

SPARTANBURG COUNTY DEED BOOK 46

COUNTY OF SPARTANBURG)

WHEREAS, Marvin D. Cole & Ted W. Henderson are the owners of certain property acquired by it by deeds recorded in Deed Book 45 at Page 266 and Deed Book at Page in the R.M.C. Office for Spartanburg County, and

WHEREAS, the aforesaid partners have subdivided and developed a portion of the aforesaid property as shown upon plat made for Marvin D. Cole & Ted W. Henderson - Ponderosa Acres, as recorded in Plat Book 42 at Pages 42, in the R.M.C. Office for Spartanburg County and desire to restrict the same.

NOW, in consideration of mutual advantages deriving therefrom, Marvin D. Cole & Ted W. Henderson do hereby bind themselves and their successors and assigns and covenants and agrees as follows:

RECORDED
SPARTANBURG
JAN 29 1979
S.C.

1. No lot containing less than 3 acres may be subdivided, if a lot contains 3 acres or more that lot may be subdivided provided all resulting lots contain a minimum of $1\frac{1}{2}$ acres. However any lot may subdivided for the purpose of increasing the size of an original lot.
2. Easements for drainage, utility installation and maintenance are reserved along five (5) feet of each side lot line and five (5) feet along the rear lot lines of all lots, such easement shall be transferred to the outside lot lines of newly created lots.
3. No more than one resident building shall be erected on any one lot. No outbuilding shall be erected nearer than 150 feet from the front of the lot and must be at least 10 feet from the side lot line and 10 feet from the rear lot line.
4. Each residence erected in the subdivision must be set back a minimum of 50 feet from the front lot line.
5. Each residence erected in the subdivision shall contain a minimum of 1400 square feet of heated floor space.
6. No trailers or mobile homes shall be permitted on any lot either for residence, storage or outbuildings.
7. The lots in this subdivision shall not be used for industrial purposes or for business.
8. All outbuildings must be painted and properly maintained.
9. No automobile or truck shall be permitted to be kept on said premises for a period of more than one month which does not have a current license plate on same.
10. No noxious or offensive trade shall be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
11. Invalidation of any one or more of these covenants and restrictions shall in no wise affect any of the other covenants and restrictions, and they shall remain in full force and effect.

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1. All persons hereafter acquiring any part of any of the property set forth above shall accept the covenants and subject to the above enumerated covenants and restrictions which are to be deemed their heirs and assigns, and binding upon the grantees, or restrictions shall vest in the grantors herein, their successors and assigns, all rights of abatement and suit in law or in equity against any person or persons violating or attempting to violate any covenants or restrictions, either to restrain such violation or to recover damages.

13. These covenants, conditions and restrictions shall continue in full force and effect until November 25, 2003 at which time they shall automatically terminate unless a majority of all the lot owners at that time agree in writing to extend the time of said covenants, restrictions and conditions prior to said expiration date.

IN WITNESS WHEREOF we have hereunto set our hands and seals this

20th day of November, 1978.

WITNESS:

Robert G. Hammond

Marvin D. Cole

MARVIN D. COLE

(SEAL)

Sharon C. Chutkan

Ted W. Henderson

TED W. HENDERSON

(SEAL)

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

PROBATE

PERSONALLY appeared before me the undersigned witness who on oath says that (s)he saw the within named Marvin D. Cole and Ted W. Henderson sign the within Covenants and Restrictions and as their act and deed deliver the same, and that he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 20th

day of November, 1978.

Robert G. Hammond (SEAL)

Notary Public for South Carolina

My Commission Expires: 1-25-80

Sharon C. Chutkan