

NORTH CAROLINA

RESTRICTIONS

ASHE COUNTY

KNOW ALL MEN BY THESE PRESENTS;

That THREE TOP MOUNTAIN, INC., a North Carolina corporation with its office and place of business at Statesville, North Carolina, is the owner of a certain boundary of land situated in Ashe County, North Carolina, particularly described as follows:

All of Lots Nos. One (1) through Eighty-Six (86) inclusive of a subdivision known as "Three Top Mountain" as platted and planned on the general map thereof which is recorded in Book 2, at page 148, of Plat Records for Ashe County, N. C.

WHEREAS, said owner desires to restrict the lots sold from said subdivision from and after the date of the filing of this instrument for registration in the office of the Register of Deeds of Ashe County.

Now, therefore, the said owner does hereby covenant and agree to and with all persons, firms and corporation hereafter acquiring any of the property hereinabove described, that all of said lots are hereby subjected to the following restrictions and stipulations:

1. No lot shall be used except for residential purposes and no structures of a temporary character, trailer, basement, tent, shack, barn or other outbuilding or garage apartment shall be used on any lot at any time as a residence, either temporarily or permanently, except garage apartment as may be used as servants quarters.

2. No dwelling shall be permitted on any lot with a first floor of less than 600 square feet for A-Frame dwellings or 1,000 square feet for other dwellings. All structures shall follow traditional mountain designs and for this reason shall be subject to approval of the President or Vice President of Three Top Mountain, Inc. but approval for a particular design, compatible with the area, shall not be unreasonably withheld.

3. No livestock, poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other household pets may be kept, provided none of such animals are kept, bred, or maintained for any commercial purposes. No pets or other animals shall be kept in such or in such manner as to constitute a nuisance.

4. No lot shall be used for a dumping area for rubbish, trash, garbage or other waste, nor shall waste be kept except in sanitary containers. All incinerators, or other equipment for the disposal or storage of such material, shall be kept in a clean and sanitary condition.

5. No individual sewage disposal system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the standards and requirements which are set by the duly constituted health authorities of the County of Ashe and State of North Carolina. No joint septic tanks shall be permitted and no outside toilets or privies shall be installed in any event.

6. No building shall be located on any lot nearer to the front lot line than 25 feet not including planters and stoops, provided, however, that this provision may be modified where topography of the lot requires location nearer than 25 feet to the front lot line and provided further that this modification be set forth in the deed to such lot. No building shall be located nearer than 10 feet from the side lot line or 25 feet from the rear lot line.

7. Easements for the installation and maintenance of utilities and drainage facilities are reserved for the use of all lots affected thereby as shown on the recorded plat hereinabove referred to over the rear five feet of each lot.

8. No lot or a portion of a lot may be used or dedicated for street purposes other than streets or roadways dedicated by Three Top Mountain Inc.

9. No owner or owners of lots may re-subdivide such lots but minor adjustments or minor relocation of lot lines may be made where the nature and area require such adjustments with the written consent of Three Top Mountain, Inc.

10. Only one principal dwelling shall be constructed on each lot as shown on the plat hereinabove referred to.

Amended  
per  
Deed Bk  
377 pg  
1193-1194  
(1/24/08)

13. Invalidation of any one of these covenants by judgment, Court order, or otherwise, shall in no way effect any of the other provisions which shall remain in force and effect.

14. The owner hereby expressly reserve the right to amend these Restrictions at any time, and in manner, without the joinder of any other person, firm or corporation, which might hereinafter acquire title to any of said lots.

IN WITNESS WHEREOF, J. L. Hope has hereunto set his hand and seal this the 22nd day of January, 1998.

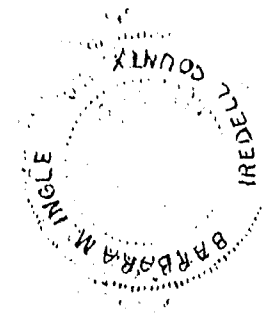
J. L. Hope (SEAL)  
J. L. Hope

NORTH CAROLINA

Iredell COUNTY

I, Barbara M. Ingle A Notary Public in and for the said County and State, do hereby certify that J. L. Hope personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Barbara M. Ingle  
NOTARY PUBLIC



My commission expires: 11/30/2000

NORTH CAROLINA

ROWAN COUNTY

The foregoing certificate of Barbara M. Ingle a Notary Public of Iredell County, State of North Carolina is certified to be correct according to law.

Filed for registration on the 10 day of February 1998, and duly recorded in the Office of the Register of Deeds for Rowan County, North Carolina, in Deed Book 227, Page 417-418

REGISTER OF DEEDS - SHIRLEY B. WALLACE

BY: Phyllis H. Furches  
Deputy

BK: 00377 PG: 1193

FILED  
ASHE COUNTY  
SHIRLEY B. WALLACE  
REGISTER OF DEEDS

FILED Jan 24, 2008  
AT 12:05:41 pm  
BOOK 00377  
START PAGE 1193  
END PAGE 1194  
INSTRUMENT # 00428

Drawn by: Robert N. Crosswhite  
PO Drawer 1226  
Statesville, NC 28687

NORTH CAROLINA  
ASHE COUNTY

**AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF  
THREE TOP MOUNTAIN  
Plat Book 2, Page 148**

THIS AMENDMENT TO RESTRICTIVE COVENANTS, is made and published this 15TH day of JANUARY, 2008, by J. L. AND RUTH B. HOPE ENTERPRISES LIMITED PARTNERSHIP of Iredell County, North Carolina, owners of, now or formerly, Lots Nos. One (1) through Eighty-Six (86) of the subdivision known as THREE TOP MOUNTAIN as the same is platted, planned and recorded in Plat Book 2, Page 148, Ashe County Registry;

THAT WHEREAS, the Owners desire to amend the Restrictions of THREE TOP MOUNTAIN subdivision which are recorded in Book 227 at page 417 in the Office of the Register of Deeds for Ashe County, North Carolina, as to Lots Nos. One (1) through Eighty-Six (86), in order to continue and expand the general plan for the improvement and development of the above described real estate. The following Amendments are for the benefit of the owners of said lots and shall inure to and pass with said lots in said subdivision and shall run with the land with reference to each lot therein and shall bind the respective successors in title to said lots; and

THAT WHEREAS, the Restrictions recorded in Book 227 at Page 417, Ashe County Registry, in paragraph 14, provides and gives the Owner the right to amend the Restrictions without the joinder of any other person.

NOW, THEREFORE, the Owners, do hereby covenant and agree to and with all persons, firms and corporations hereafter acquiring title to any of the lots hereinabove described that said lots are hereby subjected to the following Amendment to Declaration of Covenants, Conditions and Restrictions:

Amend Paragraph Six and substitute the following:

6. No building shall be located on any lot nearer to 55 feet from the centerline of the road, not including planters and stoops, provided, however, that this provision may be modified where topography of the lot requires location nearer than 55 feet from the center of the road and provided further that this modification be set

Except as herein amended the restrictive covenants recorded in Book 227, pages 417-418, Ashe County Registry, are reaffirmed and ratified and remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Owners have hereunto set their hands and seals this the 18 day of January, 2008.

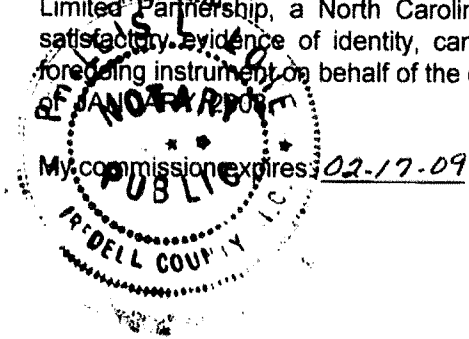
J. L. AND RUTH B. HOPE ENTERPRISES LIMITED PARTNERSHIP

BY: HOPE MANAGEMENT, LLC, General Partner

By: Johnny Lee Hope, Sr. (SEAL)  
Johnny Lee Hope, Sr., Member/Manager

STATE OF NORTH CAROLINA, COUNTY OF IEDELL

I, the undersigned, a Notary Public of said County and State aforesaid, certify that Johnny Lee Hope, Sr., Member/Manager of Hope Management, LLC as General Partner for J. L. and Ruth B. Hope Enterprises Limited Partnership, a North Carolina Limited Partnership, personally known to me or having provided satisfactory evidence of identity, came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company. Witness my hand and official stamp or seal, this 18 day



Phyllis J. Lawrence  
NOTARY PUBLIC