

BK 960 PG 636

003937

Filed for record
Date 4-15-97
Time 12:05 o'clock P. M.
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina

REV. 3/21/97

STATE OF NORTH CAROLINA

COUNTY OF UNION

DECLARATION OF RESTRICTIVE COVENANTS FOR
BERKLEY POINTE SUBDIVISION

WHEREAS, DAN L. MOSER CONSTRUCTION & REALTY CO., INC., P.O. BOX 350, Mineral Springs, North Carolina in the owner of a certain tract of land located on Lester Davis Road, in Weddington, Sandy Ridge Township, Union County, North Carolina and described in a plat recorded in the Office of the Register of Deeds of Union County, North Carolina, in Map Book E, Page 1618, 1619 + 1620, and designated as Berkley Pointe Subdivision.

WHEREAS, Dan L. Moser Construction & Realty Co., Inc. now desires for the use and benefit of their Company, its heirs, successors and assigns and its future grantees and lessees, to place and impose certain restrictive covenants on the Subject property and the owners and holders.

NOW, THEREFORE, in consideration of the premises, and for the purpose aforesaid, Dan L. Moser Construction & Realty Co., Inc., for their Company, its heirs, successors and assigns and their future grantees and lessees, do hereby place and impose upon each lot shown on the above referenced plat and included in the subject property the following restrictive covenants for the period ending 20 years from the date hereof.

1. No dwelling erected on a lot or any plat thereof shall contain less than 1,800 square feet of enclosed heated living area in the instance of a one-story dwelling. Any one and one-half story dwelling must contain a minimum of 1,800 square feet of enclosed heated living area. Any two-story dwelling must contain a minimum of 2,000 square feet of enclosed heated living area. All residential dwelling must have an attached garage accommodating at least two vehicles. Only a single family dwelling and its ancillary buildings may be erected on a lot. No building, as aforementioned, may be erected until construction of the dwelling has been begun. Any dwelling or ancillary building shall be set back according to the set back lines as shown on the recorded Map Book E, Page 1618, 1619 + 1620, of the Union County Registry. No ancillary building shall have outside exposed concrete blocks, other than for the foundation of the building. No mobile homes will be allowed at any time.

2. The Grantee, its successors and assigns, shall grant the necessary easement for any and all utilities and telephone lines across their lot to service their lot and/or other lots within the real property described in Map Book E, Page 1618, 1619 + 1620 of the Union County Register of Deeds, as may be required by any utility company for sewer, telephone, cable etc.

3. No residential building shall be located on any residential lot nearer to any street line or any adjoining property line than the building set back lines shown on the recorded map.

4. All homes shall have a concrete driveway to be installed at least to the front foundation part of the house.

5. Only household pets may be kept on a lot, and such animals may not be kept, raised or bred for any commercial purposes. Household pets shall be maintained by their owners in such manner as not to constitute or create a nuisance to other property owners within the property herein described.

6. All lots shall be used solely for single family residential purposes only and no buildings shall be erected, placed or permitted to remain on a lot or combination of a lot and other contiguous property other than for the purpose of a single family dwelling.

7. No residence, building, structure of a temporary nature shall be erected or allowed to remain on a lot or any contiguous property, and no mobile home, trailer, basement, shack, tent, garage, barn or other building of a similar nature shall be used as a residence on a lot, either temporarily or permanently.

8. No noxious, offensive, or illegal activity shall be carried on upon a lot or an assembly of a lot and any contiguous property, nor shall anything be done thereon which may be or become any annoyance or nuisance to any owner of all or a part of the property herein described.

9. Any modification, amendment, or other change in these restrictions and covenants shall be made only with the approval of the owners of at least seventy-five percent (75%) of the property shown on the recorded plat of Berkley Pointe.

10. The invalidation or unenforceability of any one or more of these restrictions or any part thereof by judgement or order of a court of competent jurisdiction shall not adversely affect the balance of these restrictions and covenants which shall remain in full force and effect.

11. No brick mailboxes are to be built by the original contractor or the homebuyer that would infringe upon any of the street right of ways which are listed on the recorded plat in the Union County Registry until such time that N.C.D.O.T. takes over all the roads for maintenance.

12. The aforesaid covenants and restrictions are imposed as a part of a common development plan for the property described in Map Book E, Page 618, 619 + 620 of the Union County Registry, and accordingly, shall run with the land and be enforceable by any described in Map Book E, Page 618, 619 + 620

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IN WITNESS WHEREOF, the parties hereto have executed this Declaration under seal as of the 8th day of April, 1997.

DAN L. MOSER CONSTRUCTION & REALTY CO., INC.

BY: Dan L. Moser
President



ATTEST:

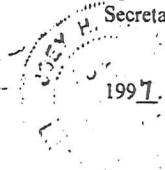
Tammy Hawfield
Secretary

STATE OF NORTH CAROLINA

COUNTY OF UNION

I, Joy H. Haywood, a Notary Public of the County and State aforesaid, certify that Tammy Hawfield personally came before me this day and acknowledged that she is Secretary of Dan L. Moser Construction & Realty Co., 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 her as its Secretary.

Witness my hand and official stamp or seal, this 8th day of April, 1997.



Joy H. Haywood
Notary Public

My commission expires: 10/5/98

(Please return the recorded document to:
Dan Moser Construction & Realty Co., Inc.
P.O. Box 350
Mineral Springs, NC 28108)

The foregoing certificate(s) of Joy H. Haywood, Notary Public
Union Co. NC
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: Serena Cioara
Register of Deeds Assistant/Deputy
Union County, NC

RECORDED
AND
VERIFIED
1997

BK1007PG493

**AMENDMENT TO RESTRICTIVE COVENANTS FOR
BERKLEY POINTE SUBDIVISION**

The Restrictive Covenants for Berkley Pointe Subdivision which was recorded in Map Book Cabinet E Pages 618, 619 and 620 on 4/15/97 is to be amended as follows:

Any lot that uses an easement from any portion of another lot for septic tank purposes shall have 90 days to disconnect the existing septic tank lines and to hook onto public sewer once public sewer is available in the Berkley Pointe Subdivision. After 90 days, the existing septic tank easements will become null and void. The following lots may be affected: 1, 7, 8, 13, 14, 18, 19, 36, 38 and 39. Any hook-up charges, labor and/or impact fees are to be paid for by the current property owner. Original builder is responsible only for abandoning the old septic tank boxes. The drain fields are okay to leave in the ground.

All other restrictions and covenants to remain the same as the original Restrictive Covenants for Berkley Pointe Subdivision which was recorded in Map Book Cabinet E Pages 618, 619 and 620 on 4/15/97.

IN WITNESS WHEREOF, the parties hereto executed this Declaration under seal as of
the day of 8/27, 1997.

DAN MOSER COMPANY, INC.

020322 ATTEST:

By: Dan Moser
President

Cindy W. Moser
Secretary



(Please return the recorded document to:
Dan Moser Const.
P.O. Box 350
Mineral Springs, NC. 28108)

Filed for record
Date 9/5/97
Time 12:00 o'clock P. M.
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina

BK 007PG494

NORTH CAROLINA

UNION COUNTY

I, Joey H. Haywood, a Notary Public of said County and State, certify that Cindy Whitley personally came before me this day and acknowledged that she is Secretary of Dan Moser Company, Inc., a 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 stamp or seal, this the 27th day of

August, 1997.

Joey H. Haywood
Notary Public

My commission expires: 10/5/98

The foregoing certificate of
Joey H. Haywood, DP
Union Co. NC
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: Sherma Cocco
Register of Deeds
Union County, NC
Assistant/Deputy

RECORDED
AND
VERIFIED
SC

BK 1054 PG 0237

Ref
Bgr

Filed for record
Date 2-2-98
Time 1:30 o'clock P.M.
JUDY G. PRICE, Register of Deeds
Union County, Monroe North Carolina

AMENDMENT TO RESTRICTIVE COVENANTS FOR
BERKLEY POINTE SUBDIVISION

The Restrictive Covenants for Berkley Pointe Subdivision which was recorded in Map Book Cabinet E Pages 618, 619 and 620 on 4/15/97 is to amended as follows:

No dwelling erected on a lot or any plat thereof shall contain less than 1,600 square feet of enclosed heated living area in the instance of a one story dwelling. Any one and one-half story dwelling must contain a minimum of 1,600 square feet of enclosed heated living area. Any two -story dwelling must contain a minimum of 1,800 square feet of enclosed heated living area. All residential dwelling must have an attached garage accommodating at least two vehicles.

All other restrictions and covenants to remain the same as the original Restrictive Covenants for Berkley Pointe Subdivision which was recorded in Map Book Cabinet E Pages 618, 619 and 620 on 4/15/97.

IN WITNESS WHEREOF, the parties hereto executed this Declaration under seals as of the day of 24th January, 1998.

DAN MOSER COMPANY, INC.

ATTEST:

By: [Signature]
President
(Please return the record document to:
Dan Moser Constr.
P.O. Box 350
Mineral Springs, N.C. 28108)

[Signature]
Secretary



037504

BK 1054 PG 0238

NORTH CAROLINA

UNION COUNTY

I, Jay H. Haywood, a Notary Public of said County and State, certify that Cindy Whitley personally came before me this day and acknowledged that she is Secretary of Dan Moser Company, Inc., a 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 stamp or seal, this the 29th day of January, 1998.



Jay H. Haywood
Notary Public

My commission expires: 10/5/98

The foregoing certificate(s) of Jay H. Haywood, Notary Public, Union County, NC, 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.

Ludy G. Price BY: maurine
Register of Deeds Assistant/Deputy
Union County, NC