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**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF IVY HILL, BLOCK 11, SECTION 1, JEFFERSON DISTRICT,
BEDFORD COUNTY, VIRGINIA**

1. Lots shown on the plat are to be used for residential purposes only. No further subdivision of any lot shown on the plat shall be made without the prior written approval of F. Gene Davis or Byron G. Davis.
2. No structure shall be erected, placed or permitted to remain on any of the foregoing lots other than one detached single family dwelling, not to exceed three stories in height at the elevation facing the street and a private garage. An efficiency apartment of not more than 3 rooms may also be constructed as part and parcel of any dwelling hereby permitted to be constructed on such property, which said apartment may be used and occupied by domestic servants or guests of the person or persons entitled to possession of said main dwelling, provided specifically, however, that such apartment shall not be rented. No such efficiency apartment shall be constructed unless the main dwelling has first been constructed or unless they are constructed at the same time.
3. Except with the prior written approval of F. Gene Davis or Byron G. Davis hereinafter referred to, no building of any kind including garages shall be located on any lot less than 50 feet from any street line and no building shall be located less than 15 feet from any side lot line or less than 50 feet from any rear lot line.
4. No residential structure which has a minimum area of less than 2250 square feet of heated area for two story and split level structures and 2000 square feet of heated area for one story structures exclusive of all porches, basements, and garages shall be erected or placed on any lot.
5. No building, fence, outside lighting, screen plating, or other improvement shall be erected, altered, or placed on any lot unless building plans, specifications, and site plans showing the location of such improvements have been submitted in advance in writing to and approved in writing by F. Gene Davis or Byron G. Davis as to conformity and harmony of exterior design and exterior materials with existing structures in the area and as to location with respect to topography and neighboring structures, subject nevertheless to the proviso that in the event no suit to enjoin the erection of a building or the altering of existing buildings has been commenced prior to the completion of the work, such approval will not be required and this covenant will be deemed to have been fully satisfied.
6. No noxious or offensive activity shall be carried on within this subdivision, nor shall anything be done thereon which shall constitute a nuisance to the adjoining landowners. No signs,

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or billboards shall be erected or maintained on any lot unless approved in advance by F. Gene Davis or Byron G. Davis. No trade materials or inventories may be stored upon the premises and no trucks with a carrying capacity in excess of one ton, boats, or tractors may be stored or regularly parked on the premises except in a garage or well screened enclosure. All trash and garbage must be kept in underground receptacles unless within the utility yard referred to in paragraph 12 hereof. No business activity or trade of any kind whatsoever shall be carried on upon any building site.

7. No trailer, basement (unless said basement is part of a residence erected at the same time), tent, shack, barn or other outbuilding shall be erected or placed on any property covered by these covenants, except as specifically permitted herein.

8. No animals or poultry of any kind, other than house pets, shall be kept or maintained on any lot. Horseback riding or horse drawn vehicles shall be confined to paved roads and golf course maintenance roads.

9. No fence, wall, hedge, or mass planting shall be permitted to extend beyond the minimum building set-back line established herein or within 70 feet of any golf course or lake except by the advance written approval of F. Gene Davis or Byron G. Davis.

10. Adequate off-street parking shall be provided by the owner of each lot for the parking of the automobile or automobiles of such owner and his household and owners of lots shown on said plat shall not park their automobiles on the streets in this subdivision.

11. Each owner shall keep his property in this subdivision free of tall grass, undergrowth, dead trees, trash and rubbish, and property maintained so as to present a pleasing appearance and prevent erosion.

12. Each residential structure shall have attached thereto one or more utility yards unless such requirement is waived in writing by F. Gene Davis and Byron G. Davis. At least one such utility yard shall be constructed at the same time the main residence is constructed unless provision is made for the housing of the items set forth below either in the main residence or garage. Each utility yard shall be walled or fenced, and the entrance thereto shall be screened, using materials and with a height and design approved by F. Gene Davis or Byron G. Davis. The following buildings, structures, and objects may be erected and maintained and allowed to remain on a building site only if the same are located wholly within the main residence or wholly within a utility yard: pens, yards and houses for pets, above ground storage of construction materials, wood, coal, oil and other fuels, clothes racks and lines, clothes washing and drying equipment,

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laundry rooms, tool shops and workshops, garbage and trash cans, boats and boat trailers and receptacles (other than the underground receptacles referred to in Paragraph 6 hereof) and above ground exterior air-conditioning and heating equipment and other mechanical equipment and any other structures or objects determined by F. Gene Davis or Byron G. Davis to be of any unsightly nature or appearance.

13. All telephone, electric and other utility lines and connections between the main utility lines and residence and other buildings located on each building site shall be concealed and located underground so as not to be visible.

14. F. Gene Davis and Dorothy B. Davis, for themselves and their successors and assigns, hereby reserve, and are given a perpetual easement, privilege and right for utility purposes, on, in and under a five (5) foot strip along the rear line of each building site and on, in and under a five (5) foot strip along the interior side lot line of each subdivision lot; and on, in and under a fifteen foot strip along the shore line of any lake shown on said plat.

15. These restrictions are to run with the land and shall be binding on Lots 1 - 7 on the plat entitled "Subdivision of Ivy Hill, Block 11 of Section 1, Jefferson District, Bedford County, Va." dated September 1, 1989, of record with a deed in the Bedford County Circuit Court Clerk's Office in Deed Book 716, at page 304, until January 1, 1999, at which time said restrictions shall automatically be extended for successive periods of ten (10) years unless by instrument duly signed and acknowledged by the owners of property constituting not less than 75% of the lots shown on the recorded plat above mentioned and duly recorded in the Clerk's Office of the Circuit Court of Bedford County, Virginia, said restrictions are terminated in whole or in part. By instrument duly signed and acknowledged by the owners of all lots shown on the aforesaid plats and recorded in the aforesaid Clerk's Office, these restrictions may be at any time amended subject to the proviso that the amendment of an provision with respect to the membership, responsibility, powers or duties of F. Gene Davis or Byron G. Davis may be amended only by instrument duly recorded, signed and acknowledged by the owners of all lots in Block 11, Section 1, Ivy Hill, as shown on said plat and subject to restrictions pertaining to F. Gene Davis or Byron G. Davis.

16. These restrictions shall be enforceable at law or equity by F. Gene Davis or Byron G. Davis, their successors or assigns, as well as by the owner or owners of any lots in the B-11, Section 1, Ivy Hill Subdivision. Invalidation of any of these restrictions or any part thereof by judgment or Court Order or otherwise, shall not affect any other provision hereof which shall remain in full force and effect.

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IN WITNESS WHEREOF, the owners of Block 11, Section 1, Ivy Hill, have affixed their signatures and seals

Fred Gene Davis
Fred Gene Davis
Dorothy B. Davis
Dorothy B. Davis

STATE OF VIRGINIA,
AT LARGE To-wit:

The foregoing instrument was acknowledged before me this 24th day of Oct, 1989, by Fred Gene Davis and Dorothy B. Davis, husband and wife.

My commission expires: 5/5/92

Darlene B. Maddox
Notary Public

State Tax	039	_____	VIRGINIA: In the Clerk's Office of the
County Tax	213	_____	Circuit Court of Bedford County, Va.
City Tax	214	_____	<u>10-31</u> , 1989, this writing with
Co. Transf	212	_____	_____
City Transf	222	_____	was admitted to record at <u>2:31</u> o'clock
Clerk's Fee	301	<u>10.00</u>	<u>A.M.</u> and the Tax imposed by Section
State Tax	038	_____	58.1-802 of the Code in the amount of
County Tax	220	_____	\$_____ has been paid.
City Tax	223	_____	TESTE: CAROL W. BLACK, CLERK
Postage	350	_____	
Total	\$	<u>10.00</u>	By <u>Kelly A. Cassidy</u> Dep. Clerk

Ret to: Gerry Falwell Jr.
11/15/89

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