

FILE COPY

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, made this 27<sup>th</sup> day of September, 1994, by ROCK CLIFF PARTNERS LIMITED PARTNERSHIP, a West Virginia limited partnership, hereinafter called "Declarant".

W I T N E S S E T H:

WHEREAS, by a Deed of Declaration of Covenants, Conditions, and Restrictions, dated July 12, 1993, and recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book No. 514, at page 287, (hereinafter called "Deed of Declaration"), the Declarant subjected certain real property known as Section 1 of Dry Run Commons Subdivision to all of the rights, reservations, restrictions, covenants, conditions, easements, rights-of-ways, liens, charges and assessments more fully set forth in said Deed of Declaration; and

WHEREAS, said Deed of Declaration provided that authorized amendments shall be made by filing of record a Supplementary Declaration of Covenants, Conditions and Restrictions; and

WHEREAS, said Deed of Declaration stated in Article XVII, Section 2, that the Declarant may amend the Declaration so long as it still owns property described in Exhibits "A" and "B" for development as part of the Properties, and so long as the amendment has no material adverse effect upon any right of any Owner; and

WHEREAS, the Declarant desires at this time to annex additional land and to extend the scheme of the Covenants and Restrictions of said Deed of Declaration as amended,

NOW, THEREFORE, the Declarant declares that all of the real property, including, but not being limited to, all of the lots and roads known and shown as Lots 22 through 30 of Section 3, Dry Run Commons Subdivision, together with a part of Artisan Way running from the southeast corner of Lot 30 to the southeast corner of Lot 22 and all of Silversmith Lane between Artisan Way on the east and Lots 26 and 27 on the west, all as more fully shown upon a plat thereof prepared by P. C. DiMagno, Engineer-Surveyors, dated May 17, 1994, and recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, immediately preceding this Supplementary Declaration of Covenants, Conditions and

Restrictions in Plat Cabinet No. 5, at Slide No. 185, which plat is hereby incorporated herein by reference, is and shall be held, transferred, sold, conveyed and occupied subject to the Covenants, Conditions, Restrictions, Easements and Rights-of-Way, (sometimes referred to as "Covenants and Restrictions") set forth in that certain Declaration of Covenants, Conditions, and Restrictions heretofore executed by Rock Cliff Partners Limited Partnership, a West Virginia limited partnership, the Declarant, dated July 12, 1993, and recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book No. 514, at page 28, all of said easements, reservations, rights-of-way, restrictions, covenants, conditions, rights, obligations, liens and assessments set forth in said Deed of Declaration, AS HEREINAFTER AMENDED, being hereby incorporated herein by reference as if the same were set forth verbatim.

Section 14 "General Exterior Painting" of Article XI is amended by deleting the Section as written and by substituting therefore the following:

"Section 14. General Exterior Painting. Paint colors for the exterior painting of all structures shall be subject to Architectural Review."

Subparagraph (s) "Fences", of Section 2 of Article XII is amended by deleting the subparagraph as written and by substituting therefore the following:

"(s) Fences. All fences are subject to approval by the Architectural Review Committee. Attractive wood or wrought iron colonial fences will be required. Chain Link, American Wire and Barb Wire fences are strictly prohibited. Back yard fence heights shall be limited to six (6) feet. Front yard fence height shall be suitable for the location with appropriateness and safety being considered. All fences shall be painted."

In all other respects the Declaration of Covenants, Conditions and Restrictions dated July 12, 1993 is ratified and affirmed.



It is the intent and purpose of the Declarant that the amendments herein set forth shall apply to Sections 1, 1B, 2, and 3 of Dry Run Commons Subdivision and such other future additions to Dry Run Commons Subdivision as may be subjected to the Deed of Declaration as herein amended.

The Declarant hereby designates Section 3 of Dry Run Commons Subdivision as hereinbefore described as an area designated for single-family detached residences.

The above described amended Easements, Rights-of-way, Covenants, Conditions, Rights, Obligations, Reservations, Liens and Assessments are for the purpose of protecting the values and amenities in this addition to Dry Run Commons Subdivision and for the purpose of preserving certain rights-of-way, easements, and rights and shall run with the real property and be binding on all parties having any right, title or interest in the above described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

WITNESS the corporate name and seal of the said corporation and the signature of its president hereto affixed this 27<sup>th</sup> day of September, 1994.

ROCK CLIFF PARTNERS LIMITED PARTNERSHIP,  
a West Virginia limited partnership, by  
Red Hawk Corporation, a corporation, its  
General Partner

(CORPORATE SEAL)

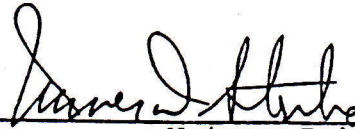
By Joseph Tyszkiewicz, President  
Joseph Tyszkiewicz, President

STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit:

I, James D. Stepien, a Notary Public in and for said County and State, do hereby certify that JOSEPH TYSZKIEWICZ, its \_\_\_\_\_ President, who signed the writing above for ROCK CLIFF PARTNERS LIMITED PARTNERSHIP, a West Virginia limited partnership, by Red Hawk Corporation, a corporation, its General Partner, bearing date the 27<sup>th</sup> day of September, 1994, has this day acknowledged the same before me in my said County to be the act and deed of said partnership.

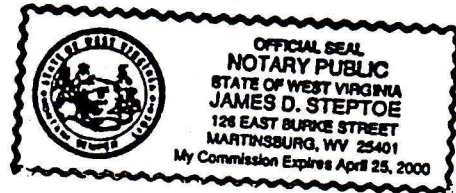
Given under my hand this 27<sup>th</sup> day of September, 1994.



Notary Public

My commission expires:

4-25-2000



This instrument was prepared by J. Lee Van Metre, Jr., Attorney,  
126 E. Burke Street, Martinsburg, WV, 25401.

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File No. 92-RE-014