

## DEED RESTRICTIONS FOR WINDSOR HILLS SUBDIVISION

Recorded at Deed Book F, Volume 47, Page 191 (June 5, 1947), modified at Deed Book V, Volume 49, Page 596 (April 3, 1950), and currently renewed at Book 2379, Page 0025-40 (December 31, 1997).

“SUBJECT, HOWEVER, to the following covenant, restrictions and limitations, to wit:

1. The Windsor Hills Tract is a suburban residential community and the land shall be used only for residence purposes and for services which are beneficial to a residential community. All residences shall be designated for use as single family houses which must be at least 40 feet distant from any adjoining residence and there shall be no appurtenant buildings adjacent to said residences except those used in connection with private automobiles, gardening, and the like.

The practice of a profession or calling and the operation of a business shall not be permitted in that portion of the tract which is more than 250 feet from the center of Foulk Road (at 40 feet wide) and only in the said Foulk Road area when such use of land is authorized by the grantors, their heirs or assigns in a document prepared for recording in the Office of the Recorder of Deeds.

2. No building, fence, wall or other structure shall be erected, nor shall any exterior change in any existing structure be made until the plans and specifications shall have been submitted to and approved in writing by the grantors, their heirs, or assigns. In passing on such plans and specifications, they shall take into consideration the suitability of the proposed building or other structure to the site, the harmony thereof with the surroundings and the effect of the same on the outlook from adjacent or neighboring property.

3. All dwellings and appurtenant buildings built for use in connection therewith must be at least 60 feet from the center of all streets (including Foulk Road at 40 feet wide) and shall be built not closer than 20 feet to the lands of another owner. A roofed open porch shall be considered a part of a building, but unroofed terraces shall not come within the meaning of this restriction.

4. There shall not be permitted any noxious, dangerous or offensive thing within the boundaries of the Windsor Hills tract nor shall any portion of the land be used for any graveyard, hospital, sanitarium or institution of the like or kindred nature, stable of any kind, cattle yard, hog pen, fowl yard or house, cesspool, privy vault or any form of privy, nor for manufacturing purposes.

5. All plumbing installations shall include precautionary measures to avoid the passage of surface water, grease and non-digestible matter into any septic tank installation and shall not violate the plumbing code for New Castle County.

6. [deleted]

7. There is reserved and excepted for the parties of the first part and to their heirs, executors, administrators and assigns, the right of laying under, upon or over the aforesaid granted premises at any time or times and/or from time to time, pipes and conduits for water, sewers, electric lights, telephone and gas, providing the installation of such utilities shall not be permitted to interfere with existing or proposed structures or buildings on said premises.

8. These restrictions shall remain in effect until December 31, 1957, however, they may be renewed as a whole or in part for further periods of ten years each by filing with the Recorder of Deeds an appropriate instrument bearing the signatures of the owners of at least 50% of the front footage of the tract as shown on the plot plan prepared by H.L. Robertson, Surveyor, and about to be recorded. Such an instrument must be executed and recorded within the year immediately preceding the mentioned expiration date. However, any extension which will continue these restrictions in force after December 31, 1977 shall require approval by the owners of at least 75% of the front footage of the said tract.

9. Failure by the said grantors or any land owners whose land is deleteriously affected by any violation or breach of any restriction, condition, covenant or agreement herein contained to enforce same shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior to or subsequently thereto.

The covenants, conditions and restrictions hereinabove contained shall be deemed real covenants which run with the land.”

**Definitions** (Black’s Law Dictionary, 6<sup>th</sup> ed.)

Appurtenant: Belonging to; accessory or incident to; adjunct, appended, or annexed to.

Adjacent: Lying near or close to; something contiguous; neighboring. *Adjacent* implies that the two objects are not widely separated, though they may not actually touch, while *adjoining* imports that they are so joined or united to each other that no third object intervenes.