

NORTH CAROLINA,
STANLY COUNTY.

**DECLARATION OF RESTRICTIONS AND
DEDICATION OF STREETS**

THIS AGREEMENT, made and entered into this 30th day of May, 1997, between GRIMMER-WHITLEY DEVELOPMENT CO., L.L.C., hereinafter referred to as the "Developer", and any and all persons, firms or corporations acquiring any of the property hereinafter described;

WITNESSETH:

WHEREAS Developer is the owner of that certain land shown on a survey entitled "Stoney Run Subdivision Map 1" recorded in Plat Book 17, page 130, Stanly County Registry, and has agreed to restrict the use and occupancy of the numbered lots of same in accordance with the general plan of development as hereinafter set forth for the protection of said lots and the future owners thereof, and desires that the streets or drives as shown on said map may be dedicated and established for the use of any and all future owners of said numbered lots shown on said survey, and for the use of the general public for street or road purposes;

RESTRICTIONS

NOW, THEREFORE, in consideration of the premises, the Developer agrees with any and all persons, firms or corporations acquiring any of the numbered lots hereinafter described that the same shall be, and are hereby, subject to the following restrictions, conditions and covenants (hereinafter referred to collectively as "Restrictions") relating to the use and occupancy thereof;

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28001

2:32 22:00

1. **DESCRIPTION OF PROPERTY RESTRICTED.** The property which is made subject to the restrictions set forth herein is more particularly described as follows:

LOTS	MAP BOOK	PAGE
1 through 7 inclusive and 40 through 48	17	130

2. **RESIDENTIAL USE OF PROPERTY.** This property shall be used for residential purposes only and no business or commercial enterprise of any nature or kind shall be erected, operated or maintained on any lot.

3. **USE OF OUTBUILDINGS AND SIMILAR STRUCTURES.** No residence of a temporary nature shall be erected or allowed to remain on any lot, and no trailer, mobile home or manufactured home, basement, shack, tent, garage, barn or other building of a similar nature shall be used as a residence on any lot, either temporarily or permanently.

4. **LIVESTOCK.** No sheep, goats, swine, horses, cattle or poultry shall be raised, bred or maintained on any lot.

5. **OFFENSIVE ACTIVITIES.** No noxious, offensive or illegal activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. **JUNKED VEHICLES.** No inoperable or junk vehicles shall be located, stored or maintained on any lot.

7. **DWELLING SIZE AND CONSTRUCTION REQUIREMENTS.** No dwelling shall be erected or placed on any lot nor be constructed or maintained so as to have a

heated ground floor living area (exclusive of uncovered porches, stoops and terraces and attached garages and carports) of less than 1,700 square feet for a single story dwelling, and 1,200 square feet for a two story dwelling. All dwellings shall have a connected enclosed garage with space for a minimum of two vehicles. All buildings shall be of brick veneer, stone or stucco construction. No vinyl siding shall be permitted. The main roof pitch of each dwelling shall not be less than seven on twelve. All house plans and siding must be approved by an Architectural Review Committee prior to obtaining a building permit, said committee consisting of Developer and any persons of its choice.

8. CONSTRUCTION OF OUTBUILDINGS. Only outbuildings of new first quality materials which shall be completed within ninety (90) days are permitted to be placed or constructed on any lot.

9. SUBDIVISION OF LOTS. No lot shall be subdivided and no more than one single family dwelling may be erected or constructed on any one lot. No outbuildings may be built prior to erection of the dwelling house on any lot.

10. BUILDING LINE REQUIREMENTS. All dwelling houses shall be located a minimum of 50 feet from the front property line, 15 feet from a side yard line, 40 feet from a rear property line, and 25 feet from a side street as required by Stanly County Zoning and shown on Map Book 17 at Page 129, Stanly County Registry. The Architectural Review Committee must be notified prior to the commencement of construction of a residential dwelling and provide their approval as to the location of said dwelling. Further, all outbuildings shall be located to the rear of their respective dwelling houses.

11. EASEMENTS: Easements for utilities and streets are reserved across said lots as shown on said plat. Within the easements as shown on said plat no structure,

fencing, planting or other material shall be placed or permitted to remain which may interfere with the installation and maintenance of the utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot as shown on said plat and the improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. The Developer reserves the right to create and impose additional easements or rights of way over unsold lot or lots for street, drainage, and utility installation purposes by the recording of appropriate instruments and such shall not be construed to invalidate any of these covenants. An easement of five (5) feet in width running parallel with back side of the sight triangles is hereby reserved for Lots 1 and 47.

12. **DRIVEWAY REQUIREMENT.** All driveways are to be paved with asphalt or concrete for a minimum distance of twenty feet from the edge of the pavement at completion of the residence.

13. **FENCES.** No chain link fence and no fence over four feet in height shall be allowed on any lot, except for fences for dog lots not to exceed 300 square feet in area. All such dog lots must be located to the rear of their respective dwelling house.

14. **LANDSCAPING:** All residences must be landscaped and plans for landscaping must be approved by the Architectural Review Committee.

15. **SWIMMING POOLS:** All outside pools, including swimming pools and jacuzzis, must be in the ground. No above-ground pools are permitted on any lot. Jacuzzis located on a deck are excepted from this restriction.

16. **FUEL TANKS:** Any above ground fuel tanks to be camouflaged and out of view.

17. **STREET AND LANDSCAPING MAINTENANCE:** The purchasers of lots in said subdivision collectively shall be responsible for their proportionate interest by lots as hereinafter defined under the term "Dedication of Streets" for the maintenance of the street lights and common landscaping at the entrance of said subdivision.

18. **LENGTH.** These restrictions are to run with the land and shall be binding on all persons claiming under them for a period of 25 years from the date these covenants are recorded, and successive periods of 10 years unless an instrument, signed by a majority of the then owners of the lots, has been registered, agreeing to change said restrictions in whole or in part.

19. **ENFORCEMENT.** These restrictions may be enforced by the Developer or any of the owners of the lots so restricted, either individually or collectively, or by any of the heirs, successors, grantless or assigns of said persons. Such enforcement may be by proceedings at law or in equity against the person or persons violating or attempting to violate any of these covenants either to restrain such violation or attempted violation thereof or to recover damages.

20. **INVALIDATION.** Invalidation of any of these covenants by judgment, Court order or statute shall not affect any of the other provisions hereof which shall remain in full force and effect.

DEDICATION OF STREETS

NOW, THEREFORE, in consideration of the premises, the Developer for itself and its successors and assigns hereby dedicates Stoney Run Drive and Grayfox Drive, as shown

upon the recorded survey aforesaid to the end that they adjoin the land shown on said survey as numbered lots, for the use of any and all persons, firms or corporations acquiring any of the numbered lots shown on said survey, and for the use of the general public for street or road purposes.

It is further understood and agreed by and among the Developer (its successors and assigns) and any persons, firms or corporations acquiring any of the numbered lots shown on said survey that until acceptance of Developer's offer of dedication for the public use by the appropriate public entity, the owners of the numbered lots shown on said survey shall be responsible for the maintenance of Stoney Run Drive and Grayfox Drive, the owner(s) of each such lot being responsible for one sixteenth of the total maintenance cost thereof. The responsibility of proportionate management of streets in Stoney Run will vary as additional sections are opened creating additional lots and added streets. The degrees of responsibility for management of each lot owner will be determined by the number of lots available for sale and the total streets dedicated for use.

The extent of such maintenance and when it shall be so done and the appropriation of the cost thereof to be assessed against the owners of the lots affected thereby consistent with the above stated formula shall be determined by Developer, or its successors and assigns, in its sole discretion.

Any adjoining property owner of a parcel of land consisting of a minimum of five (5) acres, may with the consent of the Developer, use the existing streets of Stoney Run Subdivision as access to and from said parcel of land for not more than one residence on said parcel of land. Any adjoining land owner using the streets herein referred to shall be

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responsible for a pro rata share of the maintenance and upkeep thereof as hereinbefore defined, as if said parcel of land were a part of Stoney Run Subdivision.

Whenever used anywhere in this instrument, the term "Developer" shall include the masculine, feminine and neuter, as well as singular and plural, and shall denote the undersigned and their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned Developer has caused this instrument to be executed in his name and his seal affixed hereto.

This the 30th day of May, 1997.

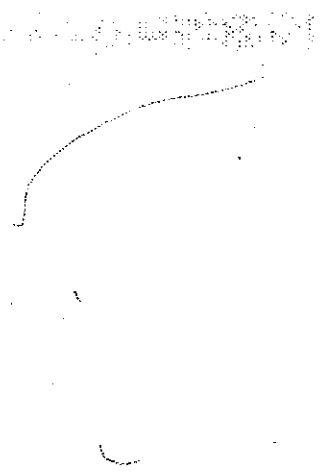
GRIMMER-WHITLEY DEVELOPMENT CO., L.L.C.

By: [Signature] (SEAL)
Manager - Member

NORTH CAROLINA,
STANLY COUNTY.

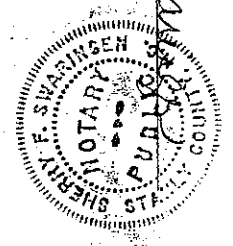
I, Sherry F. Swaringen, a Notary Public, do hereby certify that TERRY G. WHITLEY personally appeared before me this day and acknowledged that he is a Manager-Member of GRIMMER-WHITLEY DEVELOPMENT CO., L.L.C., a Limited Liability Company and further acknowledged the due execution of this **DECLARATION OF RESTRICTIONS AND DEDICATION OF STREETS** on behalf of the Limited Liability Company.

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120 KING AVENUE
ALEXANDRIA, N. C.
28801



Witness my hand and official seal, this 11th day of June, 1997.

Sherry F. Swaringen
Notary Public



My Commission Expires: 4-20-2002

NORTH CAROLINA,
STANLY COUNTY.

The foregoing certificate of Sherry F. Swaringen is
certified to be correct. This instrument was presented for registration and duly recorded in the
Office of the Register of Deeds for Stanly County, North Carolina in Record Book 633
at Page 108.

This the 11th day of June, 1997, at 2:32 o'clock, P. M.

Cecil I. Almond By: Cecil I. Almond
Register of Deeds ~~Deputy~~ Register of Deeds

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