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BY: SAMANTHA SPEAKER  
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2021026132

NEW HANOVER COUNTY, NC

TAMMY THEUSCH PIVER

REGISTER OF DEEDS

NC FEE \$26.00

Prepared by and Return to:

Ned M. Barnes, Attorney  
1009 N. Lake Park Blvd., STE. C-2  
Carolina Beach, NC 28428

**Declaration of Restrictions for  
Cavalier Woods East**

## STATE OF NORTH CAROLINA

DECLARATION OF RESTRICTIONS  
CAVALIER WOODS EAST

## COUNTY OF NEW HANOVER

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, KIRK PIGFORD HOMES, L.L.C., is the owner of all the interest and equity in that certain subdivision in New Hanover County, North Carolina known as CAVALIER WOODS EAST, as the same is shown on Exhibit "A" attached hereto, which property is recorded in Deed Book 6364, at Page 2773, in the Office of the Register of Deeds of New Hanover County, containing three lots, and in order to promote a uniform and harmonious development of said subdivision as a desirable residential community, KIRK PIGFORD HOME, L.L.C. does hereby place and impose on all of said lots, and all of said lots shall be conveyed subject to, the following restrictions or restrictive covenants, which shall run with the land be binding upon said lots and whomsoever owns the same, to wit:

1. Each owner of a lot shall be a member of Cavalier Woods East HOA and be bound by the Declaration and Bylaws of the Association.

2. No lot or lots shall be put to any use other than for residential purposes.

3. Each lot shall be subject to the provisions of N.C.G.S. § 47F.

4. Developer desires to construct a wastewater collection system with pumps, wastewater treatment works and/or disposal facilities (hereinafter Disposal System) to provide sanitary sewage disposal to serve the Development of Cavalier Woods East.

5. The Developer shall, in compliance with the above:

- A) Construct the Disposal System in accordance with the permit and plans and specifications hereafter issued and approved by the NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION, and shall thereafter properly operate and maintain such systems and facilities in accordance with applicable permit provisions and law, Permit No. WQ0041969.
- B) Not transfer ownership and/or control of the Disposal System to the Association until construction has been completed in accordance with the permit and approved plans, and the staff of the Division of Water Resources has inspected and approved the facilities. In order to change the name of the permit holder, the DEVELOPER must request that the permit be reissued to the Association. The request must include a copy of the Association Bylaws and Declaration.
- C) Not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its Disposal System until a permit has been reissued to the DEVELOPER's successor.
- D) The Disposal System and elements shall be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair, and maintenance of the system and facilities. The wastewater treatment, collection and disposal system shall be common elements which will receive the

highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.

- E) The Disposal System will be maintained out of the common expenses. In order to assure that there shall be funds readily available to repair, maintain or construct the Disposal System, beyond the routine operation and maintenance expenses, the Association shall provide that a fund be created out of the common expenses. Such fund shall be separate from the routine maintenance funds allocated for the facility and shall be part of a yearly budget.
- F) In the event the common expense allocation and separate fund are not adequate for the construction, repair, and maintenance of the Disposal System, the Association shall provide for special assessments to cover such necessary costs. Such special assessments can be made as necessary at any time, without limit.
- G) If a wastewater collection system and wastewater treatment and/or disposal facility provided by any city, town, village, county, water and sewer authorities, or other unit of government shall hereinafter become available to serve the Development, the DEVELOPER and/or Associates shall take such action as is necessary to cause the existing and future wastewater of the Development to be accepted and discharged into said governmental system, and shall convey or transfer as much of the Disposal System and such necessary easements as the governmental unit may require as condition of accepting the Development's wastewater.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or 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, the day and year first above written.

KIRK PIGFORD HOMES, L.L.C.

By: [Signature] (SEAL)  
KIRK PIGFORD, Manager

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Mitchell C. Barnes, a Notary Public in and for said County and State do hereby certify that Kirk Pigford, Manager, personally appeared before me this day and acknowledged that he is a Manager of KIRK PIGFORD HOMES, L.L.C. and further acknowledged the due execution of the foregoing instrument on behalf of KIRK PIGFORD HOMES, L.L.C.

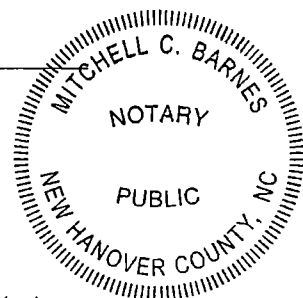
WITNESS my hand and notarial stamp or seal this the 14<sup>th</sup> day of May, 2021.

[Signature]

SEAL/STAMP:

Notary Public

My Commission expires: 12-10-2024



The foregoing Certificate(s) of is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
BY: \_\_\_\_\_ Deputy/Assistant  
Register of Deeds

## EXHIBIT "A"

Tract #1:

BEGINNING at an iron pipe, the southwestern corner of Lot 9 and the northwestern corner of Lot 10, Block 1, of Cavalier Woods, according to a map prepared by M. H. Lander, C.E., in April and May 1960, and recorded in Map Book 7, at Page 24, of the New Hanover County Registry; running thence from said beginning point and parallel with the back line of Lots 5 and 6 of said Block 1, Cavalier Woods, North 57 degrees 00 minutes West 200.0 feet to a point; running thence North 44 degrees 09 minutes East 96.87 feet to a point; the dividing line between lots 4 and 5, Block 1 of said Cavalier Woods; running thence along the back line of Lots 5 and 6, Block 1, of said Cavalier Woods, South 57 degrees 00 minutes East 195.47 feet to an iron pipe, the northwestern corner of aforementioned Lot 9; running thence along the back line of said Lot 9, South 41 degrees 30 minutes West 96.1 feet to the point of beginning, the same being a portion of Tract "A", Block 1 of said Cavalier Woods.

[PARCEL ID: PRT OF R05608-001-005-000]

**EXHIBIT "A"**

**Tract #2:**

**Re: Description of a part of Tract A Block 1 Cavalier Woods**

**A certain tract or parcel of land lying and being in the City of Wilmington, Harnett Township, New Hanover County, North Carolina, and being a part of Tract "A" Block 1 of Cavalier Woods as recorded on map book 7 page 24 in the New Hanover County Registry, and being more particularly described as follows:**

**Beginning on an existing iron pipe, said pipe being the northeast corner of lot 16 of Cavalier Woods as shown on map book 7 page 24 and being the common corner between lots 16 and lot 17 of Cavalier Woods:**

**Proceed thence from said beginning point and with the common line of the Wanetta H. Cambell tract 4 as described in deed book 1770 page 1117, N 61-16-20 E 51.95 ft. to an iron and being in the common line of the Wanetta H. Cambell tract (known as Part of Tract "A") described in deed book 1770 page 1117 thence S 57-00-00 E 79.11 ft. to an existing iron pipe and being a common corner of the Gordon H. Rutherford tract described in deed book 3956 page 857 part of Tract "A", thence with said line S 47-01-56 W 114.08 ft. to an iron and being the southeast corner of lot 16 of Cavalier Woods, thence with the rear line of lot 16 N 16-31-00 W 100.00 ft. to the point of beginning and containing 0.16 acres according to a survey by Hanover Design Services, P.A. in August of 2007.**

**All bearings are relative to map book 7 page 24.**

**John H. Jemigan, PLS L-3829**

**11907.doc**

TAMMY THEUSCH  
PIVER  
Register of Deeds

# New Hanover County

## Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401  
Telephone 910-798-4530 • Fax 910-798-7716



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State of North Carolina, County of NEW HANOVER  
Filed For Registration: 05/25/2021 01:09:56 PM  
Book: RB 6452 Page: 1295-1301  
7 PGS \$26.00  
Real Property \$26.00  
Recorder: SAMANTHA SPEAKER  
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**DO NOT REMOVE!**

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.