

MADISON
COUNTY, VA.
DEED No. 040002791

**AMENDMENT TO DEED OF DEDICATION OF PROTECTIVE
COVENANTS OF THE MALVERN OF MADISON SUBDIVISION**

WHEREAS, a Resolution of the Board of Directors of the Malvern Club, Inc. was duly adopted and recorded among the land records of Madison County, Virginia, in Deed Book 206, Page 841; and,

WHEREAS, the Board of Directors, after careful consideration of the matter and adopted by a vote of the lot owners, now alter the existing declaration of the Deed of Dedication in the following manner:

Impounding of unattended vehicles on Malvern roadways or common areas

- 1) If any vehicle is left unattended upon any roadway or on any common area in Malvern for longer than forty-eight (48) hours, the Malvern Club, Inc. shall have the authority to engage the services of a towing service to impound and remove such vehicle and the owner shall be charged with the cost of towing, storage, and any other charges incurred therewith. No vehicle so impounded shall be released until all applicable costs have been paid.
- 2) In the case of any vehicle left unattended on any roadway or common area that shall impede the movement of traffic on said road, or in the case of common areas, shall be considered a nuisance, as soon as notice of such vehicle is provided to the President of Malvern Club, Inc. The President or a designee shall have the authority to engage the services of a towing service to remove such vehicle and the owner shall be charged with the costs of towing, storage, and any other charges incurred therewith. No vehicle so impounded shall be released until all applicable cost have been paid.

Return to: Frank S. Sargent +
54 Turkey Trot Ln.
Madison, VA 22727

Junked motor vehicle on private property

- 1) A 'junked motor vehicle' is defined as any motor vehicle that is in a wrecked, dismantled, or partially dismantled condition, or from which the wheels, engine, transmission, or any substantial part thereof has been removed, or which for any other reason is incapable of operation on its own power, or which is unlicensed or bearing expired license tags.
- 2) No person shall leave a junked motor vehicle on any property within Malvern, nor shall any owner or lessee permit any junked motor vehicle to remain on a roadway or private property within Malvern. Vehicles stored in an enclosed garage are not subject to this ordinance.

- 3) The President of the Malvern Club, Inc. Or a designee may impound a junked motor vehicle after first attaching a notice on the junked vehicle that shall state, in part: "This vehicle is presumed junked. If not removed within seven (7) days of the date of this notice, this vehicle shall be impounded." In the case of non-compliance with the notice in the seven (7) days allowed, impoundment shall follow.
- 4) The president of the Malvern Club, Inc. or his designee shall have the authority, for cause, to grant an extension of the seven (7) day limit for a period not to exceed an additional seven (7) days. Upon receipt of a written statement, prior to the expiration of the fourteen (14) day period for compliance, setting forth the reasons that additional time may be required, the President, officers and directors of Malvern Club, Inc. Shall determine whether cause exists to further extend the time for compliance.
- 5) Within twenty-four (24) hours of an impoundment under this covenant, the President of Malvern Club, Inc., or his designee, shall send a notice to the last known registered owner of the vehicle and/or the property owner of record from which the vehicle was removed. This notice shall be sent by registered or certified mail, and shall contain the following:
 - a. A statement as to the reason the vehicle was impounded;
 - b. The year, make, model, and vehicle identification number (VIN) of the vehicle;
 - c. The location of the impound facility where the vehicle is being stored;
 - d. A statement notifying the owner of the right to reclaim the vehicle upon payment of all towing, storage, and other charges relating to the disposition of the vehicle.
- 6) No vehicle so impounded shall be released until all applicable costs have been paid.
- 7) When the owner of a vehicle that has been impounded under the requirements of this covenant has not reclaimed the vehicle within thirty (30) days of receipt of the notice of location of the impound facility and the costs due to reclaim said vehicle, Malvern Club, Inc. shall be authorized to file a lien on the property from which the vehicle was removed for all outstanding costs incurred in connection with towing and storage, including any reasonable administrative and legal costs.

WHEREAS, the Board of Directors, after careful consideration of the matter and adopted by a vote of the lot owners, now alter the existing declaration of the Deed of Dedication in the following manner:

Permitted Structures of Residence:

- (a) Log Homes
- (b) Stick Built Homes
- (c) Off-frame Modular Homes
 - 1. All modular homes must meet all state, local and/or regional building codes.
 - 2. All homes must be set and anchored on a permanent concrete or masonry block foundation.
 - 3. Modular homes require state registration and proper labels.

Prohibited Structures of Residence:

- (a) Modular homes built and transported on a permanent steel base.
- (b) Any home that requires ground anchors and/or tie down straps.
- (c) Any home with less than 5/12 roof pitch.

IN all other respects the Resolution recorded in Deed Book 206, Page 841, and all prior recorded declarations shall remain in full force and effect.

WE, the undersigned officers of Malvern Club, Inc., do hereby certify that the foregoing changes were duly adopted by the Board of Directors and by vote of the membership on October 16, 2004 at the Annual Budget Meeting which was held after due notice.

WITNESS the following signatures and seals.

MALVERN CLUB, Inc.

BY: Jennifer Lind
, Secretary

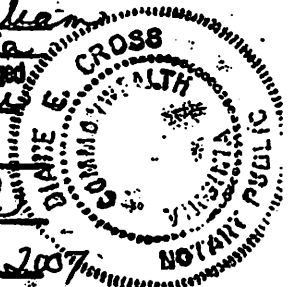
ATTEST: Frank Sargent
Frank Sargent, President

COMMONWEALTH OF VIRGINIA
COUNTY OF MADISON, to-wit:

This 16 day of October, 2004, personally appeared before me the undersigned, Jessifer Pinder and Frank Sargent personally known to me to be the Secretary and President of Malvern Club, Inc. a Virginia Corporation and upon their oath did swear and subscribe that the foregoing was a true and accurate copy of a duly adopted resolution of the Board of Directors of said Corporation.

Diane E. Cross

County/City of Prince William
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 16 day of October
2004, by
Frank Sargent
(name of person seeking acknowledgment)
Diane E. Cross
Notary Public
My commission expires: May 31, 2007



(4)

INSTRUMENT #040002791
RECORDED IN THE CLERK'S OFFICE OF
MADISON ON
OCTOBER 18, 2004 AT 04:11PM
CAROLINE WATTS, CLERK
Amanda D. Long, deputy clerk
RECORDED BY: ADL