

HMEPOA Deed Restrictions
Revised September 2010

1. The lands hereby conveyed shall be used for residential purposes only, and no structure shall be erected, altered, placed or permitted to remain upon said lands other than one single-family dwelling per site, together with a garage, tool shed, or other customary outbuildings to serve said dwelling. After the main dwelling is constructed, a guest cottage may be constructed, if local code permits with a minimum of 750 square feet of heated floor space. A mobile home may be used during the building period, but not to exceed a period of five (5) months. Developers reserve the right to construct or permit construction of multi-family dwellings upon other portions of this land.
2. Each main dwelling shall contain a minimum of 1,000 square feet of heated floor space.
3. The use of said lands and structures located thereon shall not include any activity normally conducted as a business.
4. **Subdividing of acreage shall be permitted, with the restriction of no sites to be less than 1 and ½ acres, and compliance with all local and state laws.**
5. No trailer, mobile home, or camper shall be at any time be installed or allowed to remain upon said property for use as a residence, either temporarily or permanently. However, this restriction does not include a pre-manufactured home.
6. All travel trailers, campers, or boats must be stored in an enclosed area out of public view.
7. In order to insure the peace and quiet of the community, there shall be no use of fireworks or firearms, or loud, noisy motorized vehicles.
8. No part of said lands shall be used as a junk yard or dumping ground for trash or rubbish, or for any unsightly or obnoxious purpose, and no junk cars shall be allowed to remain on said lands, and no part of said lands shall be used for storage of any property or thing that cause the property to appear in an unclean or untidy condition, nor shall there be burning of garbage, trash, or refuse.
9. Only a water system and a sewage system constructed and equipped, and approved according to the standards of the North Carolina State Board of Health shall be installed upon the premises.
10. No obnoxious or offensive activity shall be carried on said lands, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
11. No animals shall be kept on the lands hereby conveyed except ordinary household pets. Household pets shall be kept reasonably confined so as not to become a nuisance.
12. Party of the first part reserves for itself, its successors and assigns, a 10-foot wide utility easement along the boundaries of lands hereby conveyed and along the margins of all roadways for utilities including, but not limited, to electric, telephone, and water utility lines.
13. It is further understood and agreed between the parties thereto, their heirs, successors and assigns, that the roadways within the area shall be for the common use of the parties thereto, their heirs, successors and assigns, shall thereafter pay a proportionate share of the cost of maintenance and upkeep of said roadways. The proportionate share shall be computed on the basis of one share for each lot with the property for Heritage Mountain Estates Limited except that there shall be one share for each residential dwelling unit with multi-family dwellings.
14. Party of the first part and each person to whose benefit those restrictions, conditions and stipulations insure, may proceed at law or in equity to prevent the occurrence, continuation, or violation of any of these restrictions, conditions, and stipulations, and in the court in such action may award the parties successfully prosecuting such action, reasonable expenses in prosecuting such action, including attorney fees.
15. The invalidation by any court of any of these restrictions or any portion thereof shall in no way affect any of the other restrictions.
16. **There shall be no construction or land clearing work performed on Sunday.**