

58090

93

AMENDMENT TO PROTECTIVE COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR CAPON CORNERS SUBDIVISION

WHEREAS, by instrument titled Capon Corners Dedication of Plat and Declaration of Protective Covenants, Conditions and Restrictions, dated May 11, 1994, executed by Thomas W. Alkire, et als, owners of Capon Corners Subdivision, and recorded in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book No. 352, at page 235. The existing covenants governing Capon Corners Subdivision were placed on record; and,

WHEREAS, the owners of the Subdivision, namely, Thomas W. Alkire and Nancy Alkire, his wife, and Terry C. Alkire and Shirley Alkire, his wife, have now conveyed property in the Subdivision to two other parties namely, Janice Hedrick and Wallace Hurd, and all of the owners of property in Capon Corners Subdivision do now wish to modify and amend certain covenants, and to permanently amend said covenants so that all subsequent owners and current owners shall be under the same terms, stipulations and conditions as amended herein.

NOW, THEREFORE, THESE AMENDMENTS TO THE PROTECTIVE COVENANTS OF CAPON CORNERS SUBDIVISION, TO WIT:

1. Article III, Use Restrictions, No. 1, shall now be amended to change the minimum living space for all structures upon the lots excluding porches, and decks, from 1,100 square feet to 960 square feet. Therefore, 960 square feet of living

space shall be the new and permanent requirement, excluding porches and decks for all structures built on lots in the Subdivision, and all other provisions contained in Paragraph No. 1 shall remain as stated.

2. Article III, Use Restrictions, No. 4, shall now be amended to include Lot No. 4 as a designated commercial lot. Therefore, Lot Nos. 1, 2, 3, and 4, shall now be henceforth designated commercial lots and all other provisions contained in Paragraph No. 4 shall remain as stated.

3. All other terms, conditions, stipulations, etc., as set forth in the original protective covenants shall remain as stated with no further changes.

4. That the undersigned comprise all lot owners in Capon Corners Subdivision at the time of the execution of this document.

WITNESS the following signatures and seals this 20th day of October, 1995.

Janice Hedrick (SEAL)
Janice Hedrick

Wallace Hurd (SEAL)
Wallace Hurd
Carol G. Hurd

Thomas Alkire (SEAL)
Thomas Alkire

Nancy Alkire (SEAL)
Nancy Alkire

Terry Alkire (SEAL)
Terry Alkire

Shirley Alkire (SEAL)
Shirley Alkire

STATE OF West Virginia
COUNTY OF Hampshire, TO WIT:

I, Laurie A. Paugh, a Notary Public, in and for the County and State aforesaid, do hereby certify that Janice Hedrick, whose name is signed and affixed to the foregoing instrument dated the 20 day of October, 1995, has this day, acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 20 day of October, 1995.

Laurie A. Paugh
Notary Public

Notary Seal

STATE OF West Virginia
COUNTY OF Hampshire, TO WIT:

I, Laurie A. Paugh, a Notary Public, in and for the County and State aforesaid, do hereby certify that Wallace Hurd, whose name is signed and affixed to the foregoing instrument dated the 20 day of October, 1995, has this day, acknowledged the same before me in my said county and state.

