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WESTERN RIDGE

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

THIS FIRST AMENDMENT TO DECLARATION is made this 27th day of November, 1996 by HIGHLANDS WEST, L.P., a Virginia limited partnership, herein the "Declarant",

W I T N E S S E T H :

WHEREAS, the Declarant was so named pursuant to the Western Ridge Declaration of Covenants, Conditions, Restrictions and Easements (herein the "Declaration") dated May 21, 1996 of record in the Clerk's Office for the Circuit Court of Albemarle County, Virginia in Deed Book 1538, page 211; and

WHEREAS, Article X, Section 9 of the Declaration provides that it may be modified or amended "by (i) an instrument signed by the Declarant and any other Members, together constituting more than three-fourths (3/4) of the total number of votes of Members; or (ii) an instrument signed by the President and Secretary of the Association after being approved by more than two-thirds (2/3) of the votes cast by Members who are voting in person or by proxy at a meeting duly called and noticed for that purpose"; and

WHEREAS, the following amendments to the Declaration are signed by the Declarant which has 177 of the 196 possible votes which is more than three-fourths of the total number of votes of the Members; and

WHEREAS, this Amendment is being submitted to the Federal Housing Administration or the Veterans Administration for its approval pursuant to Article X, Section 6(c) of the Declaration.

NOW THEREFORE, the Declaration is amended in the following respects:

(1) Article I, Section 12 is hereby amended to DELETE the words "and tenants" and shall now read as follows:

"'Member' shall mean and refer to all those Owners who are members of the Association as defined in Article III, Section 2".

(2) Article III, Section 2 of the Declaration is hereby amended as follows:

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The fourth sentence of such section is hereby DELETED in its entirety. The deleted sentence formerly stated: [A Tenant of an Owner may become a Member during the duration of the tenancy provided the Owner and the Tenant notify the Association in writing that the Tenant and not the Owner will be the Member during the tenancy in which case the Tenant and not the Owner may exercise all the rights of the Owner herein.]

(3) Article III, Section 3 of the Declaration is hereby amended in two places:

(a) To DELETE in its entirety the parenthetical phrase in the first sentence under Class A. This sentence now reads as follows: "Class A Members shall be all Owners of Lots with the exception of the Class B Member".

(b) Under Class B, to DELETE from the second sentence the phrase "and three (3) votes for all of the Unsubdivided Land owned by the Class B Member".

(4) Article IV, Section 2(c) of the Declaration is hereby amended as follows: The phrases "and/or occupied as a tenant" in the first sentence and "or occupied as a tenant" at the end of the third sentence are hereby DELETED.

(5) Article VI, Section 2 of the Declaration is hereby amended by ADDING the following as a second paragraph to such section:

"Annual Assessments shall also be used to pay to the Western Ridge Business Park Owners Association, Inc. (the "Business Association") one-half ($\frac{1}{2}$) of the costs ("Entrance Maintenance Costs") it incurs in maintaining, mowing, trimming, repairing and replacing the grass, trees, shrubs, fencing, plantings, sprinkler systems, subdivision signs and other decorative improvements located in the Western Ridge Business Park within the area of the Landscaping and Fencing Easement (the "Landscaping Easement") as shown on the Plat thereof recorded in the Albemarle County Circuit Court Clerk's Office in Deed Book 1538, beginning at page 245, with the Declaration."

(6) Article VII, Section 2(f) of the Declaration is hereby amended by DELETING the entire subsection and in its place SUBSTITUTING the following paragraph:

"(f) Provide, maintain and replace as necessary within the Common Area or the Landscaping Easement: Association, Business Association or Declarant installed signs, entrance fencing, plantings, walkways, lighting, decorative improvements and sprinkler systems, if any, on the Property, provided that the Association's obligation is to pay one-half ($\frac{1}{2}$) of the

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Entrance Maintenance Costs incurred by the Business Association for improvements within the Landscaping Easement. The Association shall also maintain and post governmental required maintenance bonds for directional and street signs and pathways installed by the Declarant or the Association, shall execute and maintain in effect such maintenance bonds as may be required by governmental agencies and in furtherance thereof, the Association shall comply with all provisions of and undertake all maintenance responsibilities pursuant to any Albemarle County Road Sign Maintenance Agreement or Albemarle County Pedestrian Pathways Maintenance Agreement signed or to be signed by the Declarant."

(7) All other provisions of the Declaration not specifically amended in this First Amendment shall remain unaffected and unchanged thereby and shall remain in full force and effect.

WITNESS the following signature and seal of the Declarant, Highlands West, L. P. by the duly authorized officer of its general partner:

HIGHLANDS WEST, L. P.,
a Virginia limited partnership

By: HUNTER E. CRAIG CO.,
a division of
Craig Enterprises, Inc.,
a Virginia corporation
its General Partner

By: 
Hunter E. Craig,
Division President and
Corporate Vice President

STATE OF VIRGINIA
CITY/COUNTY OF Albemarle, to-wit:

The foregoing instrument was acknowledged before me this 4th day of December, 1996 by Hunter E. Craig as President of Hunter E. Craig Co. and as Vice President of Craig Enterprises, Inc., a Virginia corporation on behalf of the corporation which is the General Partner of Highlands West, L. P.

My commission expires: October 31, 1998


Notary Public *commissioned as*
PAMELA A. HAUSER

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VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE:

THIS DEED WAS PRESENTED, AND WITH CERTIFICATE ANNEXED, IS ADMITTED

TO RECORD ON Dec 12, 1996, AT 1:39 O'CLOCK P M.

STATE TAX	\$		(039)
LOCAL TAX	\$		(213)
TRANSFER FEE	\$		(212)
I.T.T.F.	\$	3.00	(106)
VSLF	\$	1.00	(145)
CLERK'S FEE	\$	12.00	(301)
PLAT	\$		
SECT.58.1-802:			
STATE TAX	\$		(038)
LOCAL TAX	\$		(220)
LOCAL TAX	\$		(223)
TOTAL	\$	16.00	

TESTE:

SHELBY J. MARSHALL, CLERK

BY:

Karen P. Stifflett
DEPUTY CLERK