



BOOK 586 PAGE 074

DECLARATION OF RESTRICTIVE COVENANTS

GOLD DUST SUBDIVISION

OR

Filed for record Date 10-12-92 Time 10:50 o'clock P.M. OWEL L. PIVNER, Register of Deeds Union County, Moore, North Carolina

Rybak
By

THIS DECLARATION, made and entered into this 29th day of September 1992, by Ty-Par Realty, Inc., hereinafter called "Declarant,"

W I T N E S S E T H :

THAT WHEREAS, the Declarant is the owner of a tract of land and has caused said property to be subdivided into lots all as shown on that certain plat recorded in Plat Cabinet D, File No. 182 in the office of the Register of Deeds for Union County, North Carolina, which plat is incorporated herein by reference; and

WHEREAS, Declarant desires that the subdivision be developed according to a uniform plan of development in order to protect the value of said property as a residential subdivision; and

NOW, THEREFORE, know all men by these presents that the Declarant hereby declares the following restrictions upon each lot in the subdivision hereinabove referred to which restrictions shall be considered covenants running with the land for a period of twenty (20) years from the date hereof, to wit:

1. No lot, as designated on said plat, shall be further subdivided such that the result is any lot having less than fifteen thousand (15,000) square feet of surface area exclusive of the road right of way.
2. No lot or portion thereof shall be used for other than single family residential purposes and no mobile homes or similar structures shall be located or maintained on said premises, either permanently or temporarily. Construction of new residential buildings only shall be permitted, it being the intent of this covenant to prohibit the moving of any existing building or a portion thereof onto a lot and remodeling or converting same into a dwelling unit in this subdivision.
3. No animals shall be maintained upon any lot except normal household pets such as dogs and cats and no animals shall be kept, bred or maintained for any commercial purposes. No dogs shall be allowed off of owner's property after 10:00 p.m. and before 7:00 a.m. except on leash and under the control of the owner or other responsible person.
4. No residence which is constructed shall have less than one thousand (1,000) square feet of heated space, exclusive of, carport, garage, breezeway and porches. No outbuildings shall be constructed upon said lots other than of materials and design of the same or substantially similar to that of the principal dwelling located upon said lot.

DRAWN BY AND MADE TO
FITZGERALD CALDWELL HENDERSON & LEE, A
P.C. FARMER 90, MONROE, N.C. 28050

See Amendment
BK 4665 Pg. 311 + 482 Pg. 826

5. No satellite dishes or other electronic receiving devices shall be permitted in the side or front yards nor shall they be permitted on roof structures of any buildings.
6. Owners of lots in this subdivision shall not be permitted to remove trees in excess of 6" in caliper, 6' from the ground except for construction of the buildings and driveways to be placed thereon and for an area of no greater than thirty (30) feet around said buildings. If a tree dies or is blown over by a storm, it may be removed.
7. No building, fence, wall, outbuilding, or other accessory feature to the dwelling structure shall be commenced, erected, placed, maintained or altered on any lot or combination of contiguous lots, until the complete construction plans, plot plan and specifications showing and describing, among other details, the external appearance including brick and paint colors and the proposed location of the building, fence, wall, outbuilding or other accessory features on the lot have been approved in writing by Declarant or its designated successors or assigns.
8. No house shall be located any closer to Lawyer's Road than 100 feet unless approved by the declarant. Side and rear yard setbacks shall conform to the Union County Subdivision Ordinance. All other setbacks shall conform to the recorded plat. No fence or wall shall be erected on any part of the front portion of any interior lot. Fencing may be installed by an owner or owners on the rear portion of a lot; however, such fencing shall not extend closer to the street than the rear line of the dwelling. On corner lots abutting two streets, no fence or wall shall extend closer to any street than 40 feet from the street right of way line. Chain link fencing is not permitted. No fence will be permitted in any rear yard with a height in excess of four (4) feet except around patios, wood decks, or pools as privacy screens or as required around pools or similar hazards for liability protection. The "Front Line" of any corner lot shall be the shorter of the two property lines along the two streets.
9. All mailboxes shall be of uniform design and quality as shown on Exhibit A attached hereto.
10. Ty-Par Realty, Inc. reserves an easement in and right at anytime in the future to grant a ten (10) foot right of way over, under, and along the front, side and rear line of each lot for the installation and maintenance of poles, lines, conduits, pipes, and other equipment necessary to or useful for furnishing electric power, gas, telephone service or other utilities, including water, sanitary sewage service and storm water drainage facilities. There is also reserved any special utility easement as reserved across said lots as shown on recorded plat.
11. Unless seventy-five percent (75%) of said lots have been sold and conveyed by the Declarant, the Declarant shall have the right and hereby reserves the right and authority to amend said restrictions in any at all respects, including, but not limited, the cancellation thereof, or as to delete any or all of said lots from the effect of these restrictions or to waiver set back and set off requirements as to any lot. However, after the sale of seventy-five percent (75%) of said lots,

these restrictions shall not be amended, altered or the effect thereof deleted from any of said lots without the joinder of the owners of the majority of said lots.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed and sealed in its corporate name this the day and year first above written.



Wynette C. Plyler
Secretary

TY-PAR REALTY, INC
By: *[Signature]*
President

STATE OF NORTH CAROLINA
COUNTY OF UNION

I, a Notary Public of the said County and State, do hereby certify that Wynette C. Plyler personally came before me this day and acknowledged that she/she is Secretary of Ty-Par Realty, Inc., a North Carolina corporation and that by authority duly given and as the act and deed of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by MMW/har as its Secretary.

Witness my hand and notarial seal, this 29th day of September, 1992.

My commission expires: 11-1-92 Carl M. Tabor
Notary Public



NORTH CAROLINA - Union County Carl M. Tabor
The foregoing certificate(s) of Carl M. Tabor, Notary Public of Union Co., N.C.

If (s) certified to be correct. This instrument was presented for registration, and recorded in this office at Book 386 Page 074
this 12th day of October, 1992 at 2:50 o'clock P. M.
By: Jeffrey D. Meadows Notary Deputy
ONELL, PLYLER, REGISTER OF DEEDS

RECORDED
and
VERIFIED
JUN 19 1993

BK 633Pg 890

STATE OF NORTH CAROLINA
COUNTY OF UNION

MODIFICATION OF FRONT LINE SETBACK

Ty-Par Realty, Inc., Declarant in Declaration of Restrictive Covenants of Gold Dust Subdivision recorded in Book 586, page 74 of the Union County Registry, hereby modifies the front line setback of Lot 4 of Gold Dust Ridge as shown on plat recorded in Plat Cabinet D, File 186 of the Union County Registry, to 49 feet.

Ty-Par Realty, Inc. is presently the owner of more than 75% of the lots in Gold Dust Ridge.

IN WITNESS WHEREOF, Ty-Par Realty, Inc. has caused this instrument to be executed this the 10th day of June, 1993.

TY-PAR REALTY, INC.

ATTEST:

Shirley Stewart
Secretary

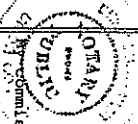
By: [Signature]
President



STATE OF NORTH CAROLINA
COUNTY OF UNION

Before me, a Notary Public, personally appeared this day Gene Hains who, being duly sworn, says that he/she is the Secretary and that Z. Charles Tyson is the President of TY-PAR REALTY, INC., the corporation described in and which executed the foregoing instrument; that he/she knows the common seal of said corporation; that the foregoing instrument was executed in its corporate name by the said President and attested to by the said Secretary who affixed the common seal thereto, all by order of the Board of Directors of said corporation and that the said instrument is the act and deed of the said corporation.

Witness my hand and notarial seal this 10th day of June, 1993.



Gene Hains
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF UNION

The foregoing certificate of Gene Hains, Notary Public of Union County, North Carolina, is hereby certified to be correct. This instrument was presented for registration and recorded in this office in Book 633, page 890.

This 14 day of June, 1993, at 9:23 o'clock p.m.

JUDY G. PRICE--REGISTER OF DEEDS

By: Judy G. Price
[Signature]

GRIFFIN, CALDWELL
HELDER & LEE, P.A.
ATTORNEYS-AT-LAW
MONROE, N.C.

Prepared by and return to:
Griffin, Caldwell, Helder & Lee, P. A.
P. O. Box 99
Monroe, NC 28111-0099

Returned: *Savio E. Fisher*

Book 665 PG 311

STATE OF NORTH CAROLINA
COUNTY OF UNION

Filed for record
Date 10-29-93
Time 12:04 o'clock P. M.
John B. Peck
John B. Peck, Register of Deeds
Union County, Moore, North Carolina

AMENDMENT TO RESTRICTIONS

003705

NOW COMES, Ty Par Realty, Inc. hereinafter referred to as "Declarant", who makes this Amendment to Restrictions on this 29th day of October, 1993:

Witnesseth:

That Whereas, the Declarant is the Developer of Gold Dust Subdivision, as shown on that plat recorded in Plat Cabinet D, at File Number 186, Union County Register of Deeds, and

That Whereas, the Declarant has established a Declaration of Restrictive Covenants of Gold Dust Subdivision as shown in document recorded in Record Book 586 at page 074, Union County Register of Deeds, and

That Whereas, the Declarant reserved for itself the right to amend the aforesaid Declaration of Restrictive Covenants, if seventy five (75%) percent of the lots within Gold Dust Subdivision have not theretofore been sold, and

That Whereas, the undersigned Declarant retains title to more than twenty five (25%) of the lots within Gold Dust Subdivision as shown on that plat recorded in Plat Cabinet D, at File Number 186, Union County Register of Deeds, and

That Whereas, Declarant does hereby Amend the Declaration of Restrictive Covenants shown in Record Book 586 at page 074, Union County Register of Deeds, and the plat of said subdivision as shown in Plat Cabinet D, at File Number 186, Union County Register of Deeds, to permit the location of a single family residence on Lot 10 of Gold Dust Ridge Subdivision as shown in Plat Cabinet D at File Number 186, within forty eight (48) feet of Lawyers Road.

Apart from the aforesaid Amendment, the Declaration of Restrictive Covenants recorded in Record Book 586 at page 074, and the setback lines shown on that plat recorded in Plat Cabinet D at File Number 186, Union County Register of Deeds, remain in full force and effect as if never amended.

RECORDED
AND
INDEXED
BGS

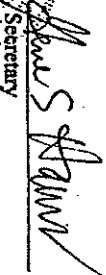
Book 665 PG 311-A

This the day and year first above written.

Ty Par Realty, Inc.

By: 
President

Attest:


Secretary



STATE OF NORTH CAROLINA
COUNTY OF UNION

I, Shelly S. Smith, a notary public for the County and State
aforesaid do hereby certify that Gene S. Hains personally appeared
before me and acknowledged that he is the Secretary of Ty Par
Realty, 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 corporate
name by its President, sealed with its corporate seal and attested by
him as its Secretary.

Witness this 29 day of October, 1993.




Notary Public

My Commission Expires: My Commission Expires August 19, 1993

NORTH CAROLINA - Union County Shelly S. Smith
The foregoing certificate(s) of

Notary Public of Union Co., N.C.

Is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 665 Page 311
this 29th day of October, 1993, at 12:04 o'clock P. M.
JUDY G. PRICE, REGISTER OF DEEDS By: Judy G. Price Asst/Deputy

BK 682 PG 826

015322

STATE OF NORTH CAROLINA

Fee for record
On 1-18-94
Time 1:30 P.M. 030410
BY JUDY G. PRICE, Register of Deeds
Union County, Moore, North Carolina

COUNTY OF UNION

M. Price

AMENDMENT OF RESTRICTIVE COVENANTS

Ty-Pac Realty, Inc., "Declarant", in Declaration of Restrictive Covenants of Gold Dust Subdivision recorded in Book 586, Page 74 of the Union County Registry, and presently the owner of more than 25% of the lots covered by said restrictions, hereby amends the first sentence of Paragraph 8 thereof by deleting the number "100" therefrom and substituting therefor the number "50" in lieu thereof.

IN WITNESS WHEREOF, Ty-Pac Realty, Inc. has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors this the 7th day of January, 1994.

TY-PAC REALTY, INC.

By [Signature]
President

ATTEST
[Signature]
Secretary (Corporate Seal)

RECORDED
AND
VERIFIED
BS



STATE OF NORTH CAROLINA

COUNTY OF UNION

I, a Notary Public of the County and state aforesaid, certify that GRACE S. HAINS, Secretary of TY-PAC REALTY, INC., a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by GRACE S. HAINS, as its Secretary,

Witness my hand and official stamp or seal, this the 7th day of January, 1994.

[Signature]
Notary Public

My commission expires: My Commission Expires August 19, 1996

STATE OF NORTH CAROLINA

COUNTY OF UNION

The foregoing certificate of Shelley S. Smith, a Notary Public of Union County, North Carolina, is hereby certified to be correct. This instrument was presented for registration and recorded in this office in Book 582, Page 826.

This the 10th day of January, 1994, at 1:30 o'clock P.M.

JUDY G. PRICE - REGISTER OF DEEDS

BY: [Signature]

Prepared by and return to:
Gelfin, Caldwell, Heider & Lee, P.A.
P. O. Drawer 99
Monroe, NC 28111-0099

GRIPPIN, CALDWELL,
HEIDER & LEE, P.A.
ATTORNEYS-AT-LAW
MONROE, N.C.

