Prepared by: D. Michael Parker
Return to: Thomas W. Patterson, P.O.Box 579, Burlington, NC 27215

NORTH CAROLINA

ORANGE COUNTY

DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE

This Declaration, made this 29 day of October, 1992, by THOMAS W. PATTERSON and wife, LILLIE ANN PATTERSON, (hereinafter called Declarants),

W I T N E S S E T H :

WHEREAS, Declarants own in fee simple the real property described in Article 1 below, know as BELLECHENE, Section One-Phase One;

AND WHEREAS, the said property will have access to S.R. 1004, also known as the Efland-Cedar Grove Road, via the private road shown on said plat hereinafter referred to, said private road being shown as BELLECHASE ROAD.

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

AND WHEREAS, Declarants, by this declaration of restrictions wishes to bind themselves, their successors and assigns to provide for maintenance of said road until such time as the said road is accepted by the State of North Carolina for maintenance;

NOW, THEREFORE, Declarants agree for themselves and with any and all persons, firms or corporations hereafter acquiring any of the property described in Article 1 below, that the same 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

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3 = #9857-18-8698 2.39..12
4 = 9857-18-8097 2.39..13
5 : 9857-18-0185 2.39..14

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Betty June Hayes,
Register of Deeds,
Orange County, N. C.

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 Cedar Grove Township, Orange County, North Carolina, and is more particularly described as follows:

> BEING, all of Lots 2,3,4 and 5, BELLECHENE, Section One-Phase One, as shown on plat recorded in Plat 54 at page 120 of the Orange County Registry.

ARTICLE 2. Declarants hereby grants unto themselves and the future record owners of the aforesaid property adjoining and abutting Bellechene Road and the other private road as shown on the said plat and the future record owners of any property currently owned by the Declarants as said road has or 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. 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.

Said road shall be maintained to all weather standard. Maintenance and repairs necessary to keep the said road to all weather standard 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 lot owned, and three points for each occupied dwelling unit, and each owner's share shall be in the 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 oweing

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to whomever has 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 judgement and shall become a lien on the land of the defaulting record owner.

ARTICLE 4. In the event that lots are owned by parties other than the Declarants within other sections and phases of the BELLECHASE property (all of which is presently owned by the Declarants), the costs of maintaining the entire road system shall be borne by all the owners of any of the property within the entire subdivision based upon the point system set forth above in Artcle 3.

ARTICLE 5. 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 the all weather standard or publicly dedicated and constructed to Department of Transportation standards, then in said event all persons taking title to the property described in Article 1 shall be responsible for maintaining and the costs of maintenance of the entire road system to the new standard on the point system described in Article 3. Provided, however, 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 and shared according to the point system described in Article 3 solely by the owners of the portion of said property, the subdivision of which triggers the requirement that the road or any portion of it be upgraded. 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 Declarant shall publicly dedicate the portion of said road required to be dedicated.

ARTICLE 6. 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

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successors in title and interest to any of the property described herein will remain responsible for road maintenance as herein provided until such time as the dedicated road is maintained by the North Carolina Department of Transportation or other governmental body.

ARTICLE 7. 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 8. This agreement shall remain in full force and effect until such time as said road or any portion thereof is taken over by the North Carolina Department of Transportation for maintenance purposes, and any portion of said road not taken over shall remain subject to this agreement and for said portion this agreement shall remain in full force and effect.

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

Thomas W. Patterson (SEAL)
THOMAS W. PATTERSON

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STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Paul J. Kempa, Notary Public of the aforesaid County and State, do hereby certify that THOMAS W. PATTERSON personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 2nd day of October, 1992.

Paul J. Kempa
NOTARY PUBLIC

PAUL J. KEMPA NOTARY PUBLIC ORANGE COUNTY, NC

My commission expires: 11-08-95

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of
Paul J. Kempa,
A Notary (~~or Notaries~~) Public of the designated Governmental units is (~~are~~) certified to be correct. Filed for registration this the 2nd day of November 19 92, at 8:40:35 o'clock, A.M.
in Record Book 1046 Page 573.

Return:

Betty June Hayes, Register of Deeds
By: Deborah B. Brew
~~Assistant~~/Deputy
Register of Deeds