

Prepared By:  
James C. Naylor, Jr.  
85 Thomas Road  
Lexington, VA 24450

Tax Map Nos.

0720000300000010 0720000300000030 0720000300000040 0720000300000050  
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*Amended and Restated*  
*Restrictions, Covenants and Conditions*  
*Of*  
*Collier Hills*

September 20, 2013

These Amended and Restated Restrictions, Covenants and Conditions of Collier Hills, dated this 20th day of September, 2013

-- WITNESSETH --

THAT, WHEREAS, the original Collier Hills Restrictions, Covenants and Conditions dated July 1, 1998 are recorded in the Clerk's Office of the Circuit Court of Rockbridge County, Virginia in Plat Cabinet 2, Slide 666 and amended by Agreement dated April 19, 1999 recorded in said Clerk's Office in Deed Book 621 at page 164; and

WHEREAS, the current lot owners of Collier Hills desire to amend and restate the Restrictions, Covenants and Conditions;

NOW, THEREFORE, pursuant to paragraph 13 of said Restrictions, Covenants and Conditions, the current lot owners hereby set forth the Amended and Restated Restrictions, Covenants and Conditions as follows:

1. Declarant hereby covenants and declares that the lands within Collier Hills be held, sold and conveyed subject to the following restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of the Collier Hills lots, and which shall run with the real property and be binding on all parties having right, title or interest in the property more particularly described upon said plat, their heirs, successors and assigns and shall inure to the benefit of each owner.
2. No structures shall be erected on any individual lot shown hereon other than one private single family dwelling with appropriate accessory buildings. Dwellings shall contain a minimum of 1500 square feet of living area, excluding any basement area for one story dwellings and a minimum of 1200 square feet of living area for the first level of a two story dwelling and shall be completed within one year from date of commencement of construction.
3. No building, associated structure or other improvements shall be constructed or be permitted to remain on any lot unless construction plans and specifications shall first be submitted to the Collier Hills Architectural Control and Covenant Compliance Committee, hereafter referred to as the "Committee". The Committee is composed of Collier Hill lot owners and may change from time to time. Any vacancy on this Committee shall be filled by the remaining members. A majority of the Committee members may designate a representative to act for the Committee.

If the Committee or its representative fails to act upon any plans or Specifications submitted to it within thirty (30) days, said plans and specifications shall be deemed to be approved and in compliance with these Restrictive Covenants and no further approval shall be required.

The Committee shall have full power and absolute discretion to approve or disapprove all buildings and associated structures and improvements on all lots within the Subdivision. The Committee shall not be required to approve any building plans or specifications solely because the same otherwise comply with these Restrictive Covenants *or* are equal in cost or value to buildings, associated structures and improvements on other lots. The Committee shall further have the power to grant variances to these

covenants if it deems such variance not to be harmful to the value of adjoining property.

The Committee may regulate to the extent not in conflict with the zoning and subdivision ordinances of the County of Rockbridge, the following: Architectural style; exterior materials and design, including but not limited to colors, trim, roofing and siding, whether new construction, maintenance or refurbishing; decks, porches and patios; exterior elevations, and foundation materials and finishing.

The Committee shall have all remedies at law or in equity to correct any deficiency, and no election of a remedy shall preclude the pursuit of any other remedy, either at law or in equity.

4. No surface of any foundation wall of cinder block or concrete block or any other unfinished material shall be exposed to public view, but said surfaces may be finished with parging or stucco.
5. No chimney or any part thereof shall have cinder or concrete block or metal exposed to public view. All chimneys shall have spark arrestors installed.
6. No single wide or double wide mobile homes or trailers will be allowed.
7. No fence shall be erected on any lot without the prior approval of the material, height and location by the Committee.
8. It shall be the responsibility of each individual lot owner to prevent the development of any unclean, unsightly, or unkempt condition of the building or grounds of such lots which shall tend to substantially decrease the beauty of the neighborhood as a whole. Recreational vehicles, unlicensed vehicles, (or) inoperable vehicles shall be housed in a garage or accessory building or may be screened from public view by approved plantings, fencing, or structures approved by the Committee.
9. No animals, livestock, or poultry of any kind, except horses and cattle or those animals raised by children to participate in school projects or other similar organizations, shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept therein, provided they are in keeping with the County of Rockbridge pet ordinances. No animal shall be permitted to run at large within the subdivision. This paragraph shall not be construed to prevent raising animals for the personal use of owners of lots in the sub-division, for example, chickens or rabbits.

10. No unsightly trash or garbage shall remain upon any lot, but shall be safely stored in containers and be disposed of promptly. Each owner shall provide receptacles for garbage and trash in an area not visible to others.
11. Our lot owners enjoy viewing the night sky and wish to minimize area light pollution. Dusk to dawn non-switchable lighting, wattage 150 or greater or 3500 lumens or greater, is not permitted.
12. No lot may be re-subdivided.
13. All fuel tanks or similar storage receptacles shall be screened so as not to be visible to others within the subdivision.
14. These restrictions are to run with the land and be binding on all parties and all persons claiming under them for a period of ten (10) years from the date these restrictions are recorded unless an instrument signed by a majority of the lot owners is recorded in the Circuit Court Clerk's Office amending the restrictions. Unless amended as provided in the previous sentence, at the end of the initial ten (10) year period, said restrictions shall automatically be extended for successive periods of ten (10) years unless an instrument signed by a majority of the lot owners is recorded in the Circuit Court Clerk's Office agreeing to amend, modify or terminate the restrictions in whole or in part.
15. Road maintenance in Collier Hills will be on a pro rata share basis among all property owners whose land is accessed by subdivision roads until such time that road is taken over by the Virginia Department of Transportation (VDOT). Where it is necessary, a minimum diameter of fifteen inch or larger, corrugated culvert pipe shall be installed at each-driveway entrance at the lot owner's expense.
16. All lot owners shall grant any road and storm drainage easements that may be required by the Virginia Department of Transportation in order to accept Thomas Road and Pearl Ridge Lane into the Virginia State Highway System.
17. The roads in the Collier Hills subdivision are private roads and are not to be maintained by the county or state, unless said roads are accepted into the state highway system. There is no warranty that said roads will be accepted into the state highway system.
18. As shown on the original subdivision plat dated June 4, 1998 and recorded

in Plat Cabinet 2, Slides 662, 663, 664 and 665, Lots 2, 3, 9, 10, 11, 12, 14, 15, 16, 17, 18, 24, 25, & 26 are restricted to underground utility easements. Lots 1, 4, 5, 6, 7, 8, 13, 19, 20, 21, 22, & 23 will be permitted to use overhead utility easements.

19. There is hereby reserved, as more particularly shown on the aforesaid subdivision plat, a public utility easement thirty (30) feet in width across the rear of each tract together with a thirty (30) foot wide public utility easement running down the division line between tracts, fifteen (15) feet of which shall be on each side of the lot line.
20. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain the violation or to recover damages.
21. Should any covenant or restriction herein contained or any sentence, clause, phrase or term of this instrument be declared to be void, invalid, illegal or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction over the parties hereto and the subject matter hereof, such judgment shall in no way affect the other provisions hereof which are hereby declared to be severable and which shall remain in full force and effect.
22. As referenced in Paragraph 14 above, these Restrictions, Covenants and Conditions may be amended by a majority vote of the owners. Agreement of the required majority of lot owners to any amendment of these Restrictions, Covenants and Conditions shall be evidenced by their execution of the amendment, or ratifications thereof, and the same shall become effective when a copy of the amendment is recorded, together with a certification, signed by the Chairman of the Architectural Control and Covenant Compliance Committee, that the requisite majority of the lot owners signed the amendment or ratifications thereof.

IN WITNESS WHEREOF, we, the undersigned, hereby declare that we are the owners of the indicated lots in Collier Hills and have the authority to execute these Amended and Restated Restrictions, Covenants and Conditions.

WITNESS the following signatures and seals effective the 20th day of January 2014.

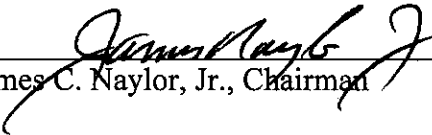
*(The remainder of this page is intentionally left blank. Signature pages follow.)*

CERTIFICATION OF AMENDMENT  
COLLIER HILLS

I, the undersigned, being the Chairman of the Collier Hills Architectural Control and Covenant Compliance Committee (the "Committee"), hereby certify that pursuant to paragraph 22 of the "Amended and Restated Restrictions, Covenants and Conditions of Collier Hills" dated September 20, 2013 (the "Amendment"), that a majority of the current lot owners signed the Amendment. This certification is attached to the Amendment and is to be recorded with and made a part thereof.

WITNESS my hand and seal this 22<sup>nd</sup> day of January 2014.

Collier Hills Architectural Control and  
Covenant Compliance Committee

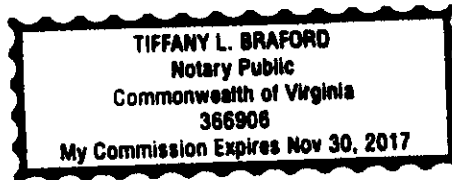
By:  (SEAL)  
James C. Naylor, Jr., Chairman

COMMONWEALTH OF VIRGINIA  
COUNTY OF ROCKBRIDGE, to-wit:

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January 2014, by James C. Naylor, Jr., Chairman of the Collier Hills Architectural Control and Covenant Compliance Committee.

  
Notary Public

Notary Registration Number 2100906  
My commission expires 11-30-2017



Laurence D. Stephens (SEAL)  
Laurence D. Stephens, Jr.

Susan F. Stephens (SEAL)  
Susan F. Stephens

Owner(s) of Lot 1

Tax Map # 72-3-1

STATE OF VA

County OF Rockbridge, to-wit:

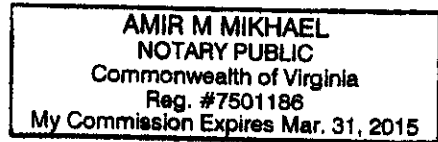
The foregoing instrument was acknowledged before me the 5<sup>th</sup>  
day of Oct., 2013 by **Laurence D. Stephens, Jr., and Susan F. Stephens.**

My commission expires: Mar. 31, 2015

Notary Number: 7501186

Amir Mikhel  
Notary Public

PLACE NOTARIAL SEAL HERE



Victoria V. Copper (SEAL)  
Victoria V. Copper

Steven R. Copper (SEAL)  
Steven R. Copper

Owner(s) of Lot 3

Tax Map No. 72-3-3

STATE OF Virginia

County OF Parkbridge, to-wit:

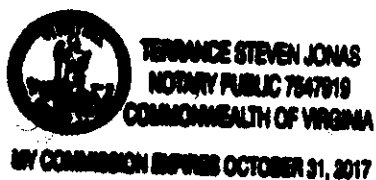
The foregoing instrument was acknowledged before me the 16<sup>th</sup> day of October, 2013 by **Steven R Copper and Victoria V. Copper.**

My commission expires: October 31, 2017

Notary Number: 7547919

Jon Steger  
Notary Public

PLACE NOTARIAL SEAL HERE





Philip M. Toner (SEAL)  
Philip Toner

Joann Toner (SEAL)  
Joann Toner

Owner(s) of Lot 4

Tax Map No. 72-3-4

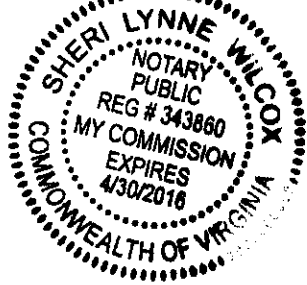
STATE OF Virginia

County Rockbridge, to-wit:

The foregoing instrument was acknowledged before me the 26 day of September, 2013 by **Philip Toner and Joann Toner**.

My commission expires: 4-30-16

Notary Number: 343860



Sheri Lynne Wilcox  
Notary Public

PLACE NOTARIAL SEAL HERE

William C Wood (SEAL)

William C. Wood

Owner(s) of Lot 5

Tax Map No. 72-3-5

STATE OF Virginia

County OF New Kent, to-wit:

The foregoing instrument was acknowledged before me the 4 day of November, 2013 by **William C. Wood**.

My commission expires: August 31, 2015

Notary Number: 7509285



Charlotte G. Bush

Notary Public

PLACE NOTARIAL SEAL HERE

ANN E. MUIR LIVING TRUST

By: Ann E Muir  
Trustee

Owner(s) of Lot 9

Tax Map No. 72-3-9

STATE OF Virginia  
County OF Albemarle, to-wit:

The foregoing instrument was acknowledged before me the 1st day of October, 2013 by Ann E Muir, Trustee of the Anne E. Muir Living Trust.

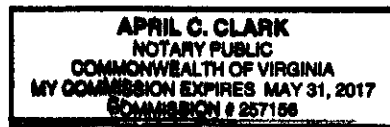
My commission expires: MAY 31, 2017

Notary Number: 257156

April Clark

Notary Public

PLACE NOTARIAL SEAL HERE



Edward C. Horner, Jr. (SEAL)  
Edward C. Horner, Jr.

Kay R. Horner (SEAL)  
Kay R. Horner

Owner(s) of Lots 11 & 12

Tax Map Nos. 72-3-11 & 72-3-12

STATE OF Virginia  
County OF Rockbridge, to-wit:

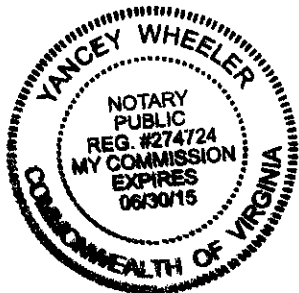
The foregoing instrument was acknowledged before me the 15<sup>th</sup> day of October, 2013 by **Edward C. Horner, Jr.**, and **Kay R. Horner**.

My commission expires: *Edward C. H.* 06-30-2015

Notary Number: 274724

Yancey Wheeler  
Notary Public

PLACE NOTARIAL SEAL HERE



Brian Crockett (SEAL)  
Brian S. Crockett

Owner(s) of Lots 14 & 15

Tax Map Nos. 72-3-14 & 72-3-15

STATE OF Virginia  
County OF Rockbridge to-wit:

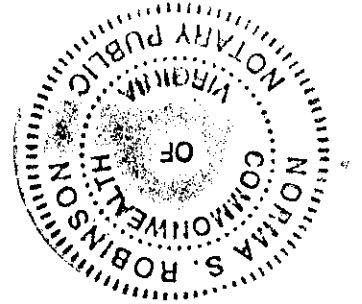
The foregoing instrument was acknowledged before me the 24<sup>th</sup> day of September, 2013 by **Brian S. Crockett**.

My commission expires: 12/31/16

Notary Number: 342476

Norma S. Robinson  
Notary Public

PLACE NOTARIAL SEAL HERE



Frances A Naylor (SEAL)  
Frances A. Naylor

Owner(s) of Lot 23

Tax Map No. 72-3-23

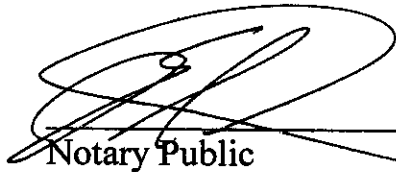
STATE OF Virginia

City OF Lexington, to-wit:

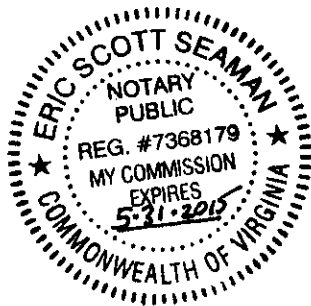
The foregoing instrument was acknowledged before me the 24<sup>th</sup> day of September, 2013 by **Frances A. Naylor**.

My commission expires: 5-31-2015

Notary Number: 7368179

  
\_\_\_\_\_  
Notary Public

PLACE NOTARIAL SEAL HERE



*Malcolm Muir, Jr.* (SEAL)  
Malcolm Muir, Jr.

Owner(s) of Lots 24 & 25

Tax Map Nos. 72-3-24 & 72-3-25

STATE OF Virginia

County OF Rockbridge, to-wit:

The foregoing instrument was acknowledged before me the 24<sup>th</sup> day of September, 2013 by **Malcolm Muir, Jr.**

My commission expires: 4/30/15

Notary Number: 108140

*Bethany O. Fresh*  
Notary Public

PLACE NOTARIAL SEAL HERE



INSTRUMENT #140000199  
RECORDED IN THE CLERK'S OFFICE OF  
ROCKBRIDGE COUNTY ON  
JANUARY 22, 2014 AT 02:00PM

BRUCE PATTERSON, CLERK  
RECORDED BY: BMA

*Bruce Patterson* 18