

Prepared By John W. Woodson 3100 Tanne Blvd 5th flr
Durham NC
Return R.E. Fleming 5749 Craig Rd Durham NC
27712

NORTH CAROLINA
ORANGE COUNTY

DECLARATION OF RESTRICTIONS
AND PROVISIONS FOR PRIVATE
ROAD MAINTENANCE
BOOK 1449 PAGE 113

THIS DECLARATION, made this 23rd day of February, 1996, by Lucy Wilson (widow); Hazel W. Harris and husband, Robert Harris; Claudine W. Harris (divorced); Willie J. Wilson and wife, Ruby Ann Wilson; Doris L. Wilson (widow); Phyllis W. Arnold (widow); Mary Frances W. Parker and husband, Kermit M. Parker; and Henry W. Hobbie hereinafter called Declarants and Robert Fleming and wife, A. Louise Fleming.

WITNESSTH:

WHEREAS, Declarants own in fee simple the real property described in Article 1 below, known as the Property of Mary Vinie Wilson Heirs as subdivided by plat recorded in Plat Book 17 at Page 191;

WHEREAS, Robert Fleming and wife, A. Louise Fleming, wish to acquire a portion of the said property which is presently owned by Mary Frances W. Parker and husband, Kermit M. Parker, but that such subdivision of said property will require the approval of the Orange County Planning Board and the execution and recording of a road maintenance agreement for such approval;

WHEREAS, the said property will have access to Craig Road via the private road shown on the plat hereinafter referred to, said private road being known as Wilson Road;

WHEREAS, Declarants by this Declaration of Restrictions, wish to bind themselves, their successors and assigns to provide all owners of any portion of said property owned by Declarants described below perpetual ingress, egress and regress to State roads; and

WHEREAS, Declarants by this Declaration of Restrictions, wish to bind themselves, their successors and assigns to provide for maintenance of said private road until such time as the said private road is accepted by the State of North Carolina for maintenance;

NOW, THEREFORE, Declarants agree for themselves and

FOR MULTIPLE PIN SHEET
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with any and all persons, firms or corporations hereafter acquiring any of the property described in Article 1 below, that the same shall be subject to the following restrictions, conditions, and covenants relating to the use and occupancy thereof, which restrictions, conditions, and covenants shall run with the said property and inure to the benefit of and be binding upon the heirs, successors and assigns of Declarants and other acquiring parties and persons.

Article 1. The real property which is, and shall be, held, transferred, sold and conveyed subject to the protective and restrictive covenants set forth in the various Articles of this declaration is located in Eno Township, Orange County, North Carolina, and is more particularly described as follows:

Being all of the Property of Mary Vinie Wilson Heirs which abuts Wilson Road as shown on the plat and survey by Roy H. Grimm, R.L.S., of March 5, 1970, which said plat and survey is now on file in the office of the Register of Deeds of Orange County, in Plat Book 17 at Page 191, to which reference is hereby made for a more particular description of same.

Article 2. Declarants hereby grant unto themselves and the future record owners of the aforesaid property adjoining and abutting Wilson Road as shown on the aforesaid recorded plat and as said road may be extended into the aforesaid property, perpetual ingress, egress and regress along the said road and for the purposes of installation and maintenance of utilities.

Article 3. Declarants, so long as they shall be record owners of any of the aforesaid property, shall be responsible for the maintenance of said private road as herein provided. In the event Declarants no longer own any of the aforesaid property, the owners of the property of Mary Vinie Wilson Heirs abutting Wilson Road as shown on the recorded plat herein before referred to shall be responsible for maintenance as herein provided.

Article 4. Each record owner of any of the aforesaid property abutting on said road shall bear on a pro-rata basis the cost of maintaining said private road, this being each owner's pro-rata share for grading costs, gravel, or

rock hauled in to fill ruts, holes, and washed out sections and necessary replacement of, or additional drainage culverts. Written notice of all proposed maintenance shall be made to all owners of record at their last known address.

Wilson Road shall be maintained to Class A standards as prescribed by Orange County now and as the same may be revised from time to time. Maintenance and repairs necessary to keep the said road to Class A standards shall be approved by a majority of the votes cast with respect to the proposed maintenance provided that for this purpose each owner shall have one vote for each "point" assigned to his property. Each owner's pro-rata share of the maintenance costs of said private road shall be computed by a point system whereby one point is assigned per each acre owned, calculated to the nearest acre, and three points for each occupied dwelling unit and each owner's share shall be in proportion of his total points to the total points of the aforesaid property. Each owner's pro-rata share of the maintenance cost of the said private road shall be due and owing to whomever takes at that time responsibility for maintenance of said road within 30 days of the work being completed. If not paid by that time, then said costs may be reduced to a judgment and shall become a lien on the land of the defaulting owner.

Article 5. In the event that the said private road is extended within the aforesaid property, the costs of maintaining the entire road system shall be borne by all the owners of said property on the point system set forth above; provided, however, that the initial costs of the constructing any extension of the road shall be borne solely by the owners of the portion of said property abutting said road extension as they may agree, or if they do not agree, then by the same point system as set out above.

Article 6. In the event Orange County or any other governmental body, as a condition to the approval of any further subdivision of the property described in Article 1, may require said private road to be upgraded above a Class A standard or publicly dedicated and constructed to Department of Transportation standards, then in that event, Declarants and all persons taking title to the property described in Article 1 shall be responsible for maintenance and the costs of maintenance of the entire road system to

the new standard on the point system described in Article 4. Provided, however, that the initial cost of constructing the road or any portion of the road to a higher private road standard or to Department of Transportation standards shall be borne solely by the owners of the portion of said property, the subdivision of which requires that the road or any portion of it be upgraded. The cost of constructing the road or any portion of it to a higher private road standard or to Department of Transportation standards shall be shared by the owners responsible for the upgrading according to the point system described in Article 4. In the event public dedication of the said private road or any extension of the private road or portion thereof is required by Orange County, Declarants and all persons taking title to the aforesaid property from and through Declarants shall publicly dedicate the portion of said road required to be dedicated.

Article 7. The private road located within said property may be dedicated to the public at the election of the owners in the event dedication is not required by a governing body as set forth above. In that event, the owners and their successors in title and interest to any of the property described herein will remain responsible for road maintenance as here provided until such time as the road dedicated is maintained by the North Carolina Department of transportation or other governmental body.

Article 8. This agreement shall run with and be appurtenant to the land and shall be binding upon the heirs, successors, and assigns of each record owner of the aforesaid property.

Article 9. This Agreement shall remain in full force and effect until such time as said road or any portion thereof is taken over by the Department of Transportation for maintenance purposes, and any portion of said road not so taken over shall remain in full force and effect.

Article 10. That Robert Fleming and wife , A. Louise Fleming for and in consideration of the Declarants entering into this agreement do hereby agree, if they are able to acquire from Mary Frances W. Parker and husband, Kermit M. Parker a portion of their property through subdivision with the approval of the Orange County Planning Board, to be

responsible for any and all costs for the maintenance of Wilson Road which under this agreement would be chargeable to the Declarants for a period of up to fifteen years or until the death of Robert Fleming or the sale of any interest that Robert Fleming and wife, A. Louise Fleming may have in and to such property whichever should first occur.

IN WITNESS WHEREOF, Declarants have caused this instrument to be signed and sealed on the day and year first written above.

Lucy Wilson (SEAL) .

Phillip W. Arnold (SEAL) .

James L. Wilson (SEAL) .

Jaqueline Wilson (SEAL) .

Robert E. Sten (SEAL) .

Kelly B. Blawie (SEAL) .

Ruby H. Wilson (SEAL) .

Claudia M. Harris (SEAL) .

Kenneth M. Parker (SEAL) .

Mary W. Payne (SEAL) .

Hazel W. Hammi (SEAL) .

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Robert Leffars (SEAL) .

A. Louise Fleming (SEAL) .

Henry W. Hobbs (SEAL) .

_____ (SEAL)

NORTH CAROLINA

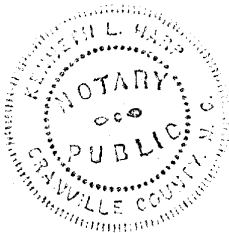
Granville COUNTY

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I, Kenneth L. Harp, a Notary Public of the county and state aforesaid do hereby certify that Hazel W. Harris personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of February, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

NORTH CAROLINA

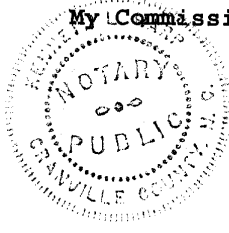
Granville COUNTY

I, Kenneth L. Harp, a Notary Public of the county and state aforesaid do hereby certify that ROBERT HARRIS personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

REF

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

NORTH CAROLINA

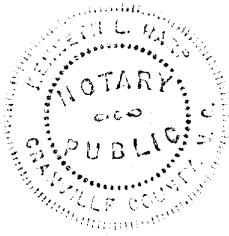
Granville COUNTY

BOOK 1449 PAGE 120

I, Kenneth L. HARP, a Notary Public of the county and state aforesaid do hereby certify that Lucy Wilson personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

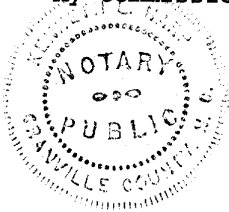
NORTH CAROLINA

Granville COUNTY

I, Kenneth L. HARP, a Notary Public of the county and state aforesaid do hereby certify that Phyllis W. ARNOLD personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

NORTH CAROLINA

GRANVILLE COUNTY

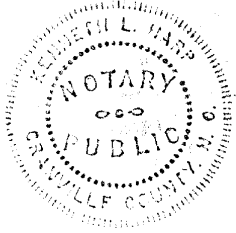
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(R9F)

I, Kenneth L. HARR a Notary Public of the county and state aforesaid do hereby certify that Ruby H. Wilson personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harr
Notary Public

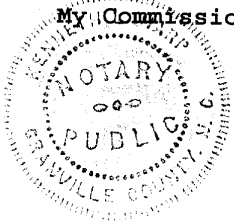
NORTH CAROLINA

GRANVILLE COUNTY

I, Kenneth L. HARR, a Notary Public of the county and state aforesaid do hereby certify that Claudine W. Harris personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harr
Notary Public

NORTH CAROLINA

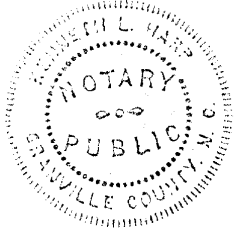
Granville COUNTY

BOOK 1449 PAGE 122

I, KENNETH L. HARP, a Notary Public of the county and state aforesaid do hereby certify that Jacquelyn Wilson personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

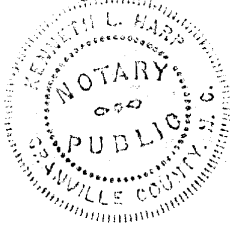
NORTH CAROLINA

Granville COUNTY

I, KENNETH L. HARP, a Notary Public of the county and state aforesaid do hereby certify that Willie Wilson personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Harp
Notary Public

NORTH CAROLINA

Granville COUNTY

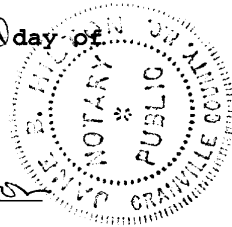
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I, June B. Helton, a Notary Public of the county and state aforesaid do hereby certify that Robert E. Fleming personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 23rd day of February, 19 96.

My Commission Expires: 2-16-98

June B. Helton
Notary Public



NORTH CAROLINA

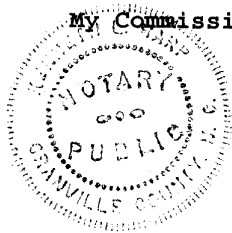
Granville COUNTY

I, Kenneth L. Narp, a Notary Public of the county and state aforesaid do hereby certify that A. Louise Fleming personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96

Kenneth L. Narp
Notary Public



NORTH CAROLINA

Granville COUNTY

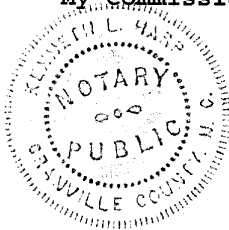
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(RIF)

I, Kenneth L. Naep, a Notary Public of the county and state aforesaid do hereby certify that MARY W. PARKER personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Naep
Notary Public

NORTH CAROLINA

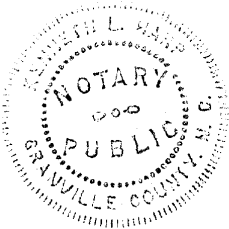
Granville COUNTY

(RIF)

I, Kenneth L. Naep, a Notary Public of the county and state aforesaid do hereby certify that HERMITA PARKER personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 96.

My Commission Expires: 3-10-96



Kenneth L. Naep
Notary Public

NORTH CAROLINA

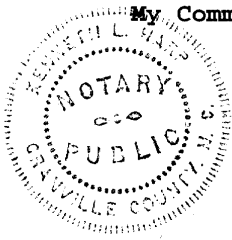
GRAVILLE COUNTY

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I, KENNETH L. HARP, a Notary Public of the county and state aforesaid do hereby certify that DORIS L. WILSON personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 24 day of FEBRUARY, 19 56.

My Commission Expires: 3-10-56



Kenneth L. Harp
Notary Public

NORTH CAROLINA

Durham COUNTY

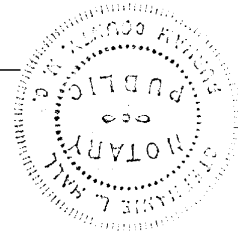
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I, DePhane S. Hall, a Notary Public of the county and state aforesaid do hereby certify that Henry W. Hobbie personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this 29th day of February, 19 96.

My Commission Expires: 11-16-99

DePhane S. Hall
Notary Public



FILED
29 MAR 1996, at 08:49:13am
Book 1449, Page 113 - 126
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing Declaration of Restrictions and Provisions for Private Road Maintenance.

Witness my hand and notarial seal, this ____ day of _____, 19 ____.

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of Kenneth L. Harp, Jane B. Hilton and Stephanie L. Hall

A Notary (or Notaries) Public of the designated Governmental units is (are) certified to be correct. Filed for registration this the 29th day of March 1996, at 8:49:13 o'clock, A.M.

in Record Book 1449 Page 113.

Return: _____

Betty June Hayes, Register of Deeds
By John M. [Signature]
~~Assistant~~/Deputy
Register of Deeds