

FILED FOR RECORD  
BOOK 378  
PAGE 479-484

GEORGIA, SCREVEN COUNTY

2007 NOV -9 PM 2: 35

**SUBDIVISION RESTRICTIONS**

JANIE E. REDDICK  
CLERK OF COURT  
SCREVEN COUNTY GA.

**WITNESSETH:**

**WHEREAS,** John R. Frankhouser, Jr. and Claudia M Frankhouser are the owners and developers of a subdivision of property located in the 36<sup>th</sup> G. M. District of Screven County, Georgia, known as "Old Poor Robin Pass", said property being described as follows:

All those certain lots or parcels of land lying adjacent each other and situated, lying and being in the 36<sup>th</sup> GMD Screven County Georgia containing in aggregate 70.9 acres, more or less, and designated as lots 5A and 5B on plat of survey made by Robert L Bell, Surveyor, dated September 4, 1975, and recorded in plat book 19, page 3, Screven County records. Said lots are bound together as follows: On the North by the Sylvania-Buck Creek Public Road; on the East and Southeast by Lot 6A as shown on said plat and awarded to Wyman B Bazemore; on the West and Southwest by Old Poor Robin Road a Public Road, the center of the road being the line; and by Lot No. 4 as shown on said plat awarded to Mrs. Lerline B. Glaze. That portion of said lots shown in said plat located within said triangle as delineated by dotted line is a portion of the Floy B. Bazemore tract with the remainder of said lots being a portion of the Herschel H. Bazemore tract assigned to Willard F. Bazemore in the division of his father's estate. For more particular description, the aforesaid Bell Plat is incorporated herein and made a part hereof.

**WHEREAS,** the said John R. Frankhouser, Jr. and Claudia M. Frankhouser are desirous of making the above described property desirable for residential

use, stabilizing and enhancing property values and encouraging the beautification of homes and surrounding grounds.

**NOW THEREFORE**, in consideration of the premises, the said John R. Frankhouser, Jr. and Claudia M. Frankhouser does hereby covenant and agree the following:

**I. GENERAL COVENANTS**

**A. LAND USE AND BUILDING TYPE**

1. The use of all lots is restricted to residential use only.
2. Any lot may be further subdivided if permitted by the Screven County Zoning Ordinance as presently in force or as hereafter amended.
3. Each lot shall be used for single-family residential purpose only, and no building shall be erected, constructed or maintained on any lot other than a single detached one (1) family dwelling, one (1) private garage, together with any accessory buildings allowed by the Screven County Zoning Ordinance as presently enacted or hereafter amended.
4. No dwelling or house shall be erected on any lot except those with a minimum square footage of 1,750 sq. ft. of heated space and constructed on site (not prefabricated off site).

**B. MISCELLANEOUS COVENANTS**

1. No building shall be located on any lot nearer than 100' from lot line. Additionally, no building shall be located on any lot nearer than 50' from any rear or side lot line.

2. No fences or walls shall be constructed, nor shall any hedges or shrubbery be planted within 3' of any boundary line of the lot.

3. All lots shall be utilized in a manner that is consistent with residential use and in such a manner so as not to constitute a nuisance to others. Without in any way limiting the generality of the forgoing, the following shall apply:

A. There shall be no broken down or abandon vehicles allowed to remain on any lot for a period exceeding the period reasonably required to remove such a vehicle or have the same repaired;

B. All premises shall, without reason, kept in a neat and orderly fashion, so as not to detract from the aesthetic beauty of the subdivision, to the degree reasonably possible;

C. All parties, receptions and other "get togethers" shall be conducted in a reasonable manner so as not to interfere with other residents' right to enjoy their property and without disturbing the peace and quiet of the subdivision;

D. the volume of stereos, televisions, radios, musical instruments and other sound making instruments or devices, shall be maintained at a reasonable level so as not to interfere with other residents' right to enjoy their property and without disturbing the peace and quiet of the subdivision.

4. An occupation, profession or trade customarily carried on by an occupant on any lot as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets the following conditions shall be allowed:

A. The occupation, profession or trade is carried on wholly within the dwelling unit or in any accessory building allowed by the Screven County Zoning Ordinance as presently enacted or hereafter amended;

B. Not more than 25% of the floor area of the dwelling unit is used for the conduct of said home occupation;

C. No merchandise or articles are displayed for advertising purposes, nor are they displayed in such a way as to be visible from the outside of such dwelling or accessory building;

D. No merchandise or articles are stored other than inside such dwelling or accessory building;

E. There is no alteration of the residential character of the dwelling or lot;

F. No person who is not a resident of the lot is to be employed in such home occupation;

G. No traffic shall be generated by such home occupation in greater volume than would be reasonably expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street, road or highway.

5. Animals shall be allowed on lots with the exception of hogs, provided that any such animals are kept in a manner that do not constitute a nuisance to adjoining lot owners within the subdivision.

## **II. RELATION TO SCREVEN COUNTY ZONING ORDINANCE**

It is the purpose and intent of these subdivision restrictions to make said property desirable for residential use, stabilize and enhance property values and encourage the beautification of homes and surrounding grounds. To the extent that these subdivision restrictions are more restrictive than the Screven County Zoning Ordinance as presently in force or hereafter amended, these restrictions shall apply. To the extent the Screven County Zoning Ordinance as presently in force or hereafter amended is more restrictive, the Screven County Zoning Ordinance shall apply.

### **III. DURATION OF COVENANTS**

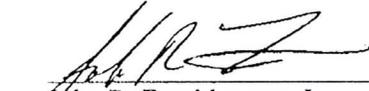
These covenants shall run with the land and shall be binding upon all parties and all persons claiming under them for a period lasting to the full extent allowable under Georgia law, from the signing of these covenants. Without in any way limiting the forgoing, these covenants shall remain in force for a minimum period of twenty (20) years from the signing of these covenants.

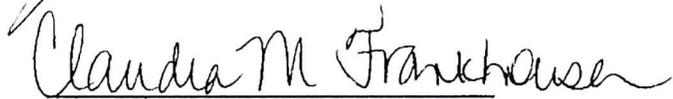
### **IV. ENFORCEMENT**

1. Enforcement shall be by proceeding in law or in equity against any person or persons violating or attempting to violate any covenants, either by injunction, or seeking to recover the sum of \$100.00, plus court costs and attorney's fees as liquidated damages, or the sum of actual damages. Enforcement proceedings may be brought by the owner of any lot or lots within the subdivision or by John R. Frankhouser, Jr. and Claudia M Frankhouser, their successors, executors, administrators and assigns.

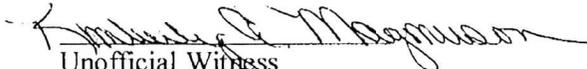
2. If any one (1) or more of the above covenants is held void or unenforceable, the remaining covenants shall remain valid and of full effect.

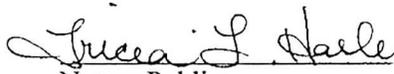
IN WITNESS WHEREOF, the said John R. Frankhouser, Jr. and  
Claudia M Frankhouser has this day has set his hand and affixed his seal on the 16<sup>th</sup>  
day of October, 2007.

  
\_\_\_\_\_  
John R. Frankhouser, Jr.

  
\_\_\_\_\_  
Claudia M Frankhouser

Signed, sealed and delivered  
In the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

