

DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE
MARION J. STOLWORTHY WILD LIFE SANCTUARY

This declaration of covenants and restrictions, made this 17th
day of December, 1986 by Edward Howard Stolworthy (hereinafter called
the "Declarant").

Scope: The land to which these covenants and restrictions apply
consists of two parcels of land as shown on the Durham, New Hampshire Tax
Map, Map # 3 as revised March, 1978, being shown on said map as Lot 2-6
and Lot 2-14 respectively. Said parcel 2-6 being the same property as
conveyed by Edith H. McNutt to Marion J. Stolworthy by deed dated July
31, 1937 and recorded in the Strafford County Registry of Deeds at Book
479, Page 146. Lot 2-14 being the same property conveyed by William
Wayne Shirley to Edward Howard Stolworthy by deed dated February 8, 1966
and recorded in the Strafford County Registry of Deeds at Book 807, Page
412 (hereinafter known as the "Land"). Each of these covenants and
restrictions will run with the land for the benefit of the public and
will be binding on all successive owners and occupants.

It is the intention of the Declarant that the greatest use and
benefit to be derived from the Land is through the maintenance and
preservation of the Land as a permanent wild life sanctuary area in its
present natural wooded state of scenic attractiveness and to prevent any
unsightly development that will mar and detract from such natural beauty
of this property as a wild life sanctuary, or degrade the character of
the property. It is further the intention of the Declarant to place such
reasonable covenants and restrictions over said lands as may be necessary
to accomplish such objectives. Further, that the Land shall remain in
its natural and wooded and scenic state in perpetuity and be designated
by an appropriate placed and designed sign as the "Marion J. Stolworthy
Wild Life Sanctuary."

Covenants and Restrictions.

1. Identification of the Land: The Land shall be designated the
"Marion J. Stolworthy Wild Life Sanctuary" by the Town of Durham, New
Hampshire which shall appropriate design, place and maintain a sign
designating said Land as the "Marion J. Stolworthy Wild Life Sanctuary."

2. Use: No other use of the Land shall be permitted except as a
wild life sanctuary and those activities reasonably associated with the
proper use and maintenance of a scenic wild life sanctuary.
Determination of whether an activity is consistent with the restrictions
will be made by the Durham Conservation Commission. The Land is to be
specifically made available by the Town of Durham for the public's use
and enjoyment of this area as a wild life sanctuary. However, public
access shall be controlled so as not to detract from the area's natural
beauty or to degrade the character of the wild life area. The lands are
not to be used for any public gathering other than reasonable use as
"nature reserve". Further, use of the Land shall be subject to the
following:

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STRAFFORD COUNTY
REGISTRY OF DEEDS

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BK 1283 PG 0566

- A. Any and all commercial use are prohibited;
- B. No hunting or fishing will be permitted;
- C. No trees or shrubs shall be removed or destroyed on the Land except as may be incidental to the preservation of this area as a wild life sanctuary;
- D. No garbage, waste, dumping of ash, trash, sawdust, or any other unsightly or offensive material shall be dumped placed on the Land;
- E. No buildings, signs, billboards, or outdoor advertising structures of any kind shall be erected, displayed, placed or maintained upon or within the sanctuary area except to designate the Land as the "Marion J. Stolworthy Wild Life Sanctuary" and such other informational displays as to aid users of the property in the enjoyment of a "natural wild life reserve".

3. Control of the Land: The Town of Durham shall protect, monitor and steward the Land and shall prohibit open fires, firearms, or any unreasonable disruptive activity on the Land. Further, the Town of Durham shall exercise reasonable controls over the Land as may be necessary to accomplish the objectives herein.

4. Management and Maintenance: The Town of Durham will be charged with the management and maintenance of the vegetation and land consistent with the purposes of maintaining a wild life sanctuary. However, this management and maintenance shall be carried out with the advice or the Durham Conservation Commission.

5. Duration. These covenants and restrictions shall be binding in perpetuity.

6. Enforcement: The Durham Board of Selectmen on behalf of the *E.N.S.* public shall be entitled to the express right to commence any legal or equitable action as may be necessary in order to insure the Land remains the "Marion J. Stolworthy Wild Life Sanctuary" and to prevent or abate a violation of the covenants and restrictions contained herein.

7. Severability: The invalidation of any one or more of these covenants by judgment of a court order shall not effect any of the other provisions hereof.

Executed this 24th day of December, 1986.

BK 1283 PG 0567

Donald R. Bryant
Witness

Edward Howard Stolworthy
Edward Howard Stolworthy

STATE OF NEW HAMPSHIRE
Strafford, SS

On this 24th day of December, 1986, before me, personally appeared Edward H. Stolworthy, known to me or satisfactorily proven, to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

David R. Bryant
Justice of the Peace

The Town of Durham, a municipal corporation, Durham, N.H., does hereby agree that upon conveyance to it of the land described above that it will hold said land under the terms and provisions of the above covenants and restrictions, which it hereby accepts, by and through its Board of Selectmen, who have authorized the Chairman of said Board, to execute this document on this 31st day of December 1986.

TOWN OF DURHAM

BY Patricia Fisk
Patricia Fisk
Chairman of the Board of
Selectmen
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

DATED: December 30, 1986

Personally appeared Patricia Fisk in her capacity as Chairman of the Board of Selectmen of the Town of Durham and acknowledges the foregoing acceptance of this document of covenants and restrictions executed by her on behalf of the Town of Durham as the free and voluntary act of the said Town,

Before me,

Abra S. Liswell
Justice of the Peace/Notary Public



BK 1283 PG 0568

REGISTER OF DEEDS
STRAFFORD COUNTY