

THIS AMENDMENT TO DECLARATION OF RESTRICTIONS, COVENANTS and CONDITIONS of STONE SPRING VILLAGE, SECTION ONE, made this 12th day of March, 1997, by HARRISONBURG COMMUNITY ASSOCIATES, L.C., a Virginia limited liability company, to be indexed as GRANTOR

RECITALS:

1. A certain Declaration of Restrictions, Covenants and Conditions affecting Lots B3 through B10; Lots C1 through C5; Lots D1 through D17; Lots E1 through E7, all inclusive and Lot F1, shown on a subdivision plat made by Hal T. Benner, L.S., dated February 27, 1995, entitled "Stone Spring Village, Section One," was recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 1341, page 111.

2. The notation concerning easements on the above-mentioned subdivision plat recorded in the aforesaid Clerk's Office in Deed Book 1341, page 106, does not agree entirely with the reservation of utility easements as set forth in the Declaration.

3. The Grantor as Declarant in Article VIII, Section 8.04 of the aforesaid Declaration reserved the right to modify or amend the Declaration in whole or in part until all of the lots have been conveyed.

Drafted By:
CLARK & BRADSHAW, P.C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
HARRISONBURG, VIRGINIA
22801

MBC:clm
3/17/97
#95-369

4. The Grantor is still the owner of a number of the lots.

5. The Grantor desires to amend a portion of the Declaration, so that it will agree with the utility easement notation on the plat.

W I T N E S S E T H:

NOW, THEREFORE, Harrisonburg Community Associates, L.C., a Virginia limited liability company, Grantor, covenants and declares the following:

1. Article V, Easements, is hereby amended as follows:

Section 5.02. Reservation of Utility Easement. The Declarant reserves unto itself, its successors and assigns, perpetual and alienable easements and rights-of-way within all roads and within ten (10) feet of all exterior boundary lines and within five (5) feet of all interior lot lines to lay, construct, operate, maintain, inspect, replace and repair suitable equipment and facilities including, but not limited to, wires, cables and pipes for the conveyance of all underground utilities and for storm and surface water drainage, together with the rights of ingress and egress to all such facilities, easements and rights-of-way for the construction and maintenance thereof. Included in all of the foregoing reservation of easements shall be the right to cut any trees, brush and shrubbery, to make any grading of soil and to take other similar action reasonably necessary to provide economic and safe utility installation and drainage facilities installation and to maintain appropriate sight distances for vehicles using the roads, subject to the private conservation easements. The right herein reserved may be exercised by any licensee, assignee or grantee of the Declarant, but shall not be deemed to impose any obligation upon the Declarant to provide or maintain any utility drainage services or maintenance of sight agreements.

2. All other restrictions, covenants and conditions shall remain as set forth in the original Declaration and are hereby ratified and reaffirmed.

IN WITNESS WHEREOF, Harrisonburg Community Associates, L.C., has caused this Deed to be signed in its name and on its behalf as thereunto duly authorized:

HARRISONBURG COMMUNITY ASSOCIATES, L.C., a Virginia limited liability company

By: David Gilmer Frackelton (SEAL) DAVID GILMER FRACKELTON, Manager

COMMONWEALTH OF VIRGINIA, CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 13th day of March, 1997, by DAVID GILMER FRACKELTON, Manager of Harrisonburg Community Associates, L.C., a Virginia limited liability company, on behalf of the company.

My Commission Expires: 6-30-2000

Cynthia H. Newman
NOTARY PUBLIC

VIRGINIA: In the Clerk's Office of the Circuit Court of Rockingham County the foregoing instrument was this day presented in the office aforesaid, and is together with the certificate of acknowledgment annexed, admitted to record this 17 day of March, 19 97 at 11:55 AM. I certify that taxes were paid when applicable:

Sec. 58-54 - State _____ County _____ City _____
Sec. 58-54.1 - State _____ County _____ City _____ Transfer _____
Recording 66 TESTE

L. WAYNE HARPER
CLERK

Deed Book No. 1474 Page 450

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MAR 17 AM 11 45
ROCKINGHAM CO. CIRCUIT COURT
L. WAYNE HARPER, CLERK

CLARK & BRADSHAW, P.C.
ATTORNEYS AT LAW
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