

39868 REC: ROYCE SARRIN 7-2-85

DEED COVENANTS

North River Bend

11

This declaration of easements, protective covenants and beneficial restrictions shall run with the land and shall be referenced as part of every contract of sale and conveyance of title.

Each owner shall have an easement over the roads of the subdivision for access to and from State Road 11, Del Ray Road (also called North River Road) to his lot within the subdivision and to and from the parking area at HIGH MOUNTAIN TURN for the purpose of ingress and egress to and from the 8,000 acre hunting and fishing area known as SHORT MOUNTAIN, administered by the West Virginia Department of Natural Resources.

Maintenance and repairs to said roadways within the subdivision shall be performed on a continuing basis by the North River Bend Property Owners Association. The maintenance fee shall be \$30.00 annually, with a one-time initial membership fee (to be used for organizational and administrative purposes) of \$10.00 per lot owner. The annual fee, however, is payable per lot owned and does not apply to the unsold inventory of the developer.

The developers reserve unto themselves, and in behalf of the said Association, their heirs and assigns, an easement or right-of-way over, under or through a twenty foot strip of land along every lot line of every lot in the subdivision for the purpose of facilitating the granting of rights-of-way for maintenance and utilities.

No commerce or business of any type is allowed within the subdivision. No signs of any kind are permitted except directional and informational signs of the developer and name and lot number signs of the several owners.

Mobile homes are not allowed to be utilized on or upon any lot fronting Short Mountain Blvd (the main road leading up to Short Mountain) nor any lot situated on Marty's Road, Neil's Rd., or Meadow Lane. However, motor homes, camping trailers and camping in general is permitted on each and every lot within the subdivision. No buses, trucks, old cars or unsightly conditions will be permitted to exist on any lot if deemed to be left, stored or abandoned. The Owners Association reserves the right to promulgate and implement additional rules and regulations from time to time.

Sewerage and waste systems shall conform to West Virginia regulations.

No structure of any kind shall be built within twenty-five feet of any property line without written variance from the Property Owners Association. No driveway or access to any lot may be built across a road ditch without the installation of an appropriate culvert to divert storm water runoff and protect the roads from washout. Lots 61 through 65 inclusive, have power transmission line right-of-way. No structure may be built upon said right-of-way.

Since private access is afforded to 8,000 acres of hunting lands, no discharge of firearms or hunting is permitted within 150 yards of any residence, campsite, posted land, or otherwise improved property within the subdivision.

These covenants may be amended by two-thirds vote of the members in good standing, or by the developer provided such change, modification or amendment is duly recorded among the land records of Hampshire County, West Virginia. The Property Owners Association shall be formed in Autumn, 1985, and the organizational meeting shall be called by the developer. Voting at meetings shall be on the basis of one vote per lot owned and a simple majority shall prevail on all questions except fees and deed covenant changes as indicated above.

Determination by any court of proper cognizant jurisdiction that any provision herein is invalid for any reason whatever, shall not affect the validity of the balance of these provisions or regulations of the Property Owners Association.

SPECIAL RESTRICTIONS: Owners of lots numbered 74 through 82 inclusive are required to build permanent foundations complying with local code. Also, while owners of lots 74 through 82 are not required to build at any time, they must - if building - conform to this paragraph and further, may not erect more than one residence per lot.

Owners of lots # 1,8,9,15,16,51,52,69,71 may utilize the jeep trail running along the rear portion of their lots (along the stream) for access to their lots from State Road 11 (as shown on the plat).

(These covenants contain 12 paragraphs)

June 2005

2ND AMENDED DEED OF COVENANTS NORTH RIVER BEND

This declaration of easements, protective covenants and beneficial restrictions shall run with the land and shall be referenced as part of every contract of sale and conveyance of title.

- 1) Each owner shall have an easement over the roads of the subdivision for access to and from State Road 29 South to his/her lot(s) within the subdivision and to and from the parking area at HIGH MOUNTAIN TURN for the purpose of ingress and egress to and from the 8,000 acre hunting and fishing area known as SHORT MOUNTAIN, administered by the West Virginia Department of Natural Resources.
- 2) Maintenance and repairs to said roadways within the subdivision shall be performed on a continuing basis by NORTH RIVER BEND MAINTENANCE FUND, INC. The maintenance fee shall be \$40.00 annually per lot owned, with a one time initial membership fee to be used for organizational and administrative purposes of \$10.00 per lot owned.
- 3) In conformity with the recorded plat for our subdivision, an easement or right-of-way over, under or through a twenty-five foot strip of land from the center of the road along every lot line of every lot in the subdivision fronting MYSTIC MOUNTAIN BLVD., and a fifteen foot strip of land from the center of the road along every lot line of every lot fronting the following roads: Marty's Rd., Neil's Rd., David's Rd., Eddies Rd., Rodney's Rd., Pete's Rd., and Danny's Rd. for the purpose of facilitating the granting of rights-of-way for maintenance and utilities.
- 4) No commerce or business of any type is allowed within the subdivision. NO signs of any kind are permitted except directional and informational signs, For Sale signs, and lot number and name signs of the property owners.
- 5) Motor homes, camping trailers and camping in general is permitted on each and every lot within the subdivision. NO buses, trucks, old cars or unsightly conditions will be permitted to exist on any lot if deemed to be left, stored or abandoned. In 1990 Hampshire County West Virginia passed a law that: ALL newly purchased (new or used) Mobile Homes or Mobile Homes being moved from one lot to another MUST have a permit in conformance with the law. Further, ALL Mobile Homes are to be under pinned. North River Bend Maintenance Fund Inc., reserves the right to promulgate and implement additional rules and regulations from time to time.

- 6) Wells, sewerage and waste systems shall conform to State of West Virginia regulations.
- 7) NO structure of any kind shall be built or placed within twenty-five feet of any property line without written variance from the NORTH RIVER BEND MAINTENANCE FUND, INC. Due to the lack of enforcement some structures, i.e. Mobile Homes, Pavilions, Travel Trailers are not in compliance and are exempt as of this adoption. Once they are moved, torn down etc., these Lots and Owners are no longer exempt. No driveway or access to any lot may be built across a road ditch without the installation of an appropriate culvert to divert storm water runoff to protect the roads from washout at the OWNERS expense. Also, the Owners that have culverts installed are responsible for keeping them open for the water to flow through. Lots 61 through 65 inclusive have power transmission line right-of-way. NO structure may be built upon said right-of-way.
- 8) THERE WILL BE NO VICIOUS ANIMALS OF ANY KIND ALLOWED IN THE NORTH RIVER BEND SUBDIVISION.
- 9) These Covenants may be amended by a simple majority vote of the members in good standing, provided such change, modification or amendment is duly recorded among the Land Records of Hampshire County, West Virginia. The North River Bend Maintenance Fund, Inc. was formed in Autumn, 1985. Voting at meetings shall be on the basis on one vote per lot owned and a simple majority shall prevail on all questions including fees and DEED OF COVENANT changes as indicated above.
- 10) Determination by any court of proper cognizant jurisdiction that any provision herein is invalid for any reason whatever, shall not affect the NORTH RIVER BEND MAINTENANCE FUND, INC.
- 11) Special Restrictions: Owners of lots numbered 74 through 82 inclusive are required to build on permanent foundations complying with local code. Also, while Owners of lots 74 through 82 are not required to build at any time, they must if building - conform to this paragraph and and further, may not erect more than one residence per lot.
- 12) Owners of lots #1,8,9,15,16,51,52,69,71 may utilize the Jeep Trail running along the rear portion of their lots (along the stream) for access to their lots from State Road 29 S as shown on the plat.

THESE COVENANTS CONTAIN 12 PARAGRAPHS AND SUPERCEDES ANY AND ALL OTHER AMENDED DEED OF COVENANTS.

THESE AMENDED COVENANTS WERE ADOPTED: April 9, 2005