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BOOK 2025 PAGE 1094

FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

GATES HEAD ASSOCIATION, INC.

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS of Gates Head Association, Inc. (this Amendment) dated as of the 1st day of September, 1986 by Gates Head Association, Inc., a Virginia nonstock corporation (the Association), recites and provides.

Recitals.

1. By Declaration of Covenants, Conditions and Restrictions (the Section 1 Declaration) dated March 21, 1983, recorded April 4, 1983 in the Clerk's Office of the Circuit Court of Henrico County, Virginia, (the Clerk's Office) in Deed Book 1872 at Page 1645, Investors Service Corporation, a Virginia corporation (the Declarant), submitted the property described as Section 1 of Gates Head on Exhibit A attached hereto to the easements, restrictions, covenants and conditions contained in the Section 1 Declaration.

2. By Declaration of Covenants, Conditions and Restrictions (the Section 2 Declaration) dated January 6, 1984, recorded February 7, 1984 in the Clerk's Office in Deed Book 1903 at page 424, Declarant submitted the property described as Section 2 of Gates Head on Exhibit A attached hereto to the easements, restrictions, covenants, and conditions contained in the Section 2 Declaration.

3. By Declaration of Covenants, Conditions and Restrictions dated August 31, 1984, recorded August 31, 1984 in the Clerk's Office in Deed Book 1925 at Page 1129, as corrected by a Correction Declaration of Covenants, Conditions and Restrictions (the Section 3 Declaration) dated October 3, 1984, recorded October 22, 1984 in the Clerk's Office in Deed Book 1931 at Page 629. Declarant submitted the property described as Section 3 of Gates Head on Exhibit A attached hereto to the easements, restrictions, covenants, and conditions contained in the Section 3 Declaration. The Section 1 Declaration, the Section 2 Declaration and the Section 3 Declaration are hereinafter collectively referred to as the "Declaration."

4. Pursuant to the provisions of Article VI, Section

3, the covenants and restrictions of the Declaration may be amended by an instrument signed by not less than ninety percent (90%) of the lot owners in the Gates Head Subdivision.

5. There are 89 lots in the Gates Head Subdivision.

6. At the Annual Meeting of the members of the Association on February 18, 1986, after proper notice of the proposed amendments to the Declaration, over ninety percent (90%) of the Members of the Association acted in writing to amend the Declaration as follows:

First Amendment to Declaration of Covenants, Conditions and Restrictions of Gates Head Association, Inc.

1. Amendment to Article V of the Declaration.

Article V, LOT RESTRICTIONS, of the Declaration is hereby amended by deleting Sections 1 through 7 in their entirety and substituting the following therefor:

Section 1. No use shall be made of the lots or any part thereof that will constitute a nuisance or injure the value of the neighboring lots. No stable(s), swine, cows, horses, sheep, chickens or other farm associated animals shall be permitted on the Properties.

No chain link fence shall be permitted. Except as otherwise set forth in this Section 1 of ARTICLE V, no board fences shall be permitted; however, lattice, picket, split rail and ranch (horizontal flat board) fences shall not be construed as being board fences within the meaning of this section. No fence shall be permitted to be over four (4) feet high unless around (within four feet of the perimeter) a patio or swimming pool. In spite of anything contained herein to the contrary, board fences, not exceeding six feet in height and conforming in all respects to the Henrico County Zoning Ordinance(s), shall be permitted along the lot lines of those lots in Section 1 of Gates Head that are contiguous to the western right-of-way lane of Pemberton Road and along the lot lines of those lots in Section 3 of Gates Head that are contiguous with the eastern right-of-way lane of Gaskins Road; provided that materials, construction and design are done at the same time per Section; for example, lots in Section 1 must all be constructed with the same fence design, materials and completion and lots in Section 3 must all be

constructed with the same fence design, materials and completion date. Board fences, not exceeding six feet in height and conforming in all respects to the Henrico County Zoning Ordinance(s), shall be permitted along the lot lines of those lots of Gates Head that are contiguous to non-Gates Head properties. All fence construction plans must be approved by the Architectural Control Committee.

The following shall not be permitted on the properties, lots or common area of the Gates Head Subdivision:

- (a) satellite dishes and exterior antennas such as those for TV or radio reception.

Section 2. No lot shall be used or maintained as a dumping ground for rubbish including, but not limited to, tires, old bicycles and appliances, rusted or broken toys. Trash, garbage or other waste shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material must be concealed and kept in a clean and sanitary condition.

Section 3. All of the Lots shall be known and described as residential lots, and no structures shall be erected on any Lot other than one detached single-family dwelling, provided, however, that the usual outbuildings, including a private garage, may be erected on any Lot. Storage sheds must be of the same type and quality construction as the dwelling on any respective Lot. No prefabricated metal outbuildings shall be permitted. All outbuildings, prefabricated or constructed must be approved by the Architectural Control Committee. Each individual construction project, including improvements or modifications to existing structures, must be completed within six (6) months of its start.

All exterior paint colors of residences and outbuildings, including doors, shutters and trim, must conform to traditional colonial paint colors. No aluminum siding shall be permitted. All roofs must be hand split cedar shake, or slate unless approved by the Architectural Control Committee. All exterior doors must conform to colonial styling and colors.

Section 4. No trailer, tent, mobile home, shack, garage, barn or other outbuilding erected on any lot

shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence; provided, however, this clause shall not be construed to prevent servants quarters from being installed over a detached garage or other outbuilding.

Section 5. No trailer, or boat-trailer combination having a height of five feet (5') or more shall be parked over twelve (12) hours in any one week on any lot or driveway so as to be visible from the street.

Section 6. Declarant reserves unto itself the right and privilege to lay gas, water, sewers, storm sewers, sewer pipes, electric light, telephone and telegraph poles, lines and wires, and other utilities in the streets and road of Gates Head subdivision and along the property line of the Lots and to install sewer connections under and in the land sold and lay such light, telephone and telegraph poles, lines and wires along the property lines of the Lots, and to give other persons, companies, or corporations any or all of such right and privileges; however, there being no obligation to do so they reserve the right to make necessary charges upon the purchaser therefor.

Section 7. All plans for the construction and erection of any residences, outbuildings, or additions to any residences as hereinabove provided to be built on said lots shall be submitted to Investors Architectural Control Committee (the "Committee") for its approval. Such conditions shall be strictly complied with and the Declarant shall have the full right and privilege to enforce this and all other restrictions and conditions herein by appropriate proceedings at law for damages and/or in equity for appropriate injunctive and restraining orders to prevent violations together with damages sustained. The Committee shall be composed of the following persons: Richard M. Nelms, Edward F. Sinott, Jr., and Robert G. Butcher, Jr. In the event of death or resignation of any number of the Committee, the remaining members shall have authority to designate a successor. The majority of the Committee may designate a representative to act on behalf of the Committee providing written approval of the construction plans and specifications. Richard M. Nelms is hereby designated as such representative until a majority of the Committee may designate a new representative. Neither the members of the Committee nor their designated representatives

shall be entitled to any compensation for the services performed pursuant to this covenant. At any time, the then record owners of eighty percent (80%) of the lots in Gates Head Subdivision, Section 3, shall have the power through a duly recorded written instrument to create a Committee consisting of not less than three (3) persons to assume the powers and duties hereby placed upon the Committee or to withdraw from the Committee or restore to it any of its powers and duties. At such time when only five Lots remain, this power shall be assigned to Gates Head Association Architectural Control Committee.

Section 8. Any new residential dwelling constructed in Gates Head must be a two story, colonial style house with hand split cedar shake roofing; contain at least one working fireplace and chimney; use double paned windows; walkway in front to be exposed aggregate concrete or brick; and be at least 2100 square feet of useable floor space. All plans for such dwellings must conform to all covenants and lot restrictions, and also must be approved by the Architectural Control Committee in regards to all guidelines set forth in these lot restrictions.

EXCEPT as modified by this Amendment, all the terms and provisions of the Declaration are hereby expressly ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed by its President and certified by its Secretary as of the day and year first above written.

GATES HEAD ASSOCIATION, INC.

By Richard A. Sterling
Its President

Certified to be a true copy of the Amendments to the Declaration, duly adopted in writing at the annual meeting of the Members of Gates Head Association.

By Patricia C. Johnson
Its Secretary

STATE OF VIRGINIA
City of Richmond, to-wit:

The foregoing instrument was acknowledged before me in the City of Richmond, Virginia, this 9th day of September, 1986, by Richard Starlino and Patricia Johnson, the President and Secretary, respectively, of Gates Head Association, Inc. on behalf of the Association.

My commission expires: 11/28/86

David Stephen Feibel
Notary Public

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, Sept. 22, 1986
THIS DEED WAS PRESENTED AND WITH THE CERTIFICATE ANNEXED, ADMITTED TO RECORD AT 9:04 o'clock A M.
Teste:

State Tax Paid
County Tax Paid

Margaret B. Baker

Account	Amount
039 State Tax	
213 County Tax	
212 Transfer	
301 Recording	
58-54(b) State 038	12.00
58-54(b) Local 220	
Acct. No. 509	
Total	12.00

Date of Deed 09/22/86
 No. 322716
 Deed No. 24218
 MARGARET B. BAKER
 Clerk
 Deputy Clerk