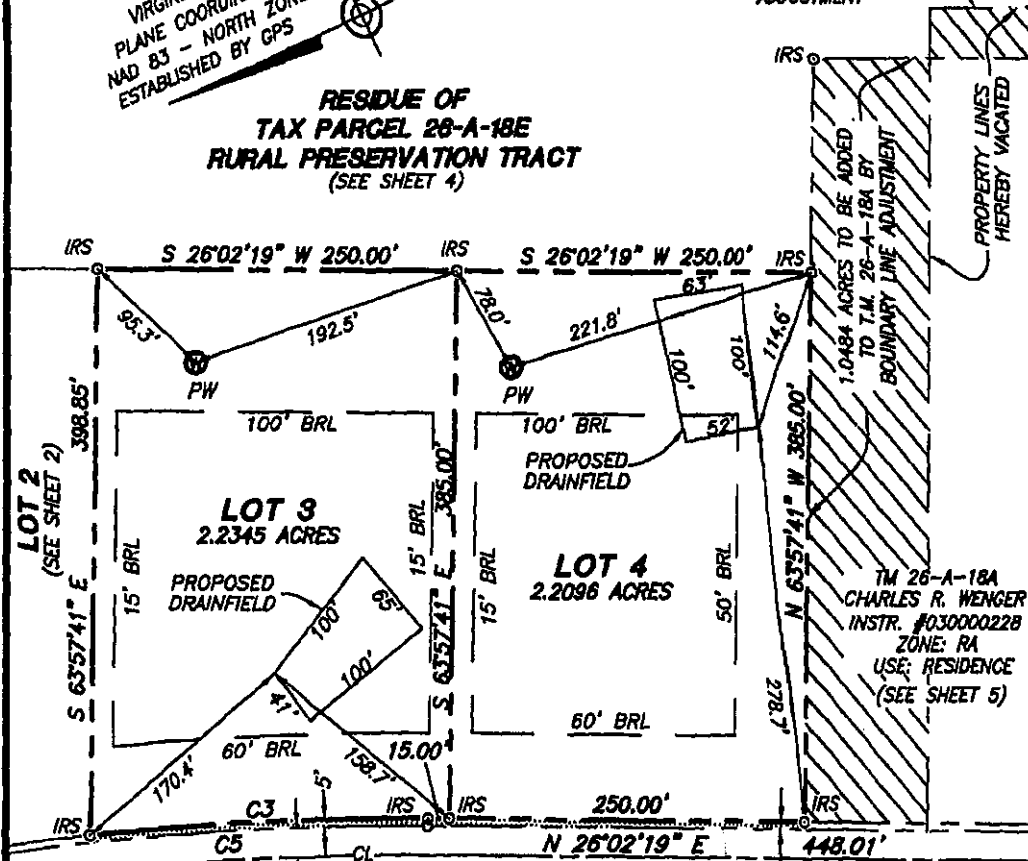


VIRGINIA STATE
PLANE COORDINATES
NAD 83 - NORTH ZONE
ESTABLISHED BY GPS

**RESIDUE OF
TAX PARCEL 28-A-18E
RURAL PRESERVATION TRACT**
(SEE SHEET 4)

0.4332 ACRES TO
BE ADDED TO
T.M. 28-A-18E BY
BOUNDARY LINE
ADJUSTMENT



FAIRVIEW ROAD
ROUTE #733
40' R/W - DB. 440 PG. 738

0.1270 ACRES HEREBY DEDICATED
TO THE COMMONWEALTH OF
VIRGINIA FOR FUTURE ROAD
WIDENING PURPOSES.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C3	2000.00'	235.54'	235.41'	N 22°39'53" E	06°44'52"
C5	1995.00'	354.81'	354.34'	N 20°56'37" E	10°11'24"



NOTE:
SEE SHEET 6 FOR NOTES, LEGEND, AND AREA TABULATION.

GRAPHIC SCALE
(IN FEET)
REVISED JULY 8, 2005

**FINAL PLAT FOR RURAL PRESERVATION SUBDIVISION
AND BOUNDARY LINE ADJUSTMENT
OF THE LAND OF**

CHARLES R. WENGER

GAINESBORO MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1"=100'

DATE: MARCH 31, 2005

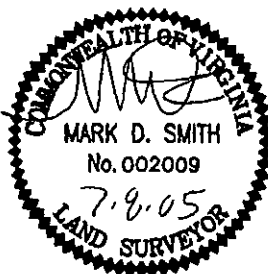
GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com



Founded in 1971

Engineers
Surveyors



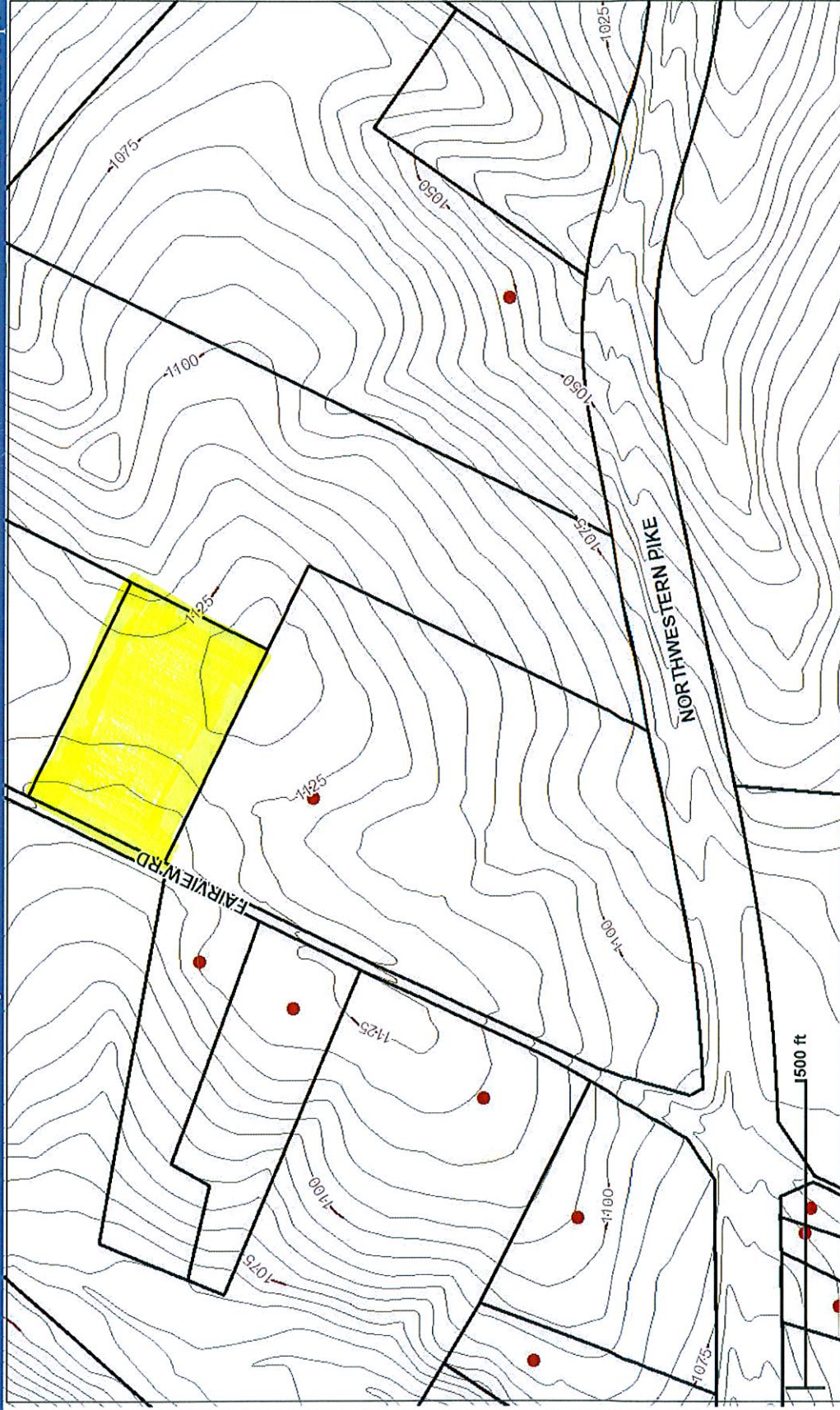
4028 SHEET 3 OF 6

4660

Frederick County

Virginia

Life at the top.



Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory or otherwise, concerning any or all of the Frederick County GIS data.

Frederick County Information Technologies,
GIS Division, Virginia, United States.
540-665-5614

Frederick County Virginia

Life at the top.



Frederick County Information Technologies,
GIS Division, Virginia, United States.
540-665-5614

Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory or otherwise, concerning any or all of the Frederick County GIS data.

090001396

0205

TMN's 26-A-18F, 26-A-18G, 26-A-18H, 26-A-18I

STEPHEN G. BUTLER, ESQUIRE
McKEE & BUTLER, P.L.C.
P. O. Drawer 2097
Winchester, VA 22604

THIS AMENDMENT of the DECLARATION OF RESTRICTIVE COVENANTS
made and dated this 30th day of January, 2009, by and among **CHARLES R. WENGER**
and **BREMMA ENTERPRISES, LLC**, a Virginia limited liability company, hereafter referred
to as the Owners.

WHEREAS, Charles R. Wenger is the owner of Lot 4, and Bremma Enterprises, LLC is
the owner of Lots 1, 2 and 3 of the Charles R. Wenger Subdivision; and

WHEREAS, in the Deed of Subdivision, Boundary Line Adjustment, Declaration of
Restrictive Covenants and Easements of record in the Frederick County Circuit Court Clerk's
Office as Instrument No. 050023949, dated October 13, 2005, a restrictive covenant was created
providing that each residence upon each lot was to be a minimum of 2,000 square feet
(Restrictive Covenant 3. Total Finished Space); and

WHEREAS, the parties desire to amend said restrictive covenant; and

WHEREAS, the Owners are the owners of all of the lots in said Subdivision.

NOW, THEREFORE, the parties agree that the minimum square footage of any
residence built on Lots 1, 2 and 3 shall be 1,600 square feet and not 2,000 square feet. The
minimum square footage for any residence built on Lot 4 shall remain at 2,000 square feet.

Except as amended hereby, all provisions contained in the aforesaid Deed of Subdivision,
Boundary Line Adjustment, Declaration of Restrictive Covenants and Easements shall remain the
same and shall continue in full force and effect.

THE REMAINDER OF THIS PAGE

IS INTENTIONALLY LEFT BLANK

WITNESS the following signatures and seals:

Charles R. Wenger (SEAL)
CHARLES R. WENGER

COMMONWEALTH OF VIRGINIA, AT LARGE:
CITY/COUNTY OF Winchester, to-wit:

Subscribed and sworn to before me on this 30th day of January, 2009, by Charles R. Wenger.

My Commission Expires: 8/31/2010

Brenda D. Murphy
Notary Public
Reg. # 184222



BREMMA ENTERPRISES, LLC

By: Troy G. Newbraugh (SEAL)
Troy G. Newbraugh, Member/Manager

By: G. Todd VanHorn (SEAL)
G. Todd VanHorn, Member/Manager

COMMONWEALTH OF VIRGINIA, AT LARGE:
CITY/COUNTY OF Winchester, to-wit:

Subscribed and sworn to before me on this 9th day of February, 2009, by Troy G. Newbraugh and G. Todd VanHorn, Members/Managers of BREMMA ENTERPRISES, LLC, a Virginia limited liability company.

My Commission Expires: 8/31/2010

Brenda D. Murphy
Notary Public
Reg. # 184222



VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

2-12-09 at 2:50 P.M.
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ N/A, and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk

050023949

9860

THIS DEED OF SUBDIVISION, BOUNDARY LINE ADJUSTMENT, DECLARATION OF RESTRICTIVE COVENANTS, AND EASEMENTS made and dated this 3th day of October, 2005, by and between **CHARLES R. WENGER**, hereinafter referred to as **Declarant**, and **FREDERICK COUNTY, VIRGINIA**, hereinafter referred to as **County**.

WHEREAS, the Declarant is the owner of certain property acquired by Will of Catherine F. Wenger, and recorded in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, as Will Instrument No. 030000228; and

WHEREAS, the Declarant desires to subdivide a portion of the same as set forth on the attached Plats of Mark D. Smith, L.S., dated March 31, 2005, revised July 8, 2005, attached hereto and by this reference made a part hereof (hereinafter "Property"); and

WHEREAS, it is the desire of the Declarant to reserve a drainfield easement over Lot 2 for the benefit of Lot 1 as shown on the aforesaid plat and survey, to dedicate 0.1270 acre and 0.1011 acres to the Commonwealth of Virginia for future road widening purposes; and

WHEREAS, it is the desire of the Declarant to adjust the present boundary lines of Tax Parcel Nos. 26-A-18A and 26-A-18E to create four (4) lots designated as Lots 1, 2, 3, and 4, and does hereby adjust and vacate present boundary lines of present Tax Parcel Nos. 26-A-18A and 26-A-18E to create Tax Parcel No. 26-A-18A containing 10.1185 acres, and Tax Parcel No. 26-A-18E containing 10.6358 acres.

NOW, THEREFORE, WITNESSETH: That for consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby subdivide and create four (4) lots designated as Lots 1, 2, 3, and 4, and does hereby adjust and vacate present boundary lines

STEPHEN G. BUTLER, ESQUIRE
KUYKENDALL, JOHNSTON,
McKEE & BUTLER, P.L.C.
P. O. Drawer 2097
Winchester, VA 22604

of present Tax Parcel Nos. 26-A-18A and 26-A-18E to create Tax Parcel No. 26-A-18A containing 10.1185 acres, and Tax Parcel No. 26-A-18E containing 10.6358 acres as shown on the aforesaid attached Plats. This subdivision and boundary line adjustment is made with the consent and approval of the appropriate authorities of Frederick County, Virginia, as evidenced by the signature set forth on the attached Plats. The platting and dedication of the aforementioned lots is with the free consent and in accordance with the desires of the undersigned Declarant, as evidenced by the signature set forth below.

THIS DEED FURTHER WITNESSETH: The Declarant hereby reserves for itself, its successors-in-interest, and assigns a drainfield easement over Lot 2 for the benefit of Lot 1 as shown on the attached plat and survey.

THIS DEED FURTHER WITNESSETH: That for consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby grant, bargain, and dedicate to the Commonwealth of Virginia for future road widening purposes 0.1011 acres from Tax Parcel No. 26-A-18A, and 0.1270 acres from Tax Parcel No. 26-A-18E.

The aforesaid subdivision and boundary line adjustment is with the free consent and in accordance with the desires of the undersigned owner.

AND NOW THEREFORE, Declarant declares that the Property is and shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, and conditions hereinafter set forth, which are for the purpose of protecting the value and desirability of the real property, and shall be binding on all parties having any right, title, or interest in the above-described real property or any portions thereof, their successors and assigns, and shall inure

to the benefit of each owner thereof and to the benefit of the Declarant, his successors and assigns.

Lots 1, 2, 3, and 4 as shown on the plat attached hereto, shall be subject to the following restrictions, which are covenants real running with the land and shall be binding on all subsequent owners of the said lots and each deed, by recitation or reference shall contain these restrictions:

1. **LAND USE:** All lots shall be used for single family residential purposes only.

No home occupation of any type shall be allowed on any of said lots.

2. **BUILDING TYPES:** All buildings shall be permanent single family dwellings.

No other buildings or improvements shall be erected, placed or permitted to remain on any lot other than a garage, utility building, or horse barn for use and enjoyment of the lot for residential purposes and these must be homogeneous in design and appearance to the dwelling.

3. **TOTAL FINISHED SPACE:** No dwelling is to be erected or maintained on any of said lots to contain less than the following total finished living space (outside foundation dimensions), exclusive of open porches, carports, garages, and basements of the following types of dwellings: each residence shall have a minimum of 2,000 square feet.

4. **MOTOR VEHICLES:** No tractor trailers, dump trucks, or other motor vehicles (other than automobiles, motorcycles, pick-up trucks, and 3/4 ton (or less) vans) shall be permitted on any lot except during the course of construction. No motor vehicle or material portion thereof which does not have a current license and current Virginia inspection sticker shall be permitted on any lot.

5. **ANIMALS:** No animal of any kind (including livestock, poultry, or birds) shall be permitted on any lot, except that dogs, cats, and other usual household pets, as well as horses,

may be kept, provided they are not kept, bred, or maintained for commercial purposes or in unusual numbers.

6. **SIGNS:** No signs or advertising of any nature shall be erected or maintained on any lot except for sale or rental signs for said lot, which signs shall not exceed five (5) square feet in area. Temporary signs for yard sales placed twice annually are allowed.

7. **FENCES:** All fences shall be kept and maintained in good repair.

8. **NUISANCES:** No noxious or offensive activities shall be carried on upon any lot nor shall anything be done thereon which may be, or may become, and annoyance or nuisance to the neighborhood.

9. **TRASH AND RUBBISH:** No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall be in sanitary containers. No refuse or any containers for same shall be placed or stored in front of any house, except on garbage pickup. All other waste shall be in sanitary containers, which containers shall be screened from view of any neighboring lot.

10. **EASEMENT:** Drainfield easement for the benefit of Lot 1 is hereby reserved upon Lot 2 as shown on the attached survey and plat.

11. **PERIOD OF TIME OF ENFORCEMENT OF COVENANTS AND RESTRICTIONS:** All of the covenants and restrictions herein shall remain in full force and effect for a period of time from the date of imposition until January 1, 2015, and shall be renewed automatically for additional successive ten (10) year periods unless the owners of a majority of the lots in the Subdivision shall, at least six (6) months prior to any such renewal date, execute and record an agreement amending said covenants and restrictions.

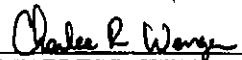
12. **IMPOSITION OF ADDITIONAL RESTRICTIVE COVENANTS AND RESERVATIONS:** The Declarant herein reserves the right alone to impose additional restrictive covenants and restrictions as to any lot or lots owned by it at the time of the imposition and such imposition shall not affect the binding effect of these provisions upon any other lots. Declarant reserves the right to waive any restrictive covenant herein except Restrictions Nos. 1. and 3. as to Lots 1, 2, 3, and 4.

13. **ENFORCEMENT OF RESTRICTIVE COVENANTS:** The Declarant and any owner, as their interests may appear, shall have the right to enforce, by any proceeding at law or equity, all restrictions, conditions, covenants, and reservations, now or hereafter imposed by the provisions of this Declaration. Failure to enforce any covenants or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter. The invalidation of any one of the covenants or restrictions contained herein by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

14. **UTILITIES:** All utilities shall be underground.

15. **RESERVATIONS:** The Declarant reserves unto himself, his successors and assigns, the right to erect, maintain, operate, and replace underground telephone and electrical conduits, related equipment, and other facilities, sewer, gas, water, and television lines and related equipment, and other utility equipment where such utility lines and equipment are located within fifty (50) feet of the boundary lines as set forth on the attached plat.

16. These restrictions shall not apply to any property now owned by Declarant except Lots 1, 2, 3, and 4 aforesaid.


_____(SEAL)
CHARLES R. WENGER

COMMONWEALTH OF VIRGINIA, AT LARGE:
CITY/COUNTY OF Winchester, to-wit:

I, the undersigned, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that **Charles R. Wenger**, whose name is signed to the foregoing instrument dated the 13th day of October, 2005, has personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 13th day of October, 2005.

My Commission Expires: 9/31/2006

Brenda L. Murphy
NOTARY PUBLIC



AUG 6 2005

0998

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

Oct. 13. 2005 at 4:52 P.M.

and with certificate of acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

§ 21a, and 58.1-801 have been paid, if assessable

Rebecca P. Hogan, Clerk

Soil Evaluation Form

PAGE 1 OF 6

Commonwealth of Virginia
Department of Health

Health Department
Identification Number
Tax Map Number 26-A-18E

General Information

Date 5-26-04 Frederick County Health Department
Applicant Charles Wenger Telephone No. 858-3523
Address P.O. Box 4, Gore, VA 22637
Owner Same Address _____
Location Rt. 50 West, Right on Rt. 733, 1/8 mile on right
Subdivision _____ Block/Section _____ Lot 4

Soil Information Summary

1. Position in landscape satisfactory YES ☒ NO ☐ Describe Upland side slope
2. Slope 5%
3. Depth to rock/impervious strata Max. _____ Min. 14 None _____
4. Depth to seasonal water table (gray mottling or gray color) NO ☐ YES ☒ 17 inches
5. Free water present NO ☒ YES ☐ _____ range in inches
6. Soil percolation rate estimated YES ☒ NO ☐ Texture group I II III IV
Estimated rate 50 min/inch
7. Percolation test performed YES ☐ NO ☒ Number of percolation test holes _____
Depth of percolation test holes _____
Average percolation rate _____

Name and title of evaluator: Karl E. Evans, AOSE # 103

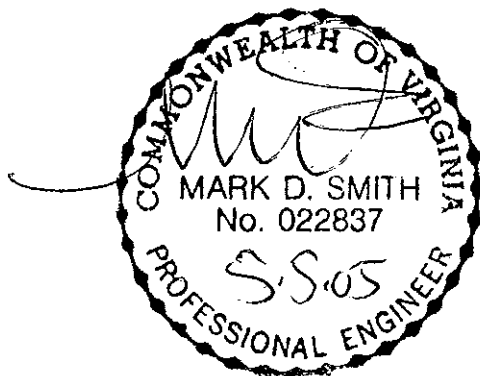
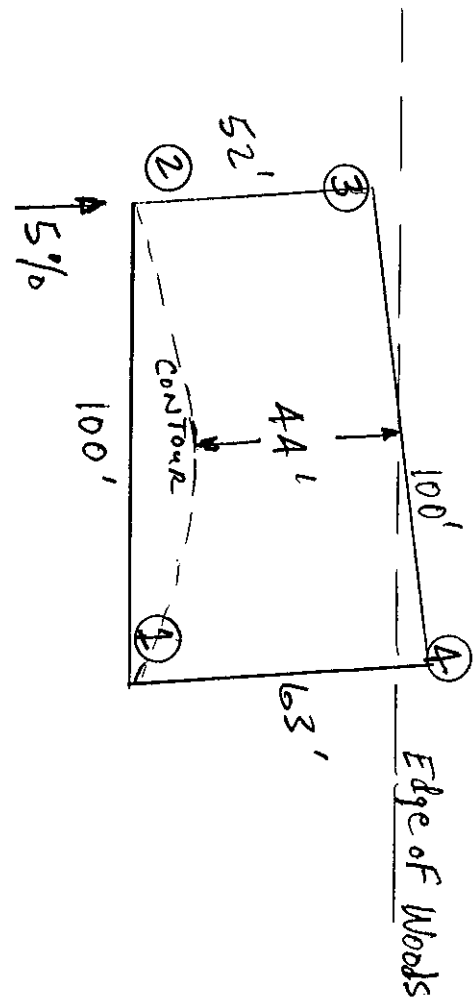
Signature: Karl E. Evans

Department Use

- ☐ Site Approved: Drainfield to be placed at _____ depth at site designated on permit.
☐ Site Disapproved:
Reason for rejection:
1. ☐ Position in landscape subject to flooding or periodic saturation.
 2. ☐ Insufficient depth of suitable soil over hard rock.
 3. ☐ Insufficient depth of suitable soil over seasonal water table.
 4. ☐ Rates of absorption too slow.
 5. ☐ Insufficient area of acceptable soil for required drainfield, and/or Reserve Area.
 6. ☐ Proposed system too close to well.
 7. ☐ Other Specify _____



RT.
733



ABBREVIATED DESIGN FORM FOR "WISCONSIN" MINI-MOUND SYSTEM

ESTIMATED PERCOLATION RATE

50

NUMBER OF BEDROOMS

3

SIZING OF MOUND

4.5 G.P.D. per Lin. Ft.

DEPTH TO BEDROCK

14"

DEPTH TO WATER TABLE

17"

% SLOPE

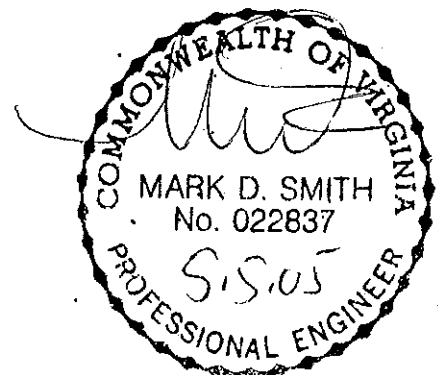
5%

RECOMMENDED INSTALLATION DEPTH

0

TOTAL SIZING INCLUDING 100% RESERVE

40' x 100' required
44' x 100' provided



Page 5 of 6

SANITARY SURVEY

RE: Wenger property/ TM # 26-A-18E Lot # _____

There were not any wells or drainfields noted within the 200' conflict zone.



Appendix 7

Certification Statement

County: Frederick

Date: 5/5/05

Property Identification: Tax Map # 26-A-18E

Submitted by: Mark Smith, P.E.

This is to certify according to §32.1-163.5 of the *Code of Virginia* that work submitted for the referred property is in accordance to and complies with *the Sewage Handling and Disposal Regulations* of the Virginia Department of Health. I recommend a _____¹ be _____².

AOSE Karl Evans

Date: 5/26/04

Soil Consultant _____

Date: _____

¹This blank must be filled in with one of the following terms: 'permit', 'certification letter', or 'subdivision approval'.

²This blank must be filled in either the term 'approved' or 'denied'.

Of the submission contains a certification by a professional engineer in consultation with an AOSE, the following statement shall be signed and sealed:

I hereby certify that the evaluations and designs contained herein (refer to subdivision, lot, etc.) were conducted in accordance with the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the implementation of those *Regulations*. Furthermore, I certify that the evaluations and designs comply with the minimum requirements of the *Regulations*.

I recommend a subdivision approval¹ be approved².

Licensed PE: 022837

Date: _____
Seal: _____



¹This blank must be filled in with one of the following terms: 'permit', 'certification letter', or 'subdivision approval'.

²This blank must be filled in either the term 'approved' or 'denied'.

Tax ID: 44283

Metropolitan Regional Information Systems, Inc.

Page 1 of 1

County: FREDERICK

Full Tax Record

19-Aug-2015

11:17 am

Property Address: NOT ON FILE. UNKNOWN VA

Legal Subdiv/Neighborhood:

Condo/Coop Project:

Incorporated City:

Absent Owner:

Owner Name: CHARLES R WENGER

Company Owner:

Addtl:

Care of Name:

MAILING ADDRESS: PO BOX 4, GORE, VA 22637 0004**LEGAL DESCRIPTION:** LOT 4 2.21 ACRES

Mag/Dist #: 2

Lot: 181

Block/Square:

Election District: 10

Legal Unit #:

Grid:

Tax Map: 26- -A- -181

Section: A

Subdiv Ph:

Addl Parcel Flag/#:

Map: 26

Map Suffix:

Suffix: I

Parcel: 1

Sub-Parcel:

Historic ID:

Agri Dist:

Plat Folio:

Plat Liber:

Tax Year 2014**Total Tax Bill:** \$305

City Tax:

Tax Levy Year: 2014

State/County Tax: \$305

Refuse:

Tax Rate: 0.59

Spec Tax Assmt:

Exempt Class:

Homestead/Exempt Status:

Front Foot Fee:

Tax Class:

Mult. Class:

ASSESSMENT

<u>Year Assessed</u>	<u>Total Tax Value</u>	<u>Land</u>	<u>Improvement</u>	<u>Land Use</u>
2015	\$52,200	\$52,200		
2013	\$52,200	\$52,200	\$0	
2011	\$52,200	\$52,200	\$0	

DEED

Deed Liber:

Deed Folio:

Transfer DatePriceGrantorGrantee**PROPERTY DESCRIPTION**

Year Built: 0

Irregular Lot:

Land Use Code: Residential

Property Class:

Zoning Desc: AGRICULTURAL

Prop Use: SINGLE-FAMILY RES (SUBURBA

Building Use: VACANT - RESIDENTIAL

Lot Description:

Zoning Code: RA

Square Feet: 96,268

Plat Liber/Folio: /

Quality Grade:

Xfer Devel.Right:

Site Influence:

Census Trct/Blck: /

Acreage: 2.21

Property Card:

Road Description:

Road Frontage:

Topography: ROLLING/SLOPING

Sidewalk:

Pavement:

STRUCTURE DESCRIPTION

	<u>Section 1</u>	<u>Section 2</u>	<u>Section 3</u>	<u>Section 4</u>	<u>Section 5</u>
Construction:					
Story Type:					
Description:					
Dimensions:					
Area:					
Foundation:		Roofing:		# of Dormers:	
Ext Wall:		Style:		Year Remodeled:	
Stories: 0		Units: 0		Model/Unit Type:	
Total Building Area:			Living Area: 0	Base Sq Ft: 0	
Patio/Deck Type:	Sq Ft:		Porch Type:	Sq Ft:	
Balcony Type:	Sq Ft:		Pool Type:	Sq Ft:	
Attic Type:	Sq Ft:		Roof Type:		
Rooms: 0		Fireplace Type:		Fireplaces:	
Bedrooms: 0		Bsmt Type: Full		Garage Type:	
Full Baths: 0		Bsmt Tot Sq Ft: 0		Garage Const.:	
Half Baths: 0		Bsmt Fin Sq Ft: 0		Garage Sq Ft:	
Baths: 0.00		Bsmt Unfin Sq Ft: 0		Garage Spaces: 0	
Other Rooms:			Air Conditioning:		
Other Amenities:			Interior Floor:		
Appliances:			Outbuildings:		
Gas:	Heat:		Sewer: None	Fuel:	
Electric: Yes	Water: None		Underground:	Walls:	

Tax Record Updated: 07-Jun-2015

Courtesy of: Karen Fried

Home: (540) 683-9661

Office: (540) 636-7700

Cell: (540) 683-9661

Email: karenfried@premiermove.com

Company: Coldwell Banker Premier

Office: (540) 636-7700

Fax: (540) 636-7892

Copyright (c) 2015 Metropolitan Regional Information Systems, Inc.

Information is believed to be accurate, but should not be relied upon without verification.

Accuracy of square footage, lot size and other information is not guaranteed.

