

## TUSCAWILLA HILLS COVENANTS

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In matters of real estate, a COVENANT is a clause within a deed which defines a certain thing which the buyer of a piece of property will either do or not do in connection with his ownership of that piece of property. Generally there is a list of covenants covering such items as use, size, type and placement of structures, maintenance standards, location and size of fences, and so forth. The covenants may be written as clauses to the deed or they may be in the form of a separate list incorporated in the deed by reference. In either case, when the buyer signs the deed he is agreeing to abide by the terms of the various covenants; failure to do so can result in litigation.

The covenants applying to properties in Tuscowilla Hills changed over the years. As experience was gained and as circumstances changed the covenants evolved accordingly. Covenants for the first eighty-five lots were incorporated in the deeds themselves and were not necessarily all alike. Starting with Lot No. 86, a list of covenants was prepared and incorporated in the deeds through reference. The same list applied to Lot Nos. 86 through 120. Then an amended list was applied to Lot Nos. 121 through 128, and so on.

Most often the changes were expansions of individual covenants to include some previously neglected feature or to recognize some new development. For example, the original covenant regarding fences allowed only perimeter fences, around the back and side yards only, and limited the height to four feet. This covenant has experienced three changes over the years: first, the maximum height was increased to five feet; second, the need for fences around swimming pools was recognized and these could be higher than five feet; third, fences in the front yard were allowed as long as they were of the wooden post and rail variety (and no higher than five feet).

Other covenants were simply dropped as they became unnecessary. For example, up until Lot No. 206 there was a covenant covering the requirement that all toilet facilities be connected to the public sewage system. When county regulations changed in such a manner to make septic systems unacceptable on Tuscowilla lots that covenant became unnecessary since new home Builders had no choice but to connect to the public system, so the covenant was dropped from the list.

The Tuscowilla Hills covenants are summarized herein in three parts:

Part I - A simplified version in which the various covenants have been combined, showing lot numbers to which they apply. This represents what the list of covenants might have looked like if its present evolution could have been predicted on day one.

Part II - A list of all covenants showing the lot numbers to which they apply and the covenant numbers on the various lists.

Part III - A separate list of covenants for each group of lot numbers.\*

No attempt has been made at this time to research the covenants for Lot Nos. 1 through 85. One might assume that they are not materially different from the covenants which followed, but the only way to confirm that is to look at each deed filed at the county court house.

WARNING: No one should rely on the lists included herein for either completeness or accuracy. The simplified list (Part II) in particular is not an accurate representation of the real lists. Anyone about to enter into litigation, construction, acquisition of animals, commercial enterprise, erection of signs, or any alteration of their property or its use, should first refer to original documents available at the county court house.

Bill Francis  
March 12, 1992

\* Not included herein. (These are Xerox copies of covenants available from Pam Carroll at the Tuscanville Hills offices -)

PART I  
SIMPLIFIED, COMBINED  
LIST OF COVENANTS

PART I - TUSCAWILLA HILLS COVENANTS - COMBINED	LOT NOS.
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TEMPORARY STRUCTURES, TRAILERS, ETC.:	
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No boat, boat trailer, house trailer, trailer, camper, recreational vehicle, or any similar items shall be stored in the open on any lot. Provision for storage of said items will be made on Tuscawilla Utilities, Inc., property.	86 - 422
No building of temporary nature, nor trailer, nor mobile home, nor modular home, nor tent, except a child's tent shall be erected or placed on the property, except that this shall not be construed to prohibit the placing of a trailer or any other temporary structure upon the premises as an incidence to the construction of dwelling houses upon said premises.	86 - 422
No temporary building, trailer, basement, tent, shack, garage, outbuilding or other building in the course of construction shall be used temporarily, or permanently, as a residence on any lot.	86 - 422
No building of a temporary nature, or trailer or tent except a child's tent, shall be erected or placed on the property.	TH 1 - 20
=====	=====
TOILET AND WASTE FACILITIES:	
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No outhouses shall be permitted on any part of the property. All toilet facilities shall be contained within the dwelling house and be emptied into a public sewage system. All toilet and waste facilities shall be built and maintained in accordance with the requirements of the West Virginia State Department of Health.	86 - 206
=====	=====
NUMBER OF DWELLINGS, SIZE & USE, DIVISION OF LOTS AND OCCUPANCY:	
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No lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise.	TH 1 - 20 86 - 422
The ground floor area of the main structure, exclusive of one-story open porches, patios and garages, shall be not less than 1050 square feet in the case of a one-story structure, nor less than 900 square feet in the case of a one-half [sic], two or two and one half story structure.	86 - 120
Dwellings of lots #129 - #157 shall have ground floor area exclusive of porches, patios and garages of not less than 1200 square feet in the case of a one-story structure, nor less than 900 square feet in the case of one-half [sic] or two-story structures. Dwellings on lots #136 - #157 shall have ground floor area exclusive of porches, patios and garages of not less than 1000 square feet nor less than 900 in the case of one and one-half or two-story structures.	129 - 157
No more than one dwelling may be erected on any one lot, except on those lots designated for multiple units. No more than one (1) family will be permitted to occupy any dwelling.	TH 1 - 20 86 - 422

PART I -	TUSCAWILLA HILLS COVENANTS - COMBINED	LOT NOS.
=====	=====	=====
Garages, carports or car shelters shall be attached to and remain a part of the main dwelling structure.		86 - 120 129 - 201
Detached garages will be permitted provided that such structures shall be built in a manner of style matching or approximating the style of the main dwelling structure and provided said detached garages conform to the building restriction dimensions provided in No. 19 hereof.		207 - 26.
Storage or utility buildings or greenhouses may be constructed provided they are of a design so as not to detract from nor diminish the value of the homes in the subdivision and have concrete foundations. Said structures must be placed in the rear portion of the lot and must not be any nearer than six (6) feet from the rear or side property lines of the lot.		207 - 42
Storage or utility buildings or greenhouses may be constructed provided they are approved by Shenandoah Development Corporation and abutting lot owners. All structures shall be of such a size and architecture so as not to detract from surrounding properties. Also, said structures shall be in rear of lots and no closer than four (4) feet from rear or side property lines.		TH 1 - 20
Shenandoah Development Corp. reserves the right to have final approval of the architecture, size, and siting of all houses and any accompanying structures on all lots.		325 - 355 398 - 422
Each unit is hereby restricted to residential use by the owner or owners thereof, their lessors [sic], their immediate families, guests and invitees. No owner or owners of any unit shall permit use of any unit for transient, hotel or commercial purposes. In order to preserve the character of Hickory Court as an adult community, anything to the contrary herein notwithstanding, occupancy of all units shall be restricted as follows:		121 - 128
1. To any person of the age of forty-five years or over; or		
2. A husband and wife, regardless of age, residing with his or her spouse provided the spouse of such person is of the age of Forty-Five years or over; or		
3. The child or children residing with the permissible occupancy provided the child or children is or are of the age of sixteen (16) or over.		
4. The foregoing occupancy restrictions shall not be construed to prevent the occupants of any of the units from entertaining guests of any age in their units, including temporary residency not to exceed six (6) months.		
No noxious or offensive activities shall be carried on in any unit or shall anything be done therein either willfully or negligently which may be or become an annoyance or nuisance to the other unit owners or occupants.		121 - 128
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PART I - TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

ANIMALS AND PETS:

No animals, livestock or poultry of any kind shall be raised, bred or kept in any unit, except that dogs or cats not to exceed one per unit may be kept in the units provided such pets are contained within a fenced area, or secured by a leash, chain or rope. No animals shall be allowed to roam freely within the subdivision.

TH 1 - 20

86 - 422

COMMERCIAL BUILDINGS AND USE:

No manufacturing or commercial establishment of any kind shall be erected on said property and no building erected thereon shall be used for commercial purposes, nor shall said property in any way be used for other than strictly residential, but nothing herein contained shall be construed to prevent a bona fide lease of any dwelling house erected upon said lot, for residential purposes.

TH 1 - 20

86 - 422

COMMERCIAL SIGNS:

No signs, billboards, or advertising devices of any kind, except those used in any subsequent sale of the property, shall be placed or otherwise installed on any lot or building within the subdivision, except that the Grantor may use signs to promote the sale of improved or unimproved lots within the subdivision.

TH 1 - 20

86 - 422

PLACEMENT OF BUILDINGS:

Extreme outside line of dwelling excluding overhangs, entrance porches, and patios shall not be less than twenty-five (25) feet from the street it faces nor less than ten (10) feet from rear lot lines nor end units less than ten (10) feet from outside side lot lines. Sideline between units shall have zero setback.

TH 1 - 20

Extreme outside lines of dwellings, including attached garage, porch, or carport shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines; except that dwellings on lots #152 - #157 shall have zero side line restrictions on one side (thus allowing duplex units on these lots).

129 - 177

Extreme outside lines of dwellings, including attached garage, porch, or carport shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines.

178 - 206

## PART I -

## TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

Extreme outside lines of dwellings, including attached garage, porch, or carport, and detached garages shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines.

207 - 211  
231 - 261

Extreme outside lines of dwellings, including attached garage, porch, or carport, and detached garages shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines; except that dwellings on lots #212 - #217 shall have zero side line restrictions on one (1) side (thus allowing duplex units on those lots).

212 - 230

Grantees may purchase contiguous lots and consider said lots as one lot with regard to building restriction lines (see above) when locating main dwelling or detached garage. If the property is sold it must be sold as one (1) parcel.

207 - 261

Extreme outside lines of dwelling excluding porches shall not be less than twenty-five (25) feet from the street it faces nor less than twelve (12) feet from one side and rear lot lines. Other side line shall be zero to accomodate duplex units.

262 - 292

Extreme outside lines of dwelling excluding porches and stoops shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from side lines and rear lot lines. Sides of lots 345 and 346 abutting 60 foot r/w to have five (5) foot minimum setback.

325 - 355  
398 - 422

Setback and sideline restrictions for these lots are spelled out by a note on a separate sheet referenced in the deed.

293 - 324  
356 - 397

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MAINTENANCE OF PROPERTY:

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When any dwelling structure shall be constructed on any lot, the owner thereof shall cause that portion of such lot owned by him and not improved by said dwelling structure, other building, appurtenance or driveway to be seeded and suitably planted with grass, trees or shrubbery.

TH 1 - 20  
86 - 422

Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to, the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management.

TH 1 - 20  
86 - 422

Nothing shall be done to the building or any unit which will impair the structural integrity of the building or which will structurally change the building, without agreement of adjoining duplex owner.

TH 1 - 20  
121 - 128  
262 - 324  
356 - 397

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PART I -	TUSCAWILLA HILLS COVENANTS - COMBINED	LOT NOS.

FENCES:

<p>No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed five (5) feet in height from ground to the top of the fence. In the case of a swimming pool, a fence higher than five (5) feet will be permitted around the pool area. Wooden post and rail fencing will be permitted to extend up to but not beyond front outside corners of the property, provided that such fencing shall not exceed five (5) feet in height.</p>	<p>TH 1 - 20 86 - 422</p>
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WARNING: Earlier versions of this covenant did not allow front yard fences nor provide for swimming pool fences; also, the maximum height was four (4) feet.

<p>Fences will be permitted provided they are approved by Shenandoah Development Corporation and abutting lot owners. Only rear yards may be fenced. Side line fences (between lots) shall not exceed eight (8) feet in height. Rear lot line fences and side line fences of end units shall not exceed five (5) feet in height.</p>	<p>TH 1 - 20</p>
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<p>Interior fencing may be installed providing it is identical to the perimeter fence. The allowed location of interior fencing is shown on the location map drawn on the sheet of covenants and conditions running with Lots 121 - 128 in Plat Book 3 at page 42. Fencing may be lined with a wiring to prohibit the passage of dogs through the fence.</p>	<p>121 - 128</p>
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OTHER:

<p>Notwithstanding any other provision herein to the contrary, Shenandoah Development Corporation retains the right, until all units are sold, to use any unit or units owned by it or A. G. Hooper, Jr., Inc., a West Virginia corporation, for display purposes or for sales, construction or administration offices.</p>	<p>TH 1 - 20 121 - 128 262 - 422</p>
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<p>Satellite dishes are permissible if they are placed on the rear portion of the lot and not visible from the street.</p>	<p>325 - 355 398 - 422</p>
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NOTE: Under "Lot Nos.", TH refers to the town houses across from the Tuscawilla shopping center on Ridge Drive.



## PART I -

## TUSCAWILLA HILLS COVENANTS - COMBINED

| LOT NOS.

## =====

TRASH, LUMBER, ETC.:  
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No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any lot, except building materials during the course of construction of any dwelling. All trash or other refuse must be kept or stored in covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open, on any day that a pick-up is to be made, at such place on the lot so as to provide access to persons making such pick-up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property.

| TH 1 - 2  
| 86 - 422

## =====

FIRES AND FIREPLACES:  
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No open fires shall be permitted on any part of the property. Outdoor fireplaces, if built, and all chimneys shall be provided with fire screens.

| TH 1 - 2  
| 86 - 422

## =====

UNREGISTERED VEHICLES AND MOTORBIKES, ETC.:  
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No unregistered automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self propelled, shall be place or parked anywhere within the subdivision; nor shall the same be driven or ridden upon any streets, roadways, alleys or sidewalks with the subdivision, or upon any lot, open area or trail within the subdivision.

| TH 1 - 20  
| 86 - 422

No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision.

| TH 1 - 20  
| 86 - 422

Motor vehicles owned by the property owners or members of their family shall not be parked on the streets within the subdivision except for embarking or disembarking.

| 207 -.261

PART II  
MASTER LIST OF ALL  
COVENANTS

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. CO  
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TEMPORARY STRUCTURES, TRAILERS, ETC.:

No building of a temporary nature, or trailer or tent except a child's tent, shall be erected or placed on the property.

6\* 1  
TH 1-20 3

No boat, boat trailer, house trailer, trailer, camper, recreational vehicle, or any similar items shall be stored in the open on any lot.

86-120 B  
129-157 B  
158-177 B  
178-206 B

No boat, boat trailer, house trailer, trailer, camper, recreational vehicle, or any similar items shall be stored in the open on any unit or lot.

121-128 G

No boat, boat trailer, house trailer, trailer, camper, recreational vehicle, or any similar items shall be stored in the open on any lot. Provision for storage of said items will be made on Tusawilla Utilities, Inc., property.

207-211 2  
212-230 2  
231-261 2  
262-292 2  
293-324 2  
325-355 2  
356-363 2  
364-379 2  
380-397 2  
398-415 2  
416-422 2  
TH 1-20 2

No building of temporary nature, nor trailer, nor mobile home, nor modular home, nor tent, except a child's tent shall be erected or placed on the property, except that this shall not be construed to prohibit the placing of a trailer or any other temporary structure upon the premises as an incidence to the construction of dwelling houses upon said premises.

86-120 C  
129-157 C  
158-177 C  
178-206 C  
207-211 3  
212-230 3  
231-261 3  
262-292 3  
293-324 3  
325-355 3  
356-363 3  
364-379 3  
380-397 3  
398-415 3  
416-422 3

No temporary building, trailer, basement, tent, shack, garage, barn, outbuilding or other building in the course of construction shall be used temporarily, or permanently, as a residence on any lot.

86-120 D  
129-157 D  
158-177 D  
178-206 D  
207-211 4

# PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. COV

No temporary building, trailer, basement, tent, shack, garage, outbuilding or other building in the course of construction shall be used temporarily, or permanently, as a residence on any lot.

212-230 4  
231-261 4  
262-292 4  
293-324 4  
325-355 6  
356-363 4  
364-379 4  
380-397 4  
398-415 6  
416-422 6

No building of temporary nature, nor trailer, nor mobile home, nor modular home, nor tent, except a child's tent, nor any structure of any type excepting the dwelling house; and no more than one dwelling may be erected on any one unit or lot.

121-128 H

## TOILET AND WASTE FACILITIES:

No outhouses shall be permitted on any part of the property. All toilet facilities shall be contained within the main dwelling and be emptied into a septic tank, or public sewage system if established. All toilet and waste facilities shall be built and maintained in accordance with the requirements of the West Virginia State Department of Health.

6\* 2

No outhouses shall be permitted on any part of the property. All toilet facilities shall be contained within the dwelling house and be emptied into a public sewage system. All toilet and waste facilities shall be built and maintained in accordance with the requirements of the West Virginia State Department of Health.

86-120 O  
121-128 N  
129-157 O  
158-177 N  
178-206 N

# PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. CO  
=====

## NUMBER OF DWELLINGS, SIZE & USE, DIVISION OF LOTS AND OCCUPANCY:

Each dwelling shall contain not less than 1200 square feet of floor space if the same is a one-story construction; but if the dwelling shall be more than one-story, the floor space of the first floor shall not be less than 900 square feet, excluding basement and attic. There shall be only one dwelling on any lot and said lot shall not be further divided, and all dwellings shall be used as single-family residences, and for residential purposes only.

6\* 3

No lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise.

86-120 A  
129-157 A  
158-177 A  
178-206 A  
207-211 1  
212-230 1  
231-261 1  
262-292 1  
293-324 1  
325-355 1  
356-363 1  
364-379 1  
380-397 1  
398-415 1  
416-422 1

No unit or lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise.

121-128 F  
TH 1-20 1

The ground floor area of the main structure, exclusive of one-story open porches, patios and garages, shall be not less than 1050 square feet in the case of a one-story structure, nor less than 900 square feet in the case of a one-half [sic], two or two and one half story structure.

86-120 E

Dwellings of lots #129 - #157 shall have ground floor area exclusive of porches, patios and garages of not less than 1200 square feet in the case of a one-story structure, nor less than 900 square feet in the case of one-half [sic] or two-story structures. Dwellings on lots #136 - #157 shall have ground floor area exclusive of porches, patios and garages of not less than 1000 square feet nor less than 900 in the case of one and one-half or two-story structures.

129-157 E

No more than one dwelling may be erected on any one lot, except on those lots designated for multiple units.

86-120 F  
129-157 F  
158-177 E  
178-206 E

No more than one dwelling may be erected on any one lot, except on those lots designated for multiple units. No more than one (1) family will be permitted to occupy any dwelling.

207-211 6  
212-230 6  
231-261 6

PART II - TUSCAWILLA HILLS COVENANTS

=====	LOT NOS.	CC
	=====	==
No more than one dwelling may be erected on any one lot. No more than one (1) family will be permitted to occupy any dwelling.	262-292	6
	293-324	6
	325-355	8
	356-363	6
	364-379	6
	380-397	6
	398-415	8
	416-422	8
No more than one (1) family will be permitted to occupy any dwelling.	TH 1-20	8
Garages, carports or car shelters shall be attached to and remain a part of the main dwelling structure.	86-120	G
	129-157	G
	158-177	F
	178-206	F
Storage or utility buildings or greenhouses may be constructed provided they are of a design so as not to detract from nor diminish the value of the homes in the subdivision and have concrete foundations. Said structures must be placed in the rear portion of the lot and must not be any nearer than six (6) feet from the rear or side property lines of the lot.	207-211	5
	212-230	5
	231-261	5
	262-292	5
	293-324	5
	325-355	7
	356-363	5
	364-379	5
	380-397	5
	398-415	7
	416-422	7
Storage or utility buildings or greenhouses may be constructed provided they are approved by Shenandoah Development Corporation and abutting lot owners. All structures shall be of such a size and architecture so as not to detract from surrounding properties. Also, said structures shall be in rear of lots and no closer than four (4) feet from rear or side property lines.	TH 1-20	4
Detached garages will be permitted provided that such structures shall be built in a manner of style matching or approximating the style of the main dwelling structure and provided said detached garages conform to the building restriction dimensions provided in No. 19 hereof.	207-211	7
	212-230	7
	231-261	7
Shenandoah Development Corp. reserves the right to have final approval of the architecture, size, and siting of all houses and any accompanying structures on all lots.	325-355	4
	398-415	4
	416-422	4

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. CO

Each unit is hereby restricted to residential use by the owner or owners thereof, their lessess [sic], their immediate families, guests and invitees. No owner or owners of any unit shall permit use of any unit for transient, hotel or commercial purposes. In order to preserve the character of Hickory Court as an adult community, anything to the contrary herein notwithstanding, occupancy of all units shall be restricted as follows:

121-128 A

1. To any person of the age of forty-five years or over; or
2. A husband and wife, regardless of age, residing with his or her spouse provided the spouse of such person is of the age of Forty-Five years or over; or
3. The child or children residing with the permissible occupancy provided the child or children is or are of the age of sixteen (16) or over.
4. The foregoing occupancy restrictions shall not be construed to prevent the occupants of any of the units from entertaining guests of any age in their units, including temporary residency not to exceed six (6) months.

No noxious or offensive activities shall be carried on in any unit or shall anything be done therein either willfully or negligently which may be or become an annoyance or nuisance to the other unit owners or occupants.

121-128 B

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. COV.

ANIMALS AND PETS:

No livestock, including but not limited to horses and ponies, hogs, chickens or fowl of any kind shall be permitted on the premises.

6\* 4

Domesticated house pets shall be allowed within the subdivision, provided such pets are contained within a fenced area, or secured by a leash, chain or rope. No animals shall be allowed to roam freely within the subdivision.

86-120 L  
129-157 L  
158-177 K

Domesticated house pets shall be allowed within the subdivision, provided such pets are contained within a fenced area, or secured by a leash, chain or rope. No animals shall be allowed to roam freely within the subdivision. No livestock, including but not limited to, horses, ponies, cattle, hogs, chickens or fowl of any kind shall be permitted on the premises.

178-206 K  
207-211 13  
231-261 13

Domesticated house pets shall be allowed within the subdivision, provided such pets are contained within a fenced area, or secured by a leash, chain or rope. No animals shall be allowed to roam freely within the subdivision. No livestock, including but not limited to, horses, ponies, cattle, hogs, chickens or fowl of any kind shall be permitted on the premises; (except that lots #212 - #217 shall be restricted to no more than one (1) dog or cat per unit).

212-230 13

No animals, livestock or poultry of any kind shall be raised, bred or kept in any unit, except that dogs or cats not to exceed one per unit may be kept in the units provided such pets are contained within a fenced area, or secured by a leash, chain or rope. No animals shall be allowed to roam freely within the subdivision.

121-128 K  
262-292 13  
293-324 13  
325-355 14  
356-363 13  
364-379 13  
380-397 13  
398-415 14  
416-422 14  
TH 1-20 14



## PART II -

## TUSCAWILLA HILLS COVENANTS

LOT NOS. COVE

## COMMERCIAL BUILDINGS AND USE:

No commercial establishment of any kind shall be erected on said property and no building erected thereon shall be used for commercial purposes, but nothing herein contained shall be construed to prevent a bona fide lease of any dwelling erected on said lot, for residential purposes.

6\* 5

No manufacturing or commercial establishment of any kind shall be erected on said property and no building erected thereon shall be used for commercial purposes, nor shall said property in any way be used for other than strictly residential, but nothing herein contained shall be construed to prevent a bona fide lease of any dwelling house erected upon said lot, for residential purposes.

86-120 J  
129-157 J  
158-177 I  
178-206 I  
207-211 11  
212-230 11  
231-261 11  
262-292 11  
293-324 11  
325-355 12  
356-363 11  
364-379 11  
380-397 11  
398-415 12  
416-422 12  
TH 1-20 12

No manufacturing or commercial establishment of any kind shall be maintained on any unit or lot and no dwelling erected thereon shall be used for commercial purposes, nor shall said unit or lot in any way be used for other than strictly residential, but nothing herein contained shall be construed to prevent a bona fide lease of any dwelling house erected upon said unit or lot for residential purposes.

121-128 I

## COMMERCIAL SIGNS:

No commercial signs of any character shall be established or erected on the premises.

6\* 6

No signs, billboards, or advertising devices of any kind, except those used in any subsequent sale of the property, shall be placed or otherwise installed on any lot or building within the subdivision, except that the Grantor may use signs to promote the sale of improved or unimproved lots within the subdivision.

86-120 K  
129-157 K  
158-177 J  
178-206 J  
207-211 12  
212-230 12  
231-261 12  
262-292 12  
293-324 12  
325-355 13  
356-363 12  
364-379 12  
380-397 12  
398-415 13  
416-422 13  
TH 1-20 13

No signs, billboards, or advertising devices of any kind, except those used

121-128 J

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. COV

PLACEMENT OF BUILDINGS:

Extreme outside lines of dwelling, including attached garage, patio, breezeway or any like attachment to a dwelling shall not be less than 40 feet from the front or south property line facing the public road and 15 feet from the side and rear lines. Nothing herein contained shall prohibit the erection of a one-story garage so long as it is no closer to the front or south property line than 40 feet and 15 feet from the side and rear lines.

6\* 7

Extreme outside lines of dwellings, including attached garage, porch, or carport shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines; except that dwellings on lots #152 - #157 shall have zero side line restrictions on one side (thus allowing duplex units on these lots).

129-157 S  
158-177 R

Extreme outside lines of dwellings, including attached garage, porch, or carport shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines.

178-206 R

Extreme outside lines of dwellings, including attached garage, porch, or carport, and detached garages shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines.

207-211 19  
231-261 19

Grantees may purchase contiguous lots and consider said lots as one lot with regard to building restriction lines (No. 19 above) when locating main dwelling or detached garage. If the property is sold it must be sold as one (1) parcel.

207-211 20  
212-230 20  
231-261 20

Extreme outside lines of dwellings, including attached garage, porch, or carport, and detached garages shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from the side and rear lot lines; except that dwellings on lots #212 - #217 shall have zero side line restrictions on one (1) side (thus allowing duplex units on those lots).

212-230 19

Extreme outside lines of dwelling excluding porches shall not be less than twenty-five (25) feet from the street it faces nor less than twelve (12) feet from one side and rear lot lines. Other side line shall be zero to accomodate duplex units.

262-292 19

Extreme outside lines of dwelling excluding porches and stoops shall not be less than thirty-five (35) feet from the street it faces nor less than twelve (12) feet from side lines and rear lot lines. Sides of lots 345 and 346 abutting 60 foot r/w to have five (5) foot minimum setback.

325-355 20  
398-415 20  
416-422 20

Setback and sideline restrictions for these lots are spelled out by a note on a separate sheet referenced in the deed.

293-324  
356-363  
364-379  
380-397

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. CO  
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Extreme outside line of dwelling excluding overhangs, entrance porches, and patios shall not be less than twenty-five (25) feet from the street it faces nor less than ten (10) feet from rear lot lines nor end units less than ten (10) feet from outside side lot lines. Sideline between units shall have zero setback.

TH 1-20 7

MAINTENANCE OF PROPERTY:

When any dwelling structure shall be constructed on any lot, the owner thereof shall cause that portion of such lot owned by him and not improved by said dwelling structure, other building, appurtenance or driveway to be seeded and suitably planted with grass, trees or shrubbery.

86-120 H  
129-157 H  
158-177 G  
178-206 G  
207-211 8  
212-230 8  
231-261 8  
262-292 8  
293-324 8  
325-355 9  
356-363 8  
364-379 8  
380-397 8  
398-415 9  
416-422 9  
TH 1-20 9

Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to, the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management.

86-120 I  
129-157 I  
158-177 H  
178-206 H  
207-211 9  
212-230 9  
231-261 9  
262-292 9  
293-324 9  
325-355 10  
356-363 9  
364-379 9  
380-397 9  
398-415 10  
416-422 10  
TH 1-20 10

Nothing shall be done to the building or any unit which will impair the structural integrity of the building or which will structurally change the building.

121-128 C

Nothing shall be done to the building or any unit which will impair the structural integrity of the building or which will structurally change the building, without agreement of adjoining duplex owner.

262-292 7  
293-324 7  
356-363 7  
364-379 7  
380-397 7  
TH 1-20 5

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. COV

TRASH, LUMBER, ETC.:

No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any lot, except building materials during the course of construction of any dwelling. All trash or other refuse must be kept or stored in covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open, on any day that a pick-up is to be made, at such place on the lot so as to provide access to persons making such pick-up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property.

86-120 M  
129-157 M  
158-177 L  
178-206 L  
207-211 10  
212-230 10  
231-261 10  
262-292 10  
293-324 10  
325-355 11  
356-363 10  
364-379 10  
380-397 10  
398-415 11  
416-422 11  
TH 1-20 11

No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any unit or lot, except building materials during the course of construction of any dwelling. All trash or other refuse must be kept or stored in covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open on any day that a pick-up is to be made, at such place on the unit or lot so as to provide access to persons making such pick-up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property.

121-128 L

FIRES AND FIREPLACES:

No open fires shall be permitted on any part of the property. Outdoor fireplaces, if built, and all chimneys shall be provided with fire screens.

86-120 N  
129-157 N  
158-177 M  
178-206 M  
207-211 14  
212-230 14  
231-261 14  
262-292 14  
293-324 14  
325-355 15  
356-363 14  
364-379 14  
380-397 14  
398-415 15  
416-422 15  
TH 1-20 15

No open fires shall be permitted on any part of the unit or lots.

121-128 M

PART II - TUSCAWILLA HILLS COVENANTS

LOT NOS. COVI

UNREGISTERED VEHICLES AND MOTORBIKES, ETC.:

No unregistered automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self propelled, shall be place or parked anywhere within the subdivision; nor shall the same be driven or ridden upon any streets, roadways, alleys or sidewalks with the subdivision, or upon any lot, open area or trail within the subdivision.

86-120 P  
121-128 O  
129-157 P  
158-177 O  
178-206 P  
207-211 15  
212-230 15  
231-261 15  
262-292 15  
293-324 15  
325-355 16  
356-363 15  
364-379 15  
380-397 15  
398-415 16  
416-422 16  
TH 1-20 16

No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision, except upon the streets and roadways designated as such on plats of record.

86-120 Q  
121-128 P  
129-157 Q  
158-177 P  
178-206 P

No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision.

207-211 16  
212-230 16  
231-261 16  
262-292 16  
293-324 16  
325-355 17  
356-363 16  
364-379 16  
380-397 16  
398-415 17  
416-422 17  
TH 1-20 17

Motor vehicles owned by the property owners or members of their family shall not be parked on the streets within the subdivision except for embarking or disembarking.

207-211 17  
212-230 17  
231-261 17

## PART II -

## TUSCAWILLA HILLS COVENANTS

LOT NOS.

## FENCES:

No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed four (4) feet in height from ground to the top of the fence.

86-120  
129-157  
158-177

No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed five (5) feet in height from ground to the top of the fence. In the case of a swimming pool, a fence higher than five (5) feet will be permitted around the pool area.

178-206

No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed five (5) feet in height from ground to the top of the fence. In the case of a swimming pool, a fence higher than five (5) feet will be permitted around the pool area. Wooden post and rail fencing will be permitted to extend up to but not beyond front outside corners of the property, provided that such fencing shall not exceed five (5) feet in height.

207-21  
212-23  
231-26  
262-29  
293-32  
325-35  
356-36  
364-37  
380-39  
398-41  
416-42

Fences will be permitted provided they are approved by Shenandoah Development Corporation and abutting lot owners. Only rear yards may be fenced. Side line fences (between lots) shall not exceed eight (8) feet in height. Rear lot line fences and side line fences of end units shall not exceed five (5) feet in height.

TH 1-

Fencing may be installed providing it is identical to the allowed location of interior fencing is shown on the sheet of covenants and conditions running with Book 3 at page 42. Fencing may be lined with a passage of dogs through the fence.

121-1

PART II - TUSCAWILLA HILLS COVENANTS

OTHER:

Notwithstanding any other provision herein to the contrary, Shenandoah Development Corporation retains the right, until all units are sold, to use any unit or units owned by it or A. G. Hooper, Jr., Inc., a West Virginia corporation, for display purposes or for sales, construction or administration offices.

LOT NOS. COV

121-128 D  
262-292 17  
293-324 17  
325-355 18  
356-363 17  
364-379 17  
380-397 17  
398-415 18  
416-422 18  
TH 1-20 18

The Grantees by their execution of this deed agree to become members of the Tuscawilla Hills Citizens Association, a non-stock corporation and agree to be bound by the Articles of Incorporation and By-Laws of said corporation and by the rules and regulations, assessment, levies and decisions of the Board of Directors of said corporation.

121-128 E

Satellite dishes are permissible if they are placed on the rear portion of the lot and not visible from the street.

325-355 5  
398-415 5  
416-422 5

\* The covenants which apply to Lots 1 thru 85 are incorporated in the deeds themselves and are not all alike. Those which apply to Lot No. 6 are shown here as an example only.

TH Refers to Town Houses across Ridge Drive from the Handy Stop shopping center. The lots are numbered 1 thru 20.

Extra Sheets



PART I - TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

TRASH, LUMBER, ETC.:

No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any lot, except building materials during the course of construction of any dwelling. All trash or other refuse must be kept or stored in covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open, on any day that a pick-up is to be made, at such place on the lot so as to provide access to persons making such pick-up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property.

TH 1 - 20

86 - 422

FIRES AND FIREPLACES:

No open fires shall be permitted on any part of the property. Outdoor fireplaces, if built, and all chimneys shall be provided with fire screens.

TH 1 - 20

86 - 422

UNREGISTERED VEHICLES AND MOTORBIKES, ETC.:

No unregistered automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self propelled, shall be placed or parked anywhere within the subdivision; nor shall the same be driven or ridden upon any streets, roadways, alleys or sidewalks within the subdivision, or upon any lot, open area or trail within the subdivision.

TH 1 - 20

86 - 422

No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision.

TH 1 - 20

86 - 422

Motor vehicles owned by the property owners or members of their family shall not be parked on the streets within the subdivision except for embarking or disembarking.

207 - 261

PART I - TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

FENCES:

No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed five (5) feet in height from ground to the top of the fence. In the case of a swimming pool, a fence higher than five (5) feet will be permitted around the pool area. Wooden post and rail fencing will be permitted to extend up to but not beyond front outside corners of the property, provided that such fencing shall not exceed five (5) feet in height.

TH 1 - 20  
86 - 422

WARNING: Earlier versions of this covenant did not allow front yard fences nor provide for swimming pool fences; also, the maximum height was four (4) feet.

Fences will be permitted provided they are approved by Shenandoah Development Corporation and abutting lot owners. Only rear yards may be fenced. Side line fences (between lots) shall not exceed eight (8) feet in height. Rear lot line fences and side line fences of end units shall not exceed five (5) feet in height.

TH 1 - 20

Interior fencing may be installed providing it is identical to the perimeter fence. The allowed location of interior fencing is shown on the location map drawn on the sheet of covenants and conditions running with Lots 121 - 128 in Plat Book 3 at page 42. Fencing may be lined with a wiring to prohibit the passage of dogs through the fence.

121 - 128

OTHER:

Notwithstanding any other provision herein to the contrary, Shenandoah Development Corporation retains the right, until all units are sold, to use any unit or units owned by it or A. G. Hooper, Jr., Inc., a West Virginia corporation, for display purposes or for sales, construction or administration offices.

TH 1 - 20  
121 - 128  
262 - 422

Satellite dishes are permissible if they are placed on the rear portion of the lot and not visible from the street.

325 - 355  
398 - 422

NOTE: Under "Lot Nos.", TH refers to the town houses across from the Tuscawilla shopping center on Ridge Drive.

PART I - TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

TRASH, LUMBER, ETC.:

No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any lot, except building materials during the course of construction of any dwelling. All trash or other refuse must be kept or stored in covered metal or plastic containers. If trash or other refuse is to be disposed of by being picked up and carried away on a regular and recurring basis, containers may be placed in the open, on any day that a pick-up is to be made, at such place on the lot so as to provide access to persons making such pick-up. At all other times such containers shall be stored in such a manner so they cannot be seen from adjacent and surrounding property.

TH 1 - 2  
86 - 422

FIRES AND FIREPLACES:

No open fires shall be permitted on any part of the property. Outdoor fireplaces, if built, and all chimneys shall be provided with fire screens.

TH 1 - 20  
86 - 422

UNREGISTERED VEHICLES AND MOTORBIKES, ETC.:

No unregistered automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self propelled, shall be place or parked anywhere within the subdivision; nor shall the same be driven or ridden upon any streets, roadways, alleys or sidewalks with the subdivision, or upon any lot, open area or trail within the subdivision.

TH 1 - 20  
86 - 422

No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision.

TH 1 - 20  
86 - 422

Motor vehicles owned by the property owners or members of their family shall not be parked on the streets within the subdivision except for embarking or disembarking.

207 - 261

PART I - TUSCAWILLA HILLS COVENANTS - COMBINED

LOT NOS.

FENCES:

No fence shall be permitted within the subdivision except fences erected by the developer, Shenandoah Development Corporation; or Tuscawilla Utilities, Inc.; or by individual lot owners, provided that the lot owners fence be along their back property lines, along their side property lines to points opposite their front building line, and across their lot from said points to the front corners of their house. Only wooden or chain link fencing will be permitted provided such fencing shall not exceed five (5) feet in height from ground to the top of the fence. In the case of a swimming pool, a fence higher than five (5) feet will be permitted around the pool area. Wooden post and rail fencing will be permitted to extend up to but not beyond front outside corners of the property, provided that such fencing shall not exceed five (5) feet in height.

TH 1 - 20  
86 - 422

WARNING: Earlier versions of this covenant did not allow front yard fences nor provide for swimming pool fences; also, the maximum height was four (4) feet.

Fences will be permitted provided they are approved by Shenandoah Development Corporation and abutting lot owners. Only rear yards may be fenced. Side line fences (between lots) shall not exceed eight (8) feet in height. Rear lot line fences and side line fences of end units shall not exceed five (5) feet in height.

TH 1 - 20

Interior fencing may be installed providing it is identical to the perimeter fence. The allowed location of interior fencing is shown on the location map drawn on the sheet of covenants and conditions running with Lots 121 - 128 in Plat Book 3 at page 42. Fencing may be lined with a wiring to prohibit the passage of dogs through the fence.

121 - 128

OTHER:

Notwithstanding any other provision herein to the contrary, Shenandoah Development Corporation retains the right, until all units are sold, to use any unit or units owned by it or A. G. Hooper, Jr., Inc., a West Virginia corporation, for display purposes or for sales, construction or administration offices.

TH 1 - 20  
121 - 128  
262 - 422

Satellite dishes are permissible if they are placed on the rear portion of the lot and not visible from the street.

325 - 355  
398 - 422

NOTE: Under "Lot Nos.", TH refers to the town houses across from the Tuscawilla shopping center on Ridge Drive.