

BOOK 771 PAGE 647

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by: Dollie J. Summerour
REGISTER OF DEEDS

NORTH CAROLINA

PREPARED BY AND RETURN TO:
G. ELVIN SMALL, III

PASQUOTANK COUNTY

NEWBEGUN LAND SUBDIVISION
SECTION H

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made this 1st day of August, 2003, by NEWBEGUN LAND GENERAL PARTNERSHIP, A North Carolina General Partnership consisting of Linda Small Etheridge, Di Small, William F. Small, II, Jeffrey R. Small, G. Elvin Small, III, F.P. Markham Small, and Anita S. Oldham, Declarants;

WITNESSETH

THAT WHEREAS, the aforesaid North Carolina General Partnership, Declarant herein, is the fee simple owner of that certain tract of land situate in Nixonton Township, Pasquotank County, North Carolina, and shown and that certain map or plat entitled "FINAL PLAT FOR NEWBEGUN LAND SECTION H," dated August 1, 2002, by Hyman & Robey, PC, Land Surveyors, which map or plat is recorded in Map Book 32, at Pages 44-46, in the Office of the Registry of Pasquotank County, North Carolina; and

WHEREAS, it is the desire of the aforesaid Declarant to establish for the aforesaid property and to subject all of said property to certain protective covenants and use restrictions for the benefit of all of the owners of property within said area; and

WHEREAS, the above described property lies in the same vicinity and neighborhood as Section G of Newbegun Land Subdivision, which section of said subdivision is delineated on that certain map or plat recorded in Map Book 23, at Pages 7 and 8, in the Office of the Registry of Deeds of Pasquotank County, North Carolina; and

WHEREAS, the Declaration of Restrictive Covenants applicable to Section G of Newbegun Land Subdivision is recorded in Book 625, at Page 984, in the Office of the Register of Deeds of Pasquotank County; and

WHEREAS, Declarant desires to impose upon the lots shown and delineated on the aforesaid map of Section H, Newbegun Land, recorded in Map Book 32, at Pages 44-46, Pasquotank County Public Registry, the restrictions, covenants and provisions set forth in that certain Declaration of Restrictive Covenants dated October 15, 1997, and recorded in Book 625, at Page 984, Pasquotank County Public Registry, with the exceptions specifically set forth hereinbelow.

NOW, THEREFORE, the aforesaid North Carolina General Partnership, as Declarant herein, does hereby impose upon the lots shown and delineated on the aforesaid map or plat of Section H, Newbegun Land Subdivision, recorded in Map Book 32, at Pages 44-46, Pasquotank County Public Registry, the restrictions, covenants and provisions set forth in that certain Declaration of Restrictive Covenants for Section G, Newbegun Land Subdivision, dated October 15, 1997, and recorded in Book 625, at Page 984, Pasquotank County Public Registry, which said restrictions, covenants and provisions are by reference incorporated herein as though fully set forth herein verbatim.

PROVIDED, HOWEVER, that Sections "THREE" and "NINE," of the aforesaid Declaration of Restrictive Covenants being hereby incorporated herein, are hereby amended and modified to read as follows:

THREE: These covenants or restrictions shall be binding upon the lands hereinabove designated and upon all persons owning same or in the possession thereof for a period of twenty (20) years after August 1, 2003, and shall be extended for successive periods of ten years thereafter, unless prior to the expiration of said twenty year period or any such any ten year period, an instrument executed by the record owners of a majority of the lots included and contained in Section H, Newbegun Land Subdivision, has been recorded revoking or modifying the said covenants or restrictions set forth herein.

NINE: No structure shall be erected, placed or permitted to remain on any lot closer than fifty (50) feet from the front lot line, nor closer than ten (10) feet from the side lines, nor closer to the rear property line than the rear minimum building line shown on the aforesaid map or plat recorded in Map Book 32, at Pages 44-46, Pasquotank County Public Registry.

The aforesaid Declarant reserves unto itself, for as long as it or its successors in interest own any of the lots in Section H, Newbegun Land Subdivision, the right to modify or amend this Declaration at any time without prior notice, and without the consent of any person or entity for any purpose whatsoever, provided that any such amendment or modification may not materially alter the basic plan of development. Once the Declaration has been amended or modified, such amendment or modification shall extend to and be applicable to the lots and dwellings that were sold either prior to or subsequent to such amendment or modification.

IN WITNESS WHEREOF, the Declarant has caused this declaration of restrictive covenants to be executed this the day and year first above written.

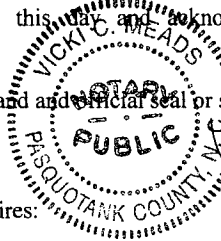
NEWBEGUN LAND GENERAL PARTNERSHIP

By: G. Elvin Small, III
G. ELVIN SMALL, III, General Partner

STATE OF NORTH CAROLINA, COUNTY OF PASQUOTANK

I, Vicki C. Meads, a Notary Public of the County and State aforesaid, certify that G. Elvin Small, III, General Partner of Newbegun Land General Partnership, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal or stamp, this 1st day of August 2003.


Vicki C. Meads
NOTARY PUBLIC

My Commission Expires:
November 23, 2004

NORTH CAROLINA, PASQUOTANK COUNTY

The foregoing certificate of Vicki C. Meads, a Notary Public of the County of Pasquotank, state of North Carolina, is certified to be correct.

This the 14th day of August, 2003.

Dollie J. Summerau
Register of Deeds
By: George W. Bitchard
~~Deputy Assistant~~ Assistant