

FEB 13 4 37 PM '87

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

DECLARATION OF COVENANTS

THIS DECLARATION, made this 13th day of February, 1987, by TERRY TURNER, INC., hereinafter referred to as "Declarant";

WITNESSETH

WHEREAS, DECLARANT is the owner of certain property in New Hanover County, North Carolina, which is more particularly described as follows:

Lot 1, Block A, Section 19, of Figure Eight Island Subdivision as shown and described on a plat entitled "Figure Eight Island" and recorded in Map Book 20, at Page 13, of the New Hanover County Registry.

NOW, THEREFORE, Declarant hereby submits the above described property to the terms, restrictions and obligations imposed by the New Hanover County Health Department on the permit which is attached hereto and incorporated herein by reference as Exhibit "A". These terms, restrictions and obligations shall run with the real property and be binding on all parties having and right, title or interest in the described property, their heirs, successors and assigns, and shall be binding on each owner thereof. The covenants and restrictions of this Declaration shall run with and bind the land and shall inure to the benefit of and shall be enforceable by the New Hanover County Health Department or its successors.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed all on the day and year first above written.

TERRY TURNER, INC.

By: Tim Turner
President

ATTEST:
Cassandra L. Williams
Secretary
(CORPORATE SEAL)



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER GUILFORD

I, Becky G. Hatfield Britt

, a Notary Public in and for the aforesaid County and State do hereby certify that Cassandra L. Williams, personally appeared before me this day and acknowledged he/she is the Secretary of TERRY TURNER, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by herself as its Secretary.

WITNESS my hand and official seal, this the 13th day of February, 1987.

Becky G. Hatfield Britt
Notary Public

My Commission Expires:

July 23, 1989
(NOTARIAL SEAL)

BECKY G. HATFIELD (BRITT)
NOTARY PUBLIC
GUILFORD COUNTY, NC
COMM. EXPIRES JULY 23, 1989

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

The foregoing certificate of Becky G. Hatfield (Britt), a Notary Public, is certified to be correct. This the 13 day of Feb, 1987.

REBECCA P. TUCKER
Register of Deeds - Pender County

By: Donald Smith
Deputy/Assistant

RETURNED TO
B98/cm:u
089773

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HEALTH DIRECTOR
ROBERTS PARKER
ASSISTANT HEALTH DIRECTOR
LYNDA F. SMITH

New Hanover County Health Department

1363 0951

2029 South 17th Street
Post Office Box 3795
Wilmington, North Carolina 28406
Phone 763-2931

Environmental Health Division
(919) 763-8661

Lot Evaluation LE-86-22
Improvements Permit S-87-42

IMPROVEMENTS PERMIT
Expires Three Years From Date Of Issue

By authority of Article 11 of Chapter 130A of the General Statutes of North Carolina, an Improvements Permit is granted to

Terry Turner Incorporated

for construction/installation of an alternative on-site ground absorption sewage treatment and disposal system. The alternative ground absorption sewage treatment and disposal system is known as a recirculating sand filter septic tank system. Construction/installation of the recirculating sand filter septic tank system is granted under provisions of Title 10, Chapter 10, Subchapter 10A of the North Carolina Administrative Code, Section .1948 (c) of Laws and Rules for Sanitary Sewage Collection, Treatment and Disposal. Engineering, hydrogeologic and soil studies conducted on the property located at One Beachbay Lane, Lot 1 Block A Section 19, Figure Eight Island, New Hanover County, North Carolina have indicated that an alternative system - the recirculating sand filter septic tank system can reasonably be expected to function satisfactorily. Permission is hereby granted to construct/install a recirculating sand filter septic tank system on

1 Beachbay Lane
Lot 1, Block A, Section 19
Figure Eight Island
New Hanover County
North Carolina

to serve a four (4) bedroom residential structure to be constructed on this same property. The residence will receive potable water from the Figure Eight island Community Water System.

Improvements Permit (Cont.)
1 Beachbay Lane
Lot 1, Block A, Section 19
Figure Eight Island
Page 2

The recirculating sand filter septic tank system shall be located on the above described property as specified on the attached site plan - **Exhibit A** and constructed/installed as specified on the attached engineering plans - **Exhibit B** prepared by Donald R. Butler, N.C. P.E. #8948 of Henry Von Oesen and Associates, Wilmington, North Carolina. Acceptance of these plans is based on "approval with provisos" granted on January 26, 1987 by the North Carolina Department of Human Resources, Division of Health Services, Environmental Health Section.

Prior to putting the recirculating sand filter septic tank system into service, the property owner shall obtain an **Operations Permit** from the Environmental Health Division. Issue of the **Operations Permit** will be contingent on the following additional provisions of this **Improvements Permit**,:

- 1) the residential structure shall be located on this property as specifically indicated on **Exhibit A**;
- 2) the residential structure shall be of the dimensions specifically indicated on **Exhibit A**;
- 3) inspections of the construction/installation of the recirculating sand filter septic tank system will be conducted in accordance with the attached **Inspections Requirements - Exhibit C**;
- 4) upon completion of the construction/installation, the design engineer shall certify in writing to the Environmental Health Division that the recirculating sand filter septic tank system has been constructed/installed as specified on plans - **Exhibit B**;
- 5) the property owner shall provide a notarized copy of the executed **Service and Maintenance Agreement - Exhibit D** to the Environmental Health Division; and,
- 6) the property owner shall provide a copy of the recorded **Declaration of Covenants - Exhibit E** and a copy of the recorded **Improvements Permit** to the Environmental Health Division;

Improvements Permit (Cont.)
1 Beachbay Lane
Lot 1, Block A, Section 19
Figure Eight Island
Page 3

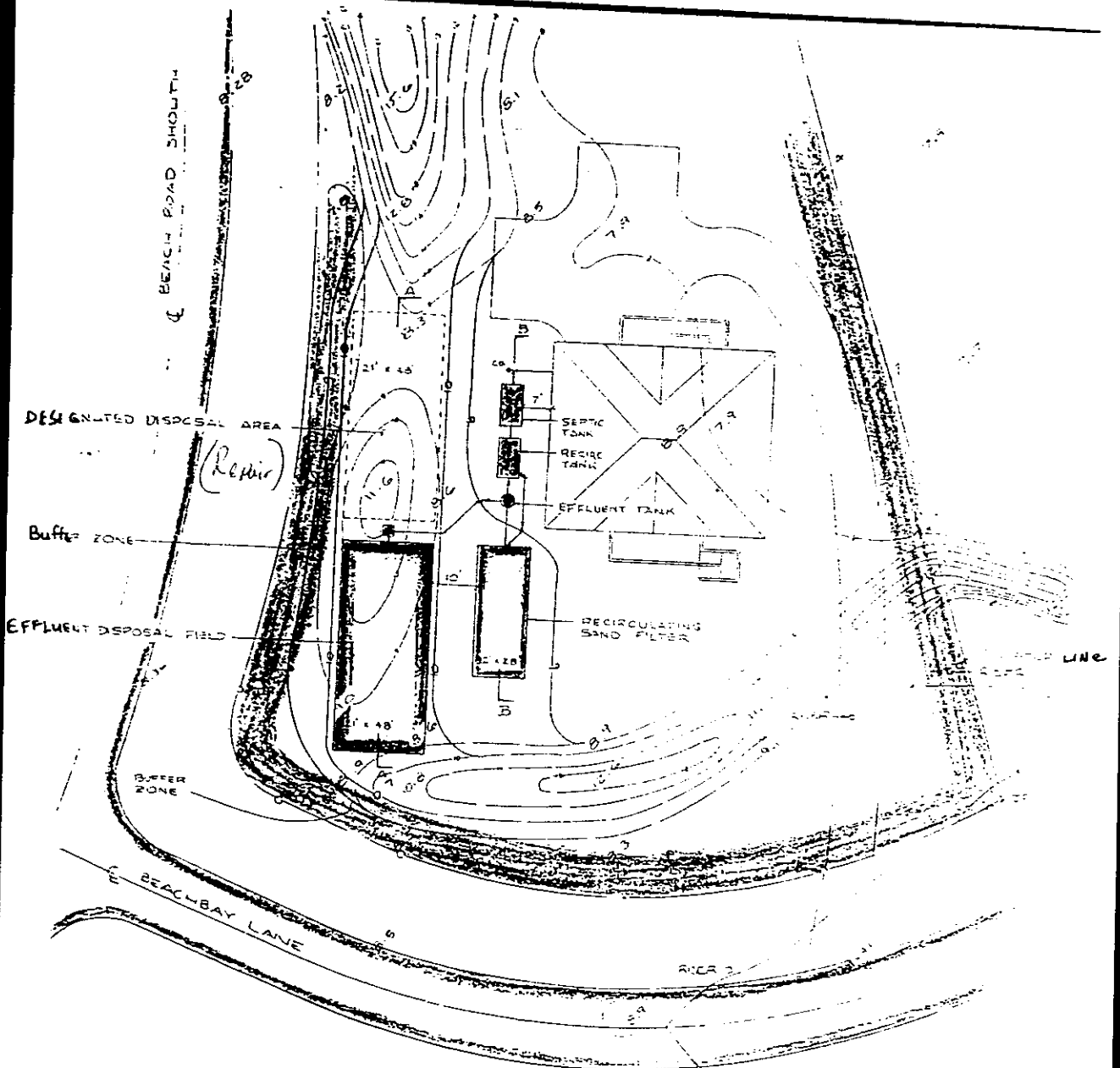
Upon completing the inspections process, finding the recirculating sand filter septic tank system to meet the aforementioned requirements and Laws and Rules for Sanitary Sewage Collection, Treatment and Disposal, and being provided copies of the above described documents, the Environmental Health Division will issue an Operations Permit.

Improvements Permit by James A. Hayes, R.S.
James A. Hayes, R.S.
Environmental Health Division

Improvements Permit issued February 2, 1987
Date

I hereby certify that no change in location/specifications will be made without prior Health Department approval. I hereby certify application has been prepared and work will be done in accordance with New Hanover County Ordinances and Regulations and State Laws and Rules.

Signed Tummy Tummy Inc.
By Tummy Tummy Pans.
Address P.O. Box 4517 Wilm. N.C. 28406
Telephone # 395.4006
Date 2/3/87



SITE PLAN - I BEACHBAY LANE

1" = 20'