

STATE OF NORTH CAROLINA,  
COUNTY OF NEW HANOVER.

DECLARATION OF RESTRICTIONS  
FOXFIRE SECTION OF LINCOLN  
FOREST EXT. NO. 2, SEC. D.

THIS DECLARATION, Made this 2nd day of <sup>August</sup> ~~JANUARY~~, 1971, by THE  
OLEANDER COMPANY, INC., a corporation of the City of Wilmington, County  
of New Hanover, and State of North Carolina;

WITNESSETH:

THAT WHEREAS, the said The Oleander Company, Inc. is the owner of  
certain property being described as Foxfire Section of Lincoln Forest  
Ext. No. 2, Sec. D., a map of said Subdivision being recorded in Map  
Book 12, Page 23, of the New Hanover County Registry; and

WHEREAS, it is the desire of The Oleander Company, Inc. for itself,  
its successors and assigns, to provide for a uniform development of said  
property in order to preserve its value and to protect the property owners;

NOW, THEREFORE, the said The Oleander Company, Inc., for itself, its  
successors and assigns, does hereby declare that the following restrictions  
shall apply to all lots located in the said subdivision known as Foxfire  
Section of Incoln Forest Ext. No. 2, Section D., a map of which is recorded  
in the Registry of New Hanover County in Map Book 12, Page 23, and  
that the said restrictions hereinafter set forth shall be binding upon  
all parties claiming title to said lots under the said The Oleander Company,  
Inc.:

1. All lots shall be used for residential purposes only.  
No structure shall be erected, altered, placed or permitted to  
remain on any residential building lot other than one detached  
single family dwelling, not to exceed two and one-half stories  
in height and a private garage for not more than three (3) cars.  
A garage apartment shall not be built except during the con-  
struction of or after the construction of a dwelling, and abso-  
lutely not before. No trailer, basement, tent, shack, garage,  
barn, or other out buildings shall at any time, be used as a  
residence previous to the building of the main residence.

2. No building shall be located on any residential lot  
nearer than fifty (50) feet to the front street line and no  
residence shall be built nearer to an adjacent property line  
than a distance equal to ten percent (10%) of the width of  
the lot.

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DECLARATION OF RESTRICTIONS

3. No lot as shown by the official plan of this subdivision shall be re-subdivided unless such part of the sub-divided lot becomes a part of a whole lot and the remainder of the subdivided lot becomes a part of another whole lot.

4. No noxious or offensive trade or activity shall be carried on or maintained upon any lot or part of any lot nor shall any use be made of any portion of the said property which shall become an annoyance nor nuisance to the neighborhood.

5. The design of all buildings which shall be erected or moved onto any lot in the subdivision shall be subject to the approval of The Oleander Company, Inc., it being understood and agreed that Hugh MacRae, II, President, shall act for said company in giving such approval. Upon written request of a lot owner for approval of plans, The Oleander Company, Inc. shall have ten (10) days to approve or disapprove the plans. In the event of failure to approve or disapprove the plans within said ten (10) days, such approval will not be required, provided the design of the proposed building is in harmony with the existing structures in the section and constructed according to these restrictions. In any case, with or without approval, no dwelling shall be constructed on any lot in the development with an interior floor area of less than 1400 square feet. All dwellings must be constructed of wood, brick, brick veneer, tile and stucco, or concrete and stucco structure, and all garages shall be constructed of the same materials as specified for the dwelling.

6. These covenants and restrictions are to run with the land and shall be binding on all parties or persons claiming under the developers of this Subdivision.

7. If any persons or parties claiming title to land in this Subdivision shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situate 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 covenants and either to prevent him or them from so doing or to recover damages for such violation.

8. Violation of any of the covenants by judgment or order shall not effect any of the other provisions and same shall remain in full force and effect.

IN WITNESS WHEREOF, THE OLEANDER COMPANY, INC. has caused this instrument to be executed in its name by its President and attested by its Secretary and its corporate seal attached hereto, all as of the day and year first hereinabove written.



ATTEST:  
*Thomas T. MacBe*  
ASS'T. Secretary  
(Corporate seal)

THE OLEANDER COMPANY, INC.  
BY: *Hugh MacRae II*  
President

DECLARATION OF RESTRICTIONS

STATE OF NORTH CAROLINA,  
COUNTY OF NEW HANOVER.

I, Patricia B. Hughes, a Notary Public in and for  
the said County and State, hereby certify that ~~XXXXXXXXXXXXXXXXXXXX~~  
<sup>Eunice T. MacRae</sup>  
personally appeared before me this day and acknowledged that she is Assistant  
Secretary of THE OLEANDER COMPANY, INC., a corporation, and 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 notarial seal, this the 2<sup>nd</sup> day of August,  
1971.

Patricia B. Hughes  
NOTARY PUBLIC

My commission expires:  
9-30-74



(Prepared by Hogue, Hill & Rowe, Attys.)

STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing Certificate of \_\_\_\_\_  
Patricia B. Hughes  
\_\_\_\_\_  
Notary Public  
is certified to be correct.  
This the 4 day of Aug 19 71  
Drawn By HH&R

Lola C. Lellay, Register of Deeds  
By Deputy Lucas  
Deputy

Received and Recorded  
August 4, 1971 at 2:42 P.M.  
Lola C. Lellay  
Register of Deeds