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FOR REGISTRATION REGISTER OF DEEDS
REBECCA P. SMITH
NEW HANOVER COUNTY, NC
2007 JUL 13 01:59:31 PM
BK: 5207 PG: 1315-1319 FEE: \$23.00

INSTRUMENT # 2007035317

DECLARATION OF RESTRICTIONS

DECLARANT: SENCA Properties, LLC

PREPARED BY: MARSHALL, WILLIAMS & GORHAM, LLP
P. O. Drawer 2088, Wilmington, NC 28402

BRIEF DESCRIPTION: SENCA Properties / Scotts Hill Village Tracts

Returned To:
**MARSHALL WILLIAMS
& GORHAM, LLP**

STATE OF NORTH CAROLINA :
: **DECLARATION OF RESTRTICIONS**

COUNTY OF NEW HANOVER :

THIS DECLARATION OF RESTRICTIONS, made and entered into this 12th day of July, 2007, by **SENCA PROPERTIES, LLC (a North Carolina limited liability company)**, hereinafter called Declarant.

WITNESSETH:

THAT WHEREAS, the Declarant is the developer of a certain tract or parcel of land located in Harnett Township, New Hanover County, North Carolina, and known and referred to generally as Scotts Hill Village; and

WHEREAS, the Declarant, by Deed dated July 5, 2007, has sold and conveyed to **New Hanover Regional Medical Center (a North Carolina nonprofit corporation)**,

hereinafter called NHRMC, a portion of that development shown and depicted as Tract 2B of Scotts Hill Village, as shown on a map recorded in Map Book 51, Page 293, in the New Hanover County Registry; and

WHEREAS, pursuant to Paragraph 8.12(d) of the Purchase and Sale Agreement between the Declarant and NHRMC, the Declarant agreed to place a restrictive covenant, effective for a period of twenty (20) years from and after the date of closing of the purchase transaction by NHRMC, upon the remaining lands of the Declarant that are intended to be developed as part of Scotts Hill Village to require prior approval by NHRMC for the construction or use of any portion of such lands as an acute care hospital or a free-standing diagnostic center; and

WHEREAS, such remaining lands of the Declarant are designated and referred to in EXHIBIT A attached hereto and incorporated herein by this reference; and

WHEREAS, the Declarant executes this instrument in accordance with Paragraph 8.12(d) of said Purchase and Sale Agreement and establishes those restrictive covenants set forth herein.

NOW, THEREFORE, in consideration of the premises, and in compliance with said Purchase and Sale Agreement, the Declarant does hereby establish and declare the following restrictive covenants;

1. **Property Subject to Restrictions.** The real property (hereinafter the "Subject Property") subject to the restrictions established hereby shall be all of that certain property owned by the Declarant and designated and referred to in EXHIBIT A attached hereto and incorporated herein by this reference.

2. **Restrictions.** The Subject Property, including any part, portion, or division thereof, shall not be used, developed, constructed or built upon for either or both of the following uses or purposes without the prior written consent of NHRMC:

- (a) An acute care hospital; and/or
- (b) A free-standing diagnostic center.

3. **Duration.** The restrictions set forth herein, and all of the rights and obligations pertaining thereto, shall run with the land and shall bind and inure to the benefit of the Declarant and NHRMC and their respective successors and assigns, for a period of twenty (20) years from and after the date of the recording of this Declaration of Restrictions.

4. **Effective Date.** This instrument shall become effective on the date on which it is recorded at the New Hanover County Registry.

5. **Enforcement.** The Declarant and NHRMC shall each have the right to enforce, by any action or proceeding at law or in equity, all of those restrictions established and set forth herein. The available remedies shall include, without limitation,

all forms of injunctive relief. Failure to enforce any restriction contained herein shall in no event be deemed a waiver of the right to do so thereafter.

IN TESTIMONY WHEREOF, the Declarant has caused this instrument to be signed in its company name by its duly authorized manager, who has hereunto set his hand and seal by authority duly givens, the day and year first above written.

SENCA PROPERTIES, LLC

By: [Signature] (SEAL)

Manager

STATE OF NORTH CAROLINA :
COUNTY OF Brunswick:

I, a Notary Public of the county and state aforesaid, do certify that Hormoze Goudarzi personally appeared before me this day and acknowledged to me that he is the Manager of SENCA Properties, LLC (a North Carolina limited liability company), and that by authority duly given and as the act of the company, the foregoing instrument was voluntarily signed and sealed in its name by him as Manager for the purposes stated therein and in the capacity indicated.

Witness my hand and office stamp or seal, this 12th day of July, 2007.

[NOTARY SEAL]



[Signature]

Signature of Notary Public

Sandra F. Yates

Printed or Typed Name of Notary Public

10-29-08

My commission expires:

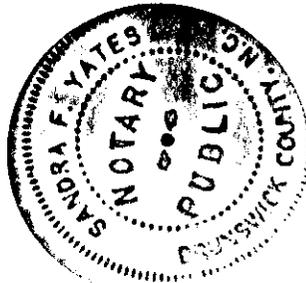


EXHIBIT A

- 1. All of the remaining lands of SENCA Properties, LLC that constitute portions of Tract 100 as shown on that map recorded in Map Book 51, Page 293, of the New Hanover County Registry.**
- 2. All of the tracts or parcels shown as Parts 1, 1A, 1B, Part 3, and any remaining portions of Part 3A, as shown on that map recorded in Map Book 36, Page 204, of the New Hanover County Registry and also in Map Book 31, Page 33, of the Pender County Registry.**
- 3. All of part of that parcel consisting of 1.619 acres acquired from David M. Kostyal et ux in Deed Book 4548, Page 207, of the New Hanover County Registry.**
- 4. All or part of that parcel consisting of 0.929 acre acquired from Fitzhugh Lee Realty, Inc. in Deed Book 4636, Page 241, of the New Hanover County Registry.**



REBECCA P. SMITH
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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Recorder: PHELPS, MICAH

State of North Carolina, County of New Hanover

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

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