

MAC-C . REEF---WAVES, N. C. (PTECTIVE COVENANT)

THE OWNERS OF MAC-CCA REEF (PLAT RECORDED BOOK 3 PAGE 96) HAVE DEVISED THE FOLLOWING COVENANTS & RESTRICTIONS TO DEVELOP THE SUBDIVISION IN AN ORDERLY FORM. THIS INSTRUMENT DECLARES THAT THE FOLLOWING ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES & PERSONS CLAIMING TITLE TO ANY OF THE LOTS IN THE SUBDIVISION.

1. LOTS 1 THROUGH 34 ARE TO BE USED SOLELY FOR CONSTRUCTION OF RESIDENCES. LOTS 35, 36, 37, ARE ZONED BUSINESS OR RESIDENTIAL.
2. BUILDINGS ON LOTS 1 THRU 16 SHALL BE A MINIMUM OF 2' FROM GROUND. ON LOTS 17 THRU 26 A MINIMUM OF 3' FROM GROUND. ON LOTS 27 THRU 37 A MINIMUM OF 4' FROM GROUND WITH THE EXCEPTION OF LOTS 35, 36, 37 IF THEY ARE USED FOR BUSINESS.
3. THERE SHALL BE ONLY ONE RESIDENCE PER LOT. NO HOUSE TRAILERS, SHEDS, OR TENTS SHALL BE ERECTED OR PLACED ON ANY LOTS EXCEPT FOR ONE CONSTRUCTION PERIOD NOT TO EXCEED SIX MONTHS. THESE TEMPORARY BUILDINGS SHALL BE FOR STORAGE OF BUILDING MATERIALS OR FOR THE CONVENIENCE OF WORKMEN.
4. ONLY ONE DETACHED BUILDING SUCH AS A GARAGE MAY BE CONSTRUCTED ON THE LOT. EXTERIOR FINISHES TO BE APPROVED BY SUBDIVISION OWNERS, THEIR HEIRS, OR ASSIGNS.
5. EACH RESIDENCE MUST HAVE A MINIMUM OF 600 sq. ft. EXCLUDING ANY PORCHES. THE EXTERIOR FINISH SHALL BE APPROVED BY SUBDIVISION OWNERS, THEIR HEIRS OR ASSIGNS.
6. THE PAVED ROAD IN FRONT OF THE PROPERTY OUT TO THE CENTER LINE IS TO BE MAINTAINED BY EACH INDIVIDUAL PROPERTY OWNER. NOTE: THERE IS A 15' EASEMENT ALONG EACH SIDE OF THIS ROAD & THE BUILDING SETBACK LINE IS TO BE MEASURED FROM THIS EASEMENT LINE.
7. CONSTRUCTION MUST COMPLY WITH REGULATIONS OF THE COUNTY COMMISSIONERS, THE HEALTH DEPARTMENT, ALSO, BUILDING, ELECTRICAL AND PLUMBING CODES MUST BE ADHERED TO.
8. SHOULD ANY PURCHASER, HEIR OR ASSIGN DECLARE TO DISPOSE OF THE PROPERTY, THEN THE OWNERS OF THE SUBDIVISION, THEIR HEIRS, OR ASSIGNS SHALL HAVE THE FIRST OPTION TO BUY BACK THE PROPERTY WITH ANY IMPROVEMENTS.
9. MAC-CCA REEF OF WAVES, N. C. RESERVES THE RIGHT TO ALTER, AMEND, MODIFY, CHANGE OR ELIMINATE ANY OR ALL OF THESE RESTRICTIONS.

IN WITNESS WHEREOF, WE HAVE SET OUR
HANDS AND SEALS.

"SWORN TO BEFORE ME ON THIS DATE

SIGNED: Louis E. McLeod

SIGNED: Dea. D. McLeod

Alethia M. Meekins
(notary public)

DATE: May 20, 1969

My Commission Expires: August 14, 1969

NORTH CAROLINA, DARE COUNTY

The foregoing certificate of Alethia M. Meekins

a Notary Public of Dare County, State of North Carolina

is certified to be correct.

Presented for registration this the 20 day of May 1969

at 4-45 o'clock P. M., and recorded in this office

in Book 156 Page 553

5-26-69

William D. Davis

THE OWNERS OF MAC-OCA REEF (PLAT RECORDED BOOK 3 PAGE 96) HAVE DEVISED THE FOLLOWING COVENANTS & RESTRICTIONS TO DEVELOP THE SUBDIVISION IN AN ORDERLY MANNER. THIS INSTRUMENT DECLARES THAT THE FOLLOWING ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES & PERSONS CLAIMING TITLE TO ANY OF THE LOTS IN THE SUBDIVISION.

LOTS 1 THROUGH 34 ARE TO BE USED SOLELY FOR RESIDENTIAL CONSTRUCTION. LOTS 35, 36, 37 ARE ZONED BUSINESS OR RESIDENTIAL, OTHERWISE THERE IS TO BE NO MANUFACTURING OR OTHER COMMERCIAL USE ON THE THE LAND. NO LOT OR COMBINATION OF LOTS MAY BE RESUBDIVIDED. LOTS 5, 6, 7, 8 MAY BE USED TO ERECT A DUPLEX RESIDENCE FOR TWO FAMILY LIVING.

NO ADVERTISING SIGN EXCEPT A FOR RENT OR FOR SALE SHALL BE DISPLAYED.

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED OR KEPT ON ANY LOT EXCEPT DOGS, CATS, OR OTHER HOUSEHOLD PETS PROVIDED THAT THEY SHALL NOT BE MAINTAINED FOR ANY COMMERCIAL PURPOSE.

FEATH, GARBAGE OR ANY OTHER WASTE MATERIAL SHALL BE KEPT IN SANITARY CONTAINERS. EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIALS SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.

NO SECURITY LIGHTS SHALL BE INSTALLED. OUTSIDE FLOOD LAMPS ARE PERMITTED.

NO HOUSE TRAILER, SHED, TENT, SHACK OR OTHER TEMPORARY BUILDING SHALL BE ERECTED OR PLACED ON ANY LOTS EXCEPT FOR ONE CONSTRUCTION PERIOD OF SIX MONTHS.

ONLY ONE PERMANENT DETACHED BUILDING MAY BE CONSTRUCTED ON LOT. IT'S ARCHITECTURE & EXTERIOR FINISH IS TO BE APPROVED BY SUBDIVISION OWNERS.

CONSTRUCTION MUST COMPLY WITH REGULATIONS OF THE COUNTY COMMISSIONERS, THE HEALTH DEPARTMENT, AND ALL BUILDING, ELECTRICAL AND PLUMBING CODES MUST BE ADHERED TO. ALL STRUCTURES MUST BE EQUIPPED WITH INSIDE PLUMBING FACILITIES.

IN ORDER TO PRESERVE A DESIRABLE BEAUTY AND TO PROTECT PURCHASERS FROM HAVING UNDESIRABLE TYPES OF ARCHITECTURE DEPRECIATING THE WHOLE DEVELOPMENT, ALL ELEVATION PLANS, BUILDING PLANS, SPECIFICATIONS, AND SETTINGS FOR EACH STRUCTURE TO BE ERECTED SHALL BE APPROVED BY DEVELOPER WITH AN APPROVED COPY OF THE PLANS LEFT IN THE POSSESSION OF THE DEVELOPER.

NO ADDITION TO RESIDENCE, FENCE, WALL OR OTHER STRUCTURE SHALL BE COMMENCED, ERECTED, INSTALLED OR MAINTAINED UPON THE PROPERTY UNTIL THE PLANS AND SPECIFICATIONS SHOWING THE NATURE, KIND, SHAPE, HEIGHT, MATERIALS AND LOCATION ON THE LOT SHALL HAVE BEEN SUBMITTED TO & APPROVED IN WRITING.

ALL DWELLINGS MUST HAVE A MINIMUM ENCLOSED LIVING AREA OF 750 SQ. FT. EXCLUSIVE OF OPEN PORCHES AND ATTACHED GARAGES. ALL STRUCTURES SHALL BE COMPLETED ON THE EXTERIOR WITHIN SIX MONTHS FROM START OF CONSTRUCTION, & THE PROPERTY SHALL BE CLEANED FROM ALL DEBRIS & SCRAP BUILDING MATERIALS.

THE PAVED ROAD IN FRONT OF THE PROPERTY TO THE CENTER LINE IS TO BE MAINTAINED BY EACH INDIVIDUAL PROPERTY OWNER UNTIL & UNLESS A GROUP OF OWNERS DESIRE TO DEDICATE THE ROAD TO THE STATE. IN THAT CASE THERE IS A 15' EASEMENT ALONG EACH SIDE OF THIS ROAD AND THE BUILDING SETBACK LINE IS TO BE MEASURED FROM THIS EASEMENT.

IF ANY PURCHASER OF ANY SITE ON SAID PLAT, OR THEIR HEIR AND, OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE FOREGOING CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY OTHER SITE OR SITES SHOWN THEREON TO PROSECUTE ANY PROCEEDINGS AT LAW OR EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE SUCH CONDITIONS, RESERVATIONS, EASEMENTS AND RESTRICTIONS FOR THE PURPOSE OF PREVENTING HIM OR THEM FROM SO DOING, OR OF RECOVERING DAMAGES FOR SUCH VIOLATION.

IN WITNESS WHERE-OF, WE HAVE SET
OUR HANDS AND SEALS.

SIGNED: Lewis E. McNeal
(MAC-LCA REEF)

SIGNED: Oce B. M. Lee
(MAC-LCA REEF)

SWORN TO BEFORE ME ON THIS DATE: April 12, 1971

Alethia M. Meekins
(NOTARY PUBLIC)

My Commission expires
August 19, 1971

NORTH CAROLINA, DARE COUNTY

The foregoing certificate of Alethia M. Meekins
a Notary Public of Dare County, North Carolina, is certified to be
correct.

PRESENTED for registration this the 16 day of April 1971
at 12-15 o'clock P. M., and recorded in this office
in Book 173, Page 265 4-28-71

McBrien R. Daniel By _____
Register of Deeds Assistant Register of Deeds

AMENDED DECLARATION OF PROTECTIVE COVENANTS

THIS AMENDED DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS made this the 28th day of January, 1974, by L. E. McLeod and wife, Oca Z. McLeod, of Waves, North Carolina, owners and developers of the subdivision known as Mac-Oca Reef, referred to hereinafter:

W I T N E S S E T H:

THAT WHEREAS L. E. McLeod and wife, Oca Z. McLeod, as owners of the subdivision known as Mac-Oca Reef, filed for record on the 20th day of May, 1969, a Declaration of Covenants and Restrictions relating to all those certain lots No. 1 through 37, inclusive, as shown on map or plat of the subdivision entitled "Mac-Oca Reef" made by P. F. Crank, Jr., Registered Land Surveyor, dated April 22, 1969, and recorded in Map Book 3, page 96, in the office of the Register of Deeds of Dare County, North Carolina;

AND WHEREAS subsequent thereto the aforesaid L. E. McLeod and wife, Oca Z. McLeod, devised an instrument declaring additional covenants and restrictions affecting the aforesaid lots in the aforesaid subdivision known as Mac-Oca Reef, as recorded in Map Book 3, page 96, Dare County Registry, and caused the same to be recorded in Book 173, page 365, Dare County Registry, and whereas the aforesaid L. E. McLeod and wife, Oca Z. McLeod, heretofore conveyed lots and parcels of land by reference to the aforesaid subdivision and have also entered into contracts to sell certain lots and parcels of land therein subject to the aforesaid Declarations of Protective Covenants as recorded in Book 156, page 553, Dare County Registry, and Book 173, page 365, Dare County Registry, respectively;

AND WHEREAS in order to promote a more orderly development of the lots and property within said subdivision and for the benefit of all of the owners thereof, the said L. E. McLeod and wife, Oca Z. McLeod, desire to amend and clarify the protective covenants and restrictions affecting the use of lots and parcels of land in said subdivision and to eliminate such conflicting provisions as may now exist in the declarations referred to hereinabove affecting the said property and with the consent and approval of all of the owners of lots and property in said subdivision and those to whom they have entered into contracts for the purchase of lots and property in said subdivision, as evidenced by their execution of an instrument designated "Protective Covenants" and marked Exhibits "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", and attached hereto and made a part hereof, have amended, modified, eliminated and changed the Declarations of Protective Covenants referred to hereinabove and all of said owners desire to subject all of said lands and property to the protective covenants and restrictions for the benefit of all of the owners of the property within said area as set out hereinafter so that the same may be developed in an orderly manner:

NOW, THEREFORE, L. E. McLeod and wife, Oca Z. McLeod, Declarants, hereby covenant and agree with all other persons, firms or corporations now owning or hereafter acquiring any property in the area owned by them and referred to hereinabove that all of the lots designated as 1 through 37, inclusive, as shown and delineated on that certain plat entitled "Mac-Oca Reef," dated April 22, 1969, made by P. F. Crank, Jr., Registered Land Surveyor, and recorded in Map Book 3, page 96, in the office of the Register of Deeds of Dare County, North Carolina, are hereby subjected to the following covenants and restrictions as to the use thereof and run with the said properties and be binding upon all persons, firms and corporations owning or claiming title to the same:

1. Lots 1 through 34 are to be used solely for residential construction. Lots 35, 36, 37 are zoned business or residential, otherwise there is to be no manufacturing or other commercial use on the land. No lot or combination of lots may be re-subdivided. Lots 5, 6, 7 and 8 may be used to erect a duplex residence for two family living.
2. No animals, livestock or poultry of any kind shall be raised or kept on any lot except dogs, cats or other household pets provided that they shall not be maintained for any commercial purpose.

3. Trash, garbage or any other waste material shall be kept in sanitary containers. Equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
4. No house trailer, shed, tent, shack or other temporary building shall be erected or placed on any lots except for one construction period of six months. There shall be only one dwelling and one detached building per lot.
5. All dwellings must have a minimum enclosed living area of 750 square feet exclusive of open porches and attached garages. All structures shall be completed on the exterior within six months from start of construction, and the property shall be cleaned from all debris and scrap building materials.
6. The paved road in front of the property to the center line is to be maintained by each individual property owner until and unless a group of owners desire to dedicate the road to the state. In that case there is a fifteen foot easement along each side of this road and the building setback line is to be measured from this easement.
7. Construction must comply with regulations of the county commissioners, the health department, and all buildings, electrical and plumbing codes must be adhered to. All structures must be equipped with inside plumbing facilities.
8. In order to preserve a desirable beauty and to protect purchasers from having undesirable types of architecture, the outside appearance should conform to, or be better than those homes already constructed. Exterior siding must be brick, permanent wood, asbestos or of a material which is substantially similar in quality and appearance to any of those.
9. No advertising or billboard sign shall be placed, erected or displayed on any lot or part thereof except those signs demonstrating the lot or premises for sale or lease and except those signs utilized in conjunction with a commercial business established, erected and in operation on lots 35, 36 or 37 which signs shall only advertise the commercial establishment thereon and not detract from the subdivision scheme as to beauty and architecture.
10. If any purchaser of any site on said plat, or their heirs and/or assigns, shall violate or attempt to violate any of the foregoing conditions, easements, reservations and restrictions, it shall be lawful for any other person or persons owning any other site or sites shown thereon to prosecute any proceedings at law or equity against the person or persons violating or attempting to violate such conditions, reservations, easements and restrictions for the purpose of preventing him or them from so doing, or of recovering damages for such violations.

These covenants and restrictions shall be binding on all parties and persons claiming under them. An invalidation of any one of these covenants by a judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN TESTIMONY WHEREOF Declarants, L. E. McLeod and wife, Oca Z. McLeod, have hereunto set their hands and seals, the day and year first above written.

L. E. McLeod (SEAL)
L. E. McLEOD

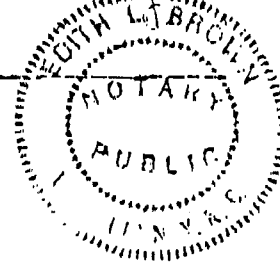
Oca Z. McLeod (SEAL)
OCA Z. McLEOD

NORTH CAROLINA
DARE COUNTY

I, Edith L. Brown, a Notary Public in and for the County of Wake, North Carolina do hereby certify that L. E. McLeod and wife, Oca Z. McLeod, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 1st day of February, 1974.

Edith L. Brown
NOTARY PUBLIC



MY COMMISSION EXPIRES:
11-18-76

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Edith L. Brown, a Notary Public of Wake County, North Carolina, is certified to be correct.

PRESENTED for registration this 25th day of February, 1974, at 3:45 o'clock P.M., and recorded in this office in Book 209, Page 204.
3-7-74

Emile J. Gray
REGISTER OF DEEDS

BY: _____
ASSISTANT REGISTER OF DEEDS