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NORTH CAROLINA

DARE COUNTY

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

DECLARATION OF PROTECTIVE COVENANTS,
THE LANDING, SECTION II AND SECTION III

WHEREAS, Landing, Inc. is the owner of that certain tract of land known as The Landing, Section II, as shown on map or plat thereof made by TEAP, Inc., Engineers and Surveyors, dated January 3, 1978, and recorded in the office of the Register of Deeds of Dare County, North Carolina, in Plat Cabinet A Slide No. 217 and 218.

AND WHEREAS, Landing, Inc. is the owner of that certain tract of land known as The Landing, Section III, as shown on map or plat thereof made by TEAP, Inc., Engineers and Surveyors, dated January 6, 1978, and recorded in the office of the Register of Deeds of Dare County, North Carolina, in Plat Cabinet A Slide No. 219 and 220.

AND WHEREAS, Landing, Inc., hereinafter called "Owner," intends to sell lots in said subdivision subject to certain protective restrictions, reservations and covenants in order to ensure the most beneficial development of the said subdivision as a residential subdivision and to prevent any such 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 plat.

NOW, THEREFORE, Landing, Inc., 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 Landing, Inc., its agents, successors, and assigns, and upon all parties and persons claiming by, through, or under Landing, Inc.:

1. The Owner, for itself or its successor in title, reserves the right to grant easements ten (10) feet wide on the front, rear and side lines of the lots within the subdivision for the purpose of permitting public water supply by the Town of Kill Devil Hills, the maintenance of necessary water lines, for the purpose of providing electric service by Virginia Electric and Power Company, or its successor, for the purpose of providing cable television service by Outer Banks Video, Inc., or its successor, for the purpose of providing telephone service by Norfolk & Carolina Telephone Company, or its successor, and such other utilities as may be necessary and beneficial for the residential homesites contained within said subdivision.

2. None of the lots numbered and shown on the aforesaid plat shall be used for any business, professional, commercial, or manufacturing purpose of any kind or character. No advertising signs shall be erected on said properties, except a "For Sale" or "For Rent" sign not exceeding two square feet may be

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MANTEO, N.C. 27954

erected upon any 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 that they are not kept, bred, or maintained for any commercial purpose.

3. Each lot in the subdivision shall be used exclusively for residential purposes, and no more than one single-family residence and garage shall be erected on any single lot shown on the aforesaid plat. If one owner acquires two or more adjoining lots, the adjoining one or more lots may be used together as a site for a single-family residence or for a duplex. No lot may be subdivided unless the purpose of said subdivision of the lot is to make a larger lot.

4. The minimum square footage required of any single-family residence erected on said lot shall be 900 square feet of living area, exclusive of porches, patios, and other protrusions from the base dimensions of the residence. The exterior of all houses and other structures must be completed within six months from the commencement of construction.

5. All buildings or structures, including porches, garages, and out-buildings, shall be constructed subject to the front or street line set-back as shown on the plats of "The Landing, Sections II and III", and said buildings, structures, porches, garages and outbuildings shall be constructed on the lots in accordance with the set-back restrictions of the Town of Kill Devil Hills. All buildings are to be constructed in accordance with the building code as adopted by the Town of Kill Devil Hills at the time of said construction.

6. All service utilities, fuel tanks, woodpiles and 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, street or way within the subdivision and all owners shall use the trash receptacles required by the Town of Kill Devil Hills within the subdivision.

7. All toilet 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 said Health Department, and no outside toilets permitted.

8. 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 lots. 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 circumstances any junk, wrecks, inoperative automobiles or other equipment to be placed on any of the lots within this subdivision.

9. 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.

10. Each owner of an individual lot shall provide for the necessary driveway to and from the streets designated on said subdivision plats and the necessary parking area for utilization of the lots as residential lots, and no street parking shall be permitted as an accessory use to any individual lot in the subdivision.

11. 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, latticework or solid enclosure, and painted or stained in conformity with the color scheme of the main structure.

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

IN TESTIMONY WHEREOF, Landing, Inc. has caused this instrument to be executed in its corporate name by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed

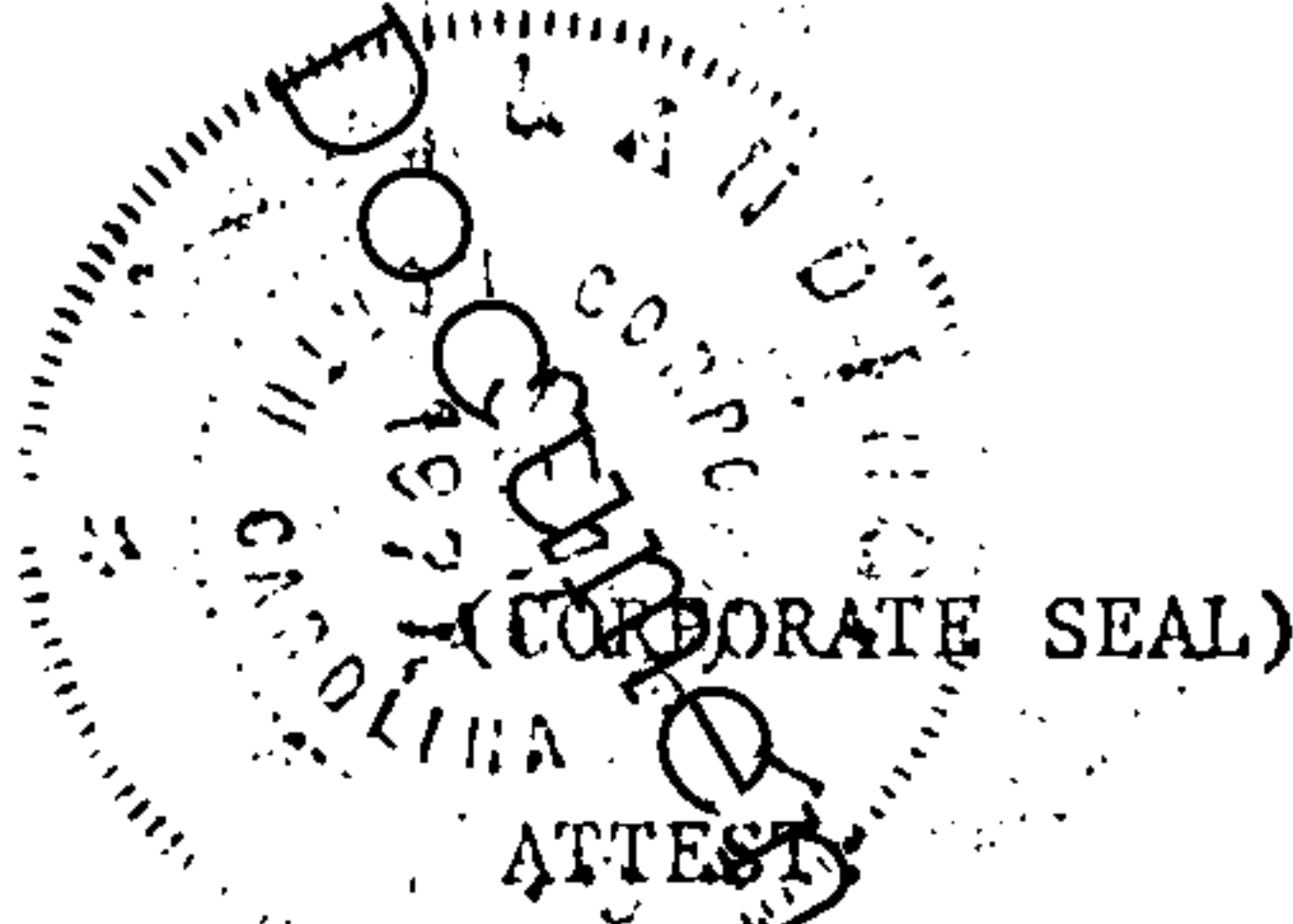
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of said corporation and by authority of its Board of Directors duly and legally given this 19th day of November 1979.

LANDING, INC.

By: T. Stockton Midgett
President



T. Stockton Midgett
Secretary

STATE OF NORTH CAROLINA
COUNTY OF DARE

This 19th day of November, 1979, T. Stockton Midgett personally appeared before me, the undersigned, a Notary Public of the aforesaid County/City and State, who being by me duly sworn, says that he is the President of Landing, Inc. and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said T. Stockton Midgett, acknowledged the said writing to be the act and deed of said corporation.

(NOTARIAL SEAL)

Susan M. Austin
Notary Public

My Commission expires:

11/30/80, 1980

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NORTH CAROLINA
DARE COUNTY

The foregoing Certificate(s) of Susan M. Austin, a Notary Public of Dare County, North Carolina,

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

Alan H. Wix REGISTER OF DEEDS FOR COUNTY
by: Brian A. Midgett Deputy/Assistant-Register of Deeds

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