

***THIRD AMENDMENT
TO
DECLARATIONS
OF
COVENANTS, CONDITIONS, RESTRICTIONS
AND
EASEMENTS***

FOR INFORMATION ONLY

Not to be used in place of the HOA disclosure packet when purchasing a home

HIGHLANDS AT MECHUMS RIVER

THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

THIS AMENDMENT TO DECLARATION is made this 5th day of August, 1992 by DAVID H. PETTIT, TRUSTEE OF MECHUM RIVER LAND TRUST under agreement dated July 1, 1989, herein the "Declarant"

W I T N E S S E T H :

WHEREAS, the Declarant was so named pursuant to the Highlands at Mechums River Declaration of Covenants, Conditions, Restrictions and Easements (herein the "Declaration") dated August 10, 1991 of record in the Clerk's Office for the Circuit Court of the County of Albemarle in Deed Book 1180, page 691; and

WHEREAS, in addition to the property initially made subject to the Declaration, certain other property was subsequently made subject thereto by Supplemental Declarations dated January 8, 1992 and June 8, 1992 of record in the aforesaid Clerk's Office in Deed Book 1197, page 568 and Deed Book 1231, page 77, respectively; and

WHEREAS, the Declaration was subsequently amended by Amendments to the Declaration dated March 5, 1992 and April 30, 1992 of record in the aforesaid Clerk's Office in Deed Book 1212, page 555 and Deed Book 1227, page 156, respectively; and

WHEREAS, Article X, Section 5 of the Declaration provides that it may be modified or amended by instrument signed by the Declarant after being approved by more than two-thirds vote of the Members who are voting in person or by proxy at a meeting duly called for that purpose; and

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WHEREAS, the Declarant has proposed to the Association that all lots intended for construction of single family detached homes be removed from this Association in order to permit the formation of their own, separate owner's association and separate covenants; and

WHEREAS, the Association has certified to Declarant as seen by the Certification attached hereto as Exhibit A and made a part hereof that the amendments set forth herein have been so approved by more than two-thirds vote of the Members voting in person or by proxy at a meeting duly called for that purpose on August 4, 1992; and

WHEREAS the owners of the property to be removed from the jurisdiction of the Declaration have evidenced their consent to such removal as evidenced by their signatures hereto. Lots 30 through 52, inclusive, Section 1B, Highlands at Mechums River are presently titled in the name of David H. Pettit, Trustee of the Mechum River Land Trust u/a dated July 1, 1989 and Lot 149A is titled in the name of Craig Builders of Albemarle, Inc.

NOW THEREFORE, in consideration of the premises and as evidenced by the approval of the Members, the Declaration is AMENDED in the following respects:

(1) That the following described property is hereby REMOVED from the plan and operation of the Declaration and furthermore is REMOVED from the jurisdiction and benefits of the Highlands at Mechums River Owners Association, Inc.:

(a) All of the property, including Lots 30 through 52, inclusive, and all streets, rights of way and open space located in the White Hall Magisterial District of Albemarle County, Virginia, more particularly shown and

described on plat of Roger W. Ray and Assoc., Inc., C.L.S., dated February 19, 1992 captioned "Subdivision Plat of Highlands at Mechums River Section 1B Lots 30 Thru 52 White Hall District Albemarle County, Virginia", which plat is of record in the Clerk's Office for the Circuit Court of Albemarle County in Deed Book 1231, at page 80; and

(b) All that certain lot shown as Lot 149A on plat of Roger W. Ray and Assoc., Inc., C.L.S., dated December 30, 1991, captioned "Plat Showing Lot 149A The Combination of Lot 149 and Lot 150 Highlands at Mechums River", which plat is of record in the aforesaid Clerk's Office in Deed Book 1197, at page 570.

(2) It is the intent of this Amendment to remove Section 1B of Highlands at Mechums River and Lot 149A in Section 1 of Highlands at Mechums River from all of the covenants, conditions, restrictions, easements, reservations, liens and charges set forth in the Highlands at Mechums River Declaration of Covenants, Conditions, Restrictions and Easements dated August 10, 1991 of record in Deed Book 1180, page 691, as amended and supplemented to date.

(3) It is further intended by the Declarant that the presently platted lots in Section 1B (Lots 30 through 52) and Lot 149A in Section 1 remain lots as subdivided irrespective of this Amendment. This Amendment has no effect whatsoever on the plats recorded in the aforesaid Clerk's Office in Deed Book 1231, page 80 and Deed Book 1197, page 568.

(4) Furthermore, the Declarant and the Association confirm the existence of rights of way as dedicated to the public for utilities and for ingress and egress to State Route 240 for all purposes for Lot 149A as described above, Lots 30 through 52, also as described above and for such other lots and properties as may be joined with the aforesaid Lot 149A and Lots 30 through 52,

inclusive, in a separate owners association to be created.

WITNESS the following signatures and seals:

David H. Pettit, Trustee (SEAL)
David H. Pettit, Trustee of Mechum
River Land Trust u/a dated July 1, 1989

This Amendment is specifically approved by the following owners:

Lots 30 through 52,
inclusive, Section 1B:

David H. Pettit, Trustee (SEAL)
David H. Pettit, Trustee of
Mechum River Land Trust

Lot 149A, Section 1:

CRAIG BUILDERS OF ALBEMARLE, INC.

By [Signature]
Vice President

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing instrument was acknowledged before me this
5th day of August, 1992 by David H. Pettit as Trustee of
Mechum River Land Trust.

My commission expires: 4/30/95

Karen C. Lynstein
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Albemarle, to-wit:

The foregoing instrument was acknowledged before me this
5th day of August, 1992 by Hunter E. Lewis
as Vice President, Craig Builders of Albemarle, Inc. on behalf of
the corporation.

My commission expires: 4/30/96

Constance S. Lewis
Notary Public

EXHIBIT A TO HIGHLANDS AT MECHUMS RIVER
THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

CERTIFICATION

In accordance with the Bylaws of the Highlands at Mechums River Owners Association, Inc., a special meeting of the Members was duly called for 6:00 p.m. on August 4, 1992 by notice given on July 24, 1992 to each of the Members. At said meeting and in accordance with Article X, Section 5 of the Declaration, the Members voting in person or by proxy approved the modifications and amendments set forth in the foregoing Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements in accordance with the following vote:

votes in favor of the Third Amendment to Declaration: 248

votes against the Third Amendment to Declaration: 0

This statement is certified as true and correct this 4th day of August, 1992.

HIGHLANDS AT MECHUMS RIVER OWNERS
ASSOCIATION, INC.

By



Samuel D. Craig, III
Secretary/Treasurer

