

Tax Map No. 140-A 15, 14 (3)
Parcel ID No. 000448

**DECLARATION OF RESTRICTIONS
AND
RESERVATION OF EASEMENTS**

THIS DECLARATION OF RESTRICTIONS and RESERVATION OF EASEMENTS is made this _____ day of July, 2026, by MURIEL G. ALDERMAN, Trustee of the MURIEL G. ALDERMAN TRUST, DATED March 23, 2017 (“Declarant.”)

W I T N E S S E T H

WHEREAS, Declarant is the sole owner of that real estate located in the Riner Magisterial District of Montgomery County, Virginia, being Tract 1 containing 5.081 acres, more or less, and Tract 2 containing 6.461 acres, more or less, (the “West Tract”) as shown on that plat of survey prepared by Deborah L. Quesenberry, L.S., dated June 3, 2026, Job No. 5433-West, said plat being of record in the Clerk’s Office of the Circuit Court of Montgomery County, Virginia, as Instrument No. _____ (the “West Tracts Plat”); and

WHEREAS, Declarant is the sole owner of that real estate located in the Riner Magisterial District of Montgomery County, Virginia, being Lot (1) containing 4.001 acres, more or less, Lot (2) containing 10.480 acres, more or less, Lot (3) containing 13.897 acres, more or less, and Parcel of Record containing 14.753 acres, more or less, (the “East Tracts”) as shown on that plat of survey prepared by Deborah L. Quesenberry, L.S., dated June 3, 2026, Job No. 5433-East, said plat being of record in the aforesaid Clerk’s Office as Instrument No. _____ (the “East Tracts Plat”); and

WHEREAS, the West Tracts and East Tracts were acquired by Declarant by that Deed of Gift dated March 23, 2017 of record in the aforesaid Clerk's Office as Instrument No. 170002767; and

WHEREAS, Declarant intends to sell the West Tracts and East Tracts (collectively the "Tracts") and Declarant wishes to place certain restrictions on the use of and to reserve easements for the benefit of the Tracts.

NOW, THEREFORE, Declarant hereby places the following restrictions on the Tracts:

RESTRICTIONS

1. No trailers, mobile homes, single-wide homes or double-wide homes may be placed on any tract at any time. Modular homes are permitted. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling. All dwellings shall have at least 800 square feet of livable floor space, exclusive of porches, patios, basements and garages. Tract owners may erect one detached guesthouse, subject to all of the restrictions and covenants contained herein.

2. No structure of a temporary character, trailer, camper, RV, mobile home, mobile tiny home, basement (unless basement is a part of the house erected at the same time), tent, shack, garage, barn or other outbuildings shall be used on any tract at any time as a residence, either temporarily or permanently. 3. No commercial shooting ranges shall be allowed on any tract.

4. No unlicensed, untagged or disabled motor vehicles may be placed on any tract unless such vehicles are stored inside a building, which building must be of conventional construction and built pursuant to state building codes.

5. Horses and livestock may be kept on any tract for small scale farming operated for recreational or personal purposes, however, commercial stables, feed lots, commercial farm operations, or similar intensive agricultural uses may not be maintained on any tract. If horses are kept on a tract, the tract owner shall have the sole responsibility to install and maintain their own fence. Any fence erected along the shared road shall be made of board fencing.

6. No industrial or manufacturing activity may be conducted on any tract.

7. All buildings on any tract must be set back at least 35 feet from interior lot lines and 50 feet from the common road.

8. The future tract owners, including the Declarant, so long as it still owns one or more tracts, or any of them severally, shall have the right to proceed at law or in equity to compel compliance with the restrictions stated herein or to prevent the violation or breach of any of them or to seek damages for the said violations and shall have the right to recover from the breaching party all attorney's fees and costs resulting from the enforcement of these restrictions.

Any judgement for damages, costs and/or attorney's fees rendered against an owner pursuant hereto shall constitute a lien upon the tract upon which such violation occurred.

The failure by any owner or Declarant to seek enforcement of any of the terms and provisions hereof shall not render this Declaration invalid. The invalidation of any one or more of the Restrictive Covenants hereof or any single provision, sentence, clause or phrase contained therein, by any Court of competent jurisdiction shall not affect the remainder of this Declaration, which shall remain in full force and effect.

Should the defaulting owner fail, neglect, or refuse to satisfy and discharge any lien arising hereunder, within thirty (30) days of the date of judgment, the prevailing tract owners, or their

successors and assigns, shall have the right to interest on such liens at the rate of twelve per centum (12%) per annum and shall be entitled to receive all costs of collection, including reasonable attorney's fees.

9. No violation or breach of the foregoing shall be superior to any valid lien on a tract by a lender without written notice of such violation or breach at the time said lien is placed on the tract.

10. The Restrictions created herein shall run with the land and shall be binding on the Tracts for a period of forty (40) years from the date of this Declaration, after which time they shall automatically be extended for successive periods of ten (10) years.

RESERVATION OF EASEMENTS: WEST TRACTS

FURTHER, Declarant hereby reserves unto itself, and its successors and assigns, the following easements on the West Tracts, which shall be for the benefit of and be binding upon future tract owners, and their heirs, successors, and assigns:

1. Access Easement. Declarant reserves a nonexclusive 40' wide easement along the "New 40' R/W" private access easement for ingress and egress to and from Virginia Secondary Route No. 617 (Brush Creek Road) over Tract 1 for the benefit of Tract 2, as shown on the West Tracts Plat.

2. Utility Easements. Declarant reserves a 20' wide utility easement along both sides of the "New 40' R/W" private access easement for the purpose of electrical, telephone, water, sewer, and other utilities, and a 10' wide utility easement along either side of all interior lot lines to be created, and both easements being for the benefit of the future tract owners and their heirs, successors, and assigns.

3. Utility Easement for Tract 2. Declarant reserves a 10' wide utility easement from the "AEP Pole" located on the eastern side of Virginia Secondary Route No. 617 on East Tract Lot (1) as

shown on the West Tracts Plat to provide underground power to Tract 2 through Tract 1.

RESERVATION OF EASEMENTS: EAST TRACTS

FURTHER, Declarant hereby reserves unto itself, and its successors and assigns, the following easements on the East Tracts, which shall be for the benefit of and be binding upon future tract owners, and their heirs, successors, and assigns:

1. Access Easement for Lot (1) and Lot (2). Declarant reserves a nonexclusive access easement along the "Gravel Road" (also referred to as "Private Access Easement") as shown on the East Tracts Plat beginning at Point 16 and continuing to Virginia State Secondary Route No. 617, for ingress and egress to and from said Route No. 617, for the benefit of Lot (1) and Lot (2).

2. Access Easement for Lot (3) and Parcel of Record. Declarant reserves a nonexclusive 40' wide access easement along the "Private Access Easement" as shown on the East Tracts Plat beginning at Virginia State Secondary Route No. 617 and continuing to Point A through Point N, for ingress and egress to and from said Route No. 617, for the benefit of Lot (3) and Parcel of Record.

3. Utility Easements. Declarant reserves a 20' wide utility easement along both sides of the "Private Access Easement" as described in No. 2 immediately above this paragraph, for the purpose of electrical, telephone, water, sewer, and other utilities, and a 10' wide utility easement along either side of all interior lot lines to be created, and both easements being for the benefit of the future tract owners, and their heirs, successors, and assigns.

4. Utility Easement for Lot (2), Lot (3), and Parcel of Record. Declarant reserves a 10' wide utility easement along the western line of Lot (1) from the "AEP Pole" located on the eastern side of Virginia Secondary Route No. 617 on Lot (1) as shown on the East Tracts Plat, to provide

underground power to Lot (2), Lot (3), and Parcel of Record.

5. Water Right for Lot (2). Declarant reserves right to a spring and spring box located on Lot (1) for the benefit of Lot (2) as shown on the East Tracts Plat, together with the right to enter upon the Lot (1) as necessary to construct, reconstruct, cleanse, and repair water lines. Said water right shall be binding on the owners of Lot (1) and Lot (2) and their heirs, successors, and assigns.

WITNESS the following signature and seal:

Muriel G. Alderman Trust

BY: _____
Muriel G. Alderman, Trustee

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was subscribed and sworn before me this _____ day of July, 2026, by Muriel G. Alderman, Trustee.

Notary Signature

Notary's Registration Number: _____

My Commission Expires:

_____(SEAL)
Notary Public