

BOOK

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Prepared by Daniel D. Mahn, Attorney at Law '97 MAR 4 PM 1 52

RECORDED AND VERIFIED
MARY SUE GOETS ✓
REGISTER OF DEEDS
NEW HANOVER CO. NC

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

AMENDMENT OF
DECLARATION OF RESTRICTIONS
OF
SECTION 2 OF BROOKFIELD SUBDIVISION

THIS AMENDMENT OF DECLARATION OF RESTRICTIONS OF SECTION 1 OF BROOKFIELD SUBDIVISION, made and entered into this 4th day of March, 1997, by and between the undersigned Lot Owners in Section 1 of Brookfield Subdivision;

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WITNESSETH:

THAT WHEREAS, A.H. Harrell and wife, Rosa Mae Harrell, were the developers of a subdivision known as SECTION 1 OF BROOKFIELD SUBDIVISION, as shown on a map recorded in Map Book 8 at Page 54 of the New Hanover County Registry; and

WHEREAS, on May 29, 1964, the said A.H. Harrell and wife, Rosa Mae Harrell, conveyed Lot 2, in Section 1 of Brookfield Subdivision by deed recorded in Book 753 at Page 43, of the New Hanover County Registry; and

WHEREAS, the aforesaid deed contained certain restrictive covenants pertaining to the use of said lot and the construction of a house on such lot; and

WHEREAS, all subsequent conveyances of lots in Section 1 of Brookfield Subdivision prior to February 13, 1967, contained the same restrictive covenants referenced above; and

WHEREAS, on February 13, 1967, the said A.H. Harrell and wife, Rosa Mae Harrell, caused to be recorded in the Office of the Register of Deeds of New Hanover County, North Carolina, a Declaration of Restrictions for SECTION 1 OF BROOKFIELD SUBDIVISION, which said Declaration of Restrictions applies to all lots sold in the said Section 1 of said subdivision, is an incorporation of those Restrictive Covenants recorded in the aforesaid deed recorded in Book 753 at Page 43 of the New Hanover County Registry, and which Declaration is recorded in Book 805 at Page 131 of the New Hanover County Registry; and

WHEREAS, Restriction 3 of said Declaration of Restrictions states, among other things, that "... No building of any kind may be erected, altered, placed upon, or permitted to remain on this lot the exterior finish of which is not constructed principally of either brick, brick veneer, or stone, however, this does not prohibit the use of wood and other standard building materials in the construction of the roof, windows and doors, gables, upper stories, etc."; and

WHEREAS, several houses have been built within Brookfield Subdivision which have exterior finishes that are constructed of wood, vinyl siding, and other building materials that are modern and attractive, and do not interfere with the harmonious development of the subdivision, but the exterior finishes of which would be a technical violation of the recorded Declaration of Restrictions; and

RETURNED TO
DANIEL D. MAHN

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WHEREAS, Restriction 13 of said Declaration of Restrictions states that "These covenants are to run with the land and shall be binding on the purchasers of this lot and all parties and all persons claiming under them for a period of ten years from the date hereof; after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument in writing, signed by the owner or owners of a majority in amount of lots in "Brookfield" Subdivision is recorded which changes said covenants in whole or in part....."; and

WHEREAS, a majority of the owners of the lots in Section 2 of Brookfield Subdivision have adopted an amendment to the Declaration of Restrictions for Section 2 allowing the incorporation of modern construction materials, including wood and vinyl, as hereinafter set out; and

WHEREAS, the undersigned Lot Owners, recognizing the nature of the modern development of the said subdivision regarding modern construction materials, exterior finishes, and house plans and designs, now desire to amend Restriction Number 3 as hereinafter set out, pursuant to Restriction Number 13 of the said Declaration of Restrictions.

NOW THEREFORE, the undersigned, being the owners of a majority in amount of lots in Section 1 of Brookfield Subdivision, do hereby amend Restriction Number 3 of that certain **DECLARATION OF RESTRICTIONS** of SECTION 1 OF BROOKFIELD SUBDIVISION as recorded in Book 805 at Page 131 of the New Hanover County Registry, as follows:

"3. Any dwelling constructed on any lot shall contain not less than one thousand one hundred fifty (1,150) square feet of floor space of living area if there is not constructed with the house either a garage, carport, or a covered porch having not less than one hundred twenty (120) square feet of floor space. If the dwelling constructed on the lot has either a garage, carport, or a covered porch having not less than one hundred twenty (120) square feet of floor space, then the dwelling itself may be constructed as long as it contains not less than one thousand fifty (1,050) square feet of floor space of living area, but in computing the 1,050 square feet of floor space of living area, the garage, carport, or covered porch shall not be included. No building of any kind may be erected, altered, placed upon, or permitted to remain on any lot the exterior finish of which is not constructed principally of either brick, brick veneer, stone, wood frame, masonite or masonite type hard-board, vinyl, or similar modern standard building materials."

It is understood and agreed that all remaining restrictions contained in that certain **DECLARATION OF RESTRICTIONS** of SECTION 1 OF BROOKFIELD SUBDIVISION recorded in Book 805 at Page 131 of the New Hanover County Registry shall remain in full force and effect, and are incorporated herein by reference as if fully set out.

IN WITNESS WHEREOF, the undersigned owners have hereunto set their hands and seals, and, if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, all the day and year first above written.

John C. Moore
Witness

Witness

Leona Pinckney (SEAL)
LEONA PINCKNEY Owner (Lot 32)

_____, Lot Owner (Lot __) (SEAL)

John C. Moore

Witness

Mary E. Brown

(SEAL)

Mary E. Brown, Lot Owner (Lot 33)

John C. Moore

Witness

Douglas Sutt

(SEAL)

Douglas Sutt, Lot Owner (Lot 34)

John C. Moore

Witness

Pat Sutt

(SEAL)

Pat Sutt, Lot Owner (Lot 34)

John C. Moore

Witness

J. D. E. Adams

(SEAL)

J. D. E. Adams, Lot Owner (Lot 28)

John C. Moore

Witness

Reba E. Kins

(SEAL)

Reba E. Kins, Lot Owner (Lot 23)

John C. Moore

Witness

Lucas Flynn

(SEAL)

Lucas Flynn, Lot Owner (Lot 24)

John C. Moore

Witness

Edmund Flynn

(SEAL)

Edmund Flynn, Lot Owner (Lot 24)

John C. Moore

Witness

Patricia H. Connelly

(SEAL)

Patricia H. Connelly, Lot Owner (Lot 25)

John C. Moore

Witness

William N. Connelly

(SEAL)

William N. Connelly, Lot Owner (Lot 25)

John C. Moore

Witness

Patrick H. Stevens

(SEAL)

Patrick H. Stevens, Lot Owner (Lot 30)

John C. Moore

Witness

Patrick H. Stevens

(SEAL)

Patrick H. Stevens, Lot Owner (Lot 31)

John C. Moore

Witness

H. E. Lancaster

(SEAL)

H. E. Lancaster, Lot Owner (Lot 27)

John C. Moore

Witness

Edw. H. Lancaster

(SEAL)

Edw. H. Lancaster, Lot Owner (Lot 27)

Charles A. Waller

Witness

Charles J. Owen

(SEAL)

Charles J. Owen, Lot Owner (Lot 21)

Charles A. Waller

Witness

Roxanne B. Overman

(SEAL)

Roxanne B. Overman, Lot Owner (Lot 21)

Charles A. Waller

Witness

Lois Murray

(SEAL)

Lois Murray, Lot Owner (Lot 20)

Charles A. Waller

Witness

Joseph B. Southernland

(SEAL)

Joseph B. Southernland, Lot Owner (Lot 19)

Charles A. Waller

Witness

Joseph B. Southernland

(SEAL)

Joseph B. Southernland, Lot Owner (Lot 19)

Charles A. Waller

Witness

Albert Bass

(SEAL)

Albert Bass, Lot Owner (Lot 10)

Charles A. Waller

Witness

Edward F. Lewis

(SEAL)

Edward F. Lewis, Lot Owner (Lot 17)

Charles A. Waller

Witness

Edna Lewis

(SEAL)

Edna Lewis, Lot Owner (Lot 17)

Charles A. Waller

Witness

Catherine Bass

(SEAL)

Catherine Bass, Lot Owner (Lot 10)

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Chala A. Wilson d.c. Marshall (SEAL)
Witness DENNIS ALLEN MARSHALL Lot Owner (Lot 45)

Chala A. Wilson J. H. Marshall (SEAL)
Witness LILDA G. MARSHALL Lot Owner (Lot 45)

Chala A. Wilson J. H. Marshall (SEAL)
Witness LLOYD E. ANDERSON Lot Owner (Lot 14)

Chala A. Wilson Dora A. Anderson (SEAL)
Witness Deborah A. Anderson Lot Owner (Lot 14)

Chala A. Wilson Aubrey C. Jones (SEAL)
Witness Aubrey C. Jones Lot Owner (Lot 9)

Chala A. Wilson Barbara B. Jones (SEAL)
Witness Barbara B. Jones Lot Owner (Lot 40)

Chala A. Wilson Sandra Harrell (SEAL)
Witness SANDRA HARRELL Lot Owner (Lot 5)

Chala A. Wilson Jerry Harrell (SEAL)
Witness JERRY HARRELL Lot Owner (Lot 5)

Chala A. Wilson Robert S. McDaniel (SEAL)
Witness Robert S. McDaniel Jr. Lot Owner (Lot 9)

Chala A. Wilson Annie P. Bunn (SEAL)
Witness ANNIE P. BUNN Lot Owner (Lot 8)

Chala A. Wilson Elmer R. Coates (SEAL)
Witness Elmer R. Coates Lot Owner (Lot 6)

Chala A. Wilson Etta D. Coates (SEAL)
Witness ETTA D. COATES Lot Owner (Lot 6)

John C. Moore (SEAL)
Witness J. M. Young Lot Owner (Lot 3)

John C. Moore (SEAL)
Witness George Howard Lot Owner (Lot 38)

John C. Moore Helen Barnhill (SEAL)
Witness Helen Barnhill Lot Owner (Lot 43)

John C. Moore (SEAL)
Witness Galen E. Gill Lot Owner (Lot 26)

John C. Moore Nancy K. Gill (SEAL)
Witness Nancy K. Gill Lot Owner (Lot 26)

John C. Moore James W. Westbrook (SEAL)
Witness James W. Westbrook Lot Owner (Lot 1)

John C. Moore Patricia A. Westbrook (SEAL)
Witness Patricia A. Westbrook Lot Owner (Lot 1)

John C. Moore James W. Westbrook (SEAL)
Witness James W. Westbrook Lot Owner (Lot 2)

John C. Moore Patricia A. Westbrook (SEAL)
Witness Patricia A. Westbrook Lot Owner (Lot 2)

John C. Moore (SEAL)
Witness Carolyn S. Parker, Lot Owner (Lot 4)

John C. Moore (SEAL)
Witness Wade J. Parker, Lot Owner (Lot 4)
Church of God at Brookfield (SEAL)

By: L.W. Miles (SEAL)
L.W. Miles, Trustee, Lot Owner (Lot 28)
Church of God at Brookfield (SEAL)

By: Charles A. Wallace (SEAL)
Charles A. Wallace, Trustee, Lot Owner (Lot 28)
Church of God at Brookfield (SEAL)

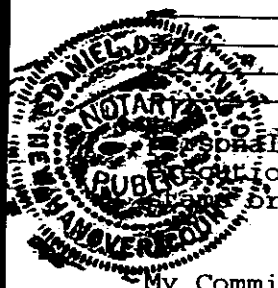
By: Charlie M. Bullock, Jr. (SEAL)
Charlie M. Bullock, Jr., Lot Owner (Lot 28)
Trustee (SEAL)

_____, Lot Owner (Lot ____)

_____, Lot Owner (Lot ____)

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Daniel D. Mahn, a Notary Public of the County and State aforesaid, certify that L.W. Miles, Trustee; Charles A. Wallace, Trustee; Charlie M. Bullock, Jr., Trustee



_____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this 4th day of March, 1997.

My Commission Expires: 10/16/2000

Daniel D. Mahn
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Walter C. Bullock, a Notary Public in and for the County and State aforesaid, do hereby certify that John C. Moore & Charles A. Wallace personally appeared before me this day and, being duly sworn, acknowledged that he personally saw Leona Pinckney, Mary E. Brown, Donald Butler, Pat Butler, J.D. Eakins, Reba Eakins, Teresa Flynn, Edmund Flynn, Patricia H. Connelly, William N. Connelly, Jr., Patrick H. Stevens, H.E. Lancaster, Evangeline H. Lancaster, C.T. Overman, Lois Murray, Joseph B. Southerland, Cozette J. Southerland, Albert Bass, Norwood F. Lewis, Edna Lewis, Catherine Bass, D.A. Marshall, Linda G. Marshall, Lloyd E. Andrews, Deborah Andrews

My Commission Expires: 1-10-98 Walter C. Bullock

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Aubrey C. Jones, Barbara B. Jones, Sandra Horell, Jimmy Horell, Robert S. McDaniel, Jr., Annie P. Bunn, Elmer R. Coates, Etta D. Coates, June Young, George Howard, Jr., Helen Barnhill, Galem E. Gill, Nancy E. Gill, James W. Westbrook, Patricia A. Westbrook, Carolyn S. Parker, Wade L. Parker, Charles T. Overman, Dorothy B. Overman

the aforesaid Lot Owners, sign the hereinabove instrument, and they personally acknowledged the due execution by each of them of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 4th day of Mar

My Commission Expires:
1-10-98

Alice C. Bullock
Notary Public



STATE OF NORTH CAROLINA
New Hanover County

The Foregoing Annexed Certificate(s) of
Daniel D. Mahal
Alice C. Bullock

Notary (Notaries) Public is/ are certified
to be correct.

This the 4 day of Mar 1997

Patricia Barnes
Deputy/Assistant