

DECLARATION SUBJECTING
PEDLAR'S LOFT SECTION, MOUNTAIN SUBDIVISION 4-B
OF WINTERGREEN
NELSON COUNTY, VIRGINIA
TO TERMS AND CONDITIONS, COVENANTS AND RESTRICTIONS

THIS DECLARATION, made this the 10th day of July, 1978 by Wintergreen, A Virginia Limited Partnership, hereafter called "Company", and the Wintergreen Property Owners Association, Inc., a Virginia nonprofit corporation, hereafter called "Association,"

W I T N E S S E T H

WHEREAS, the Company is the owner of certain real property described herein and desires to create thereon a planned development community with a balanced representation of residential, commercial and recreational uses to be known as "Wintergreen"; and,

WHEREAS, the Company desires to provide for the preservation of values and for the maintenance of common facilities and services and for a vehicle for the administration and enforcement of covenants and restrictions; and,

WHEREAS, the Company has caused to be incorporated under the laws of the Commonwealth of Virginia a non-profit corporation, the Wintergreen Property Owners Association, Inc., for the purpose of exercising the functions aforesaid; and,

WHEREAS, the Company has subjected certain real estate to certain covenants and conditions, restrictions and easements, as more fully described hereunder, and desires now to subject the real estate described herein to those same covenants and conditions; and,

WHEREAS, the Wintergreen Property Owners Association, Inc., charged with certain functions and responsibilities under those aforesaid covenants and restrictions, desires to join in this Declaration subjecting the properties described herein to the aforesaid covenants and restrictions; and,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Company and the Association, as evidenced by their respective execution of this Declaration, hereby subject all of the herein described property to all of the terms and conditions contained in the document entitled "Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Wintergreen" duly recorded in the Clerk's Office of the Circuit Court of Nelson County in Deed Book 137, page 568, the "Declaration of Covenants and Restrictions of the Wintergreen Property Owners Association and Wintergreen, a Virginia Limited Partnership," duly recorded in the aforesaid Clerk's Office in Deed Book 137, page 589, as supplemented by the "Addendum to the Declarations of Covenants and Restrictions of the Wintergreen Property Owners Association and Wintergreen, a Virginia Limited Partnership" recorded in the aforesaid Clerk's Office in Deed Book 147, page 269 and as amended by the "Amendment to the Declaration of Covenants and Restrictions of the Wintergreen Property Owners Association and Wintergreen, a Virginia Limited Partnership" recorded in the aforesaid Clerk's Office in Deed Book 151, page 672, and the "Declaration of Rights, Restrictions, Affirmative Obligations and Conditions - Single Family Covenants", duly recorded in the aforesaid Clerk's Office in Deed Book 137, page 638, and the "Declaration of Right, Restrictions, Affirmative Obligations and Conditions - Multiple Family Covenants", duly recorded in the aforesaid Clerk's Office in Deed Book 137, at page 646, all of which, covenants and restrictions are also recorded in the Clerk's Office of the Circuit Court of Augusta County, Virginia in Deed Book 652, pages 273 through 348.

→ AND FURTHER The Company subjects the herein described property, except for the platted road rights of way, to the "Declaration of Rights, Restrictions, Affirmative Obligations and Conditions - Pedlar's Loft Covenants,"

The property hereby subjected is described as follows:

All that certain tract or parcel of land, which is lying, situate and being in the Rockfish Magisterial District of Nelson County, Virginia within the Mountain Village Portion of the Wintergreen Development and being more fully described below:

1. All that certain tract or subdivision of land containing 6.520 acres of land as shown on an amended survey and plat thereof by Kurt M. Gloeckner, P.E. and C.L.S., dated June 15, 1978 entitled "Pedlar's Loft Section, Mountain Subdivision 4-B, WINTERGREEN," and recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia immediately subsequent to the "Declaration of Rights, Restrictions, Affirmative Obligations and Conditions - Pedlar's Loft Covenants" which Declaration is attached hereto.

WITNESS the following corporate executions, duly authorized by
their respective Boards of Directors:

WINTERGREEN, a Virginia Limited
Partnership, by Wintergreen
Development, Inc., Sole General
Partner

AFFIX
CORPORATE
SEAL

By: Lewis F. Payne, Jr.
Lewis F. Payne, Jr., President

Attest:

Stuart R. Sadler
Stuart R. Sadler
Secretary

AFFIX
CORPORATE
SEAL

THE WINTERGREEN PROPERTY OWNERS
ASSOCIATION, INC.

By: Lewis F. Payne, Jr.
Lewis F. Payne, Jr.
President

Attest:

Stuart R. Sadler
Stuart R. Sadler
Assistant Secretary

STATE OF VIRGINIA
COUNTY OF NELSON, To-wit:

The foregoing instrument was acknowledged before me this the 10th day
of July, 1978, by Lewis F. Payne, Jr., President of Wintergreen Development, Inc.,
and of the Wintergreen Property Owners Association, Inc., on behalf of
said Corporations.

My commission expires: November 12, 1978

AFFIX
NOTARIAL
SEAL

Stuart R. Sadler
NOTARY PUBLIC

VIRGINIA: In the Clerk's Office of the Circuit Court of Nelson County
July 11, 1978 This writing was admitted to record at
4:20 o'clock P. M. and the tax imposed by Sec. 58-54.1 of
the Code in the amount of \$ Exempt has been paid.

TESTE: Mary J. Kouchera, Deputy Clerk

The foregoing consisting of 3 page(s) is a
true copy of Declaration recorded in
my office in Book 163
DOCUMENT NO. 522 on July 11, 1978
Page 268
Teste: Mary J. Kouchera, Deputy Clerk
Circuit Court of Nelson County, Va.