

BOOK 346 PAGE 980

NORTH CAROLINA

DARE COUNTY

CLERK OF COURSE
DEEDS
N.C.

THIS DECLARATION OF PROTECTIVE COVENANTS, made this 7th day of June, 1983
by SEA HAWK SOUTH, a partnership;

W I I N E S S E I H :

THAT WHEREAS, Sea Hawk South is the Owner of certain real property situated in the Village of Duck, Atlantic Township, Dare County, North Carolina, as shown on a map or plat prepared by Quible & Associates, Engineers and Surveyors, bearing a date of April 23, 1983^{168 &}, and duly filed for record in Plat Cabinet B, slide no. 169 of the Public Registry of Dare County, North Carolina;

AND WHEREAS, Sea Hawk South intends to develop the lots shown on said plat according to a common scheme of development, it is the purpose of the Owner to declare and make known the covenants and restrictions to which the lots as shown on said plat shall be subject;

NOW THEREFORE, the Owners do hereby place upon the lots shown on the aforesaid plat the following covenants and restrictions to run with the title to said land, and Grantee or Grantees of any deed conveying a lot or lots shown on said plat shall be deemed by acceptance of such deed to have agreed to all such covenants and restrictions, and to have conceded to observe, comply with, and be bound by all such covenants and restrictions as follows:

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 described property for the purpose of permitting public water supply by the Town of Nags Head, the maintenance of necessary water lines, for the purpose of providing electric service by Virginia Electric & Power Company, for the purpose of providing cable television service by Outer Banks Video, Inc., for the purpose of providing telephone service by Norfolk & Carolina Telephone and Telegraph Company, and such other utilities as may be necessary and beneficial for the residential homesites contained within said subdivision, provided, however, that no easements granted shall interfere with the building area as shown on said lots.

2. None of the lots numbered and shown on the aforesaid plat shall be used for any business, commercial or manufacturing purposes of any kind or character. No advertising signs shall be erected on said properties, except that identification signs for the subdivision may be erected, if desired, by the Owners or their successors. Also a "for sale" or "for rent" sign not exceeding two square feet may be erected upon a lot in said subdivision. No animals, live-stock 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. All of the lots shown on the aforesaid plat shall be used exclusively for residential purposes. A one-family residence only shall be erected on the lots within said subdivision, together with an appurtenant garage. No lot may be resubdivided unless the purpose of such resubdivision is to make a larger building site, in which case the building lines as provided herein shall apply to the outer perimeter of such lot.

Prepared by &
return to:
McCown & McCown
Manteo, N.C.
27954

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4. No building or structure, including porches and garages, shall be constructed closer than 10 feet to the sidelines of said lot nor within 25 feet of the front street line of any lot and 15 feet on the side street line of any lot; the rear yard building line shall be as provided by the County of Dare. On oceanfront lots, the building setback line from the ocean shall be as shown on said plat. In the event of any greater setback requirement by any government agency, the greater requirement shall be complied with.

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, street or way within the subdivision. All owners shall use the trash receptacles required by the County of Dare for the "pick up" of trash within the locations designated by the County of Dare within this subdivision.

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 lands. 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.

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. Each owner of an individual lot shall provide for the necessary driveway to and from the streets designated on said subdivision plat and the necessary parking area for utilization of the lots as residential lots for the purpose of maintaining the streets shown on said subdivision maps as access areas for each lot owner to and from his lot and N. C. State Road No. 1200, and no street parking shall be permitted as an accessory use to any individual lot in the subdivision.

10. 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 or the equivalent as may be approved by Owner-developer.

11. All installment of electrical lines, telephone lines, and other utilities from the main lines to each building shall be underground and installed in accordance with the requirements of each utility furnishing the service.

12. No residence shall be erected or maintained on any lot having less than 1200 square feet of floor space exclusive of garages, breezeways and porches. All construction shall be in conformity with the building code of the County of Dare.

13. Because of the particular terrain and slope of the lots within this subdivision, and for the purpose of ensuring the most attractive view for each homeowner, and for the purpose of preserving the terrain and maintaining the least possible disturbance of the terrain, prior to the application for any building permit to any governmental authority having jurisdiction of the same, the purchaser of a lot or lots within this subdivision shall present to the Owner, or the Owner's agent designated for such purpose, a site plan of the location of a proposed residence upon said lot, and the Owner shall have the right to review said site plan for the purpose of maintaining the most attractive development with respect to view of adjacent properties, the ocean, or the sound, and to insure the least possible disturbance of the terrain in the construction of such proposed residence.

This review shall be evidenced in writing by the Owner to the end that such approval may be available for presentation to the appropriate building inspection authorities. This approval or such changes as are requested shall be effective and binding, not withstanding that such suggested changes or recommendations may or do tend to increase the cost of such construction.

The purchaser shall further present the building plans of the structure to be located on such site to the Owner or the agent of the Owner for approval in writing. Such approval shall not be unreasonably withheld.

14. These conditions and restrictions shall be binding upon all parties, or those claiming under them, until January 1, 2003, at which time said conditions and restrictions shall automatically be extended for two successive periods of ten years each, unless by vote of the then owners of record of a majority of the lots shown on said map herein referred to, it is agreed on or before such expiration date to change the conditions and restrictions in whole or in part. The Owners reserve the absolute right to assign the rights of approval and rights of enforcement provided in these covenants.

IN TESTIMONY WHEREOF, SEA HAWK SOUTH, a partnership, has hereunto set its hand and seal this day and year first above written.

SEA HAWK SOUTH a partnership

BY: General Partner

(SEAL)

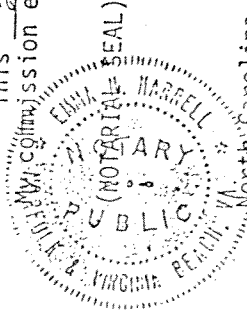
BY: Partner

(SEAL)

Virginia
State of North Carolina
County of Dare
City of Norfolk

I, a Notary Public of the aforesaid county and state, do hereby certify that Donald Chapman, as general partner, and Arlene Frances Darden Case as partner, personally appeared before me this day and acknowledged the execution of the foregoing Declaration of Protective Covenants.

This 20 day of June, 1983.
My commission expires: 1-9-87



Notary Public

North Carolina
Dare County

The foregoing certificate of Emma H. Harrell, a Notary Public of the City of Norfolk, State of Virginia, is certified to be correct. Presented for registration this 23 day of June, 1983 at 2:32 o'clock P. M., and recorded in this office in Book 345, at page 911.

Register of Deeds

By:

Assistant Register of Deeds

RECORDED CALLING 231913
NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Emma H. Harrell, a Notary Public of the City of Norfolk, State of Virginia, is certified to be correct. Present for registration this 23 day of July, 1983, at 3:57 o'clock P. M., and recorded in this office in Book 346, at Page 430.

Emma H. Harrell REGISTER OF DEEDS FOR DARE COUNTY
Chapman - McMillan Assistant/Deputy Register of Deeds

RECORDED 231913