

Spencer

STATE OF NORTH CAROLINA
COUNTY OF UNION

RECORDED
and
VERIFIED

DJB

DECLARATION OF RESTRICTIONS

WHEREAS, RUSHING CONSTRUCTION CO., a North Carolina Corporation, has caused to be recorded in Plat Cabinet 2, File No. 301 in the Office of the Register of Deeds for Union County, a plat of a subdivision known as TALLWOOD ESTATES consisting of certain lots of land lying in Goose Creek Township, Union County, North Carolina, and owned by the corporation; and

WHEREAS, RUSHING CONSTRUCTION CO. desires now for the use and benefit of itself, its successors and assigns, and its future grantees, to place and impose certain conditions and restrictions on all of the lots of land of Tallwood Estates shown on said plat reserving the right to either include or exclude additional sections of said subdivision for the application of these restrictions.

NOW, THEREFORE, in consideration of the premises, Rushing Construction Co., for itself, its successors and assigns, and its future grantees, does place and hereby impose upon all the the lots of land shown on said plat of Tallwood Estates recorded as aforesaid, the following conditions and restrictions:

1. Except as herein otherwise provided all lots shown on the recorded plat shall be used for residential purposes only and no building shall be erected, placed, or permitted to remain on any lot or combination of contiguous lots other than single family dwellings with ancillary buildings.

Drawn by & Made to:
Henry B. Smith, Jr.

*See
Plat 972 p. 5
common*

2. No dwelling shall be constructed or maintained upon any of said lots without at least a two-car garage in addition to 2,000 square feet of heated floor space for a one-story building; at least a two-car garage in addition to 2,200 square feet of heated floor space for a one and one-half story dwelling; and a two-car garage in addition to 2,400 square feet of heated floor space for a two-story dwelling house. The square footage of heated floor space shall be calculated exclusive of any heated basement space.
3. No residence or ancillary building shall be erected on any lot or parcel or part of a lot nearer than fifty (50) feet from the lot line or twenty (20) feet from any side street of interior lot line, or fifty (50) feet from rear lot line. Ancillary buildings such as tool or garden shed shall be permitted. But, no ancillary buildings shall have outside exposed concrete blocks, other than for foundation. No mobile homes shall be permitted, whether or not occupied. For purposes of this restriction and with reference to front lot line, in event that any lot front line is shown on the map as being the center line of the road, then the fifty (50) foot set-back shall be from the road right of way and not the center line.
4. Rushing Construction Co. reserves the right, but shall not be obligated, to waive in writing, with the written mutual consent of the owner or owners of the time being of such lot, any violation of the front building set-back line or the interior set-back lines provided such violation of the front building exceed ten percent (10%) of the established or prescribed requirements and the violation thereof was unintentional.
5. No residence of a temporary nature shall be erected or allowed to remain on any lot or assembly of contiguous lots, and no mobile home, trailer, basement, shack, tent, garage, barn, or any other building of a similar nature shall be used as a residence on any lot, either temporarily or permanently.
6. Construction of new buildings only shall be permitted, it being the intent of the covenant to prohibit the moving of any existing buildings on a lot and remodeling or converting same into a dwelling unit. This restriction can be waived by the approval of 75% of the property owners.
7. No noxious, offensive, or illegal activity shall be carried on upon any lot or assembly of contiguous lots, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood.
8. Lots may be subdivided not more than one time and must meet Union County Subdivision and Zoning Ordinance.
9. These restrictive covenants may be changed in whole or in part by recording in the Union County Public Registry a written instrument agreeing to change said covenants signed by seventy-five percent (75%) of the then owners of the lots shown upon the aforesaid subdivision ordinance.

10. Each lot owner will grant the necessary easement for utilities, including the electric and telephone lines, across their lots to serve their homes and other homes in the subdivision, as requested by any public or private utility. These easements will be coordinated with the companies to assure that the lines will be located in the best location possible for each owner.

11. Invalidation of any one or more of these restrictions by judgment, court order or statute, shall not affect any of the other provisions hereof which shall remain in full force and effect.

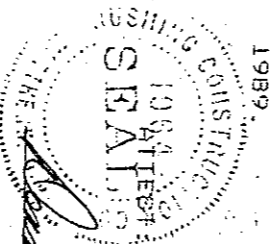
12. These covenants and restrictions are imposed as a part of a common development plan for the subject property and shall run with the land and shall remain in full force and effect for twenty (20) years from date of recordation of this document, may be enforced by Rushing Construction Co. or any lot owner or owners by proceedings at law or in equity against the person(s), firm(s), or corporation(s) violating or attempting to violate any covenant, or covenants, either to restrain violation thereof or to recover damages.

13. Nothing herein contained shall be held or construed to impose any restrictions on or easements in any land of Rushing Construction Co. other than the land shown on the subdivision plat hereinbefore referred to. Provided, however, Rushing construction Co. reserves the right to subject additional properties owned by it to these restrictions by proper notation upon future plats of sections of Tallwood Estate, so designated, which shall be recorded in the Union County Registry or by reference to these restrictions made in any deed of conveyance by Rushing Construction Co.

IN WITNESS WHEREOF, RUSHING CONSTRUCTION CO. has this instrument to be executed, in its corporated name by its President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed, all by order of its Board of Directors duly given, this the ____ day of July, 1989.

RUSHING CONSTRUCTION CO.

By: Leroy Rushing President



Donna R. Hosaflook
Donna R. Hosaflook, Asst. Secretary

NORTH CAROLINA

UNION COUNTY

I, Carol D. Moore (Silva) Notary Public, do hereby certify that Donna R. HOSAFLOOK personally appeared before me this day and acknowledged that she is the Assistant Secretary of RUSHING CONSTRUCTION CO., 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 her as its Assistant Secretary.

Witness my hand and notarial seal, this 30 day of July, 1989.



Carol D. Moore (Silva)
Notary Public

NORTH CAROLINA - Union County Carolyn S. Williams (Silva)
The foregoing certificate(s) of Notary Public of Union

Carolyn S. Williams
is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 458 Page 154
this 31 day of July, 19 89 at 11:54 o'clock A. M.
By: Donald Moore Ass't/Deputy
ONELL, L. PLYLER, REGISTER OF DEEDS

RECORDED
and
INDEXED
BRS

STATE OF NORTH CAROLINA
COUNTY OF UNION

BK 972 PG 390

Filed for record
Date 5-20-99
Time 8:00 o'clock P M
ADY G. PRICE, Register of Deeds
Union County, Morrow, North Carolina

246
BRS

**REVISION TO DECLARATION OF RESTRICTIONS
TALLWOOD ESTATES, PHASE I**

WHEREAS, the OWNERS of lots in Tallwood Estates, Phase I, as recorded in Plat Cabinet C, File No. 301 in the Office of the Register of Deeds for Union County by free and willing consent do desire to amend and affirm the Declaration of Restrictions as recorded in the Office of the Register of Deeds for Union County in Book 458, Page 156, and

WHEREAS, the OWNERS were granted the authority to amend the Declaration of Restrictions by section 9 of the aforesaid Declaration of Restrictions, and represent seventy-five percent (75%) of the forty-four (44) lots of the Subdivision known as Tallwood Estates and recorded in Plat Cabinet C, File No. 301, and

NOW, THEREFORE, in consideration of mutual benefit accruing to the premises, the OWNERS for themselves, their successors and assigns, and future grantees do place and hereby impose upon all the lots of land shown on said plat of Tallwood Estates recorded aforesaid, the following conditions and restrictions:

1. Section 4 is hereby amended as follows:
Remove "Rushing Construction Co." and replace with "Seventy-five percent (75%) of the owners of lots in the Subdivision known as Tallwood Estates and recorded as aforesaid."
2. Section 8 is hereby deleted and replaced by new Section 8, as follows:
8. Lots shall not be subdivided in any manner that will reduce the area or lot dimensions.
3. Section 10 is hereby amended to add the following:
All utilities shall be located underground.
4. Section 12 is hereby amended as follows:
007427
After "may be enforced by"; delete "Rushing Construction Co. or".

Add the following sentence after "recover damages.": "Any amendment to the Declaration of Restrictions shall continue and remain in full force and effect for a period of twenty years from the date of recording of said amendment and shall be cause for the original restrictions placed on the

Return to:
A C Roberts
9910 Running Cedar Drive
Indian Wells, NC 28079

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lots as recorded aforesaid to continue and remain in full force for a period of twenty years from the date of recording of this amendment.

5. Except as herein modified, deleted or added to, the existing Declaration of Restrictions are agreed and affirmed in the entirety as recorded in Book 458, Page 156.

IN WITNESS WHEREOF, the OWNERS, have duly executed this instrument and provide for the recording on this the 20th day of May, 1997.

FRAN APOTAKAS AND WIVES TRILL DOMENEZ TRILLERME

My Commission Expires 2-7-98

R. [Signature]
5/20/97

~~_____~~ (seal) P. Wilson Crook Lot # 10

Deborah P Crook (seal) Deborah P Crook Lot # 10

Ken Kiser (seal) Ken Kiser Lot # 37

Rhonda H. Kiser (seal) Rhonda H. Kiser Lot # 37

SEE WEDDING (seal) Lot # 20

_____ (seal) _____ Lot # 20
_____ (seal) _____ Lot # 20

is/are certified to be correct. This instrument and certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Judy G. Price BY: _____ _____
Register of Deeds Assistant/Deputy
Union County, NC

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BK972PG392

D. King



- [Signature]* (seal) *Frank H. Tobias* lot # 7
- [Signature]* (seal) *Coranne Decker* lot # 7
- [Signature]* (seal) *Roy K. Pasenik* lot # 42
- [Signature]* (seal) *Hilda D. Parrish* lot # 42
- [Signature]* (seal) *MARIA G. HENDERSON* lot # 32
- [Signature]* (seal) *John P. Gygis* lot # 39
- [Signature]* (seal) *Lou Ann GRYGLEWICZ* lot # 39
- [Signature]* (seal) *Ulter Brian Cromer* lot # 8
- [Signature]* (seal) *MARGARET D. GAMER* lot # 8
- [Signature]* (seal) *Karen L. Thomas* lot # 9
- [Signature]* (seal) *DAVID L. YOUNGER* lot # 30
- [Signature]* (seal) *TATIANA A. YOUNGER* lot # 30

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	Richard N. Henderson	Richard N. Henderson	lot # 32
	Shermy M. Knotts	THH H. Carson	lot # 31
	James Ray Taylor Sr.	Nancy Horok Randall	lot # 40
	Amy F. Parker	David Tuson Randa	lot # 40
	Joel David Taylor	Maria G. Church	lot # 19
	Betty Jean Taylor	Ethel A. Church	lot # 19
	Richard N. Henderson		

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John M. [Signature]

Mary P. Shoupe (seal) Mary P. Shoupe lot # 2

Thomas L. Shoupe (seal) THOMAS L. SHOUBE lot # 2

Donald B. Cates (seal) Brenda Cates lot # 12
Gerald B. Cates BRENDA CATES

____ (seal) _____ lot # _____

→ Jon Rodgers (seal) JON RODGERS lot # 14

→ Beverly B. Rodgers (seal) Beverly B. Rodgers lot # 14

Lynne S. Kidd (seal) Lynne S. Kidd lot # 44

Donna S. Kidd (seal) DONNA S. KIDD lot # 44

Robert L. Pills (seal) Robert L. Pills lot # 34

Turn R. Pills (seal) Turn R. Pills lot # 34

Kevin Boring (seal) KEVIN BORING lot # 34

Paul Boli (seal) Paul Boring lot # 24

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William D. Mass

Kathryn W. Dye (seal) Kathryn W. Dye 101#37
H. Eugene Dye (seal) H. Eugene Dye 101#27

Rebecca C. LePage (seal) Rebecca C. LePage 101#23
Scott P. LePage (seal) Scott P. LePage 101#23

Delores J. Lamb (seal) Delores J. Lamb 101#29
Dana V. Lamb (seal) Dana V. Lamb 101#29

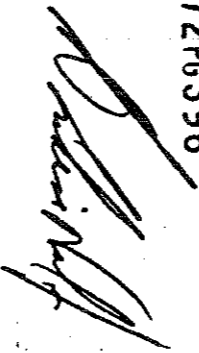
Arthur Colson Roberts (seal) Arthur Colson Roberts 101#14
Shirley Roberts (seal) Shirley Roberts 101#16

William Brent Elwood (seal) William Brent Elwood 101#
George E. Mass (seal) GEORGE E. MASS 101# 26

Christina D. Mass (seal) Christina D. Mass 101# 26
Sullivan D. Mass (seal) Sullivan D. Mass 101#13

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Steve D. Moss (seal) Steve D. Moss lot # 13

Bobby N. Shearon (seal) Bobby N. Shearon lot # 25

Virginia Shearon (seal) Virginia Shearon lot # 25

Robert J. Whiters (seal) Robert J. Whiters lot # 4

Patricia C. Whiters (seal) Patricia C. Whiters lot # 4

(seal) _____ lot # _____

Wanda Egan (seal) Wanda H. C. Egan lot # 5

Brenda H. Clifton (seal) Brenda H. Clifton lot # 5

James P. Cameron (seal) JAMES P. CAMERON lot # 15

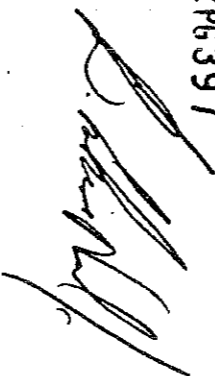
Karen C. Cameron (seal) Karen C. Cameron lot # 15

Scott A. Brooks (seal) Scott A. Brooks lot # 28

Angela M. Brooks (seal) Angela M. Brooks lot # 28

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Kent F. Long (seal) KENT F. LONG lot # 41

Blue Long (seal) Giva Long lot # 41

Brenda Morris (seal) Brenda Morris lot # 22

Allen Morris (seal) Allen Morris lot # 22

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____

(seal) _____ lot # _____