

Hatteras(2)II

(12)

RESTRICTIONS

STATE OF SOUTH CAROLINA:

COUNTY OF OCONEE:

KNOW ALL MEN BY THESE PRESENTS:

That whereas Foxwood Corporation, the legal and equitable owner of Foxwood Subdivision, formerly known as Mountain Bay Estates, as shown on the plats listed below, duly recorded in the Plat Records of Oconee County, South Carolina, desires to impose a uniform development plan upon the lots listed below, Foxwood Corporation does hereby acknowledge, declare and adopt the following restrictions for the following lots:

Hatteras II Section as recorded in Plat Book P-42, Page 107:
Lots 1-96.

1. The following lots are strictly restricted to single family residential dwellings: Lot 1-46.

No building shall be erected or maintained on any lot in said Section other than a private residence and a private garage for the sole use of the owner or occupant.

- a. No mobile homes or recreational vehicles shall be placed on any lot.
- b. Each residence must have a minimum floor area of 650 square feet for offshore lots and 1,000 square feet for lakefront lots, exclusive of porches, stoops, open or closed carports, patios or garages.
- c. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to harmony of external design with existing structures and as to location with respect to topography and finish grade elevation. The Architectural Control Committee will be controlled by Foxwood Corporation until such time as Foxwood Corporation, in its discretion, transfers title to the recreational facilities to the Property Owners' Association.
- d. No residential structure shall be located nearer to the front lot line than 40 feet, or nearer to the side street line than 20 feet, or nearer to the side lot line or rear lot line than 15 feet. With the written approval of the Architectural Control Committee, the requirements of this subparagraph "e" may be waived or revised in whole or in part.

e. No outbuilding or basement erected on any lot shall at any time be used as a dwelling, temporarily or permanently, nor shall any trailer, or shack be placed on any lot, nor shall any residence of a temporary character be permitted.

2. The following lots are strictly restricted to mobile homes and single family residential dwellings: Lots 47-96.

- a. If a lot owner of any of the lots 47-96 desires to place a mobile home on the lot, then the following restrictions must be observed:
- b. Each residence must have a minimum floor area of 600 square feet exclusive of any attachments thereto.

- c. No mobile homes shall be erected, placed or altered on any lot until the plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to harmony of external design with existing structures and as to location with respect to topography and finish grade elevation.
 - d. No residential structure shall be located nearer to the front lot line than 40 feet, or nearer to the side street line than 10 feet, or nearer to the side lot line or rear lot line than 5 feet without written permission of the Architectural Control Committee.
 - e. The Architectural Control Committee will be controlled by Foxwood Corporation until such time as Foxwood Corporation, in its discretion, transfers title to the recreational facilities to the Property Owners Association.
 - iv. Each mobile home must have a permanent and solid type, enclosed foundation of concrete, masonry or other building materials.
 - v. No mobile home shall be more than three years old at the date of placement on the lot, as evidenced by a certificate of title or similar instrument which must be presented to the Architectural Control Committee.
 - vi. Each mobile home must have an open or closed deck or porch which has a minimum area of 36 square feet.
 - vii. No outbuilding or basement erected on any lot shall at any time be used as a dwelling, temporarily or permanently, nor shall any undesirable trailer, or shack be placed on any lot, nor shall any residence of a temporary character be permitted.
 - ee. If a lot owner of any of the lots 47-96 desires to build a single family residential dwelling, such lot owner must comply with restrictions 1.a, through 1.f, listed above.
3. No old, used, existing building or structure of any kind and no part of an old, used, existing building or structure shall be moved onto, placed on or permitted to remain on any lot. All construction is to be of new material. This provision does not apply to any mobile home on lots 47-96 which is in compliance with restriction 2.a.v. above.
4. No animals or birds, other than household pets, shall be kept on any lot.
5. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood.
6. Permanent easements are reserved along, over and within 10 feet of the front line, rear line and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires and fixtures for electric lights, telephones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim any trees which at any time may interfere or threaten to interfere with the maintenance of such lines, with right of ingress to and egress from across said premises to employees of said utilities. Said easement to also extend along the owner's front, side and rear property line in case of fractional lots. A temporary easement of 40 feet along the front, side and rear lines of any lot in the subdivision is reserved for the construction of sewer mains with a 15 foot permanent easement for egress and ingress. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots not within the

- 10 foot wide strip as long as such lines do not hinder the construction of building on any lots in this subdivision.
7. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales periods.
 8. No outside toilet or privy shall be erected or maintained in the subdivision. All sanitary plumbing shall conform with the minimum requirements of the Health Department of Oconee County and the State of South Carolina.
 9. No individual septic tanks or individual sewer systems are permitted. On July 1, 1988, this provision shall be null and void and of no effect if the main sewer line in front of the property has not been connected to a sewage disposal facility by that date. (The phrase "main sewer line in front of the property" shall mean a pipe for sewage located under that part of the right of way for the street or road on which the property abuts.)
 10. No individual water wells or individual water systems are permitted. On July 1, 1988, this provision shall become null and void and of no effect if the main water line in front of the property has not been connected to a central water facility by that date. (The phrase "main water line in front of the property" shall mean a pipe for water which is located under that portion of the right of way for the street or road on which the property abuts.)
 11. A \$321.00 assessment shall be levied against each lot for the maintenance of the road system and recreational facilities. Such assessment shall be considered a lien against said lot. This assessment will be due annually and payable April 1st for that calendar year.
 12. Every record owner of a lot, including contract purchasers, but excluding persons holding title merely as security for performance of an obligation, will automatically become and be a member of the Foxwood Hills Property Owners Association, and is and shall be subject to the Bylaws, Rules and Regulations of Foxwood Hills Property Owners Association. Foxwood Hills Property Owners Association has been incorporated under the laws of the State of South Carolina as a non-profit corporation.
 13. The voting rights of members will be determined by the applicable provisions of the bylaws of the Foxwood Hills Property Owners Association, which provisions are incorporated herein by this reference.
 14. Until such time as the Common Properties are owned by the Foxwood Hills Property Owners Association, neither the Association nor its members shall have any legal right to said Common Properties, unless the Developer grants such legal rights. If and when the Association shall own one or more of the Common Properties, then each member, his family members and guests residing with him/them in his household shall be entitled to the use and enjoyment of those Common Properties which are owned by the Association, subject to reasonable regulations which the Board of Directors shall have the power to prescribe, including, but not limited to, payment of maintenance fees, assessments, and use charges. Such right and easement of enjoyment of those Common Properties shall be appurtenant to and shall pass with the title to every lot.

15. All owners and occupants must out of respect for their neighbors and in order to maintain and enhance property values keep their property in reasonable repair and shall mow the property at regular reasonable intervals and should grass be allowed to grow to a height greater than eighteen (18) inches the undersigned owners may enter upon such property and mow same and such owner or occupant shall be liable for the cost of such mowing and the cost of such mowing shall become a lien upon the property.
16. If the owner of any lot in said subdivision, or any other person, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision 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.
17. Invalidity of any one or more of these covenants and restrictions by judgement of any court shall in no wise affect any of the other covenants, restrictions and provisions herein contained which shall remain in full force and effect.

AMMENDMENT TO RESTRICTIONS

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

KNOW ALL MEN BY THESE PRESENTS:

That whereas Foxwood Corporation, the legal and equitable owner of Foxwood Hills Subdivision, formerly known as Mountain Bay Estates, made and declared certain restrictions for Hatteras II Section, Lots 1-96, as recorded in Plat Book P-42, page 107, which "Restrictions" are of record in the Office of the Clerk of Court of Oconee County, South Carolina; and

Whereas it is the purpose of Foxwood Corporation to amend such restrictions as follows:

Item 2. of the initial restrictions for Lots 47-96 of Hatteras II, above Subsection a., is amended to read as follows:

"The following lots are strictly restricted to mobile homes and single family residential dwellings: Lots 47-96, except that lots 73-81, inclusive, shall be temporarily used as a camping area for use by any and all property owners in Foxwood Hills Subdivision pursuant to such rules and limitations as Foxwood Corporation imposes. This camping area (Lots 73-81, inclusive) shall remain a camping area for only so long as Foxwood Corporation, in its sole discretion, allows and upon the discontinuance of its use as a camping area, the use of these lots shall revert to use for mobile homes and single family residential dwellings."

The restrictions continue with Subsection a. following the revised Item 2. above. In all other respects, the restrictions as recorded in Deed Book 13-H, page 145 of the records of Oconee County, South Carolina remain unchanged.

Upon the decision of the Foxwood Corporation to discontinue the use of Lots 73-81, inclusive, as a camping area, this amendment shall cease to be effective and only the restrictions recorded on January 15, 1979, in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina shall apply to Hatteras II Section of Foxwood Hills Subdivision.

FOXWOOD CORPORATION

AMENDMENT TO RESTRICTIONS

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

KNOW ALL MEN BY THESE PRESENTS:

That whereas Foxwood Corporation, the legal and equitable owner of Foxwood Hills Subdivision, formerly known as Mountain Bay Estates, made and declared certain restrictions for **Hatteras II Section**, Lots 1-96, as shown on a plat recorded in Plat Book P-42, page 107, which restrictions are of record in the Office of the Clerk of Court of Oconee County, South Carolina in Deed Book 13-H, at page 145; and

Whereas, an Amendment to Restrictions was subsequently recorded in Deed Book 13-I, at page 195 in the Office of the Clerk of Court of Oconee County, South Carolina, said Amendment providing in whole and not in part:

"Item 2. of the initial restrictions for Lots 47-96 of Hatteras II, above Subsection a., is amended to read as follows:

The following lots are strictly restricted to mobile homes and single family residential dwellings: Lots 47-96, except that Lots 73-81, inclusive, shall be temporarily used as a camping area for use by any and all property owners in Foxwood Hills Subdivision pursuant to such rules and limitations as Foxwood Corporation imposes. This camping area (Lots 73-81, inclusive) shall remain a camping area for only so long as Foxwood Corporation, in its sole discretion, allows and upon the discontinuance of its use as a camping area, the use of these lots shall revert to use for mobile homes and single family residential dwellings.

The restrictions continue with Subsection a. following the revised Item 2. above. In all other respects, the restrictions as recorded in Deed Book 13-H, page 145 of the records of Oconee County, South Carolina remain unchanged.

Upon the decision of the Foxwood Corporation to discontinue the use of Lots 73-81, inclusive, as a camping area, this amendment shall cease to be effective and only the restrictions recorded on January 15, 1979, in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina shall apply to Hatteras II Section of Foxwood Hills Subdivision."

Whereas, Foxwood Corporation hereby evidences its decision to discontinue the use of Lots 73-81 inclusive, as a camping area,

Now, therefore, Foxwood Corporation hereby declares that the Amendment to Restrictions recorded in Deed Book 13-I, at page 195, shall immediately cease to be effective and only the Restrictions in Deed Book 13-H, at page 145 shall apply to Hatteras II Section, Lots 1-96.

AMENDMENT TO STATE
BOOKS 13-H AND 13-I

STATE OF SOUTH CAROLINA

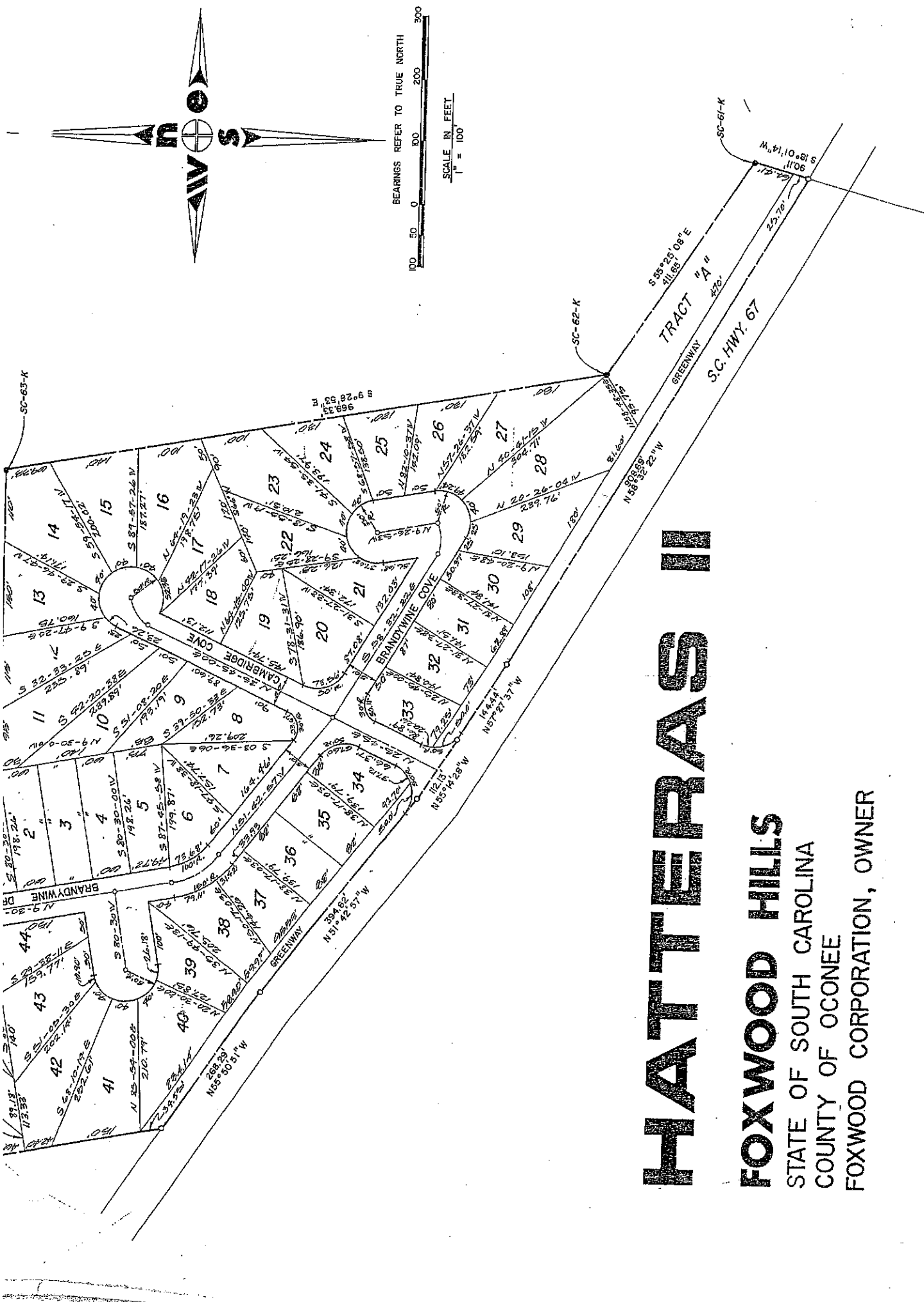
Be it remembered that on this day of January, 1980, at the County of Oconee, South Carolina, the following instrument was recorded for the purpose of amending the restrictions recorded in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina, and the restrictions recorded in Deed Book 13-I, page 195, of the records of Oconee County, South Carolina, to read as follows:

That the restrictions recorded in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina, and the restrictions recorded in Deed Book 13-I, page 195, of the records of Oconee County, South Carolina, be and the same are amended to read as follows:

That the restrictions recorded in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina, and the restrictions recorded in Deed Book 13-I, page 195, of the records of Oconee County, South Carolina, be and the same are amended to read as follows:

That the restrictions recorded in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina, and the restrictions recorded in Deed Book 13-I, page 195, of the records of Oconee County, South Carolina, be and the same are amended to read as follows:

That the restrictions recorded in Deed Book 13-H, page 145, of the records of Oconee County, South Carolina, and the restrictions recorded in Deed Book 13-I, page 195, of the records of Oconee County, South Carolina, be and the same are amended to read as follows:



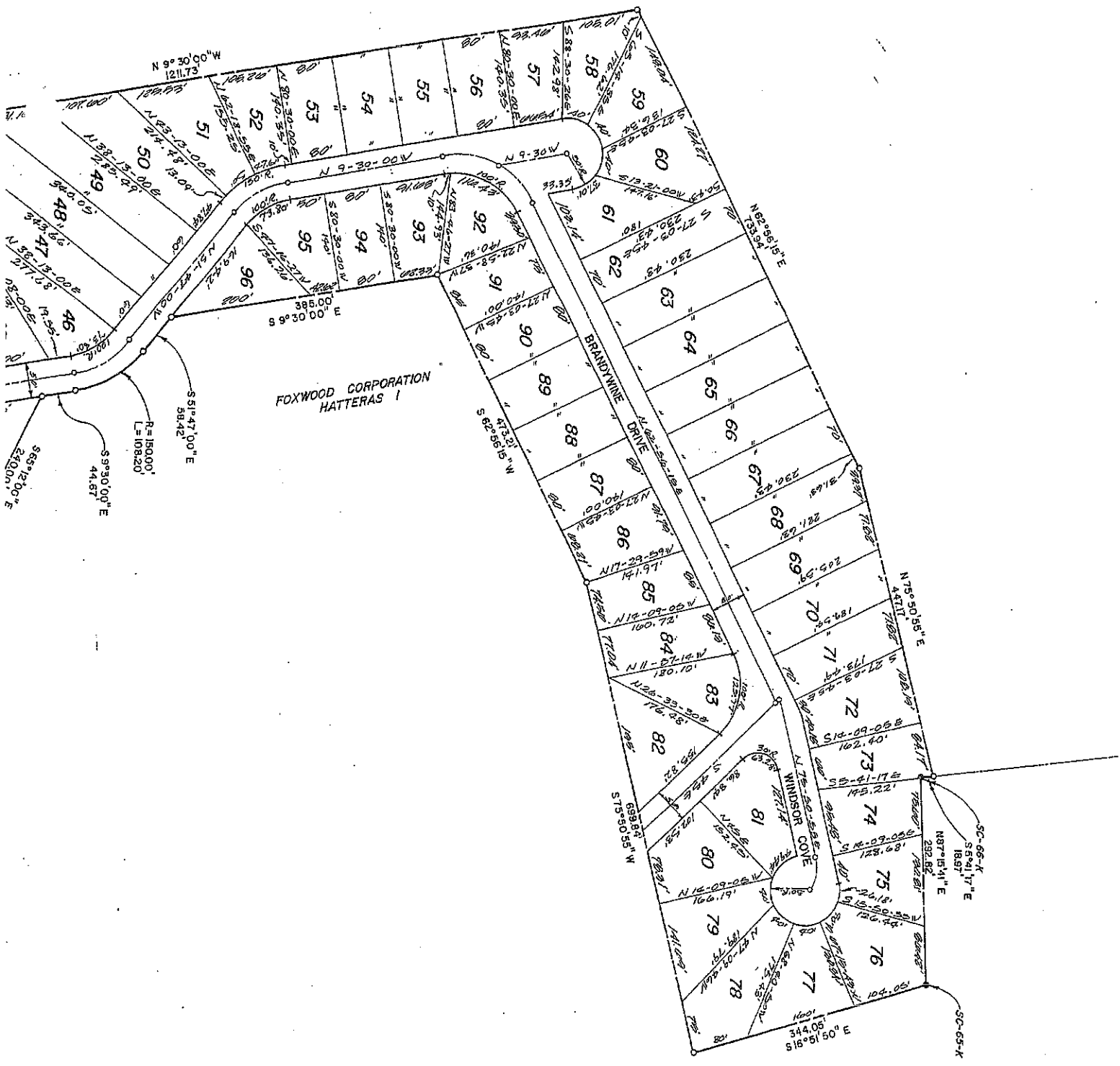
HATTEPRAS II

FOXWOOD HILLS

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

FOXWOOD CORPORATION, OWNER



FOXWOOD CORPORATION
HATTERAS I

BRANDYWINE
DRIVE

WINDSOR COVE

SC-66-K
S 5° 41' 17" E
183.97'
N 87° 15' 41" E
292.82'

SC-65-K
S 16° 51' 50" E
344.08'