

Prepared by and mail to:  
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NORTH CAROLINA )

RANDOLPH COUNTY )

RESTRICTIVE COVENANTS

THIS DECLARATION made this the 4th day of October, 1994, by

J. F. ROUTH and wife, EMMA P. ROUTH; and  
T. H. FOGLEMAN and wife, BONNIE J. FOGLEMAN;

all of Randolph County, North Carolina, hereinafter referred to as "Declarants;"

WITNESSETH:

DECLARANTS are the owners and developers of a certain tract of land consisting of 51.005 acres more particularly described in deeds recorded in Book 1363, pages 1410 and 1412, Randolph County Registry; which tract of land has been subdivided into certain tracts of land totalling 29.203 acres known as Franklin Hills Subdivision as shown by plat thereof recorded in Plat Book 39, page 97, Randolph County Registry, and the balance consisting of 21.802 acres; and whereas DECLARANTS will convey the aforesaid tracts to persons who may thereafter at some time erect residences thereon; and whereas, it is in the best interest of the Declarants and future owners to establish a uniform plan pertaining to the development, enjoyment and use of said lands, and to put all persons on notice of the same.

NOW, THEREFORE, DECLARANTS declare that all the lots shall be subject to the easements, restrictions, covenants and conditions set forth below which shall remain and run with the land and all parts thereof by whomever owned, and all conveyances of any of the lots shall be subject to the same.

1. Residential and Agricultural Use: The lots shall be used for residential and agricultural purposes only, subject to the limitations set forth below.

2. Building Type: No mobile homes or manufactured housing shall be allowed on any lot. Mobile homes and manufactured housing are defined as residential structures built on a steel undercarriage with necessary wheel assembly to be transported to a permanent or semi-permanent site.

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LIBERTY, N.C. 27298

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3. Dwelling Size: Any residence erected on the lands described shall contain a minimum of 1000 square feet of heated living area, exclusive of garage, breezeway, porch or carport area.

4. Set Backs: All lots within the aforesaid Franklin Hills Subdivision shall be subject to the building set-back lines as shown on the aforesaid plat recorded at Plat Book 39, page 97, Randolph County Registry.

5. Maintenance. Each lot shall be maintained and preserved in a clean, orderly and attractive manner within the spirit of the subdivision. Each owner shall be responsible for maintenance of the portion of the street right of way between his lot and the street. Trash, garbage, or other waste shall be kept in sanitary containers.

6. Animals: No poultry (with the exception of ostriches, emus, and any birds in the ratite family) or swine shall be kept or maintained upon the premises, and no poultry or swine houses or facilities shall be constructed on or allowed to remain on the property. Ostriches, emus, any birds within the ratite family, horses and cattle shall be permitted.

7. Vehicles: No junk automobiles, cars stored for repairs or restoration, nor any other type of salvage shall be placed on a lot so as to be visible to others.

8. Nuisances. No lot shall be used in such a manner as to cause such lot to appear unclean or unkempt. No substance shall be kept upon any lot which will permit foul or obnoxious odors; no lot shall be used in any manner that will or might disturb the peace, quiet, comfort or serenity of surrounding lots.

9. Enforcement of Restrictions. In the event legal action shall be instituted by the Declarants to enforce any of the provisions of these restrictions, then, in the event of successful conclusion of the legal action in favor of the Declarants, the respondents shall be obligated to pay all legal expenses incurred by the Declarants in the enforcement of these covenants.

This declaration shall run with the land and shall be binding on all parties claiming under the DECLARANTS for a period of twenty-five (25) years from date of recordation, after which time the same shall be automatically extended for consecutive periods of ten (10) years each unless an instrument signed by a majority of the owners of the lots shall be recorded agreeing to change or terminate this declaration in whole or in part. This declaration may be enforced at law or in equity by the DECLARANTS, their heirs or successors, or by the owner of any lot. Invalidation of any one of these covenants or any part hereof shall in no wise affect the remainder.

DECLARANTS reserve the right to waive, in whole or in part, minor violation of the foregoing covenants. DECLARANTS may appoint a successor by an instrument filed in the Randolph County Registry.

IN WITNESS WHEREOF, the DECLARANTS have set their hands and seals the day and year first above written.

J. F. Routh (SEAL)  
J. F. ROUTH

Emma P. Routh (SEAL)  
EMMA P. ROUTH

T. H. Fogleman (SEAL)  
T. H. FOGLEMAN

Bonnie J. Fogleman (SEAL)  
BONNIE J. FOGLEMAN

NORTH CAROLINA

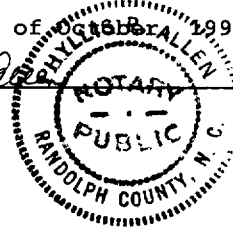
RANDOLPH COUNTY

I, a Notary Public for the county and state aforesaid, certify that J. F. ROUTH and wife, EMMA P. ROUTH, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 5<sup>th</sup> day of October, 1994.

My commission expires: 2/27/95

Notary Public



NORTH CAROLINA

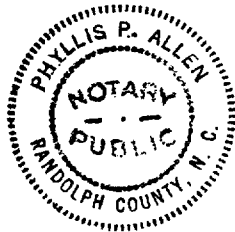
RANDOLPH COUNTY

I, a Notary Public for the county and state aforesaid, certify that T. H. FOGLEMAN and wife, BONNIE J. FOGLEMAN, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 5<sup>th</sup> day of October, 1994.

My commission expires: 2/27/95

Notary Public



NORTH CAROLINA — Randolph County

The foregoing certificate(s) of

Phyllis P. Allen, N.P.

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1406, Page 527, This 5<sup>th</sup> day of October, 1994 at 3:54 o'clock P.M.

Ann Shaw, Register of Deeds

By Paul Hale, Deputy Register of Deeds