

41738

DEED COVENANTS

288

SHORT MTN. HEIGHTS

This declaration of easements, protective covenants and beneficial restrictions shall run with the land and shall be referenced as part of every contract of sale and conveyance of title.

1. Each owner shall have an easement over the roads of the subdivision for access to and from State Road 11, Del Ray Road (also called North River Road) to his lot within the subdivision and to and from the parking area at HIGH MOUNTAIN TURN for the purpose of ingress and egress to and from the 8,000 acre hunting and fishing area known as SHORT MOUNTAIN, administered by the West Virginia Department of Natural Resources.
2. Maintenance and repairs to said roadways within the subdivision shall be performed on a continuing basis by the Short Mtn. Heights Property Owners Association. The maintenance fee shall be \$30.00 annually, with a one-time initial membership fee (to be used for organizational and administrative purposes) of \$10.00 per lot owner. The annual fee, however, is payable per lot owned and does not apply to the unsold inventory of the developer.
3. The developers reserve unto themselves, and in behalf of the said Association, their heirs and assigns, an easement or right-of-way over, under or through a twenty foot strip of land along every lot line of every lot in the subdivision for the purpose of facilitating the granting of rights-of-way for maintenance and utilities.
4. No commerce or business of any type is allowed within the subdivision. No signs of any kind are permitted except directional and informational signs of the developer and name and lot number signs of the several owners.
5. Mobile homes are not allowed to be utilized on or upon any lot fronting SHORT MOUNTAIN BLVD (the main road leading up to Short Mountain). However, motor homes, camping trailers and camping in general is permitted on each and every lot within the subdivision. No buses, trucks, old cars or unsightly conditions will be permitted to exist on any lot if deemed to be left, stored or abandoned. The Owners Association reserves the right to promulgate and implement additional rules and regulations from time to time.
6. Sewerage and waste systems shall conform to West Virginia regulations.
7. No structure of any kind shall be built within twenty-five (25) feet of any property line without written variance from the Property Owners Association. No driveway or access to any lot may be built across a road ditch without the installation of an appropriate culvert to divert storm water runoff and protect the roads from washout. Lots 44, 45, 46, 47, 52, and 53 have power transmission line right-of-way. No structure may be built upon said right-of-way.
8. Since private access is afforded to 8,000 acres of hunting lands, no charge of firearms or hunting is permitted within 150 yards of any residence, campsite, posted land, or otherwise improved property within the subdivision.
9. These covenants may be amended by two-thirds vote of the members in standing, or by the developer provided such change, modification, or amendment is duly recorded among the land records of Hampshire County, West Virginia. The Property Owners Association shall be formed in Autumn, 1986, and the organizational meeting shall be called by the developer. Voting at meetings shall be on the basis of one vote per lot owned and a simple majority shall prevail on all questions except

fees and deed covenant changes as indicated above.

0. Determination by any court of proper cognizant jurisdiction that any provision herein is invalid for any reason whatever, shall not affect the validity of the balance of these provisions or regulations of the Property Owners Association.

1. SPECIAL RESTRICTIONS: Owners of lots numbered 1 thru 7, 14 thru 39, and 57 thru 60 are required to build on permanent foundations complying with local code. Also, while owners of these lots are not required to build at any time, they must - if building - conform to this paragraph and further, may not erect more than one residence per lot. No single-wide mobile homes are allowed on these lots.

(These covenants contain 11 paragraphs)

IN WITNESS WHEREOF, The undersigned has caused these presents to be signed by ROYCE B. SAVILLE as ATTORNEY-IN-FACT for MARTIN I. PRICE, of WV POTOMAC HYLANDS, INC., A VIRGINIA CORPORATION, and its corporate seal affixed hereto by its proper officer thereunto duly authorized on this the 14th day of August, 1986.



WV POTOMAC HYLANDS, INC.,  
A VIRGINIA CORPORATION

BY: Royce B. Saville  
Attorney-in-fact for  
MARTIN I. PRICE  
(see Deed Book 285, Pg. 747)

STATE OF WEST VIRGINIA,  
COUNTY OF HAMPSHIRE, TO WIT:

I, Deadre K. Rinker, a Notary Public in and for the aforesaid County and State do hereby certify that Royce B. Saville as Attorney-in-fact for MARTIN I. PRICE of WV Potomac Hylands, Inc., a Virginia Corporation, has acknowledged the same before me in my County and State on this the 14th day of August, 1986.

My Commission Expires: June 12, 1994



Deadre K. Rinker  
NOTARY PUBLIC

Commissioned as: Deadre K. Strawn

THIS INSTRUMENT WAS PREPARED BY: ROYCE B. SAVILLE  
ATTORNEY AT LAW,  
95 W. MAIN STREET, P.O. BOX 2000,  
ROMNEY, WEST VIRGINIA 26757-2000

STATE OF WEST VIRGINIA, County of Hampshire, to-wit

Be it remembered that on the 14th day of August, 1986, at 11:23 A. M.,  
this Covenants was presented in the Clerk's Office of the County Commission of said County and with the certificate thereof annexed, admitted to record.

Attest Nancy C. Feller Clerk  
County Commission, Hampshire County, W. Va.

Mailed: Short Mountain Prop. Owners Assn.  
P.O. Box 35  
Delray, WV 26714

9-8-00

66555

AMENDMENT

318

DEED COVENANTS

Short Mountain Heights Property Owners Association Inc. desire to make a change of Short Mountain Height's, Deed Covenants and the Board of Directors force said of Association met on August 2, 2000 proposed to restricted covenants as follows. Subsequently notice of proposal change was given to all lot owners of good standing for proposal change. A meeting was called August 30, 2000 and a quarm was present and motion was made and motion carried, as restricted covenants as set forth above.

And a 2/3 members proxy vote proposal of change and orginally restricted covenants of such covenants amended as follows:

- #2. Maintenance, and repairs to said roadways within the sub-division shall be performed on a continuing basis by the Short Mtn. Heights Property Owners Association Inc. The maintenance fee shall be \$ 40.00 annually, with a one-time initial membership fee (to be used for organizational and administrative purposes) of \$10.00 per lot owner. The annual fee, however, is payable per lot owned and does not apply to the unsold inventory of the developer.
- #5. Mobile homes are not allowed to be utilized on or upon any lot fronting SHORT MOUNTAIN BLVD. ( the main road leading up to Short Mountain). However, Residential Trailers on permanent foundations complying to State and Local codes are allowed on all lots on Short Mtn. Heights Blvd. Motor homes, camping trailers and camping in general is permitted on each and every lot within the sub-division. No buses, trucks, old cars or unsightly conditions will be permitted to exist on any lot if deemed to be left, stored or abandoned. The Owers Association reserves the right to promulgate and implement additional rules and regulations from time to time.
- #11. SPECIAL RESTRICTIONS: Owners of lots numbered 1 thur 7, and 57 thru 60 are required to build on permanent foundations complying with local code. Also, while owners of these lots are not required to build at any time, they must- if building- conform to this paragraph and further, may not erect more than one resident per lot. No single-wide mobile homes are allowed on these lots.

In all other restrictions in reference Deed Book #286, page 288 in full force as amended.

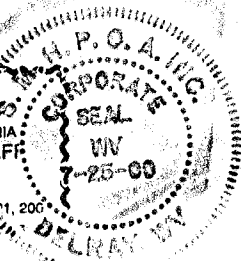
SHORT MOUNTAIN HEIGHTS PROPERTY OWNERS ASSOCIATION INC.

SECRETARY

*Deborah McWilliams*

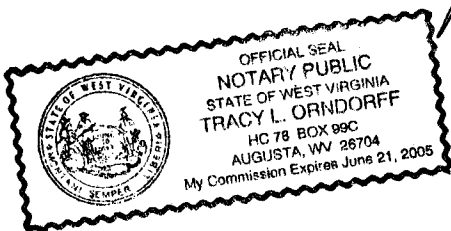


OFFICIAL SEAL  
NOTARY PUBLIC  
STATE OF WEST VIRGINIA  
TRACY L. ORNDORFF  
HC 78 BOX 992  
AUGUSTA, WV 26624  
My Commission Expires June 21, 2006

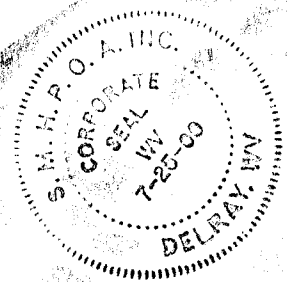


I, Tracy Orndorff, a Notary Public in and for  
Hampshire County, State of West Virginia, do hereby certify,  
the signature is the proper Officer of Short Mountain Heights  
Property Owners Association Inc., a West Virginia Association.  
There unto duly authorized on this day 31 of August 2000.

My Commission Expires: June 21, 2005



*Tracy Orndorff*  
NOTARY PUBLIC



Prepared by: *Deborah McWilliams*  
P.O. Box 35  
Delray, WV 26714

HAMPSHIRE COUNTY COMM.  
CLERK'S OFFICE  
Date/Time: 08/31/2000 12:33  
Inst #: 25011  
Book/Page: 401- / 318-  
Recd/Tax: 3.00

STATE OF WEST VIRGINIA, County of Hampshire, to-wit:

Be it remembered that on the 31st day of August, 2000, at 12:33 P. M.,  
this Deed Covenants Amendment was presented in the Clerk's Office of the County Commission of said County  
and with the certificate thereof annexed, admitted to record.

Attest: *Sharon H. Link* Clerk  
County Commission, Hampshire County, W. VA. *AEM*

mailed: Deborah McWilliams 5.7.01  
P.O. Box 35  
Delray, WV

67623  
SHORT MOUNTAIN HEIGHT'S SUB-DIVISION  
SHERMAN DISTRICT, HAMPSHIRE COUNTY,  
WEST VIRGINIA

632 ORDINANCE RULES

Short Mountain Height's Property Owners Association, Inc. desire to establish these Ordinance Rules within the sub-division. The Board of Directors of Association had a quorum was present, voted and motion carried on August 2, 2000. On October 14, 2000 a meeting was called for property owners, voted, motion carried to get Ordinance Rules established within the sub-division. Ordinance Rule as follows:

1. Speed Limit on all roads- 15 m.p.h.
2. ATV use limited to roadways only- 15 m.p.h.
3. NO dragging of roads or ditches.
4. NO littering or dumping allowed.
5. Noise restricted after 11:00 p.m.  
( music, ATV'S, etc. quiet time )
6. Pets restrained - " LEASH LAW " .
7. Vehicles -- Valid plates only are premitted on sub-division roadways.
8. OBEY ALL SIGNS POSTED.

VIOLATIONS COULD RESULT IN FINES UP TO \$ 100.00

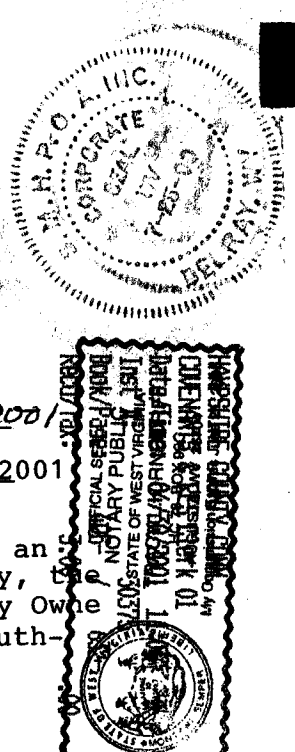
Short Mountain Height's Property Owners Association, Inc.

Filed by: Secretary Deborah McWilliams  
Deborah McWilliams  
S.M.H.P.O.A., INC.  
P.O. Box 35  
Delray, WV 26714

DATED: April 30, 2001

IN EFFECT: April 30, 2001

Notary Public: I, Tracy Omdorff, a Notary Public in and for Hampshire Co., State of West Virginia, do hereby certify, that signature is the proper Officer of Short Mtn. Hgts. Property Owners Assoc., Inc. a West Virginia Association. There unto duly authorized on this day 30<sup>th</sup> of April 2001.  
My Commission Expires: June 30, 2005  
NOTARY PUBLIC Tracy Omdorff



STATE OF WEST VIRGINIA, County of Hampshire, to-wit:

Be it remembered that on the 30<sup>th</sup> day of April, 2001, at 11:06 A.M.,  
this Ordinance Rule was presented in the Clerk's Office of the County Commission of said County  
and with the certificate thereof annexed, admitted to record.

Attest Sharon H. Link Clerk  
County Commission, Hampshire County, W. VA. AEM

74538

mailed: 3-11-09

RONNIE HINKLE  
P.O. BOX 35  
DELRAY, WV 26714-0035  
AMENDMENT

BOOK 482 PAGE 039

DEED BOOK 405 PAGE 632 #67623

SHORT MOUNTAIN HEIGHT'S SUBDIVISION DELRAY, WV  
SHERMAN DISTRICT, HAMPSHIRE COUNTY, WEST VIRGINIA

ORDINACE RULES

Short Mountain Height's Property Owners Association, Inc. desire to establish these Amendment Ordinance Rules within the subdivision. The Board of Directors of Association had a Quarm and voted, all members present, motion and carried these changes on November 1, 2008

#2 ONLY Property Owners has the use of ATV'S on roadways, speed limit 15 mph. RENTERS in subdivision are restricted from ATV'S and Motor Bikes, of all kinds and Racing Carts etc. on subdivision roadways.

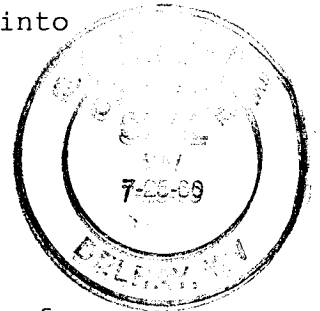
#5 Noise restricted after 10:00 p.m. (loud music etc. Quiet time)

#9 NO Dirt Bikes of any kind on subdivision roadways.

#10 NO Burning of household trash etc. All Fires called into controlled Fire.

Filed by: Ronnie Hinkle, President  
S.M.H.P.O.A., INC.  
P.O. Box 35  
Delray, WV 26714

Date: 2-20-09

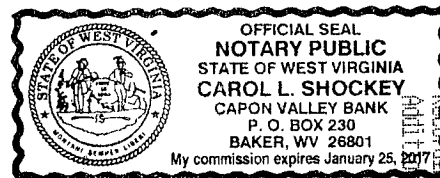


Notary Public: I Carol L. Shockey a Notary Public in an for Hampshire Co, State of West Virginia, do hereby certify the signature is the proper Officer of S.M.H.P.O.A. INC. a West Virginia Association. There unto duly authorized on this day Feb 20 2009.

My Commission Expires: January 25, 2017

Mail To:  
RONNIE HINKLE  
PRESIDENT  
S.M.H.P.O.A. INC.  
P.O. BOX 35  
DELRAY, WV 26714

PREPARED BY:  
RONNIE HINKLE,  
PRESIDENT



SHARON H LINK  
HAMPSHIRE COUNTY 11:13:36 AM  
Instrument No 114544  
Date Recorded 02/27/2009  
Document Type CAR  
Book-Page 482-39  
Recording Fee \$5.00  
Additional Fee \$6.00

STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 2/27/09 11:13AM

The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste Sharon H. Link Clerk.