

247 820

STATE OF NORTH CAROLINA

RESTRICTIVE COVENANTS

COUNTY OF TRANSYLVANIA

KNOW ALL MEN BY THESE PRESENTS that BRUCE L. WILLIAMS and wife, NARDA L. WILLIAMS do hereby mutually covenant to and with all persons, firms or corporations now owning or hereafter acquiring any property in the following described tract of land lying and being in Brevard Township, Transylvania County, North Carolina, and more particularly described as follows:

All of that certain piece, parcel or tract of land known as Patton Mountain Estates, plat of which said subdivision was prepared by Clarence Jenkins, RLS, and is registered in Slide File 22 at 211-211A, Records of Transylvania County, North Carolina, reference to which is hereby made for a more complete description.

That the said property hereinabove described is hereby subject to the restrictions as to the use thereof running with the said property by whomsoever owned, to-wit:

RESIDENTIAL AREA COVENANTS

1. Easements: Easements affecting all lots in said subdivision are reserved for the installation of utilities and drainage facilities. No utility company or organization using the easements herein reserved shall be liable for any damage necessarily done to shrubbery, trees, flowers or other property located upon said lot.
2. Nuisances: No noxious or offensive activity shall be carried on upon any lot or nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
3. Livestock and poultry: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats or may be kept, provided they are not kept, bred, or maintained for any commercial purposes. Horses shall be allowed on the premises.
4. Garbage and Refuse Disposal: Not lot shall be used for a garbage dumping ground or for an automobile junk yard. Trash, garbage or other waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

GENERAL PROVISIONS

1. Term: The covenants will run with the land and shall be binding on all parties and other persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded. After which time, said covenants shall automatically be extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners has been recorded agreeing to change said covenants in whole or in part.
2. Enforcement: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages. In the event that a suit is so prosecuted, the defendant in said suit, if plaintiff is successful, shall pay all the costs incurred by the plaintiff, including a reasonable amount for attorney fees to be taxed and the costs.

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3. Severability: Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

PROPERTY OWNERS ASSOCIATION

1. Membership: All property owners shall become members of Patton Mountain Estates Maintenance Corporation hereinafter called "the Corporation" and shall become subject to its rules and regulations. The Corporation shall be responsible for maintenance of private roads, lakes and recreation areas in the subdivision. The Corporation shall be operated in accordance with the articles of incorporation and bylaws of Patton Mountain Estates Maintenance Corporation, a non-profit corporation to be organized under the laws of the State of North Carolina.

IN TESTIMONY WHEREOF, BRUCE L. WILLIAMS, and wife, NARDA L. WILLIAMS have set their hands and seals, this the 1st day of May, 1981.

Bruce L. Williams SEAL  
Bruce L. Williams

Narda L. Williams SEAL  
Narda L. Williams

STATE OF NORTH CAROLINA  
COUNTY OF TRANSYLVANIA

I, Wicki S. Lee, a Notary Public in and for said County and State, do hereby certify that BRUCE L. WILLIAMS and wife, NARDA L. WILLIAMS, personally appeared before me this day and acknowledged the due execution by them of the foregoing restrictive covenants for the purposes therein set forth.

WITNESS my hand and seal, this the 1st day of May, 1981.

Wicki S. Lee  
NOTARY PUBLIC

My Commission expires: 12-1-84.

STATE OF NORTH CAROLINA  
COUNTY OF TRANSYLVANIA

The foregoing certificate of Wicki S. Lee is certified to be correct. This instrument was presented for registration and recorded in this Office in Book 247 page 821

This, the 1st day of May, 1981, at 5:00 o'clock P..M.

Fred H. Israel  
Register of Deeds

