

RESTRICTIVE AGREEMENT FOR VALLEY VISTA SUBDIVISION

WHEREAS, the Subdivider, Apple Hill Development Corp. INC., a North Carolina corporation, is the owner of all the lots of Valley Vista Subdivision, plat of which is recorded in the office of Register of Deeds of Haywood County, North Carolina, in Plat Book L, page 18; and

WHEREAS, the Subdivider desires for the benefit of said property and for the benefit of future purchasers and owners of said lots that the lots in said subdivision shall be developed and used exclusively as hereinafter set forth;

NOW THEREFORE, in consideration of the premises and for the advantage which the Subdivider will receive from the sale of such lots in a restricted subdivision, the Subdivider, for its successors and assigns in title, covenants and agrees and hereby restricts the property hereinabove referred to as follows:

1.All lots in said subdivision shall be known and described as residential lots, and no part of said lots shall be used for any type of business or store. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and a private garage for not more than two cars.

2.The exterior of any dwelling constructed on any lot must be completed within six months from commencement of construction of said dwelling.

3.No temporary living quarters may be erected or placed upon any lot, to specifically include but not be limited to house trailers, mobile homes, or Quonset huts. Basements or partially complete houses will be considered temporary and may not be inhabited.

4.The ground floor area of the main structure, of all buildings, exclusive of open porches and garages, shall contain not less than 1,000 square feet.

5.No building shall be located nearer than 30 feet to any front lot line and no nearer than 10 feet to any side lot line.

6.Easements 5 feet in width for installation and maintenance of utilities and drainage facilities are reserved over each line of every lot, together with any easements which may be written into deeds covering particular lots. Rights of way for all roads shown on the plat hereinabove referred to are reserved to the joint use of the Subdivider, its successors and assigns.

7.No lot shall be used or maintained as a dumping ground for rubbish; and trash and garbage or other waste shall not be kept thereon except in sanitary containers.

8.No farm animals may be housed on any portion of the subdivision.

9.Each dwelling constructed shall be served by an adequate septic tank or tanks as provided by the Haywood County Health Department or other appropriate authorities until such time as a public sewer system is available to the premises and utilized by said dwellings.

10.The Subdivider reserves to itself, its successors and assigns, the right to top or cut such trees on any lots as block or obscure the view from other lots.

11.These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1993, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of those persons then owning a majority of said lots are agreed to change said covenants in whole or in part.

12.If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision as shown on said plat to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

13.Invalidatation of any one 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.

IN TESTIMONY WHEREOF, the Subdivider, Apple Hill Development Corp., Inc., has caused this instrument to be signed in its Corporate name by its President and attested by its Secretary and sealed with its corporate

seal, all by authority of its Board of Directors duly given, this the 15th day of October, 1973.

APPLE HILL DEVELOPMENT CORP., INC.

By [Signature]
President

ATTEST [Signature]
Secretary

STATE OF North Carolina
COUNTY OF Haywood

I, Loretta V. Walker, Notary Public, hereby certify that P. Damon May personally appeared before me this day and acknowledged that he is Secretary of Apple Hill Development Corp., Inc., a corporation, and by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him self as its Secretary.

Witness my hand and notarial seal, this 15 day of October, 1973.

[Signature]
Notary Public

My Commission Expires: 12-6-75

[Signature]
Loretta V. Walker

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Charles I. Hurst
By [Signature] asst.