

This instrument prepared by:
Jolly, Williamson & Williamson (BNWIII)

NORTH CAROLINA

BIRCHWOOD SUBDIVISION

FRANKLIN COUNTY

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that Roger G. Edwards and wife Sandra F. Edwards and Raymond W. Foster and wife Mary Charles D. Foster, are the owners in fee simple of that certain tract or parcel of land situate in Louisburg Township, Franklin County, North Carolina, and comprising Lots No. 1 through 47, inclusive, according to survey by W. T. Dement Jr., Registered Land Surveyor, as shown on plat thereof dated March 31, 1988, entitled "Birchwood Subdivision", of record in Plat Record File #3, Slide 138-B in the office of the Franklin County Register of Deeds; AND WHEREAS, the undersigned contemplate the development of said property and the conveyance of the lots hereinabove referred to; AND WHEREAS, it is the desire of the undersigned that the purchasers and subsequent owners of said property shall be protected by the covenants and restrictions hereinafter set forth to the mutual advantage of the owners and the purchasers of any or all of said property.

NOW, THEREFORE, in consideration of the premises and as an inducement and incentive to the prospective owners to purchase and develop said property the undersigned do hereby covenant and agree to and with all persons, firms or corporations hereafter acquiring any property in the above described "Birchwood Subdivision", that all of the lots on the map hereinabove referred to and now owned by the undersigned are hereby subject to the following covenants and restrictions as to the use thereof and that all subsequent conveyances of the above property shall be subject to the following covenants and restrictions, to wit:

1. All lots shall be used for residential purposes.
2. No building shall be constructed within seventy-five (75) feet of the center of the roadway fronting said tract, and no building shall be located on a tract nearer than fifteen (15) feet to any side or rear property line. For the purposes of this covenant, eaves, steps, and open porches shall be considered as a part of a dwelling.
3. All satellite dishes must be placed on the rear of the lot.
4. No structure of a temporary character, including but not limited to, basement, tent, shack, garage, barn or other outbuilding shall be used on any tract within said subdivision at any time as a residence, either temporary or permanent.
5. No noxious or offensive activity shall be carried on upon any tract in said subdivision, nor shall anything be done on any tract in said subdivision which may be or may become an annoyance or nuisance to the neighborhood.
6. No tract as shown on the official map of said subdivision shall be resubdivided unless such part of the subdivided tract becomes a part of a whole tract and the remainder of the subdivided tract becomes a part of another whole tract. In no event, however, shall more than one dwelling be erected on any one tract or to any one tract to which there has been made an addition.
7. No one shall be permitted at any time to raise, keep or maintain any poultry, cattle, swine, or goats on any lot shown on the official map of said subdivision. No animals shall be kept or raised for commercial purposes.

8. The purchaser of any tract within said subdivision through which a stream, branch or creek free and clear of all debris and stagnant water so far as the said stream, branch or creek passes through or bounds any tract.

9. No inoperable vehicle or trash pile shall be permitted to remain on any lot.

PRIVATE ROAD MAINTENANCE PROVISIONS

For all tracts in Birchwood Subdivision, there is hereby created a Birchwood Subdivision Property Owners Association which is established for the purpose of establishing rules and regulations governing the speed limits and for the maintenance and upkeep of the roads in the subdivision. Each of the owners of the tracts in the subdivision shall be entitled to one vote per tract at the annual meeting of such association to be held on the last Friday of January of each year beginning with the year 1989. At the annual meeting, there shall be elected a Board of Directors for the association consisting of five members and the five members so elected shall be responsible for contracting and providing for the road maintenance and regulations. The costs of any repairs and maintenance contracted by the Board of Directors of the association shall be assessed equally to all tracts within the subdivision. However, said maintenance shall not exceed the sum of \$100.00 per tract per year in terms of 1987 dollars. Owners of more than one tract shall be assessed one assessment for each tract owned. In the event a tract owner fails or refuses to pay his proportionate part of such road maintenance, the association may enforce such payment through civil action to be instituted for such purpose in the General Court of Justice of Franklin County, North Carolina. Title to all tracts in the subdivision that abut a private road shall extend to the centerline of said road; however, the declarant herein, and its successors and assigns, reverse the right to grant a general road easement to the North Carolina Department of Transportation or any other governmental authority, if it is desired that such private road be included in the public highway system.

RESERVATION OF UTILITY EASEMENTS

Declarant hereby reserves the right to grant general utility easements to any public utility desiring to provide service of such utilities to a lot owner within said subdivision. Declarant hereby reserves the right to subject the real property in this subdivision to a contract with any public utility for the installation of street lighting, which requires a continuing monthly payment to said public utility by each residential customer.

CHANGES IN COVENANTS AND RESTRICTIONS

These covenants and restrictions shall be in effect and applicable to lots within Birchwood Subdivision for a period of twenty (20) years from and after the date hereof; however, if a two-thirds (2/3) majority of the owners of tracts of land within said subdivision determine that changes in said covenants and restrictions will result in the improvement of Birchwood Subdivision, then such changes may be made and recorded in the Register of Deeds office of Franklin County provided such changes in said covenants and restrictions are made at a special called meeting of the Birchwood Subdivision Property Owners Association after the Board of Directors of said association first gives written notice to all property owners within said subdivision of the proposed changes in said covenants and restrictions, said notice to be given to all property owners at least thirty (30) days prior to the date for said hearing. These covenants and restrictions shall only be changed, altered or amended, upon a vote of at least two-thirds (2/3) of the property owners within Birchwood Subdivision based on one tract equal to one vote.

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IN WITNESS WHEREOF, the Grantors, have hereunto set their hands and seals, on this the day and year first above written.

Roger G. Edwards (SEAL)
Roger G. Edwards

Sandra F. Edwards (SEAL)
Sandra F. Edwards

Raymond W. Foster (SEAL)
Raymond W. Foster

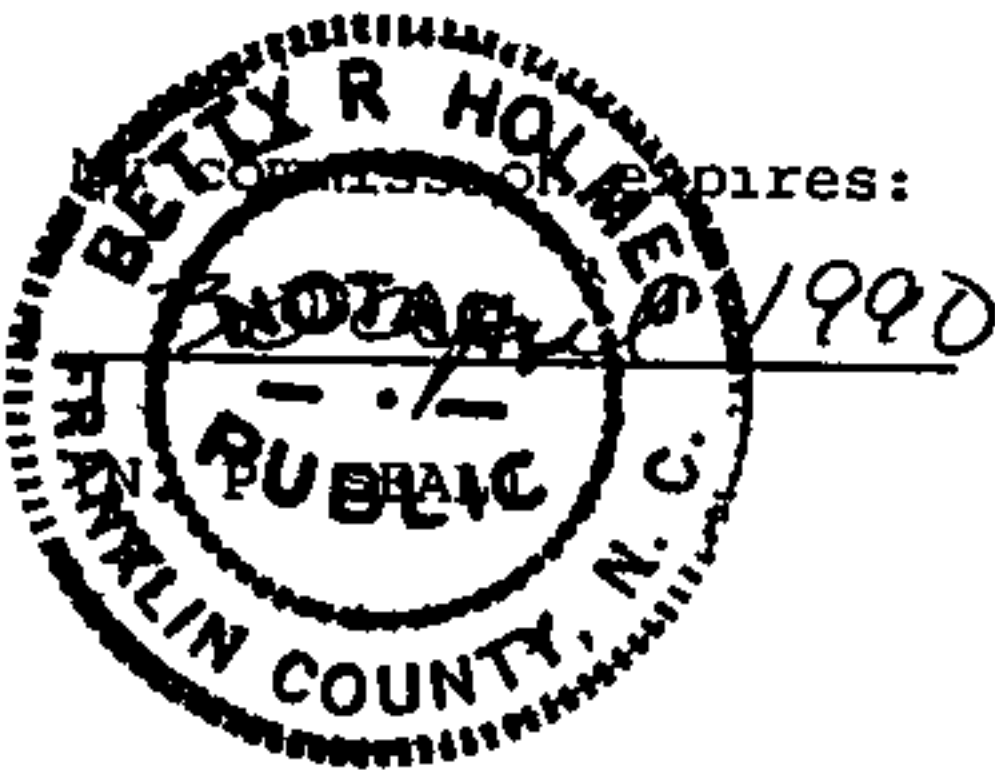
Mary Charles D. Foster (SEAL)
Mary Charles D. Foster

NORTH CAROLINA
FRANKLIN COUNTY

I, a Notary Public of the County and State aforesaid, certify that Roger G. Edwards and wife Sandra F. Edwards and Raymond W. Foster and wife Mary Charles D. Foster, each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 8th day of June 1988.

Betty R. Holmes (SEAL)
Notary Public



NORTH CAROLINA - FRANKLIN COUNTY

The foregoing certificate of Betty R. Holmes, a Notary Public, is certified to be correct. This the 8th day of June, 1988.

Martha D. Shearin

Martha D. Shearin
Register of Deeds

NORTH CAROLINA - FRANKLIN COUNTY

Filed for registration the 8th
day of June, A.D. 1988

At 9:50 A.M., In Book 895

Page(s) 983-985

Martha D. Shearin
MARTHA D. SHEARIN, REGISTER OF DEEDS