

9-85/KA251J/dm

DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS

IMPOSED BY TEFPT HILL FARM, INC.

WHEREAS, TEFPT HILL FARM, INC., a Rhode Island corporation, is the owner of that parcel of land situated in the Town of South Kingstown, County of Washington, State of Rhode Island, (hereinafter referred to as the "Property"), which is bounded and described as:

PARCEL A:

That certain lot or parcel of land, together with all improvements and buildings thereon situated, located in the Town of South Kingstown, County of Washington, State of Rhode Island, and bounded and described as follows:

Beginning for location and place of beginning of herein described parcel at the intersection of two walls in the westerly line of South Road, said point being the southeasterly corner of land now or lately of Richard F. and Elvira E. Purnell and the northeasterly corner of herein described parcel; thence running southerly a distance of three hundred fifteen and thirty one-hundredths (315.30) feet to a point; thence turning an interior angle of 183°-18'-34" and running southerly a distance of one hundred sixty-five and one one-hundredth (165.01) feet to a point; thence turning an interior angle of 177°-35'-33" and running southerly a distance of one hundred forty-five and seventy-eight one-hundredths (145.78) feet to a point; thence turning an interior angle of 180°-28'-51" and running southerly a distance of one hundred twenty-three and ninety-one one-hundredths (123.91) feet to a point; said last four (4) courses being bounded easterly by South Road; thence turning an interior angle of 88°-14'-38" and running westerly a distance of one hundred ninety-eight and ninety-seven one-hundredths (198.97) feet to a point; thence turning an interior angle of 193°-58'-46" and running southwesterly a distance of two hundred ninety-seven and fifty-eight one-hundredths (297.58) feet to a point; thence running southerly, westerly and northerly in the arc of a curve having a central angle of 98°-34'-03" and a radius of twenty-five (25.00) feet a distance of forty-three and one one-hundredth (43.01) feet to the point of tangency of said curve; thence running northerly a distance of six hundred seven and eighty-seven one-hundredths (607.87) feet to a point; thence running northerly and easterly along the arc of a curve having a central angle of 90°-00'-00" and a radius of twenty-five (25.00) feet a distance of thirty-nine and twenty-six one-hundredths (39.26) feet to the point of tangency of said curve; thence running easterly a distance of twenty-five (25.00) feet to a point; thence turning an interior angle of 270°-00'-00" and running northerly a distance of fifty (50.00) feet to a point; thence turning an interior angle of 270°-00'-00" and running westerly a distance of twenty-five (25.00) feet to a point; thence running westerly and northerly in the arc of a curve having a central angle of 90°-00'-00" and a radius of twenty-five (25.00) feet a distance of thirty-nine and twenty-six one-hundredths (39.26) feet to the point of tangency of said curve; thence running northerly a distance of twenty-five (25.00) feet to a point; thence turning an interior angle of 270°-00'-00" and running westerly a distance of fifty (50.00) feet to a point;

Oct 3, 1985 at 3:28 P.M.
Received for Record
Witness: South Kingstown Town Clerk

thence turning an interior angle of $90^{\circ}-00'-00''$ and running northerly a distance of seventy-five (75.00) feet to a point in a stone wall; thence turning an interior angle of $84^{\circ}-35'-17''$ and running easterly, bounded northerly partially by land now or lately of Greg J. and Cynthia Lessne, partially by land now or lately of Kathleen R. Byrnes and Stanley Lane and partially by land now or lately of Richard F. and Elvira E. Purnell, a distance of six hundred thirty-three and seventy-three one-hundredths (633.73) feet to point and place of beginning; said last courses creating an interior angle of $90^{\circ}-22'-24''$ with first course herein described.

Said parcel contains 9.723 acres.

PARCEL B:

That certain lot or parcel of land, together with all improvements and buildings thereon situated, located in the Town of South Kingstown, County of Washington, State of Rhode Island, and bounded and described as follows:

Beginning for location and place of beginning of herein described parcel at a point in the westerly line of South Road, said point being the northeasterly corner of herein described parcel; and being one thousand one hundred twenty-four and twelve one-hundredths (1124.12) feet in a southerly direction as measured along the westerly line of South Road from the southeasterly corner of land now or lately of Richard F. Purnell et ux; thence running southerly four hundred fifty-three and thirty-seven (453.37) feet to a point; thence turning an interior angle of $88^{\circ}-05'-48''$ and running westerly a distance of five (5.00) feet to a point; thence turning an interior angle of $270^{\circ}-42'-47''$ and running southerly a distance of one hundred sixty-seven and nine one-hundredths (167.09) feet to a point; thence turning an interior angle of $182^{\circ}-15'-30''$ and running southerly a distance of two hundred eighty and eleven one-hundredths (280.11) feet to a point; said last four (4) courses being bounded easterly by South Road; thence turning an interior angle of $87^{\circ}-01'-43''$ and running westerly a distance of three hundred thirty-four and twenty-four one-hundredths (334.24) feet to a point; thence running westerly and northerly in the arc of a curve having a central angle of $87^{\circ}-35'-22''$ and a radius of twenty-five (25.00) feet a distance of thirty-eight and twenty-one one-hundredths (38.21) feet to the point of tangency of said curve; thence running northerly a distance of one hundred ninety-seven and ninety-two one-hundredths (197.92) feet to a point; thence running northerly and westerly along the arc of a curve having a central angle of $16^{\circ}-07'-40''$ and a radius of three hundred sixty-seven and ninety-five one-hundredths (367.95) feet a distance of one hundred three and fifty-eight one-hundredths (103.58) feet to the point of tangency of said curve; thence running northwesterly a distance of one hundred seventy-six and twenty-eight one-hundredths (176.28) feet to a point; thence running westerly, northerly and easterly along the arc of a curve having a central angle of $39^{\circ}-23'-13''$ and a radius of four hundred ninety-eight and thirty-eight one-hundredths (498.38) feet a distance of three hundred forty-two and sixty-one one-hundredths (342.61) feet to a point; thence running easterly and northerly along the arc of a curve having a central angle of $13^{\circ}-41'-12''$ and a radius of three hundred twenty (320.00) feet a distance of seventy-six and forty-four one-hundredths (76.44) feet to a point; thence turning an interior angle of chord of said last curve of $104^{\circ}-00'-20''$ and running easterly a distance of three hundred ninety and forty-six one-hundredths (390.46) feet to point and place of beginning; said last course creating an interior angle of $91^{\circ}-54'-12''$ with first course herein described; said last eight (8) courses being bounded by other land of Grantors.

Said parcel contains 8.25 acres.

PARCEL C:

That certain lot or parcel of land, together with all improvements and buildings thereon situated, located in the Town of South Kingstown, County of Washington, State of Rhode Island, and bounded and described as follows:

Beginning for location and place of beginning of herein described parcel at a point in the westerly line of South Road; said point being the northeasterly corner of herein described parcel; and being fifty and seven one-hundredths (50.07) feet in a southerly direction as measured along the westerly line of South Road from the southeasterly corner of Parcel B hereinbefore described; thence running southerly a distance of ninety-five and twenty-seven one-hundredths (95.27) feet to a point; thence turning an interior angle of $176^{\circ}-49'-00''$ and running southerly a distance of four hundred seventy-three and twenty-four one-hundredths (473.24) feet to a point; thence turning an interior angle of $153^{\circ}-38'-50''$ and running southwesterly a distance of two hundred nineteen and ninety-five one-hundredths (219.95) feet to a point; said last three (3) courses being bounded easterly by South Road; thence turning an interior angle to the chord of a curve of $108^{\circ}-24'-53''$ and running along arc of said curve having a central angle of $12^{\circ}-00'-19''$ and a radius of one thousand four hundred sixty-nine and eighty-one one-hundredths (1,469.81) feet a distance of three hundred seven and ninety-seven one-hundredths (307.97) feet to a point; said course being bounded southerly and easterly by said Railroad; thence turning an interior angle to chord of said curve of $95^{\circ}-32'-08''$ and running northwesterly a distance of two hundred ninety-five and seventy-nine one-hundredths (295.79) feet to a point; thence running northerly and easterly in the arc of a curve having a central angle of $45^{\circ}-38'-56''$ and a radius of fifty-four and eighty-four one-hundredths (54.84) feet a distance of forty-three and seventy one-hundredths (43.70) feet to the point of tangency of said curve; thence running easterly a distance of ninety-five and seventy-seven one-hundredths (95.77) feet to a point; thence turning an interior angle of $270^{\circ}-00'-00''$ and running northerly a distance of fifty (50.00) feet to a point; thence running westerly and northerly along the arc of a curve having a central angle of $92^{\circ}-38'-24''$ and a radius of fifty (50.00) feet a distance of eighty and eighty-four one-hundredths (80.84) feet to point of tangency of said curve; thence running northerly a distance of two hundred forty-seven and ninety-six one-hundredths (247.96) feet to a point; thence turning an interior angle of $178^{\circ}-52'-30''$ and running northerly a distance of one hundred twenty-six and sixty-one one-hundredths (126.61) feet to a point thence running northerly and easterly in along the arc of a curve having a central angle of $86^{\circ}-13'-56''$ and a radius of twenty-five (25.00) feet a distance of thirty-seven and ninety-four one-hundredths (37.94) feet to the point of tangency of said curve; thence running easterly a distance of three hundred thirty-six and ninety-two one-hundredths (336.92) feet to point and place of beginning; said last course creating an interior angle of $92^{\circ}-58'-17''$ with first course herein described; said last nine (9) courses being bounded by other land of Grantors.

Said parcel contains 6.83 acres.

WHEREAS, it is the desire and intention of said TEFPT HILL FARM, INC. to impose certain restrictions and protective covenants upon all of the lots which may be created from said Property;

NOW, THEREFORE, said TEFPT HILL FARM, INC., for itself and its successors and assigns, does hereby impose the following

restrictions and protective covenants on each and every lot that is created from said Property, and said restrictions and protective covenants shall be binding upon said TEFFT HILL FARM, INC. and its successors and assigns, and all persons claiming by, through or under it, and upon all owners of any such lot:

(1) The owners of such lot, their heirs and assigns, shall not sell the granted premises or any part thereof, to a person or persons other than an immediate family member, without first offering the same in writing to R. D. DENELLE & CO., INC., or to such person, association or other legal entity as R. D. DENELLE & CO., INC., by writing duly executed, acknowledged and recorded with the land records of the Town of South Kingstown, shall have designated to receive such offer; except that this right shall not apply to any foreclosure or sale by a Mortgagee. The offer so made shall state the lowest price which the offeror is willing to accept for the property therein described, and the offeree shall have twenty-one (21) days after the mailing of the written offer by certificate or registered mail to R. D. DENELLE & CO., INC., Tower Hill Road, Wakefield, Rhode Island, or such other address as it shall indicate by filing a notice of change of address in the Land Evidence Records of the Town of South Kingstown, in which to accept the same by filing a written acceptance in the Land Evidence Records of the Town of South Kingstown. Provided, however, that this restriction shall not be binding upon the owners of such lots, their heirs and assigns, in the event of the dissolution of the R. D. DENELLE & CO., INC. corporation without having designated an offeree in manner as aforesaid. If said offer is accepted, R. D. DENELLE & CO., INC, in said acceptance notice, shall designate a time and date for a closing to be held at the Town Clerk's Office in South Kingstown within thirty (30) days of the date of filing the acceptance. The lot owners, their heirs and assigns, agree not to sell said lot so offered for less than the price at which it is offered to offeree. This restriction shall be binding for a period of twenty-five (25) years from the date of recording of this Declaration.

(2) No buildings or structures shall be erected or reconstructed upon said lots unless or until the grading plan of the lot, including the grade elevations of said buildings and structures, the plot plan showing the proposed location of said buildings and structures upon said lots and the plans, specifications and details of said buildings and structures shall have been approved in writing by TEFPT HILL FARM, INC., their agent, or nominee.

(3) At the time of construction of any house or dwelling unit, a garage designed to hold at least one automobile shall be constructed.

(4) No boat, camper, recreational vehicle, or truck, except a standard size pickup truck shall be stored out of doors.

(5) No chickens or other fowl or livestock of any kind, shall be kept or harbored on the land hereby conveyed.

TEFPT HILL FARM, INC., its successors and assigns, shall not make, execute or deliver any deeds of any lots created from said Property to any person or persons, without imposing these restrictions and protective covenants upon the lots sold and conveyed by such deeds, either by specifically setting forth said restrictions and protective covenants therein, or by reference to this instrument.

In the event that there shall be any violation or attempted violation of any of the restrictions or protective covenants herein contained, it shall be lawful for TEFPT HILL FARM, INC. or any other person or persons owning any lot or lots to bring or prosecute any actions or proceedings in law or equity against the person or persons violating said restrictions or protective covenants, and to prevent or enjoin him, her, it, or them from so doing, and to recover damages for such violation.

Each of the said restrictions and protective covenants are to be construed as a separate covenant running with the land and invalidation of any one of said restrictions, or protective

covenants by judgment, or court order, or decree, or otherwise, shall in no way affect the validity of any of the other restrictions or protective covenants, which shall remain in full force and effect.

Wherever the term TEFFT HILL FARM, INC. is used, it shall be construed to include TEFFT HILL FARM, INC., its successors and assigns, or its nominee or nominees.

It is not the intent of TEFFT HILL FARM, INC. to impose as a matter of law or as a scheme of development the above restrictions and covenants upon any other land that may be acquired by it from time to time, including land adjacent to the Property.

IN WITNESS WHEREOF, the said TEFFT HILL FARM, INC., has caused its corporated name to be hereunto subscribed by its President, and its duly attested corporate seal to be hereunto affixed by its Secretary, all in the Town of South Kingstown, County of Washington, State of Rhode Island.

TEFFT HILL FARM, INC.

By *Richard B. Hooper, Jr.*
President

STATE OF RHODE ISLAND
COUNTY OF WASHINGTON

In South Kingstown on the ^{25th} day of September 1985, before me personally appeared Richard B. Hooper, Jr. President of TEFFT HILL FARM, INC., to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed, individually, and in his capacity as aforesaid, and the free act and deed of TEFFT HILL FARM, INC.

June Grant
Notary Public

JUNE GRANT
Notary Public, State of Rhode Island
Commission Expires June 30, 1986

