

NORTH CAROLINA  
DARE COUNTY

ALVA G. WISE  
REGISTER OF DEEDS  
DARE COUNTY, N.C.

THIS DECLARATION OF PROTECTIVE COVENANTS, made this 20th day of April, 1979, by Warren D. Paley and wife, Claire Paley, T. Stockton Midgett and wife, Elizabeth A. Midgett, and Anderson Midgett and wife, Kathryn H. Midgett, hereinafter referred to as "Owners";

WITNESSETH: WHEREAS, Warren D. Paley, T. Stockton Midgett and Anderson Midgett, hereinafter referred to as "Paley-Midgett", are the owners of that certain tract of land known as "Askin's Creek" situated in the Village of Avon, Kinnakeet Township, Dare County, North Carolina, as shown on the following maps or plats:

Lots 35 through 45 as shown on map or plat of Section 2, Askin's Creek, which is Sheet 2 thereof made by Triangle Engineering-Architecture-Planning, Inc., dated January 17, 1977, and recorded in Map Book 9, page 76, Public Registry of Dare County, North Carolina; and

Map or plat entitled "Subdivision Plat of a Revision of a Portion of Askin's Creek, Sections 2 & 3", made by Triangle Engineering-Architecture-Planning, Inc. dated February 21, 1978, and duly recorded in Plat Cabinet A, Slide 62, Public Registry of Dare County, North Carolina; and

Map or plat of the revision of Lots 46-50, Section 2, of the subdivision of Askin's Creek made by Triangle Engineering & Surveying, Inc. and recorded in Plat Cabinet A, Slide 150, Public Registry of Dare County, North Carolina, and re-subdivided as Lots 46, 47 and 48.

WHEREAS, Paley-Midgett, hereinafter called "Declarant", intends to sell lots in said subdivision subject to certain protective restrictions, reservations and covenants in order to insure the most beneficial development of the said subdivision as a residential subdivision and to prevent any use thereof as might tend to diminish the value or pleasurable enjoyment thereof, and it is the purpose of this declaration to declare and make known the covenants, conditions and restrictions which shall apply to the lands as shown on said maps or plats.

NOW, THEREFORE, Paley-Midgett hereby declares and makes known that the following restrictions, reservations and covenants are hereby imposed upon the said subdivision which shall run with the land in the subdivision and shall be binding upon Paley-Midgett, its agent, its successors and assigns, and upon all parties and persons claiming by, through or under Paley-Midgett:

1. The Owners, or their successors in title, reserve the right to grant easements over and across the lands shown within the perimeter of the above designated plats for the purpose of permitting public water supply by the Cape Hatteras Water Association, for the purpose of providing electrical service by the Cape Hatteras Electric Membership Corporation, for the purpose of providing cable television service, as the same may become available to said property, and such other utilities as may be necessary and beneficial for the residential homesites contained within said subdivision.

2. All of the lots shown on the said plats shall be used exclusively for residential purposes. Lots 1-13; 15-33; 41-78, as shown on plat of Askin's Creek, Sections 2 & 3, as recorded in Plat Cabinet A, Slide 62, Dare County Registry, and Lots 35-45, as shown on plat of Askin's Creek recorded in Map Book 9, page 76, Dare County Registry, and Lots 46-48, Section 2, as shown on plat recorded in Plat Cabinet A, Slide 150, Dare County Registry, shall be used for a single-family residence with an appurtenant garage or outbuilding. Lots 10-18 and 34-39, as shown on plat of Askin's Creek, recorded in Plat Cabinet A, Slide 62, Dare County Registry, may be used for duplexes, subject to the approval of the Dare County Health Department.

3. No building or structure, including porches and garages, shall be constructed closer than eight (8) feet to the sidelines of any lot, nor closer to the street line than 25 feet, nor closer to the rear line than 20% of the lot depth. Where a lot fronts on two streets the side street setback shall be 15 feet. The minimum square footage required, exclusive of porches and other appurtenances, shall be 800 square feet of living area. No lot may be re-subdivided unless the purpose of such re-subdivision is to make a larger building site, in which case the building lines as set forth herein shall apply to the outer perimeter of such lot.

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4. None of the lots for which this declaration is made shall be used for any business, commercial or manufacturing purposes of any kind or character. No advertising sign shall be erected on said properties, except that identification signs for the subdivision may be erected. Also, a "for sale" or "for rent" sign, not exceeding two (2) square feet, may be erected upon a lot in said subdivision. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept by a resident owner provided they are not kept, bred or maintained for any commercial purpose.

5. All service utilities, fuel tanks, woodpiles, trash and garbage accumulation are to be enclosed within a fence or wall of a type and size so as to preclude the same from causing any unsightly view from any highway or street within the subdivision. All owners shall use the trash receptacles required by Dare County for the "pick-up" of trash within the subdivision at the locations designated by Dare County within this subdivision and which are designated on said plat as "trash disposal site".

6. All toilets and sewage units installed upon said property shall be in accord with the rules and regulations of the North Carolina Department of Health and shall be located upon said lands in positions approved by the Health Department, and no outside toilets permitted.

7. No trailer, tent, shack or other temporary building shall be erected or placed on the lands within the subdivision, except such temporary buildings as may be necessary for the storage of materials for the convenience of workmen during the erection of residences upon said land. In addition, there shall be no storage of lumber, materials or supplies, except in connection with the construction of a residence upon said property, and there shall not be permitted under any circumstance any junk, wrecks, inoperative automobiles or other equipment to be placed on any of the lots within this subdivision.

8. All buildings, structures or their appurtenances shall be maintained in a suitable state of repair; and in the event of destruction by fire or other casualty, premises are to be cleared and debris removed within 90 days from the date of such casualty.

9. All residential buildings which may be constructed upon pilings or other devices to raise the first floor level shall have such area, upon completion of the structure, enclosed by slats at least four inches wide and spaced four inches apart and painted or stained in conformity with the color scheme of the main structure.

10. These conditions and restrictions shall be binding upon all parties, or those claiming under them, until January 1, 2000.

IN TESTIMONY WHEREOF, the Owners and their respective wives have hereunto set their hands and seals this day and year first above written.

*Warren D. Paley* (SEAL)  
Warren D. Paley

*Claire Paley* (SEAL)  
Claire Paley

*I. Stockton Midgett* (SEAL)  
I. Stockton Midgett

*Elizabeth A. Midgett* (SEAL)  
Elizabeth A. Midgett

*Anderson Midgett* (SEAL)  
Anderson Midgett

*Kathryn H. Midgett* (SEAL)  
Kathryn H. Midgett

