

BK1076PG1580

BK1077PG0803

1 of 5

***RESTRICTIONS BEING RE-RECORDED TO ATTACH SURVEY REFERENCED IN RESTRICTIONS

Declaration of Covenants and Restrictions

Made and entered in this 4 day of May, 2016 by Leonard L. Hodges hereafter referred to as "Hodges."

Witnesseth

Whereas, "Hodges" is the owner of certain parcels of real estate known as Tax Map Parcel 39. - 06.02 containing 83.364 Acres, more or less, Tax Map Parcel 39. - 06.01B containing 21.737 Acres, more or less, and Tax Map Parcel 39. - 15.09 containing 18.101 acres, more or less located at 13945 Callaway Road in Franklin County, Virginia, and being more particularly described as hereinafter set forth and,

Whereas the aforementioned parcels are owned by "Hodges" and are shown on that certain plat from records prepared by Philip H. Mundy, Land Surveyor, titled "ALGOMA VALLEY" (TRACTS 1, 2, and 3) and Tract 9 - Howard Carr Property of Leonard L. Hodges and dated April 27, 2016 to be recorded concurrently with these restrictions in the office of the Clerk for the Circuit Court of Franklin County, Virginia, and

Whereas,

It is the desire and intent of the said "Hodges" to provide for the preservation and enhancement of the property values (and amenities) by subjecting the hereinbelow described property to the covenants and restrictions as hereinafter set forth.

Now, therefore, the undersigned Leonard L. Hodges hereby declares that the herein below described tracts or parcels of real estate shall be held, transferred, sold, conveyed, and occupied subject to the following covenants and restrictions.

2016 MAY -4 PM 2:31

160002485

160002904

2016 MAY 23 AM 9:03

BK 1076 PG 1581

BK 1077 PG 0804

Property Subject To This Declaration

All those certain tracts to be known as "ALGOMA VALLEY" and more particularly described as follows:

TRACT 1 containing 29.668 Acres, more or less, TRACT 2 containing 53.696 Acres, more or less, TRACT 3 containing 21.737 Acres, more or less. TRACT 1, TRACT 2 and TRACT 3 being shown on that certain plat of survey prepared by Philip H. Mundy, LS titled "ALGOMA VALLEY" dated April 27, 2016, TRACTS 1 and 2 being a division of the property of "HODGES" known as Tax Map Parcel 39. - 06.02, TRACT 3 being the same parcel as shown on plat recorded in DB. 552 PG. 1570 in the Clerk's Office of the Circuit Court of Franklin County, Virginia and known as Tax Map Parcel 39. - 06.01B, Tract 9 of the division of the Howard Carr property as shown on that plat of survey recorded in DB. 444 PG. 550 in the Clerk's Office of the Circuit Court of Franklin County, Virginia and known as Tax Map Parcel 39. - 15.09.

Covenants and Restrictions

1. All lots shall be used, improved and devoted exclusively to residential use
2. Only one (1) single family dwelling per tract. No multifamily dwellings including but not limited to: duplexes, triplexes, apartment buildings, condominiums, patio houses, and town houses, shall be allowed.
3. Mobile homes, single or double wide, modular homes of every type are prohibited (manufactured roof trusses are acceptable).

4. The minimum square footage for one story single family dwelling will be 2,000 sq. feet not including porches and garages. Minimum square footage for the two story or split level single family dwelling will be 2,500 square feet not including porches and garages.
5. Exterior colors of all structures will be in natural and earth tone shades. No white window frames. No vinyl siding.
6. Brick construction using dark earth tone brick that blends with the environment is permissible subject to approval by the architectural review board. A sample of the brick shall be provided to the architectural review board for approval. Brick that is pink, bright red, yellow, white, gray and similar colors are specifically prohibited.
7. Recreational equipment or devices shall be screened from view.
8. Any fencing shall be typical country style: no chain link or wrought iron fencing will be allowed.
9. Roofs will be 30 year architectural shingles in earth tone colors.
10. No livestock shall be allowed on any tract.
11. In addition to the clearing necessary for home building and driveway construction, no more than 20% of the remaining trees on each lot shall be allowed to be cleared without permission of Mr. Hodges. It is the intent of Mr. Hodges to retain the heavily wooded, natural appearance of "ALGOMA VALLEY" and Tract 9 of the division of the Howard Carr property and because of the mountainous terrain within the development, care must be taken to preserve the existing undergrowth in cleared areas in order to prevent erosion and maintain natural appearance.
12. No animal kennels shall be allowed on any tract.

13. The owner of each lot by acceptance of a deed thereto, whether or not it shall be so expressed in such deed, shall automatically be obligated to participate in the enforcement of these restrictions.
14. In the event a lot owners fails or refuses to comply with these covenants and restrictions, all reasonable costs including, but not limited to: attorney fees incurred incident to the compliance of said restrictions shall be recoverable from said owners and each tract will be one number for voting purposes. The developer and any lot owners shall have the right to enforce, by any proceedings at law or in equity, all covenants and restrictions herein contained.
15. For purposes thereof, Tract #1 owned by Mr. Hodges, will be grandfathered until he vacates the property, at which time Tract 1 will be subject to these covenants and restrictions. Mr. Hodges will support these covenants and restrictions while living on Tract #1.
16. In the event that any one of these restrictions shall be deemed unconstitutional or invalid by a Court having jurisdiction over this property, the remaining restrictions shall remain valid and in full force and effect.
17. These covenants and restrictions cannot be altered or changed unless approved by the unanimous vote of all tract owners.

Witness the following signatures and seals:

Leonard L. Hodges Seal
Leonard L. Hodges

State of Virginia
City/County of Franklin

The foregoing instrument was acknowledged before me this 4 day of May,
20 16, by Leonard L. Hodges

Kimberly Y. Bernard 301707
Notary Public Registration No.

My commission expires: 12-31-2018

KIMBERLY Y. BERNARD
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #301707
My Commission Expires Dec. 31, 20 18

INSTRUMENT #160002485
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
MAY 4, 2016 AT 02:31PM

TERESA J. BROWN, CLERK
RECORDED BY: JFL

FOR PLAT SEE BIG PLAT MACHINE

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INSTRUMENT # 160002904

BK1077PG0809

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RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
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BK 1076PG1582

4. The minimum square footage for one story single family dwelling will be 2,000 sq. feet not including porches and garages. Minimum square footage for the two story or split level single family dwelling will be 2,500 square feet not including porches and garages.
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