

High Valley C&R's

Grant County

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AMENDED
DECLARATION OF RESTRICTIONS
SECTION A

This conveyance shall be made subject to the following restrictive covenants which covenants are to run with the land:

1. That no business or commercial enterprise of any type shall be conducted on the real estate herein conveyed; that no trucks, buses, old cars, or unsightly vehicles of any type or description may be used as living quarters, or left or abandoned on the real estate herein conveyed; further, that no swine, livestock or poultry shall be kept or raised on said real estate, pets excluded.

That the real estate herein conveyed is for residential purposes and house trailers may be considered as a home providing that the owner of the real estate occupies said trailer and that the trailer is underpinned and affixed so as to become a part of the realty; further, that the tract herein conveyed shall be kept free of debris and waste material and shall be picked up and disposed of, and that said tract surrounding the residential structure shall be seeded and generally kept in a neat and desirable appearance.

2. All toilets, septic tanks, sewage and waste disposal systems constructed on the land shall conform to the regulations of the West Virginia State Health Department; further, activities or use of said land shall not pollute or cause waste to any spring, drain, or stream situate on or traversing said land.

3. That the real estate conveyed by the deed to which these restrictions are attached to and made a part thereof shall remain as a single tract and be considered as a single unit of acreage without any rights to sub-divide or change the original acreage.

4. That the grantees, their heirs and assigns, may not

market commercially the timber on the land herein conveyed and that only such timber may be cut, by way of enumeration and not limitation, to-wit, fire wood, as would be needed so as to permit the grantees, their heirs and assigns, to enjoy the full use and benefit of the real estate herein conveyed.

5. There is hereby granted and conveyed by the grantors to the grantees the right to use in common with all other land owners the roadway or right of way constructed and surveyed. This right in common is for the use and benefit of the grantors, their heirs and assigns, and grantees, their heirs and assigns, but it is understood and agreed that the grantors are not obligated or required to maintain, repair or be responsible for the upkeep of the roadway or right of way constructed and that same is the joint and pro rata responsibility of the property owners.

6. Invalidation of any one of these covenants by judgment or court order, shall in no wise affect the validity of any of the other provisions which shall remain in full force and effect.

7. The grantors reserve unto themselves, their heirs and assigns, the right to erect and maintain all utility poles, conduits, lines and equipment, or to grant easements or rights of ways therefor, with the right of ingress and egress for the purpose of erection or maintenance of and for all utilities on, over, or under a strip of land fifteen (15) feet wide at any point along the sides and rear property lines and thirty (30) feet on the front lines adjacent the edge of the roadway or right of way.

8. It is understood and agreed that the Declaration of Restrictions, provisions and conditions aforesaid shall not be applicable or apply to any other land or property owned by the grantor, James Ed. Frye, which was conveyed to him by deed dated March 9, 1977, from Joseph R. Fisher, et al., and of record in the Grant County Clerk's Office in Deed Book 116 at page 526. That the

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Declaration of Restrictions aforesaid attached to this deed are applicable and considered covenants only with the deeds to which same are attached and incorporated in said deed by reference.

GRANT COUNTY, WV
FILED
August 29, 2001 16:01:09

HAROLD G. HISER
COUNTY CLERK
TRANSACTION NO: 2001004106
Transfer Tax: \$572.00

DEED BOOK
Book: 00214 Page: 00283
Line: 00001

