals upon this property which cause unsanitary conditions and a nuisance to neighbors.

- (6) All residences constructed upon tract within the restricted area shall be set back not less than 80 feet from the front property line of the tract and not less than 30 feet from any side property line.
- (7) Auxiliary buildings which are not attached to the house shall be located to the rear of the main residence unless another location shall be approved for such structure in accordance with the preceeding paragraph four. Any structure intended to house animals shall be set back a minimum of 300 feet from the nearest boundary of the private, nonexclusive roadway easement hereinabove granted, and a minimum of 50 feet from any side property line, and a minimum of 150 feet from any existing residence on adjoining property at the time of the construction of such structure for animals.
- (8) No junk automobiles or other vehicles and equipment shall be permitted to remain upon the property that may cause an unsightly appearance, or a nuisance to any other residence, for more than thirty days.
- (9) No large trucks, tractor trailers or earth moving equipment shall be parked within the private nonexclusive roadway easement at any time except when the same is being used in connection with the construction, improvement or landscaping of the subject property.
- (10) No more than two residential structures may be erected upon an original platted tract, and no tract shall be divided, during the duration of these restrictive covenantss, in such manner as to cause a tract to be located upon a lot or tract less than 1 1/2 acres in size, except the 7.577 acre tract on the final map of "Brokaw Estates" which shall not be divided into more than 3 tracts.
- (11) These restrictive covenants shall exist and continue and run with the land for a term of 25 years from the date hereof, and may be renewed by a written agreement and consent of not less than 80% of the total number of owners of lands within "Brokaw Estates" Plat Book 19, Page 32 of the Randolph County Registry, for successive periods of 10 years each, provided such written consent and agreement shall be notarized and recorded in the office of the Register of Deeds for Randolph County on or before the expiration of the original restrictive

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covenants term herein provided.

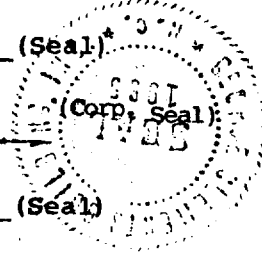
So long as the road shown upon the recorded plat of this subdivision shall remain private, each property owner within the subdivision shall be obligated to aid in the maintenance of said road in accordance with their percentage of ownership of road frontage upon said private road within the subdivision.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals on the 25 day of July, 1988.

Lynn B. Welborn (Seal)
LYNN B. WELBORN
George Clements Bldg Inc.
by George Clements Pres (Seal)
GEORGE CLEMENTS BUILDING, INC.

Marlene C. Welborn (Seal)
MARLENE C. WELBORN

ATTFST: Don H. Miller
assist. Sec.



William Lyle (Seal)
WILLIAM LYLE

Sue Carol L. Lyle (Seal)
SUE CAROL L. LYLE

Miskey F. Sikes (Seal)
MISKEY F. SIKES

Linda J. Sikes (Seal)
LINDA J. SIKES

Randy Craig Crouse (Seal)
RANDY CRAIG CROUSE

Cathy S. Crouse (Seal)
CATHY S. CROUSE

David Lee Durham (Seal)
DAVID LEE DURHAM

Colleen W. Durham (Seal)
COLLEEN W. DURHAM

Marshall E. Cribbs (Seal)
MARSHALL E. CRIBBS

Alice Jeanette Cribbs (Seal)
ALICE JEANETTE CRIBBS

____ (Seal)
DENNIS W. MORGAN

____ (Seal)
J. BEVERLY MORGAN

Gene D. Shuping (Seal)
GENE D. SHUPING

Reyna C. Shuping (Seal)
REYNA C. SHUPING

Michael A. Hart (Seal)
MICHAEL A. HART

Helen P. Hart (Seal)
HELEN P. HART

Eric Bader (Seal)
ERIC BADER

Grete Bader (Seal)
GRETEL BADER

____ (Seal)
EVELYN M. BOWERS

____ (Seal)

____ (Seal)

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NORTH CAROLINA

COUNTY OF Randolph

I, DONNA C. PHILLIPS, a Notary Public of said County and State do hereby certify that Lynn B. Welborn, Marlene C. Welborn, William Lyle, Sue Carol L. Lyle, Mickey F. Sikes, Linda J. Sikes, Randy Craig Crouse, Cathy S. Crouse, Gene D. Shuping, Reyna G. Shuping, Michael A. Hart, Helen P. Hart, Eric Bader, Gretel Bader, Colleen W. Durham, David Lee Durham

personally appeared before me this day and acknowledged the due execution of the foregoing Restrictive Covenants.

Witness my hand and notarial seal this 4th day of August, 1988.

Donna C. Phillips
Notary Public

My Commission expires:

10-20-92

DONNA C. PHILLIPS
NOTARY PUBLIC
RANDOLPH COUNTY, NC
My Commission Expires 10-20-92.

SEAL-STAMP

NORTH CAROLINA, Randolph County.

Don G. Miller

I, a Notary Public of the County and State aforesaid, certify that

DONNA C. PHILLIPS
NOTARY PUBLIC
RANDOLPH COUNTY, NC
My Commission Expires 10-20-92.

Use Black Ink

personally came before me this day and acknowledged that George Clements Building, Inc. he is Assist. Secretary of

a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its him as its Assistant Secretary.

Witness my hand and official stamp or seal, this 4th day of August, 1988

My commission expires: 10-20-92 Donna C. Phillips Notary Public

NORTH CAROLINA -- Randolph County

The foregoing certificate(s) of

Donna C. Phillips

, Notary Public of

Randolph Co., NC

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1224

Page 1191, This 5 day of August, 1988 at 1:00 o'clock P M.

Ann Shaw, Register of Deeds

By Ann Shaw Register of Deeds