

NORTH CAROLINA

WAKE COUNTY

BOOK 2346 PAGE 498

THIS DECLARATION, made this 21st day of July 1975 by
Ivan D. Jones, Jr., and wife Billie C. Jones and Robert L.
Martin, Jr., and wife Jean P. Martin, hereinafter called
Declarants,

W I T N E S S E T H :

THAT WHEREAS, the Declarants are the owners of the
real property described in Article I of this Declaration
and are desirous of subjecting said real property to the
protective covenants hereinafter set forth, each and all
of which are for the benefit of such property and for each
owner thereof, and shall inure to the benefit of such prop-
erty and pass and run with said property, and each and every
lot or parcel thereof, and shall apply to and bind the suc-
cessors in interest and any owner thereof;

NOW, THEREFORE, the Declarants hereby declare that --
the real property described in and referred to in Article I
hereof is and shall be held, transferred, sold and conveyed
subject to the protective covenants set forth below:

Article I. The real property which is, and shall be,
held, transferred, sold and conveyed subject to the protec-
tive covenants set forth in the Articles of this Declaration
is located in Barton's Creek Township, Wake County, North
Carolina, and more particularly described as follows:

Being all of lots 1, 2, 3, 4, 5, 6 and 7 (including
that portion of said lots lying within the strip
indicated as "60' INGRESS & EGRESS EASEMENT - NOT
FOR PUBLIC USE") according to plat entitled "Stone-
field Subdivision, Section 1, Barton's Creek Township,
Wake County, N. C." by John Y. Phelps, Jr., Registered
Surveyor, dated 07/11/75, revised 07/18/75, and re-
corded in Book of Maps 1975, Volume 2 , page 220 ,
Wake County Registry, North Carolina.

Article II. All of the above lots shall be known and
designated as residential lots and the same shall be used
for residential purposes only and not for any form of busi-
ness or commercial activity.

Article VII. No cattle, swine or goats may be kept on any lot, but limited numbers of saddle horses in secure enclosures may be kept, provided the stable is not within 200 feet of the residence of any other lot owner.

Article VIII. The 60-foot-wide strip of land indicated on the aforesaid plat as "60' INGRESS & EGRESS EASEMENT - NOT FOR PUBLIC USE" is intended at this time for the use only of the owners of lots 1, 2, 3, 4, 5, 6 and 7 and their heirs and assigns and their invitees, and it is not intended for public use.

Article IX. The cost of construction and the maintenance costs of the 60-foot ingress and egress easement shall be borne as follows:

1. Purchasers of lots 6 and 7 will pay to Declarants, on but not before January 10, 1976, the total sum of One Thousand Dollars (\$1000) which shall constitute their share of the cost of grading and the necessary rock to stabilize said road.

2. Purchasers of other lots in said subdivision shall pay such sums as may be agreed upon with Declarants.

3. Once constructed, the cost of future maintenance of the road over said easement shall be borne, on an equal share basis, by each lot owner who has an existing residence on his lot or a residence under construction at the time.

4. Said road shall not be hard-surfaced except upon signed agreement of at least three-fourths (3/4) of the lot owners, in which event the cost shall be proportioned based upon an equal share basis (one share per lot).

Article X. Whenever the words "owner" or "owners" are used herein, the same shall refer to the equitable owners and not to any trustee or cestui que trust in a deed of trust.

Article XI. A variance of relief from these restrictive covenants may be obtained at any time by a document executed by at least three-fourths (3/4) of the lot owners in

NORTH CAROLINA
WAKE COUNTY

I, Jane H. Shirley, Notary Public, do hereby certify that Ivan D. Jones, Jr., and Billie C. Jones, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal this 25 day of September, 1975.



Jane H. Shirley
Notary Public

My commission expires: 9/28/79

NORTH CAROLINA
WAKE COUNTY

I, Jane H. Shirley, Notary Public, do hereby certify that Robert L. Martin, Jr., and Jean P. Martin, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal this 25 day of September, 1975.



Jane H. Shirley
Notary Public

My commission expires: 9/28/79

NORTH CAROLINA
WAKE COUNTY

I, William W. McManis, Notary Public, do hereby certify that Marvin L. Mann and Frances Mann, his wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal this 23rd day of September, 1975.



William W. McManis
Notary Public

My commission expires

My Commission Expires June 13, 1978

NORTH CAROLINA—WAKE COUNTY

The foregoing certificate of Jane H. Shirley,
William W. McManis, III.

(Notary/Not Public is
here) certified to be correct. This instrument was presented for registration and recorded in this
office in Book 2346 Page 498
This 25 day of Sept, 1975, at Wake County, N.C.

R. B. MCKENZIE, JR., Register of Deeds
By George B. Johnson
Deputy Register of Deeds

Prepared by and hold for:
Kirby Wallace, Creech, Sarda,
Zaytoun & Cashwell

BK4604PG0906

NORTH CAROLINA

WAKE COUNTY 000009

RECEIVED
FOR
REGISTRATION

89 NOV 22 AM 8:54 AMENDMENT TO DECLARATION

RECEIVED
REGISTER OF DEEDS
WAKE COUNTY

THIS AMENDMENT TO DECLARATION, entered into this 2nd day of November, 1989, by and between the undersigned land owners of the property located in the Stonefield Subdivision, Section I, Barton's Creek Township, hereinafter called the "Declarants";

WITNESSETH:

THAT, WHEREAS, the Declarants are the owners of the real property described in Exhibit "A" attached hereto, which constitutes all of the lots in the Subdivision known as the Stonefield Subdivision, Section I, Barton's Creek Township; and,

Whereas more than two-thirds of the owners are willing to amend the Declaration executed by Ivan D. Jones, Jr. and Billie C. Jones, Robert L. Martin, Jr. and Jean P. Martin, the original Declarants in the Declaration of Covenants dated July 21, 1975, recorded in Book 2346, Page 498, Wake County Registry, for the purpose of clarifying the rights of the parties as to resubdivision and to remove any potential ambiguity in the original Declaration; and

THAT, WHEREAS, the issue of whether landowners have the right to resubdivide the lots in this subdivision was raised in Wake County Superior Court in Locken, et al v. Kralick, 89 CVS 5346 (1989), which litigation was resolved amicably among the parties;

THAT, WHEREAS, it was the intent of the original Declarants to preserve the character and integrity of Stonefield Subdivision as a seven lot subdivision as shown on Map 1975, Page 220, Wake County Registry;

NOW, THEREFORE, Declarants hereby declare that the real property described in the Exhibit "A" attached hereto shall hereby be held, transferred, sold and conveyed subject to the following amendments to the protective covenant:

1. Original Covenants. Articles I through XIII of the original Covenants shall remain in full force and effect and those covenants shall continue subjecting the land described herein to the restrictions set forth in those Covenants.

2. Additional Covenant.

ARTICLE XIV. The plat described on Exhibit "A" as Stonefield Subdivision, Section I, Barton's Creek Township, Wake County, North Carolina, by John Y. Phelps, recorded in Book of Maps 1975, Page 220, Wake County Registry, is hereby declared to be a part of the protective covenants described above, and the configuration of the lot lines shown thereon shall be considered an integral part of those covenants.

The aforesaid plat shall not be amended or modified, nor shall any of the lot lines be moved, except by the provisions set forth in the covenants for amendment to the declaration.

No lots shall be resubdivided, unless the party seeking resubdivision has complied with the provisions of the amendment to the declaration set forth in the original Declaration. The intent and purpose of this covenant is to

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preserve Stonefield Subdivision, Section I, as a seven lot subdivision as shown on Book of Maps 1975, Page 220, Wake County Registry.

IN TESTIMONY WHEREOF, the Declarants shown below have set their hands and seals as of the day and year first written above.

_____(SEAL)

_____(SEAL)

- Lot 1 -

Nora Gail Scott, (SEAL)

Trustee (SEAL)

- Lot 2 -

E. D. Edward Kani (SEAL)

Dorothy M. Kane (SEAL)

- Lot 3 -

Wayne J. Rhodes Jr (SEAL)

Robert A. Rhodes (SEAL)

- Lot 4 -

Nora Gail Scott, (SEAL)

Trustee (SEAL)

- Lot 5 -

Alvin L. Loeck (SEAL)

Sylvia J. Loeck (SEAL)

- Lot 6 -

John L. Loeck (SEAL)

_____(SEAL)

- Lot 7 -

CDK6974.007

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NORTH CAROLINA

WAKE COUNTY

I, a Notary Public for the aforesaid County and State, certify that E. EDWARD AND DOROTHY M. KAT personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 3 day of November, 1989.

Jimmy D. Parkdull
Notary Public

My Commission Expires: 11-6-93

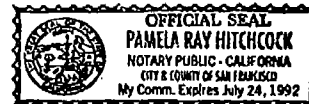
State of California)
NORTH CAROLINA) ss.
County of San Francisco)
~~WAKE COUNTY~~

I, a Notary Public for the aforesaid County and State, certify that Neva Gail Scott, Trustee personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 2nd day of November, 1989.

Pamela Ray Hitchcock
Notary Public

My Commission Expires: July 24, 1992



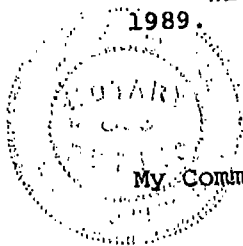
BK4604PG0910

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public for the aforesaid County and State, certify that D. SPOTT AND SYLVIA J. LOCKEN personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 3 day of November, 1989.



Jimmy D. Parkdall
Notary Public

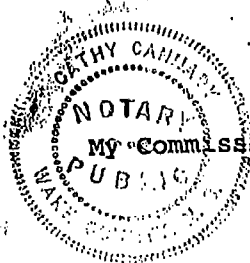
My Commission Expires: 11-6-93

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public for the aforesaid County and State, certify that Myland L. Parks, Jr. and Barbara R. Parks personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 8th day of November, 1989.



Cathy Cannady
Notary Public

My Commission Expires: 3-31-92

BK4604PG0911

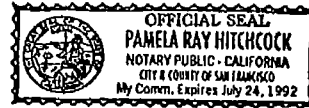
State of California)
NORTH CAROLINA) ss.
County of San Francisco)
WAKE COUNTY

I, a Notary Public for the aforesaid County and State,
certify that Neva Gail Scott Prater personally appeared
before me and acknowledged the due execution of the foregoing
instrument.

Witness my hand and seal this 2nd day of November,
1989.

Pamela Ray Hitchcock
Notary Public

My Commission Expires: July 24, 1992



NORTH CAROLINA

WAKE COUNTY

I, a Notary Public for the aforesaid County and State,
certify that _____ personally appeared
before me and acknowledged the due execution of the foregoing
instrument.

Witness my hand and seal this ____ day of _____,
1989.

Notary Public

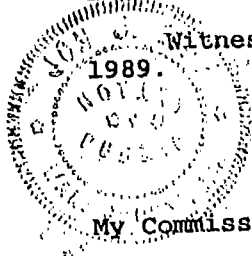
My Commission Expires: _____

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public for the aforesaid County and State,
 certify that J. Le Roy KING personally appeared
 before me and acknowledged the due execution of the foregoing
 instrument.

Witness my hand and seal this 6 day of November,
 1989.



Jon J Eddy
 Notary Public

My Commission Expires: 7/52

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate

of

Jamary J. Baskdull

Pamela Ray Nicholas, Cathy
Carmady + Jon J. Eddy Notary(ies) Public is
 (are) certified to be correct. This instrument and this certificate are duly registered at the date and time
 and in the book and page shown on the first page hereof.

KENNETH C. WILKINS, Register of Deeds

By

Scott G. Baskdull
 Asst./Deputy Register of Deeds

BK 604 PG 0913

Exhibit A

Being all of lots 1, 2, 3, 4, 5, 6 and 7 (including that portion of said lots lying within the strip indicated as "60' INGRESS & EGRESS EASEMENT - NOT FOR PUBLIC USE") according to plat entitled "Stonefield Subdivision, Section 1, Barton's Creek Township, Wake County, N. C." by John Y. Phelps, Jr., Registered Surveyor, dated 07/11/75, revised 07/13/75, and recorded in Book of Maps 1975, Volume 2, page 220, Wake County Registry, North Carolina.