

46987

THIS DECLARATION OF RESTRICTIVE COVENANTS FOR THE SUBDIVISION KNOWN AS "VERLING HILLS SUBDIVISION", made this 1st day of September, 1993, by VERLING HOMES, INC., a Virginia corporation, hereinafter referred to as "Developer", Grantor;

W I T N E S S E T H :

WHEREAS by deed dated May 27, 1993, recorded in the Clerk's Office of the Circuit Court of Orange County, Virginia, in Deed Book 501, page 643; and by deed dated May 28, 1993, recorded in said Clerk's Office in Deed Book 501, page 646, Verling Homes, Inc., acquired certain real property lying in Taylor Magisterial District, Orange County, Virginia, containing 5.749 acres and 3.014 acres, more or less; and

WHEREAS, Developer has created a plan of subdivision for such property, which subdivision shall be known as "Verling Hills Subdivision", and is more particularly shown on a plat of subdivision dated July 16, 1993, revised August 23, 1993, made by Stearns L. Coleman, C.L.S., attached hereto and recorded herewith;

WHEREAS, Developer, for the protection of the lots within the subdivision and the benefit of the purchasers thereof, desires to impose restrictive covenants upon such lots, which restrictive covenants shall run with the land; and

WHEREAS, the easement of right of way giving access to certain of the lots within the subdivision, which easement of

ORANGE COUNTY CLERK'S OFFICE
PLAT RECORDED IN
PLAT CABINET D SLOT 354

✓ Returned 10/19/13
PURCELL AND WALKER
ATTORNEYS AND
COUNSELORS AT LAW
100 WEST MAIN STREET
ORANGE, VIRGINIA 22650

BOOK 510 Page 0342

right of way is known as "Walters Road" and is shown on the aforesaid plat, shall be a private roadway not dedicated to the public use; and

WHEREAS, Developer desires as a part of these restrictive covenants to provide for an orderly means of ownership and maintenance of that portion of "Walters Road" as shown on the aforesaid plat.

NOW, THEREFORE, THIS DECLARATION OF RESTRICTIVE COVENANTS FURTHER WITNESSETH:

1. That the lots in the subdivision shall be used for single-family residential purposes only.
2. No more than one single-family residential dwelling of permanent-type construction, with suitable dependent buildings for residential purposes, if desired, shall be erected or maintained upon any lot.
3. No structure of a temporary character including, but not limited to, camping trailers, house trailers, or tents, shall be permitted or used on any lot or other area within the subdivision at any time as a residence.
4. No further subdivision of any lot shall be permitted unless such subdivision shall be approved, by a writing suitable for recordation, by all of the lot owners within the subdivision.
5. All front, side and rear yard requirements shall be

as provided and defined in the Orange County zoning ordinance.

6. (a) Easements for the installation, use and maintenance of utilities (including what is commonly known as "cable television") along all lot lines and within 15 feet thereof and within the easement shown on the aforesaid plat known as "Walters Road", are reserved to the Developer, his successors and assigns, including and reserving to Developer, his successors and assigns, the right of entry upon any lot to construct and maintain the utility services whether under or above ground.

(b) Developer does specifically grant and assign to The Chesapeake and Potomac Telephone Company of Virginia a 15 foot easement along all lot lines.

The Chesapeake and Potomac Telephone Company of Virginia in the said easement reserves the right to construct, operate, maintain, replace and remove a communications systems consisting of such buried cables, buried wires, terminals and location markers, as from time to time is required, together with the right of ingress and egress over, under and across said land for the purpose of exercising the rights granted to it.

7. The owners of unimproved and improved lots shall at all times keep and maintain their property in an orderly manner to prevent any accumulation of garbage, rubbish or other refuse,

and shall at all times be maintained in such manner as to prevent their becoming unsightly by reason of unattractive growth on said lots.

8. No animals or livestock of any description, except the usual household pets, shall be kept on any lot.

9. All signs, billboards, or advertising structures of any kind are prohibited except "for sale" signs.

10. No stripped down, partially wrecked, or junk motor vehicles, or sizeable part thereof, shall be permitted to be parked on any lot.

11. The extension of "Walters Road", as shown on the plat of subdivision, shall be used, maintained and held as follows:

(a) Maintenance of such roadway shall be the responsibility of the Walters Road Property Owners Association, a nonprofit, unincorporated association, controlled by the laws of Virginia pertaining to unincorporated associations.

(b) The Association shall be governed by three directors, which directors shall be members of the Association. From the directors, the members of the Association shall choose one as president and one as secretary-treasurer. The Association may establish bylaws pertaining to its operation; provided, however, that nothing in such bylaws shall be inconsistent with these restrictive covenants.

(c) Each lot owner accepting a deed to any lot in Verling Hills Subdivision which abutts Walters Road as shown on the aforesaid plat shall thereby become a member of the Association, and subject to the restrictive covenants pertaining to Verling Hills Subdivision. The term "lot owner" as used herein shall refer to the collective ownership of each lot of Verling Hills Subdivision, but shall not include the trustees, mortgagees or beneficiaries of any "security trust" as defined by the Code of Virginia.

(d) Each lot owner shall have one vote in the affairs of the Association for each lot owned by such lot owner.

(e) Each lot owner shall pay annual dues to the Association of \$50.00 beginning January 1 of the year after the year in which the lot owner takes legal title to the lot. The dues shall be used to maintain and improve Walters Road as shown on the aforesaid plat. The Association may impose an additional assessment on each lot owner for the purpose of raising funds for the maintenance of Walters Road as shown on the aforesaid plat.

(f) So long as Developer holds legal title to any lots in Verling Hills Subdivision, he shall be considered a lot owner with membership in the Association and he shall be obligated to pay dues and assessments in accordance with this restrictive covenant.

(g) That portion of "Walters Road" as shown on the
aforesaid plat shall be for the joint use of the owners of lots
in Verling Hills Subdivision abutting thereon; and for purposes
of ingress and egress to lots in said subdivision.

WITNESS the following signature.

VERLING HOMES, INC.

By W. R. Verling
W. R. Verling, Pres.

STATE OF VIRGINIA

County of Orange, to-wit:

The foregoing instrument was acknowledged before me this 30th
day of September, 1993, by W. R. Verling, President, on behalf
of Verling Homes, Inc.

Ann P. Riddan
Notary Public

My commission expires: 7/31/97



The foregoing document with clerk's certificate annexed was received and
admitted to record in the office of the CLERK OF THE CIRCUIT COURT OF ORANGE
COUNTY, VA and taxes and fees paid as follows:

DATE <u>9/30/93</u>	State Tax (039) _____	Local tax (213) _____
TIME <u>1:49</u>	Add. tax (038) _____	Add. tax (220) _____
Teste:	Transfer (212) _____	Recording (301) <u>24.00</u>
Ulysses P. Jounet, Jr. Clerk		Library (145) <u>1.00</u>
by <u>[Signature]</u>	D. C. _____	TOTAL PAID <u>25.00</u>