

**DECLARATION OF RESTRICTIVE COVENANTS  
FOR BIRNAM WOOD**

This conveyance is made subject to all easements, rights of way, reservations and restrictions properly of record and affecting the subject property, and SPECIFICALLY SUBJECT to the following covenants and conditions, which protective provisions are expressly intended to, and shall, run with the land and bind the Grantee herein, Grantee's successors in interest, personal representatives, transferees and assigns:

1. It is expressly understood and agreed that the following restrictions and protective provisions shall not affect any other property other than the property herein conveyed, unless such other property is specifically made subject to these restrictions and protective provisions by recorded instrument.
2. That that the property herein conveyed shall be used exclusively for single-family residential purposes and that there shall not be erected on the above-described tract any commercial, manufacturing or public establishment, nor shall any dwelling or other structure located upon the property herein conveyed be used as multi-family residence (the term "multi-family" as used herein meaning more than one nuclear family), nor used as for short-term rental purposes (the term "short term rental" as used herein meaning any rental or lease arrangement under which the initial term is less than one full calendar year), as a tenement house, flat, apartment, school, sanitarium or hospital, nor at any time shall any building or buildings erected on said property be used or be suffered to be used for any such purpose; and that no prefabricated house or house pre-cut for assembly shall be permitted to be erected or be suffered to be erected upon said property without the written consent of all the owners of lots fronting on the same road or street upon which

any such prefabricated or pre-cut house is contemplated to be erected having first being obtained.

3. That in building on the above-described property, the owner may, in addition to a residence, build thereon a one, two or three car garage and servants' quarters in keeping with the premises and residence thereon, but no structure of a temporary character, such as a trailer, tent or basement, shall be permitted to be used as a separate residence, whether temporary or permanent, but auxiliary shed structures not exceeding eight (8) feet in width and twelve (12) feet in length, and no more than eight (8) feet at the highest peak shall be permitted, provided, however, any such auxiliary shed structure shall be located behind the primary dwelling located upon the premises and such auxiliary structure shall not be capable of being observed from the roadway or street upon which the primary dwelling fronts or from any other side street.
4. That the plans for any home contemplated to be built on the above-described property are to be drawn by a certified architect and comply with all applicable zoning ordinances and building codes.
5. That the individual tracts herein conveyed shall constitute one (1) parcel on which one (1) residence only shall be constructed, and except as otherwise set forth herein, no structure shall be erected, altered, placed or permitted to remain upon any such single tract other than one (1) detached single-family residence, not to exceed two and one-half (2-1/2) stories in height (exclusive of basement area); that should more than one adjoining tract be acquired by the same owner(s), said lots may be consolidated or combined into a single building site upon which one, and not more than one, single residence is permitted to be constructed; but that no portion of any individual tract may be subdivided, sold or

conveyed, except that any such tract may be subdivided and conveyed to the owner(s) of the two (2) adjoining tracts fronting on the same road or street as the subdivided tract; provided, however, and that upon any such subdivision, each subdivided part of said lot shall thereafter be consolidated with and used only as a part and parcel of the original lot first acquired by the adjoining property owner(s).

6. That no dwelling shall be erected on the above-described property of less than 2,500 square feet of heated living space (exclusive of basement).
7. All dwelling structures constructed on the property herein conveyed shall face the roadway or street on which such property fronts. No house or any portion thereof shall be erected closer than 45 feet from the closest margin of the roadway or street on which any such lot fronts nor nearer than 15 feet to any side lot line without the written permission of the adjoining property owner relative to any such side lot line, provided, however, that all such buildings shall conform to the applicable zoning ordinances of the City of Danville, Virginia, unless such requirements are waived by proper authority of the City of Danville.
8. That no nuisance shall be maintained nor permitted on said property, and for the purpose of this Section G, the raising or keeping of poultry or livestock on said premises shall constitute a nuisance.