

Important Clerical Notice!

Please Read

The following document, *Landfall, Section II, Supplementary Declaration of Covenants, Conditions, Restrictions and Easement pertains*, specifically, to details that effect the Real Property contained in Section II of Landfall Subdivision in Bedford County, Virginia.

Building Restrictions for both Section I and Section II of Landfall Subdivision are the same. This is set out under *Background (B.)* located on the front page of the following supplement. Detailed Building Restrictions can be located within the body of the *Declaration of Covenants, Conditions, Restrictions and Easements for Landfall*, dated February 24, 2005, recorded in the Office of the Clerk of the Circuit Court of Bedford, Virginia as Instrument No. 050002811. You will find a copy of this Instrument, in PDF form, when you click on the link for the Deed Restrictions for Section I, located on this web site on the page titled **Section I**.

Prepared by
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Part of TMP 46-A-17, 46-A-18

LANDFALL, SECTION II
SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

THIS SUPPLEMENTARY DECLARATION FOR LANDFALL, SECTION II (“*Supplementary Declaration*”) is made this 19th day of November, 2007, by **LANDFALL, LLC**, a Virginia limited liability company, Grantor (“*Declarant*”).

WITNESSETH:

Background:

A. Declarant is the owner of the real property described in this Supplementary Declaration.

B. Declarant intends that the property described herein become subject to the Declaration of Covenants, Conditions, Restrictions and Easements for Landfall, dated February 24, 2005, and recorded in the Office of the Clerk of the Circuit Court of the County of Bedford, Virginia as Instrument No. 050002811 (the “*Declaration*”) and also become subject to the provisions hereinafter set forth, pursuant to and in accordance with Sections 2 and 3 of Article II of the Declaration;

Supplemental Covenants, Conditions, Restrictions, Easements, Reservations and Charges:

THEREFORE, Declarant hereby declares that all of the property described by the Section II Plat (as defined in paragraph 2 below) shall be held, transferred, sold, conveyed, and occupied subject to the covenants, conditions, restrictions, easements, reservations and charges set forth in the Declaration (as defined in Recital B. above), and subject to the following covenants, conditions, restrictions, easements, reservations and charges of this Supplementary Declaration:

1. Definitions. All definitions set forth in the Declaration shall apply to this Supplementary Declaration, except for the words and terms defined in the recitals or body of this Supplementary Declaration, which, when used in this Supplementary Declaration, shall have the

meanings ascribed to them in this Supplementary Declaration.

2. LANDFALL Section II. The real property which is and shall be held, transferred, sold, conveyed and occupied subject to the Declaration and this Supplementary Declaration is LANDFALL, Section II, located in Bedford County, Virginia, containing an aggregate of 53.077 acres, being all of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, as more particularly shown and described on a plat of Berkley-Howell & Assoc., P.C., dated April 3, 2007, consisting of 3 sheets, and captioned "PLAT OF SURVEY OF LANDFALL, SECTION II JEFFERSON DISTRICT – BEDFORD COUNTY, VA" (the "**Section II Plat**"). The Section II Plat, a deed from John Stewart Walker, Inc., 401K Profit Sharing Plan and Trust, FBO George C. Walker, Jr., dated of even date herewith, to George C. Walker, Jr. ("**1st Section II Deed**"), and a deed from George C. Walker, Jr., dated of even date herewith, to Declarant ("**2nd Section II Deed**"), are recorded in the Circuit Court Clerk's Office of Bedford County, Virginia, contemporaneously with and immediately preceding this Supplementary Declaration. By the 1st Section II Deed, the 5.023 acres part of T.M. #46-A-17, designated as "PARCEL "A" 5.023 AC.", and the .003 acre part of T.M. #46-A-17, designated as "PARCEL "C" 0.003 AC.", on sheet 3 of the Section II Plat, were conveyed to George C. Walker, Jr., which parcels are now shown on the Section II Plat as part of Lot 36, LANDFALL, Section II. By the 2nd Section II Deed, George C. Walker, Jr. conveyed to Declarant all of said Lots 23 through 39 LANDFALL, Section II, as shown and described on the Section II Plat. This Supplementary Declaration shall apply to the property described herein and shown on the Section II Plat only and is specifically excluded from application to other lands designated on the Section II Plat or any other recorded document as lands of Declarant, unless such other lands are hereafter expressly made subject to this Supplementary Declaration.

3. Residue Property. As used in the Declaration, the term "**Residue Property**" is amended to hereafter mean and refer to the Residue Property as described in the Declaration, LESS AND EXCEPT all of said Lots 23 through 39, LANDFALL, Section II and the right of way for Thomas Randolph Place, as shown on the Section II Plat, which real property was not initially included as part of LANDFALL but which are now being included and developed pursuant to this Supplementary Declaration as LANDFALL, Section II. The Residue Property consists in the aggregate of 65.791 acres as set forth in the Section II Plat.

4. New Street – Thomas Randolph Place. There is shown on the Section II Plat a certain right of way designated for a Street to serve LANDFALL, Section II, which Street is dedicated to public use, as shown on the Section II Plat. Declarant will cause the Street shown and designated as "Thomas Randolph Place" on the Section II Plat to be constructed within the rights of way for such Street as shown on the Section II Plat and to Virginia Department of Transportation (VDOT) standards in accordance with approved plans. Except as otherwise provided herein, the entire cost of the construction and maintenance of Thomas Randolph Place shall be borne by Declarant or its successor until Thomas Randolph Place is accepted by VDOT for maintenance

purposes, if ever. Until such time, each Owner of a Lot in Section II shall have the right to use Thomas Randolph Place for ingress and egress from and to (i) any public road and (ii) any drive, road or street on property adjoining LANDFALL, Section II over which any Owner may have rights of ingress and egress for himself, his family, invitees, guests, tenants, successors or assigns.

Lots 27 through 39, shall not have direct access to or from Virginia State Route 645 (Trents Ferry Road). All access for such Lots 27 through 39 shall be to and from Thomas Randolph Place. Lots 23, 24 and 25 shall have access only to and from State Route 761 (Holcomb Rock Road) and not to or from Thomas Randolph Place. Lot 26 shall have access only to and from Virginia State Route 761 (Holcomb Rock Road) or Virginia State Route 645 (Trents Ferry Road) and not to or from Thomas Randolph Place. All entrances to such Lots may be constructed only after the Owner has obtained approval from the VDOT, if required.

5. Additional Easements for Section II.

(a) Sign and Landscaping Easement. Declarant reserves unto itself, its successors and assigns, a perpetual and alienable easement and right of way on, above and underground the two areas on Lots 27 and 39 designated as "SIGN EASEMENT AREA" on sheets 2 and 3 of the Section II Plat, together with the right of ingress and egress from and to all such areas and easements for the construction, maintenance, repair and replacement of the entrance to LANDFALL, Section II fronting on Virginia State Route 645 (Trents Ferry Road), which entrance may include grass, shrubs, trees, fencing, plantings, sprinkler systems, or other landscaping, subdivision signs and other similar improvements. Declarant may choose not to develop the two areas designated as "SIGN EASEMENT AREA" on the Section II Plat, and reservation of this easement is not a promise to improve such areas in any way.

(b) Slope and Drainage Easements. Declarant reserves unto itself, its successors and assigns, the following perpetual and alienable easements and rights of way as shown on the Section II Plat: (i) a slope and drainage easement on Lots 27 through 30, on, above, and underground the area 20 feet in width parallel to the boundary line of Lots 27 through 30 in common with the right of way for Thomas Randolph Place, (ii) a slope and drainage easement on Lots 31 through 34 and a portion of Lot 35, on, above, and underground the area 20 feet in width parallel to the boundary line of Lots 31 through 34, and a portion of Lot 35, extending the full circumference of the cul-de-sac serving Lots 31 through 34 and a portion of Lot 35 at the end of Thomas Randolph Place, (iii) a drainage easement on, above, and underground the area 20 feet in width centered on the boundary line between Lots 33 and 34 and extending from the right of way for Thomas Randolph Place 480 feet to the common back corner of said Lots, (iv) a slope and drainage easement on Lots 35 through 39 on, above and underground the area 20 feet in width parallel to the boundary line of Lots 35 through 39 in common with the right of way for Thomas Randolph Place. Each of said drainage easements and rights of way shall be for surface water drainage, including pipes, ditches, culverts, swales and other suitable facilities for the disposition of

surface water drainage, and if the easement is also noted as a slope easement, for gradient transition to adjoining Lots, together with the right of ingress and egress from and to all such facilities and easements for the construction, maintenance, repair and replacement thereof.

(c) Utility Easements. Declarant reserves unto itself, its successors and assigns, the following perpetual and alienable easements and rights of way: (i) a public utility easement on, above, and underground the area 20 feet in width parallel to the boundary lines of Lots 26, 27, and 39, in common with the right of way for State Route 645 (Trents Ferry Road), (ii) a public utility easement on, above, and underground the area 20 feet in width parallel to the boundary lines of Lots 23 through 26, in common with the right of way for State Route 761 (Holcomb Rock Road), and (iii) a public utility easement on, above, and underground the area 20 feet in width parallel to the boundary lines of Lots 27 through 39, in common with the right of way for Thomas Randolph Place, each of which easements and rights of way are reserved to construct, maintain, inspect, replace and repair underground lines, wires, cables, conduits, pipes, water mains and other suitable underground equipment and facilities for the conveyance of water, telephone, electricity, television cable, exterior lighting and other utilities and public conveniences, including, without limitation, aboveground transformers, switches, connection boxes, manholes, drop inlets, air release valves and other accessories, together with the right of ingress and egress from and to all such facilities and easements for the construction, maintenance, repair and replacement thereof. Aboveground accessories will be located and installed, to the extent reasonable and practicable, in an unobtrusive location and manner.

(d) Non-exclusive. The easements and rights of way described in subparagraphs (a), (b) and (c) above of this paragraph 5 are in addition to and not in lieu of any of the easements, rights of way, and related rights reserved unto Declarant, its successors and assigns, in the Declaration.

6. Entrance Maintenance for Section II. "Entrance Maintenance" as defined in Article V, Section 1 of the Declaration is hereby supplemented to include the two areas designated as "SIGN EASEMENT AREA" on the Section II Plat on Lots 27 and 39 (see sheets 2 and 3 of the Section II Plat), being the entrance to LANDFALL, Section II fronting Virginia State Route 645 (Trents Ferry Road). All Lots in LANDFALL, Section II, without exception, shall be subject to the annual charge for Entrance Maintenance as provided in the Declaration. If the ARB takes over the Entrance Maintenance as permitted under Article V of the Declaration, it shall take over the Entrance Maintenance for all sections of LANDFALL subject to the Declaration.

7. Usage. When reference is made in the Declaration or this Supplementary Declaration to a series of Lots, such reference shall include the first and last numbered Lot and all the Lots in between, in numerical order. By way of example, "Lots 23 through 39" is a reference to Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39.

8. Non-Applicability of Property Owners' Association Act. It is the intent of Declarant that the Virginia Property Owners' Association Act, § 55-508, *et. seq.*, of the Code of Virginia 1950, as amended, shall not apply to the real property subjected to this Supplementary Declaration. The real property made subject to this Supplementary Declaration does not include any common area, nor will an owners' association be formed, nor will assessments be levied against Lots, provided, however, that the Architectural Review Board may assess a periodic charge against Owners, no more frequently than annually, for Entrance Maintenance as provided in Section 1 of Article V of the Declaration.

9. Binding Effect. The covenants and restrictions of this Supplementary Declaration shall run with and bind the land described herein as part of LANDFALL, Section II for the term and duration of the Declaration.

IN WITNESS WHEREOF, Declarant has caused this Supplementary Declaration for Landfall, Section II to be executed in its name and on its behalf by its duly authorized Manager.

LANDFALL, LLC
a Virginia limited liability company

By: George C. Walker Jr
George C. Walker, Jr., Manager

COMMONWEALTH OF VIRGINIA)
 (To-wit:
CITY OF LYNCHBURG)

The foregoing was acknowledged before me this 28th day of November, 2007, by George C. Walter, Jr., Manager of and on behalf of Landfall, LLC, a Virginia limited liability company.

My commission expires October 31, 2010.

Edith F. Mayberry
Notary Public

Commission registration number: 205326.

