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LILLIE B. BURWELL
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WARREN CO.
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BOOK 527 PAGE 333

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STATE OF NORTH CAROLINA
COUNTY OF WARREN

DECLARATION OF RESTRICTIONS AND PROVISIONS
FOR PRIVATE ROAD MAINTENANCE

THIS DECLARATION, made this the _____ day of _____, 1990, by JAMES L. HILL and Wife, NINA G. HILL; ROBERT J. HURNEY and Wife, EILEEN T. HURNEY; KATHERINE ANN HURNEY DeMARTINO; FREDERICK L. HURNEY; OSWALD CORDERO and Wife, BEVERLY A. CORDERO; and ROBERT GRAY FLEMING and Wife, CATHY W. FLEMING, hereinafter called declarants;

W I T N E S S E T H

WHEREAS, Declarants own in fee simple the real property described in Article 1 below, known as Deerfield Subdivision; and

WHEREAS, the said property will have access to S.R. 1001 via the private roads shown on the plat hereinafter referred to, said private roads being known as Deerfield Road, Meadow Ridge Road, Indian Drive and Fawn Trail; and

WHEREAS, Declarants by this Declaration of Restrictions, wish to bind themselves, their successors and assigns to provide all owners of any portion of said property owned by Declarants described below perpetual ingress, egress, and regress to State Roads; and

WHEREAS, Declarants by this Declaration of Restrictions, wish to bind themselves, their successors and assigns to provide for maintenance of said private roads until such time as the said private roads are accepted by the State of North Carolina for maintenance.

NOW, THEREFORE, Declarants agree for themselves and with any and all persons, firms or corporations hereafter acquiring any of the property described in Article 1 below that the same shall be subject to the following restrictions, conditions, and covenants relating to the use and occupancy thereof, which restrictions, conditions, and covenants shall run with the said property and inure to the benefit of and be binding upon the heirs, successors, and assigns of Declarants and other acquiring parties and persons.

ARTICLE 1. The real property which is, and shall be, held, transferred, sold and conveyed subject to the protective and restrictive covenants set forth in the various Articles of this Declaration is located in Sandy Creek Township, Warren County, North Carolina, and is more particularly described as follows: Being all of the property as shown on the plat entitled "Property of James L. and Nina G. Hill, survey by William Jerry Autry, R.L.S. #1395 and recorded in Plat Book 5, Page 110 Warren County Registry".

Prepared By:
John W. Curran, Jr.
Attorney
P.O. Box 47
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ARTICLE 2. Declarants hereby grant unto themselves and the future record owners of the aforesaid property adjoining and abutting Deerfield Road, Meadow Ridge Road, Indian Drive, and Fawn Trail as shown on the aforementioned recorded plat and as said roads may be extended into the aforesaid property, perpetual ingress, egress, and regress along the said roads and for the purposes of installation and maintenance or utilities.

ARTICLE 3. Declarants, so long as they shall be record owners of any of the aforesaid property, shall be responsible for the maintenance of said private roads as herein provided. In the event Declarants no longer own any of the aforesaid property, the current owners as shown on the recorded plat herein before referred to shall be responsible for maintenance as herein provided.

ARTICLE 4. Each record owner of any of the aforesaid property abutting on said roads shall bear on a pro-rata basis the cost of maintaining said private roads, this being each owner's pro-rata share for grading costs, gravel, or rock hauled in to fill ruts, holes, and washed-out sections and necessary replacement of, or additional drainage culverts. Written notice of all proposed maintenance shall be made to all owners of record at their last known address. Deerfield Road, Meadow Ridge Road, Indian Drive, and Fawn Trail shall be maintained to private road standards as prescribed by Warren County now and as the same may be revised from time to time. Maintenance and repairs necessary to keep the said roads to private road standards shall be approved by a majority of the votes cast with respect to the proposed maintenance provided that for this purpose each lot owner shall have one vote per lot. Each owner's pro-rata share of the maintenance cost of the said private roads shall be due and owing to whomever takes at that time responsibility for maintenance of said road within 30 days of the work being completed. If not paid by that time, then said costs may be reduced to a judgment and shall become a lien on the land of the defaulting owner.

ARTICLE 5. In the event that the said private roads are extended within the aforesaid property, the costs of maintaining the entire road system shall be borne by all the owners of said property on the system set forth above; provided, however, that the initial costs of constructing any extension of the roads shall be borne, solely by the owners of the portion of said property abutting said road extension as they may agree, or if they do not agree, then by the same system as set forth above.

ARTICLE 6. In the event Warren County or any other governmental body, as a condition to the approval of any further subdivision of the property described in Article 1, may require said private roads to be upgraded or publicly dedicated and constructed to Department of Transportation standards, then in that event, Declarants and all persons taking title to the property described in Article 1 shall be responsible for maintenance and the costs of maintenance of the entire road

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system to the new standard on the system described in Article 4. Provided, however, that the initial cost of constructing the road or any portion of the road to a higher private road standard or to Department of Transportation standards shall be borne solely by the owners of the portion of said property. The cost of constructing the road or any portion of it to a higher private road standard to Department of Transportation standards shall be shared by the owners responsible for the upgrading according to the system described in Article 4. In the event public dedication of the said private roads or any extension of the private roads or portion thereof is required by Warren County, Declarants and all persons taking title to the aforesaid property from and through the Declarants shall publicly dedicate the portion of said roads required to be dedicated.

ARTICLE 7. The private roads located within said property may be dedicated to the public at the election of the owners in the event dedication is not required by a governing body as set forth above. In that event, the owners and their successors in title and interest to any of the property described herein will remain responsible for road maintenance as herein provided until such time as the roads dedicated are maintained by the North Carolina Department of Transportation or other governmental body.

ARTICLE 8. This Agreement shall run with and be appurtenant to the land and shall be binding upon the heirs, successors, and assigns of each record owner of the aforesaid property.

ARTICLE 9. This Agreement shall remain in full force and effect until such time as said roads or any portion thereof is taken over by the Department of Transportation for maintenance purposes, and any portion of said roads not so taken over shall remain subject to this Agreement and for said portion this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, Declarants have caused this instrument to be signed and sealed on the day and year first above written.

Katherine Ann Hurney DeMartino (SEAL)
KATHERINE ANNHURNEY DEMARTINO
Frederick L. Hurney (SEAL)
FREDERICK L. HURNEY
Oswald Cordero (SEAL)
OSWALD CORDERO
Beverly A. Cordero (SEAL)
BEVERLY A. CORDERO
Robert Gray Fleming (SEAL)
ROBERT GRAY FLEMING

James L. Hill (SEAL)
JAMES L. HILL
Nina G. Hill (SEAL)
NINA G. HILL
Robert J. Hurney (SEAL)
ROBERT J. HURNEY
Eileen T. Hurney (SEAL)
EILEEN T. HURNEY
Cathy W. Fleming (SEAL)
CATHY W. FLEMING

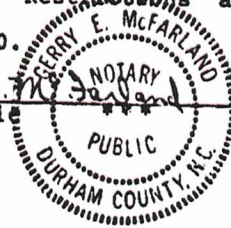
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DURHAM
STATE OF NORTH CAROLINA, COUNTY OF GRANVILLE:

I, a Notary Public of the County and State aforesaid, do hereby certify that James L. Hill and Wife, Nina G. Hill, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 24 day of June, 1990.

Herry E. McFarland
Notary Public



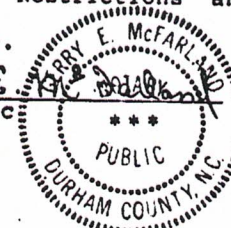
My commission expires: 11/12/91

NORTH CAROLINA
STATE OF NEW YORK, COUNTY OF DURHAM :

I, a Notary Public of the County and State aforesaid, do hereby certify that Robert J. Hurney and Wife, Eileen T. Hurney, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 27 day of July, 1990.

Herry E. McFarland
Notary Public



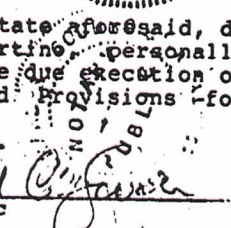
My commission expires: 11/12/91

STATE OF VERMONT, COUNTY OF Addison :

I, a Notary Public of the County and State aforesaid, do hereby certify that Katherine Ann Hurney DeMartino, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 29th day of June, 1990.

Herry E. McFarland
Notary Public



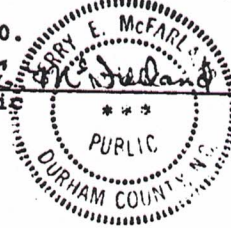
My commission expires: 2/10/91

NORTH CAROLINA
STATE OF NEW YORK, COUNTY OF DURHAM :

I, a Notary Public of the County and State aforesaid, do hereby certify that Frederick L. Hurney, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 27 day of July, 1990.

Herry E. McFarland
Notary Public



My commission expires: 11/12/91

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NORTH CAROLINA
STATE OF ~~NEW YORK~~, COUNTY OF DURHAM :

I, a Notary Public of the County and State aforesaid, do hereby certify that Oswald Cordero and Wife, Beverly A. Cordero, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 19 day of July, 1990.

Gerry E. McFarland
Notary Public



My commission expires: 11/12/91

STATE OF NORTH CAROLINA, COUNTY OF ~~LANCASHIRE~~ DURHAM

I, a Notary Public of the County and State aforesaid, do hereby certify that Robert Gray Fleming and Wife, Cathy W. Fleming, personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

This the 8 day of August, 1990.

Gerry E. McFarland
Notary Public



My commission expires: 11/12/91

NORTH CAROLINA - WARREN COUNTY

The foregoing certificates of Richard A Gordan, a Notary public of Addison County, Vermont and Gerry McFarland, a Notary public of Durham County, North Carolina are certificated to be correct. Recorded on the 17th day of August, 1990 at 9:13 P.M. in Book _____, Page _____.

Walter B. Burwell
REGISTER OF DEEDS

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