

RESTRICTIVE COVENANTS LAKE GASTON ESTATES
ORIGINAL DOCUMENT RECORDED AT WARREN COUNTY REGISTER OF DEEDS OFFICE
BOOK 227 – PAGES 670-675

NORTH CAROLINA

WARREN COUNTY

THIS DECLARATION made and executed by Lake Gaston Estates, Inc., a North Carolina corporation, hereinafter called the "Developer".

WITNESSETH:

THAT WHEREAS Developer is owner of the real property described in Article II of this Declaration and desires to create thereon a residential community with permanent parks, playgrounds, open spaces and other common facilities for the benefit of the said community; and

WHEREAS Developer desires to provide for the preservation of the values and amenities in said community and for the maintenance of said parks, playgrounds, open spaces and other common facilities; and, to this end, desires to subject the real property described in Article II together with such additions as may hereafter be made thereto (as provided in Article II) to the covenants, restrictions, and easements hereinafter set forth, each and all of which are for the benefit of said property and each owner thereof; and

WHEREAS Developer has deemed it desirable, for the efficient preservation of the values and amenities in said community described in Article II, and such additions thereto as may hereafter be made pursuant to Article II hereof, shall be transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easement, and other provisions hereof as hereinafter set forth.

ARTICLE I

This declaration, and all amendments hereto, shall be binding on the Developer, its successors and assigns, and all purchasers of lots in the Lake Gaston Estates, their heirs, successors and assigns.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

Section 1. Existing property. The real property which is, and shall be held transferred, sold, conveyed and occupied subject to this declaration is located in Six Pound Township, Warren County, North Carolina and is more particularly described according to deed executed by Shelby G. Benton et ux to the Lake Gaston Estates, Inc., dated the 26th day of August, 1966, recorded in the office of the Register of Deeds of Warren County, North Carolina in Book 227, page 248, to which reference is hereby specifically made for other and further description and the metes, courses, distance and boundaries therein incorporated herein by reference.

Section 2. Additional lands may become subject to this declaration.

(a) The Developer, its successors and assigns, may, at any time prior to fifteen years after the filing of this declaration, have the right to bring additional lands into the scheme of this declaration. The additions authorized under this and the succeeding subdivisions shall be made by filing of record a supplementary declaration of covenants, restrictions with respect to the additional property which extend the scheme of the covenants and restrictions of this declaration to such property. Such supplementary declaration may contain complementary additions and modifications of the covenants and restrictions contained in this declaration as may be necessary to reflect the different character, if any, of the added properties and as are not inconsistent with the scheme of this declaration. In no event, however, shall such supplementary declaration revoke, modify or add to the covenants established by this declaration within the existing property.

ARTICLE III

BUILDING AND USE LIMITATION

The following restrictions and covenants shall apply to the property known as Lake Gaston Estates as designated on the plat recorded in the office of the Register of Deeds of Warren County, North Carolina. These restrictions and covenants are to run with the land and shall be binding on all parties and persons claiming under them until January 1, 1986 at which time said restriction shall be

automatically extended for successive periods of ten (10) years each, unless by the written consent of these owners of more than 75 percent of the lots covered by these restrictions, it is agreed to change said restrictions in whole or in part.

1. All lots in the tract, except those otherwise designated on the recorded plat, shall be used for residential purposes only. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height, exclusive of basement. Mobile homes will be permitted on lots south of the thoroughfare.

2. All residential buildings shall have at least 600 square feet of floor area for the first floor, exclusive of porches, patios, basements and garages.

3. No building shall be located nearer than 30 feet to the front property line, or 15 feet to the side property line.

4. No structure of a temporary character, trailer, mobile home, basement, (unless basement is a part of the house erected at the same time), tent, shack, garage, barn or other out building shall be used on any lot at any time as a residence either temporarily or permanently, excepting mobile homes will be permitted on lots south of the proposed thoroughfare.

5. All building material, used in the construction of any structure shall be new materials.

6. No outside toilet or privy shall be constructed or used on any lot.

7. No lot shall be used or maintained as a dumping ground for rubbish.

8. No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

9. No horses, cows, chickens, sheep or goats shall be raised, bred or kept on any lot. Dogs, cats or other household pets, however, may be kept provided they are not kept, bred or maintained for any commercial purpose.

10. No lot or group of lots may be re-subdivided so as to produce a greater number of lots.

11. All residential buildings must be completed within 150 working days after starting or owner must get written approval of delays from the Developer of Lake Gaston Estates.

12. Cutting or removing any trees more than 10 inches in diameter along the street property

line shall only be permitted by the authorized representatives of the owners. While it is difficult to prescribe rules for the preservation of existing shrubbery and trees, it is urged that only those trees necessary for individual building requirements be removed.

13. The collection or accumulation of trash, garbage, rubbish or weeds must be immediately removed from the premises and all property shall be kept in an orderly sanitary condition at all times.

14. The invalidation of any one of the covenants or any part thereof by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

15. The covenant and restriction shall be binding upon all owners of lots in Lake Gaston Estates, their heirs and assigns.

ARTICLE IV

GENERAL PROVISIONS

Section 1. Duration. The covenants and restrictions of this declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Developer, its successors and assigns, for a period of twenty years from the date of this declaration, after which time the said covenants shall automatically be extended for successive periods of ten years unless an instrument is signed by the then owners of three-fourths of the original lots, agreeing to change said covenants and restrictions in whole or in part. Provided, however, that no such agreement to change shall be effective unless made and recorded three years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every owner at least ninety days in advance of any action taken.

Section 2. Notices. Any notice required to be sent to any member or owner under the provisions of this declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears on the public records of Warren County to be the owner of such lot or lots; and, provided further that the address of such owner appearing upon the tax records of Warren County shall be conclusively presumed to be the last known address of such owner.

Section 3. Enforcement. Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages; failure of the Developer, its successors and assigns, to enforce any covenant or restriction herein shall in no event be deemed a waiver of the right to do so thereafter.

Section 4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF Lake Gaston Estates, Inc. has caused these presents to be executed and to be signed by its President and its corporate seal to be affixed thereto by its Secretary this 16th day of February, 1967.

seal

Lake Gaston Estates, Inc.

By: *Selby G. Benton*
President

Betty D. Benton
Secretary

BY-LAWS OF LAKE GASTON ESTATES PROPERTY OWNERS' ASSOCIATION

ARTICLE 1

MEMBERS' MEETING

SECTION 1 ANNUAL MEETING: The annual meeting of the members of the Lake Gaston Property Owners Association shall be held at the Recreation Park Pavilion weather permitting on the Saturday of Memorial Day Weekend in each year, at which time the members will elect members in good standing to serve on a Board of Directors of seven members.

Said annual meeting shall also transact such other business as may properly be brought before it.
(amended on 5/24/2025 by affirmative vote with certified quorum)

Notice of each annual meeting shall be given to each member at least 10 days before each annual meeting which can be delivered via mail, email, text or phone message. No notice shall be required if all members consent to waiver notice of such a meeting. *(amended by electronic means on 12/5/2020)*

1. A member/owner who is delinquent on their dues and/or financial obligations to the community, at the time of a voting deadline date, that members/owners' rights and privileges will be suspended. When grounds for the suspension have been cured the member will be notified and restored as a member in good standing. *(amended on 8/30/2024 by affirmative vote with certified quorum)*

SECTION 2 SPECIAL MEETINGS: Special meetings of the members may be called at any time by the President or by any two Directors. Notices of such special meetings shall be the same as that required for the annual meetings; provided, that no notice shall be required if all members waive notice of such meeting. The object of the special meeting shall be stated in the notice or announced by the President when such meeting is convened; provided further, that failure to announce such purpose or purposes shall not invalidate any proceedings had unless a majority of members shall object to a transaction of business not previously announced.

Section 3 Meeting Procedure

1. Meeting Notification & Agenda Process:

- Upcoming Board meeting dates shall be posted on POA's approved media platforms.
- Board members and property owners may submit agenda item suggestions, with supporting documentation, no later than 14 days before the scheduled meeting.
- A draft agenda will be shared with Board members by the secretary or other designated board member 7 - 10 days prior to the meeting.
- Final agenda will be posted on PayHOA and shared with Board & members 5 -7 days prior to the meeting.
- Final approval agenda will be moved at Board Meeting.

2. Owner Participation:

- Property owners may request to speak on agenda items by email, no later than 2 days before the meeting.
- Owners may submit written comments or participate in a timed comment period (2–10 minutes depending on the number of requests).
- Public comments are limited to agenda items only, unless the board meeting is designated as an "Open Board Meeting".
- The Secretary will track timing; the President or designee will facilitate public comment. The Vice President will serve as parliamentarian.

3. Meeting Location & Format:

- All meetings shall be held at a neutral site to ensure accessibility and impartiality, first choice will be Recreation Pavilion dependent on weather.

4. Recording & Minutes:

- All board meetings should be recorded to provide accurate minutes and for archival purposes.
- Written minutes will exclude the names of individual property owners referenced during discussions.

5. Governance:

- All meetings shall follow Robert's Rules of Order- Simplified Version.
- Board members intending to propose motions related to **board policy** (e.g., community fees, facility enhancements, etc.) are strongly encouraged to submit the motion in writing before the meeting to expedite discussion and decision-making.

- Motions related to **governance or administrative changes**—specifically those affecting existing **bylaws or covenants**—must be submitted in writing *before* the draft agenda is issued. This ensures Board members and owners have time to review and prepare.
- Proposed covenant changes require substantial procedural steps and cannot be approved by a board motion. Bylaw changes or additions may only be adopted by majority vote of owners, provided a 10% quorum is met. Covenants need 75% of members in good standing.
(amended on 5/24/2025 by affirmative vote with certified quorum)

ARTICLE II

BOARD OF DIRECTORS

SECTION 1 POWERS OF THE BOARD: The Board of Directors shall have general management and control of the business, property and affairs of the corporation and may exercise all powers with regard thereto, except for the sale of corporation property, the raising of dues, the implementation of special assessments, and the borrowing of money or other powers such are by law expressly reserved to the members. In regard to the sale of property, approval of a majority of the members that vote, on a RESOLUTION OF SALE, is required before corporation property can be sold. The RESOLUTION OF SALE may be presented for vote at the annual meeting of the members or by letter ballot. The transfer of ownership in the roads, to the Department of Transportation of the State of North Carolina, is exempt from this requirement. In regard to the raising of dues and/or the implementation of special assessments, approval of a majority of the members that vote, on a RESOLUTION, is required before dues can be increased or a special assessment can be implemented. The RESOLUTION must be presented by letter ballot to all members of record. In regard to the borrowing of money, the Board of Director are limited to a maximum of TEN THOUSAND DOLLARS (\$10,000.) of total debt.

The Board of Directors shall not authorize, allocate, or spend more than **SIX THOUSAND DOLLARS (\$6,000)** total on any capital expenditure projects(s) within a calendar year without first polling the Members in writing and receiving a majority vote to proceed with the project(s). *(Amendment approved by majority vote of members present at the annual meeting May 26, 2007)*

The Board of Directors shall have the ability to charge a late fee for all accounts that are not paid by March 15th each year. If the account is not in good standing by June 1st of the same year the Board will have the authority to send those accounts to a collection agency and

whatever costs that are incurred by the association in collections will be the responsibility of the member to pay. All costs associated with attempting collection of past due balances will be the responsibility of the member that is not in good standing to incur that charge. Those costs could include: attorney's fees, collection agency fees, court costs, as well as others. The member will be responsible for any fees and recovery expenses incurred due to the collection of their outstanding account balances. *(Amendment approved by majority vote of members on May 27, 2013)*

SECTION 2 ELECTION OF OFFICERS: Immediately following the annual members meeting. The Board of Directors shall meet and elect a President, Vice President, Secretary and Treasurer; provided that any two of said offices, except President and Vice President, may be held by the same individual. Said officers shall hold office until their successors are elected and qualified; provided, that the Board of Directors shall at all time have and retain the right to declare any office vacant and elect a successor to hold office until the next annual members meeting and thereafter until his successor is elected and qualified. The Board of Directors shall also at all times have the right to fill any vacancy on their own Board until the next annual meeting where that position will also be elected by the members. *(amended 7/4/2020 by electronic means)*

1. Two members of the same household or co-owners can not serve simultaneously as a member of the HOA Board of Directors. *(amended on 8/30/2024 by affirmative vote with certified quorum)*

SECTION 3 REGULAR MEETINGS OF DIRECTORS: The Directors shall hold meetings at least once annually, which meeting shall be immediately following the annual members' meeting as provided in Article I, Section 1 hereof.

SPECIAL MEETINGS OF DIRECTORS: The Directors may hold special meetings at any time upon call of the President or any two Directors. The Secretary shall give written notice to each Director at least five days prior to such meeting.

ARTICLE III

DUTIES OF OFFICERS

Board Composition, Terms, and Responsibilities

The Board of Directors shall consist of **seven (7) members** of the Association in good standing. Each member shall serve a **three-year term** on a **voluntary basis**, with **no compensation** provided.

Roles and Responsibilities:

- Specific duties and responsibilities for each officer and board member may be adjusted by the board to align with the strengths and capabilities of individual members.
- These listed responsibilities are intended to define expectations and promote accountability. Once officer roles are determined following the Annual Meeting election, each board member is expected to fulfill their assigned duties.

Board Participation:

- Board members are expected to attend all **scheduled general membership meetings, board meetings, and board work sessions**.
- Board members are **expected to train** their successor to become **qualified members** of the board.
- Board members are expected to use **business email** when responding to members questions concerning the association.
- A **majority vote** of the board may remove a board officer from their position if the officer **fails to fulfill their assigned duties** or is **consistently unavailable** for scheduled meetings, as defined above.

Section 1. President The President is responsible for the general oversight and control of the POA's affairs. This role includes presiding over all meetings, managing board member expectations, and maintaining consistent follow-up with each director. The President should be knowledgeable in association governance documents and is entrusted with duties prescribed by law. They are responsible for ensuring timely violation reviews and overseeing the annual audit of all POA accounts, including account registers.

Section 2. Vice President The Vice President supports the President and assumes their powers and duties in the event of absence, disability, or death. This role also includes acting as Parliamentarian during POA meetings, reviewing contracts and requests for proposals, and overseeing all voting procedures in accordance with the law. The Vice President chairs the Architectural Committee and should be familiar with the association's governing documents. Additional duties may be assigned by the Board as needed.

Section 3. Treasurer The Treasurer shall be responsible for managing and maintaining all financial records and obligations of the Lake Gaston Estates POA. This includes utilizing the association's management software tools to oversee banking accounts, account registers, vendor relationships, insurance policies, and the reserve fund. The Treasurer shall reconcile all bank accounts monthly and maintain detailed records of all financial obligations, including vendor payments, insurance, collections, and liens. Monthly financial reports, along with bank statements, transaction logs, and image documentation, shall be provided to the board. The Treasurer will collaborate with the Finance Committee to support financial goals and report progress to the Vice President. Additionally, the Treasurer shall oversee the processing of all foreclosures and judgments, whether judicial or non-judicial, and present quarterly investment suggestions to the board. All correspondence sent to the Treasurer must be answered within 48 hours using the designated business email. The Treasurer is also tasked with preparing and maintaining the association's budget for the current fiscal year as well as projecting budgets for the next two fiscal years.

Section 4. Secretary The Secretary maintains all records of POA meetings, gives notice for meetings, and has custody of association records not maintained by the Treasurer. This position manages emails, software communications, attorney interactions, and documentation regarding property transfers and closings. The Secretary ensures all minutes are posted per board policy and manages member communications through both digital platforms and USPS. Additional responsibilities include recording all property transfers, assisting the welcome committee with new member outreach, managing voting tags, and processing liens as directed by the Board.

Section 5. Director of Roads The Roads Director inspects all association roads monthly from March through September and responds to related correspondence within five days. This position reports road conditions, upcoming work, and vendor quotes to the board and maintains direct communication with vendors. They also approve payments for roadwork, collaborate with Warren County Public Works for signage and maintenance, inspect the golf cart trail twice monthly from May through August, and oversee maintenance of member parking areas and the boat ramp.

Section 6. Director of Parks The Parks Director is responsible for inspecting the parks, beach area, playground, day docks, fire pits, and bathrooms twice monthly from May to September, as well as maintaining the kitchen area. They respond to related correspondence within five days and report work updates and vendor quotes to the board. This role oversees vendor communication and payment approval, manages the Recreation Park calendar and reservations, and meets with

landscaping vendors as needed to ensure the quality of work performed.

Section 7. Director of Technology / Projects The Technology & Projects Director manages internet connectivity at the Recreation Pavilion and maintains the community's security equipment. This includes maintaining the inventory and programming of electronic key fobs and overseeing the association's website and phone system. They also ensure all software licenses are current and installed on the association's laptops. In addition, this role audits GIS and County Tax records on a rotating three-year basis and keeps all property records up to date.

(Duties of Officers amended on 5/24/2025 by affirmative vote with certified quorum)

Section 8 Checks: Checks may be drawn on funds of the corporation by signature of the President, Treasurer or third person designated by the Board. *(Amendment approved by majority vote of members present at the annual meeting 5/29/2021)*

SECTION 9 NOTES AND BONDS: Notes and bonds creating a general obligation of the corporation, shall be signed by the President and Secretary.

SECTION 10 INSTRUMENTS AFFECTING PROPERTY: All instruments affecting real or personal property shall be executed by such officer or officers who, by general law, are authorized and charged with the responsibility for such execution.

ARTICLE IV

AMENDMENT TO BY-LAWS

SECTION 1: These by-laws, or any part thereof, may be repealed, altered or amended and new by laws adopted by any meeting of the members by affirmative vote or represented by proxy. A quorum of no less than 10 percent of the membership in good standing, at the time of the vote, will represent a qualified meeting. These motions must be submitted in writing or via mail to the Secretary of the HOA or other appointed board member for a period of not less than 30 days prior to the motion being considered. Such change or changes are proposed; provided, that the Board of Directors may make such changes which shall be effective until repealed or disaffirmed by the members.

(amended on 8/30/2024 by affirmative vote with certified quorum)

ARTICLE V

CORPORATE SEAL

The Board of Directors shall provide a suitable corporate seal showing the name of the corporation and the word "SEAL" and "1987", or such other words indicative of the state of the corporation and the said seal when obtained shall be impressed at the margin of the minute book containing this article of the by-laws.

(Stockholders replaced with Members - amended on 5/24/2025 by affirmative vote with certified quorum)

NOTE: This information is re-typed only as a more readable document. Original Document recorded at Warren County Courthouse, Warrenton, North Carolina.

BOOK 7, PAGES 229, 230 & 231

**ARTICLES OF INCORPORATION
OF
LAKE GASTON ESTATES PROPERTY OWNERS ASSOCIATION**

The undersigned natural person of the age of eighteen (18) years or more, does hereby associate himself into a non-profit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina, entitled "Non-Profit Corporation Act," and the several amendments thereto, and to that end does hereby set forth:

1. The name of the corporation is Lake Gaston Estates Property Owners Association, Inc.
2. The period of duration of the corporation shall be perpetual.
3. The purpose or purposes for which the corporation is organized are:
 - (a) To administer, maintain and repair road, park areas, and boat ramps within park areas and any other dedicated common properties located in that subdivision known as Lake Gaston Estates, located in Sixpound Township, Warren County, North Carolina;
 - (b) To establish and collect annual and special assessments from members pursuant to By-Laws of the cooperation for the purpose of carrying out the objectives and purposes for which this cooperation is established. Assessments shall be equal against all lots or parcels except as to the developer of Lake Gaston Estates as to property owned by it or its successors and assigns, as to property which has not been subdivided in accordance with the county supervision regulations in effect.
 - (c) To seek to create enforceable assessment provisions for establishing and collecting annual and special assessments from its members for carrying out the other purposes and objectives for which this corporation is organized;
 - (d) To purchase or otherwise acquire, own, improve, convey or otherwise dispose of real estate within that subdivision known as Lake Gaston Estates in Sixpound Township, Warren County, North Carolina;

- (e) To purchase, own and operate property and equipment for performing the other services, duties, purposes and objectives of this cooperation;
- (f) To contract with others for performing the services, duties, purposes and objectives of this cooperation;
- (g) To purchase, construct, operate and maintain recreational equipment and facilities on park areas and other common properties within that subdivision known as Lake Gaston Estates;
- (h) To provide entertainment for the members of the corporation;
- (i) To enforce the restrictions and covenants applicable to properties within that subdivision known as Lake Gaston Estates in Sixpound Township, Warren County, North Carolina;
- (j) To regulate and control the use of roads, park areas and other properties owned in common with Lake Gaston Estates for the purpose of protecting and preserving the same for owners of real estate within Lake Gaston Estates;
- (k) And in order property to prosecute the objectives and purposes above set forth, the corporation shall have full power and authority to perform all acts which may be deemed necessary for the proper and successful prosecution of the objectives and purposes for which the corporation is created.

4. The membership of this corporation shall be limited to those persons, corporations or other legal entities who own real property or an interest in real property within that subdivision known as Lake Gaston Estates in Sixpound Township Warren County, North Carolina. Each property owner shall be entitled to only one vote regardless of the number of lots or amount of property owned within Lake Gaston Estates. Not more than one vote may be cast for any single lot or parcel of property within Lake Gaston Estates. Voting rights of members and the manner of voting may be regulated by the By-Laws of this corporation in the event of multiple owners of a single parcel of property within Lake Gaston Estates to the extent that the same are not inconsistent with law and the forgoing provisions.

5. There shall be only one class of members of this corporation except to the extent that Lake Gaston Estates, as a member of this corporation, may be classified as another class because of the right to elect one member of the Board of Directors of this corporation for the period and in the manner hereinafter set forth.

6. The corporation is to have no capital stock. Membership emblems, stickers or certificates may be issued to members.

7. The address of the initial registered office of the corporation is N. Main Street, P.O. Box 673, Warrenton, Warren County N.C. 27589. The name of the initial registered agent at such address is Selby G. Benton.

8. The number of directors of this corporation shall be six (6), provided that the corporation, by its By-Laws, may increase the number of directors, not to exceed seven (7) members. The names and address of the persons who shall serve as directors of this corporation until the first meeting of members or until their successors are elected and qualified are:

<u>Names</u>	<u>Address</u>
Selby G. Benton	P.O. Box 673 Warrenton, N.C. 27589
Everette W. King	Rt, 2, Box 48-A Macon, N.C. 27551
Tom Walters	Rt 2, Box B-14 Macon, N.C. 27551
G, Michael Tutor	1412 Pineview Drive Garner, N.C. 27529
Donald Pettus	915 N. Mineral Springs Rd. Durham, N.C. 27703
Mrs. Irene Hatch	Rt 2, Box C-15 Macon, N.C. 27551

9. The name and address of the incorporator is:

<u>Name</u>	<u>Address</u>
Selby G. Benton	P.O. Box 673 Warrenton, N.C. 27589

10. The corporation shall enjoy those powers set forth in Chapter 55A, Section 15 of the General Statutes of North Carolina and such other powers as now or may hereafter be conferred by general law.

11. No member, officer or director shall receive any salary, profit, dividend or compensation by virtue of his or her membership; provided, however, that nothing here in shall be construed to prevent a member, officer or director from being compensated for actual services rendered or materials furnished at a reasonable fair market value.

12. The location of the principal office of the corporation is N. Main street, Warrenton, N.C. 27589, but it may have one or more branch offices and places of business in the State of North Carolina or in any other State, provided the location the principal office may be changed to another location in State of North Carolina by action of the directors or By-Laws upon compliance with statutory provisions.