

RESTRICTIVE AND PROTECTIVE COVENANTS

WALNUT CREEK ESTATES  
AREA C, SECTION 7

KNOW ALL MEN BY THESE PRESENTS:

MARY F. FALLIN AND HUSBAND, KENNETH N. FALLIN being the owner of all of the property as shown on a map entitled WALNUT CREEK ESTATES, AREA C, SECTION 7, which is recorded with the Wayne County Register of Deeds in Plat Cabinet J, at Slide 160, and being the land described in a deed recorded in Book 1281, Page 449 in the Wayne County Register of Deeds, has established a general plan for the improvement and development of such premises and does hereby establish the covenants, conditions, reservations and restrictions upon which, and subject to which, all lots and portions of such lots shall be improved or sold and conveyed by it as owner thereof. These covenants, conditions, reservations, restrictions and easements are hereinafter set out and shall run with the land and shall bind and inure to the benefit of the purchasers, their prospective heirs, personal representatives, successors and assigns, until the 1st day of January 2030, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless a majority of the then owners of the land shall sign and record an agreement to change said covenants in whole or in part. The covenants, conditions, reservations and restrictions are as follows:

1. Residential Use. Such lots, and each and every one thereof, are for single-family residential purposes only. No building or structure intended for or adapted to business purposes, and no apartment house, duplex, lodging house, rooming house, hospital, church, sanatorium or doctor's office, or other multiple-family dwelling shall be erected, placed, permitted, or maintained on such premises, or on any part thereof. No improvement or structure whatever, other than a first class private dwelling house, patio walls, swimming pool,

family recreation structures, and customary outbuildings, garage, carport, servants' quarters, or guest house may be erected, placed, or maintained on any lot in such premises.

2. The minimum space and capital expenditure requirements for residences to be constructed on each lot, exclusive of garages, carports, porches, attics and basements shall be as follows:

One Story Dwelling - 2,000 square feet and \$75,000.00

Two Story Dwelling - 2250 square feet and \$85,000.00

3. No building shall be erected or allowed to remain on any of the residential lots in the development without conforming to the minimum building side yard and front yard set backs as shown on the recorded subdivision plat. Dimensions shall be computed for the front yard from the street right of way to the front line of the main body of the house. Side yard dimensions shall be computed along the extension of this front line to each property line and shall be measured from the part of the house, garage, porch or carport nearest the property line. Front lines of each house shall be set back thirty percent (30%) of the average depth of the lot perpendicular to the front line. Side yards shall be fifteen percent (15%) of the width of the lot measured at the set back line on each side. Minimum rear yard shall be twenty percent (20%) of the mean lot depth. Accessory buildings shall not be erected in any required front or side yard of within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from any property line. Each residence must front toward the street.

4. No fence, wall barricade, solid row shrubbery planting, tree planting or other view retarding structure of any type shall be erected or

allowed to remain on any lot which does not conform to the following requirements:

- (a) a maximum height of three and one-half (3 1/2) feet high in the front yard (in front of the minimum building set back line) when constructed along the front of the lot on the street right-of-way or parallel to the street right-of-way,
- (b) A maximum of four (4) feet in height when constructed down the side line from the point parallel with the center of the residence located on the lot,
- (c) Chain link fences are specifically prohibited from being erected between the street and building setback line.

5. In order to provide for the orderly development and placement of structures on these lots and to maintain and provide for architectural beauty in the development of these lots, no building shall be erected or allowed to remain on said property, nor shall any alteration of any building on said property be made until the plans have been approved by the Zoning Enforcement Officer of the Village of Walnut Creek. The plans shall be submitted and approved in the following manner:

A. PRELIMINARY PLOT PLAN AND ARCHITECTURAL DESIGN:

The owner or proposed builder shall submit to said Zoning Enforcement Officer preliminary plans which shall show:

- (1) Floor plan exterior design of all structures
- (2) Plat plan of the lot, including:
  - (a) Location of residence and outbuildings
  - (b) Driveways and walks
  - (c) Clothes lines, garbage cans, air conditioning condensers,

utility lines, etc.

- (d) Garages, carports, and all other outbuildings
- (e) Proposed patios, swimming pools
- (f) Outdoor lights, mailboxes, name signs
- (g) Proposed house or pens for pets
- (h) Fences

The Zoning Enforcement Officer shall review plat plans, counsel with owner and make such modifications as may be required to accomplish:

- (1) Style of architecture to conform or blend with other structures in the subdivision
- (2) Placement and setback of houses to enhance the lot and conform with the lots of adjoining owners
- (3) Burial of all storage tanks underground
- (4) Underground utilities
- (5) Concealment by walls or hedges of all condensers, garbage cans, utility areas and yards for pets
- (6) Coordination and standardization of yard lights, mailboxes and name signs for the enhancement of the beauty of these lots.

B. FINAL PLOT PLAN AND ARCHITECTURAL DESIGN:

The owner or proposed builder shall submit a final plot plan, including working drawings, for all structures for approval by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall approve the final plans before a building permit is obtained or construction commenced. If the Zoning Enforcement Officer shall fail to act on the approval of plans and specifications submitted within thirty days after they are submitted, the plans and specifications shall be considered as approved, provided they do not violate

any other restriction herein contained.

6. No trailer, basement (unless basement is a part of the house erected at the same time), tent, shack, barn or other outbuilding shall be erected or placed on any lot covered by these covenants. Structures which enhance the beauty of the overall permanent landscaping and blend with permanent home structure may be built provided permission is granted from the Zoning Enforcement Officer. House trailers are specifically prohibited, including the storage of said trailers. All boats, trailers and campers shall be stored behind the building setback line.

7. No animals or poultry of any kind, other than a reasonable number of house pets or a reasonable amount of wild fowl and small wild animals, shall be kept or maintained on any part of the said property. No pens for dogs or stables for horses, ponies or other livestock shall be permitted. A small dog house is permissible if located with concern for adjoining property owners.

8. Developer hereby reserves unto itself, its successors and assigns, an easement, or right-of-way, which it may at any time in the future grant to others, over, beneath and across the lots and streets of the development, for the purposes of right-of-way for gas lines, water lines, sewer pipes, telephone and electric lines, wires, cables and all equipment necessary for the installation, use and maintenance of utilities, including gas, water, electricity, telephone, sewage and drainage.

9. No sign or billboard of any kind shall be erected or allowed to remain on any lot other than a "For Sale" sign which shall not be larger than six (6) square feet.

10. The disposal of sewage and all waste matter which includes garbage, rubbish, et cetera, shall be in compliance with regulations of the State

Board of Health of North Carolina and the Board of Health of Wayne County, and all other governmental authorities which might have jurisdiction thereover. Outdoor garbage cans shall be of the underground type or concealed with plantings or wall structure.

11. Any tanks for use in connection with any residence constructed on such premises, including tanks for the storage of fuels, must be buried or walled sufficiently to conceal them from the view from neighboring lots, roads, or streets. All clotheslines, garbage cans, equipment, or storage piles shall be walled in to conceal them from the view of neighboring lots, roads, or streets.

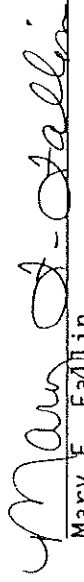
12. No firearms of any make, or weapons, of any size or caliber, including pistols, rifles, air rifles or shotguns, or bow and arrows, shall be fired upon the property for any purpose.

13. Utility Lines. All electrical service and telephone lines shall be placed underground and no outside electrical lines shall be placed overhead but this restriction may be waived by the Zoning Enforcement Officer.

14. Nuisances. No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any lot that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of surrounding property. Owners of vacant lots shall be required to keep undesirable undergrowth from accumulating on their lot to such a degree that it would be objectionable to the adjoining neighbors or the neighborhood in general.

15. Fences and Pump Houses for Wells. No chain link fences or above-ground pump houses for wells may be constructed within the area of the front yard setback line on any lot, said setback line being more fully shown on the plat of "Walnut Creek Estates, Area C, Section 7," recorded in Plat Cabinet J, Slide 160.
16. No lot in the subdivision shall be used for a street or road way.
17. The developer reserves the right to subject the real property in this subdivision to a contract with Carolina Power & Light Company for the installation of underground electric cables and/or the installation of street lighting, either or both of which may require an initial payment and/or a continuing monthly payment to Carolina Power & Light Company by the owner of each building.

IN WITNESS WHEREOF, Mary F. Fallin and husband, Kenneth N. Fallin has hereunto set their hand and seal, the 8<sup>th</sup> day of March, 1991.

  
Mary F. Fallin (SEAL)

  
Kenneth N. Fallin (SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF WAYNE

I, Jennifer M. Dustin, a Notary Public of the County and State aforesaid certify that Mary F. Fallin and husband, Kenneth N. Fallin personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and seal this 8<sup>th</sup> day of March, 1991.

Jennifer M. Dustin  
Notary Public

My Commission Expires:

My Commission Expires May 9, 1995



NORTH CAROLINA - Wayne County  
The foregoing certificate of a notary public is certified to be correct.  
Filed for registration this the 8<sup>th</sup> day of March, 1991, at 3:20 o'clock P. M.  
By Trance Wiggo  
Deputy/Assistant Register of Deeds

DEBORAH C. LANE, Register of Deeds