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P.V.

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T CHRISTIAN
NEW HANOVER COUNTY, NC
2001 MAR 07 10 31 58 AM
BK 2893 PG 387-391 FEE \$14 00
INSTRUMENT # 2001008251

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

**DECLARATION OF RESTRICTIVE COVENANTS
ERVIN'S PLACE**

KNOW ALL MEN BY THESE PRESENTS

That Developers, John E Grady & Barbara E Grady, (Herein referred to as the "Declarants"), in order to provide for the preservation of property values and the desirability and attractiveness of property in **Ervin's Place**, does hereby agree with all parties hereafter acquiring any residential lots shown on the map of **Ervin's Place Subdivision**, recorded in Map Book #39 at Page #20 of the Office of the Register of Deeds of New Hanover County, that all of the lots in the said subdivision shall be, and the same are hereby, subjected to the following restrictions, covenants, conditions, easements, assessments and liens relating to the use and occupancy thereof, which shall be constructed as covenants running with the land and which shall be binding upon all parties acquiring any right, title of interest in any of the property in said subdivision, and which shall inure to the benefit of each owner thereof

1 (a) All lots shall be used for residential purposes only No commercial use shall be made of the property No more than one residence can be maintained on a lot No lot may be subdivided

(b) All home plans must be approved by the Developer The Developer reserves the right to reject any plans that would not comply with the Developer's vision of Ervin's Place and would not enhance the subdivision

(c) All lots are required to have a minimum permanent driveway of ten (10) feet in width, made of concrete

2 No structure shall be erected, altered, placed or permitted to remain on any lot other than a detached single dwelling not to exceed two and one-half stories in height, and one or more small accessory buildings (which may include a detached private garage, but not garage apartments), provided, further, such buildings are not used for any activity normally conducted as a business Such accessory buildings may not be constructed prior to the construction of the main building

3 No fuel tanks or similar storage receptacles may be exposed to view Any such receptacles may be installed only within the main dwelling house, within an accessory building, within a screened area or buried underground

RETURNED TO
Barbara Grady
675-0229

4. (a) No trailer, mobile home, manufactured home, basement, tent shack garage or garage apartment, barn or other outbuilding erected on any lot shall at any time be used as a residence, temporarily, or permanently, nor shall any residence of a temporary character be permitted, nor shall any structure or trailer be placed on said lot

5 (a) No dwelling shall be constructed on any lot in the subdivision containing less than 900 square feet when measured by exterior brick work, which square footage shall be exclusive of porches, steps, walks, garages, carports, storage areas, etc

(b) All homes must be situated parallel to the streets in this subdivision

(c) No part of any building erected on any lot herein conveyed shall be nearer than thirty (30) feet to the front property line of said lot not nearer than ten percent (10%) of the front width of said lot to any said boundary line. Provided, however, if the owner of two or more lots shall elect to use them for one residence, the boundary line or lines between the lots so used shall not be regarded as side boundary lines of the lots. In the event of the unintentional violation of any of the building line restrictions herein set forth, the undersigned reserves the right by and with the mutual written consent of the owner or owners for the time being of the lots adjacent to said lot upon which violation has occurred thereby to change such restrictions accordingly, provided, however, that such change shall not exceed ten percent (10%) of the marginal requirements of such building line restrictions

(d) All homes must have a brick foundation

(e) All homes must have a minimum of thirty-six (36) inches of crawl space

6 It is agreed that in order to obtain electricity service, telephone service and cable television service to the parcel of land conveyed by the conveyance, and other property adjacent to it, an easement along the front property line or back property line may be required by the Carolina Power and Light Company, the Bell South Telephone and Telegraph Company and Cable Television Company, and that if one or all of the aforementioned companies shall request such easement, it will be granted by the property owners without charge. Declarants reserve the right to subject the real property in this subdivision to a contract with Carolina Power & Light Company for the installation of street lighting, which requires a continuing monthly payment to Carolina Power & Light Company by each residential customer

7 (a) No noxious or offensive trade or activity shall be carried on or maintained upon said lot or part of any lot, or shall by use be made of any portion

of said property which may be or become an annoyance or nuisance to the neighborhood

(b) No domesticated farm animals or fowls shall be kept on the property

(c) Dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes and provided further that they are not allowed to run free, are at all times kept properly leashed or under the control of their owner(s) and do not become a nuisance to the neighborhood

(d) In the event yards are not properly maintained, they shall be cleaned up at the owner's expense. Unsightly inoperative junk cars and like eyesores cannot be maintained on the property either prior to or after the residence has been erected

8 It shall be the responsibility of each lot owner to prevent the development of any unclean, unsightly or unkempt conditions or buildings or grounds on such lot which would tend to substantially decrease the beauty of the neighborhood as a whole or the specific area

9 Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which will remain in full force and effect

10 No inoperable vehicles or vehicles without current registration and insurance will be permitted on any lot at any time

11 Wood fencing or vinyl fencing will be allowed in the rear yard with the approval of the Declarants

12 All covenants and restrictions herein shall run with the land and shall be binding on all parties owning lots in said subdivision for a period of twenty (20) years from the date hereof, at which time these covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the majority of the then owners of said lots, not under legal disability, it is agreed to revoke or amend the same. These restrictions may be amended at any time by a majority vote of the lot owners

13 If the purchaser of any lots or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person owning any real property situated in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violations.

IN WITNESS WHEREOF, the Declarants has caused this instrument to be executed in the name of John E Grady & Barbara E. Grady, their Successors And/Or Assigns, this day of 3-6-01

John E Grady
JOHN E GRADY

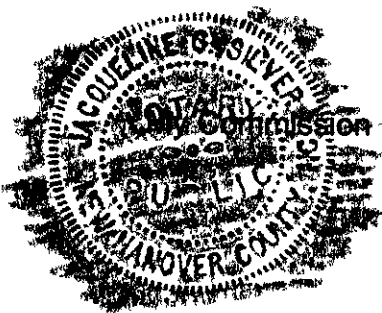
Barbara E Grady
BARBARA E GRADY

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Jacqueline G. Silver, a notary public in and for the State and County aforesaid, do hereby certify that John E Grady & Barbara E. Grady personally appeared before me this day

Witness my hand and notarial seal, this the 6 day of MARCH, 2001

Jacqueline G. Silver
Notary Public



Commission Expires 4-12-02



REBECCA T CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration. 03/07/2001 10.31.58 AM
Book. RE 2893 Page 387-391
Document No.. 2001008251
DECL 5 PGS \$14.00
Recorder. PATRICIA BARNES

State of North Carolina, County of New Hanover

The foregoing certificate of JACQUELINE G SILVER Notary is certified to be correct. This 7TH of March 2001

REBECCA T CHRISTIAN , REGISTER OF DEEDS By:

Patricia Barnes
Deputy/Assistant Register of Deeds

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