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FOR REGISTRATION REGISTER OF DEEDS
REBECCA P. SMITH
NEW HANOVER COUNTY, NC
2007 JAN 19 04:33:42 PM
BK:5131 PG:1883-1887 FEE:\$23.00

INSTRUMENT # 2007003018

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
DIVISION OF BARBARA GURGANUS LOT 1
AND
DIVISION OF C.N. DUNN PORTION OF TRACT 6**

**Prepared By And
Return To
J. C. Hearne, II**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
Barbara Gurganus Division and C.N. Dunn Place Division (the "Declaration") made as of the
18th day of January, 2007, by Claud O'Shields and wife, Judy A. O'Shields company
(hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of that certain real property comprising that residential
subdivision known as, Lot 1 of the Barbara Gurganus Division and the Division of a portion of Tract
6, C.N. Dunn Place, and as more particularly described on Exhibit "A" attached hereto and
incorporated herein by reference (the "Property"); and

WHEREAS, Declarant desires to insure the attractiveness of the Property and to preserve the
values and amenities thereof; to establish a general plan of development as herein set out; to restrict
the use and occupancy of the Property;

NOW, THEREFORE, Declarant hereby declares that the Lots (as defined below) and other
property comprising the Property shall be held, transferred, sold, conveyed and occupied subject to
the covenants, conditions, restrictions and easements set forth in this Declaration which are for the
purpose of protecting the value and desirability of the Property, and which shall run with the
Property and be binding on all parties owning any right, title, or interest in the Property or any part
thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I

PROPERTY SUBJECT TO THIS DECLARATION
ADDITIONS THERETO

Section 1. Existing Property. The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration, irrespective of whether there may be additions thereto as hereinafter provided, is located in New Hanover County, North Carolina, and is more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Existing Property").

ARTICLE II

RESTRICTIONS ON USE AND OCCUPANCY

1. All lots are intended for residential use and shall be used for single family residences only. No Structure shall be erected, placed, altered or permitted to remain on any lot other than one detached single family dwelling not to exceed 2 ½ stories in height and such outbuildings as are usually accessory to a single family residence dwelling; including a private enclosed detached garage with a second story for guest and or servants' quarters which garage shall not be rented separately for remuneration. Any such appurtenant building must be constructed of the same type materials, the same quality of construction, the same or similar style and with the same exterior surface color as the original dwelling on the lot. The floor of said appurtenant structure shall be concrete. No such appurtenant structure shall be built in front on any of the lots.

2. No house trailer, mobile home, tent, shack or temporary structure of any nature shall be located on any lot or used at any time as a residence, temporarily or permanently. No outside toilets, privy, surface closets or the like shall be maintained on any lot, except that portable sanitary toilets may be located on the lots during the course of construction.

3. No illegal, noxious or offensive trade, activity or condition shall be permitted, carried on or maintained on any lot or part of any lot, no shall any use be made of any portion of said property which may be or become an annoyance or nuisance to the neighborhood or to any lot owner in the subdivision.

4. No animals, horses, livestock or poultry of any kind shall be raised, bred, kept or maintained on any lot except for dogs, cats and other household pets. Notwithstanding the foregoing, no dogs, cats, or other household pets may be kept, bred, or maintained for any commercial purposes.

5. Unsightly, inoperative, stripped or junked motor vehicles, boats, utility trailers or the like cannot be maintained or stored on the property.

6. All boats, boat trailers and recreational vehicles shall be stored behind the rear of the house on each lot and shall be otherwise screened from view.

7. No trash, ashes, garbage, rubbish or other refuse shall be dumped, stored or permitted to accumulate on any lot or other area. Each lot owner shall provide receptacles for garbage in a screened area on his lot not generally visible from any street, road or access easement in the

subdivision.

8. Any dwelling or improvement on any lot which is destroyed in whole or in part by fire or other casualty must be rebuilt to a minimum heated square footage greater than 1250 square feet or all debris shall be removed and the lot restored to a slightly condition in a reasonable period of time. Provided, however that in no event shall such debris remain on such lot longer than 60 days from the date of destruction or casualty.

9. No sign (excluding typical "for sale" and builder identification signs) billboard or other advertising structure of any kind may be erected or maintained upon any lot.

10. All dwelling connections for all utilities including but no limited to water, electricity, as, telephone and television shall be run underground from the property connecting points to the dwelling structure in such a manner as may be acceptable to the appropriate utility authority.

Claud O'Shields
Claud O'Shields

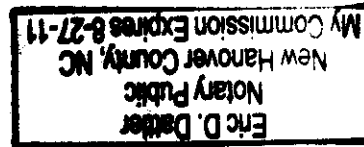
Judy A. O'Shields
Judy A. O'Shields

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Eric D Dattler, a Notary Public of the aforesaid County and State, do hereby certify that Claud O'Shields and Judy A. O'Shields personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 18 day of January, 2007.

My Commission Expires: 8-27-11



(AFFIX SEAL)

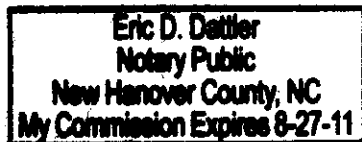


EXHIBIT "A"

BEING all of Lots 1A and 1B as shown on map entitled "Lot 1 of the Barbara Gurganus Division" recorded in Book 47 Page 76 New Hanover County Registry

BEING all of Lots 2A and 2B as shown on map entitled "Survey & Divide portion of Tract 6, C.N. Dunn Place" recorded in Book 37 Page 55 New Hanover County Registry.



REBECCA P. SMITH
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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Recorder: WARD, LIESEL

State of North Carolina, County of New Hanover

**YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.**

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