

TO DOWDEN ADDITION, SECTION CFORT ASHBY, WEST VIRGINIA

THE UNDERSIGNED, JAMES W. DOWDEN, SINGLE, BEING THE FEE SIMPLE OWNER OF DOWDEN ADDITION, SECTION C, DOES HEREBY MAKE THE FOLLOWING DECLARATION AS TO LIMITATIONS, RESTRICTIONS AND USES TO WHICH THE LOTS AND TRACTS CONSTITUTING SAID SECTION MAY BE PLACED, HEREBY SPECIFYING THAT SAID DECLARATIONS SHALL CONSTITUTE COVENANTS TO RUN WITH THE LAND AS PROVIDED BY LAW, AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER HIM, AND FOR THE BENEFIT OF AND AS LIMITATIONS UPON ALL FUTURE OWNERS IN SAID SECTION, THIS DECLARATION OF RESTRICTIONS BEING DESIGNED FOR THE PURPOSE OF KEEPING SAID SECTION DESIRABLE, UNIFORM AND SUITABLE IN DESIGN AND USE AS HEREIN SPECIFIED:

1. ALL AND EACH OF THE RESTRICTIONS HEREIN CONTAINED SHALL BE PERPETUAL AND SHALL APPLY TO AND BE FOREVER BINDING UPON THE GRANTEE, HIS HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS OF EACH OF THE LOTS AND TRACTS CONTAINED IN SAID SECTION FOR THE BENEFIT FOR SAID SECTION.
2. THE LAND HEREBY CONVEYED IS RESTRICTED TO RESIDENTIAL USE ONLY, AND NO COMMERCIAL, INDUSTRIAL OR MANUFACTURING BUSINESS, BUILDING OR ENTERPRISE, SHALL BE ERECTED, MAINTAINED OR OPERATED UPON SAID LAND.
3. THERE WILL BE NO SHEEP, GOATS, SWINE, KINE OR FOWL KEPT OR MAINTAINED UPON SAID LAND. OTHER DOMESTIC ANIMALS OR PETS MAY BE KEPT AND MAINTAINED UPON SAID LANDS, BUT SHALL BE KEPT AND MAINTAINED

OR PETS ARE PERMITTED TO USE THE COMMON RIGHTS OF WAY OVER THE TRACTS OF LAND OF WHICH THIS IS A PART WHEN UNDER THE CONTROL OF SOME PERSON.

4. ALL BUILDINGS AND STRUCTURES ERECTED UPON SAID LAND SHALL BE UPON A SOLID FOUNDATION, (POURED CONCRETE, CONCRETE BLOCK, OR SOLID STONE), AND SHALL BE CONSTRUCTED OF GOOD FINISHED MATERIALS AND CONSTRUCTED IN A GOOD AND WORKMANSHIP LIKE MANNER. TARPAPER, ROLLED SIDING, AND CONCRETE BLOCK ARE ESPECIALLY AGREED NOT TO BE CONSIDERED AS FINISHED MATERIALS.
5. EVERY BUILDING ERECTED UPON SAID PREMISES AND THE EXTERIORS OF THE SAME, INCLUDING THE ROOF AND THE PAINTING OF SAID STRUCTURE SHALL BE COMPLETED WITHIN SIX (6) MONTHS AFTER THE COMMENCEMENT OF CONSTRUCTION.
6. NO STRUCTURE SHALL BE ERECTED, CONSTRUCTED OR MAINTAINED UPON ANY LOT OR PART OF LOT IN THIS SECTION WITHIN TEN (10) FEET OF THE SIDE LINES OR REAR BOUNDARY LINES OF SAID LOT OR WITHIN FORTY (40) FEET FROM THE FRONT OR STREET LINE OF SAID LOT. FOR THE PURPOSE OF THIS RESTRICTION, COVERED PATIOS, PLIAZZOS, AS WELL AS EAVES OF BUILDINGS, PORTICOS, STOOPS AND PORCHES SHALL BE CONSIDERED A STRUCTURE.
7. NO HOUSE TRAILER, MOBILE HOME, BASEMENT

SHALL BE CONSTRUCTED, PLACED OR MAINTAINED UPON SAID SECTION OR ANY PART THEREOF, AND ALL CONSTRUCTIONS MUST BE EQUAL OR EXCEED THE FEDERAL HOUSING ADMINISTRATION'S STANDARDS. THE FRONT FACE OF EACH HOME SHALL BE PARTIALLY OR COMPLETELY BRICKED, OR STONED, AND THE SIDES AND BACK OF EACH HOME SHALL BE COMPLETELY BRICKED OR STONED.

8. NO MULTIPLE FAMILY DWELLING OR DWELLING DESIGNED FOR THE USE OF MORE THAN ONE (1) FAMILY SHALL BE CONSTRUCTED UPON ANY OF THE LAND COVERED BY THIS RESTRICTION. NOT MORE THAN ONE (1) DWELLING SHALL BE CONSTRUCTED UPON ANY ONE (1) LOT.
9. TRASH AND REFUSE SHALL NOT BE ALLOWED TO ACCUMULATE ON THE LANDS COVERED BY THESE RESTRICTIONS AND NO JUNK, JUNKED VEHICLES, OR PARTS THEREOF, OR VEHICLES NOT IN CURRENT USE SHALL BE KEPT OR STORED THEREON. ALL GARBAGE SHALL BE KEPT IN INSECT AND RODENT PROOF RECEPTACLES AND REMOVED AND DISPOSED OF AT LEAST EVERY FOURTEEN (14) DAYS.
10. SINCE SAID ADDITION IS SERVICED BY THE FORT ASHBY PUBLIC SERVICE DISTRICT, NO CESSPOOLS, SEPTIC TANKS, OR OTHER SEWAGE DISPOSAL SYSTEMS SHALL BE KEPT OR MAINTAINED UPON ANY OF THE LOTS SOLD FROM SAID ADDITION.

ANY KIND, SHALL BE ERECTED,  
CONSTRUCTED OR MAINTAINED UPON ANY LOT IN  
SAID SECTION WITHIN THE AREA BETWEEN THE  
FRONT OR STREET LINE OF A LOT AND THE BACK  
CORNERS OF THE HOME ON THE LOT.

12. ANY LOT SOLD BY THE UNDERSIGNED AND UPON  
WHICH NO HOME HAS BEEN CONSTRUCTED, SHALL  
BE MOWED OF GRASS AND VEGETATION AT LEAST  
TWICE DURING A CALENDAR YEAR, OR THE  
UNDERSIGNED SHALL CAUSE SUCH TO BE MOWED  
AT THE COST AND EXPENSE OF THE OWNER THEREOF.
13. NO CULVERT SHALL BE ERECTED, CONSTRUCTED,  
INSTALLED OR MAINTAINED FOR A DRIVEWAY  
EXTENDING FROM A LOT TO A STREET IN SAID  
SECTION.
14. ALL UTILITY LINES WITHIN SAID SECTION  
SHALL BE LOCATED UNDERGROUND.

IT IS FURTHER COVENANTED THAT THE UNDERSIGNED, AS SOON AS  
Thirty ( 30 ) OF THE LOTS IN SAID SECTION  
HAVE BEEN SOLD, SHALL CAUSE TO BE FORMED A MUTUAL NON-PROFIT  
CORPORATION UNDER THE LAWS OF THE STATE OF WEST VIRGINIA IN  
WHICH THE PURCHASER OF EACH LOT IN SAID SECTION, BY THE ACCEP-  
TANCE OF A DEED THEREFOR, AGREES TO BECOME, AND SHALL BE A  
MEMBER, AND MEMBERSHIP IN WHICH SHALL BE LIMITED TO THE PUR-  
CHASERS OR OWNERS OF LOTS IN SAID SECTION. THE ARTICLES OF  
INCORPORATION SHALL SPECIFY, AMONG THE PURPOSES AND DUTIES OF  
SAID CORPORATION, THE ENFORCEMENT OF ALL OF THE RESTRICTIONS,  
COVENANTS AND CONDITIONS HEREIN CONTAINED, THE MAINTENANCE,  
PRESERVATION AND IMPROVEMENT OF SAID PROPERTIES, THE MAINTENANCE  
OF SAID SECTION AND EVERY PART THEREOF IN A CLEAN AND SANITARY  
CONDITION, SO FAR AS IT MAY LAWFULLY ACT, THE OWNERSHIP OF THE  
STREETS IN SAID SECTION, THE ESTABLISHMENT OF REASONABLE

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ABLE AND PROPER MAINTENANCE OF THE STREETS AND SIDEWALKS, IF ANY, AND THE TRANSACTION OF SUCH OTHER BUSINESS AS MAY BE PERMITTED BY LAW. SAID ARTICLES OF INCORPORATION SHALL ALSO PROVIDE THAT EACH PURCHASER OR OWNER OF A LOT IN SAID SECTION SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT PURCHASED OR OWNED BY HIM OR HER. THE UNDERSIGNED SHALL BE ENTITLED TO, AND OBLIGATED TO ACCEPT, MEMBERSHIP IN SAID CORPORATION, AND SHALL HAVE THE BENEFIT AND BEAR THE BURDENS OF SUCH MEMBERSHIP WITH RESPECT TO THE UNSOLD LOTS IN SAID SECTION. THE UNDERSIGNED FURTHER AGREES THAT UPON THE ORGANIZATION OF SAID CORPORATION HE WILL CONVEY TO SAID CORPORATION ALL HIS RIGHT, INTEREST AND TITLE HE MAY HAVE IN THE STREETS AND ROADWAYS IN SAID SECTION, SUBJECT ONLY TO EASEMENTS FOR WATER, SEWAGE, TELEPHONE, ELECTRIC AND CABLE TELEVISION.

THE UNDERSIGNED RESERVES THE RIGHT TO ADD ADDITIONAL SECTIONS TO SAID ADDITION WITH THE SAME OR SIMILAR COVENANTS AND CONDITIONS.

WITNESS THE FOLLOWING SIGNATURE AND SEAL THIS 29<sup>th</sup> DAY OF JUNE, 1983.

James W. Dowden (SEAL)  
JAMES W. DOWDEN

STATE OF WEST VIRGINIA

COUNTY OF MINERAL, TO WIT:

I, Leonard R. Esam, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO CERTIFY THAT JAMES W. DOWDEN, WHOSE NAME IS SIGNED TO THE FOREGOING WRITING BEARING DATE THE 29<sup>th</sup> DAY OF JUNE, 1983, HAS THIS DAY ACKNOWLEDGED THE SAME BEFORE ME IN MY SAID COUNTY AND STATE.

GIVEN UNDER MY HAND THIS 13<sup>th</sup> DAY OF July, 1983.

Leonard R. Esam  
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 13, 1987

THIS INSTRUMENT WAS PREPARED BY  
JOHN I. ROGERS, II

ROGERS AND MELODY ATTORNEYS AT LAW

**CONSTITUTION AND BY-LAWS OF DOWDEN HILLS**

**LOCATED AT FORT ASHBY, WV 26719**

**ARTICLE I NAME**

THE NAME OF THE ASSOCIATION SHALL BE CALLED DOWDEN HILLS.

**ARTICLE II RESTRICTIVE COVENANTS AND CONDITIONS**

ITEM 1. THE RESTRICTIVE COVENANTS AND CONDITIONS RELATING TO SECTION C OF DOWDEN HILLS SHALL BE ENFORCED AND ACCEPTED AS PRESENTED TO THE PROPERTY OWNERS, AS OF DATE EXECUTED. LEGAL ACTIONS SHALL BE AUTHORIZED FOR ENFORCEMENT.

**ARTICLE III OBJECTIVES**

ITEM 1. THE OBJECTIVES OF THE ASSOCIATION SHALL BE TO PROMOTE AND ADVANCE CIVIC IMPROVEMENTS IN DOWDEN HILLS AND TO OBTAIN AND SECURE, THROUGH THE CONCERTED ACTION OF THE ASSOCIATION, IMPROVEMENTS FOR THE GENERAL CONVENIENCE, HEALTH AND WELFARE OF THE RESIDENTS AND OR PROPERTY OWNERS OF DOWDEN HILLS.

ITEM 2. TO PROVIDE LEADERSHIP AND INITIATE IN PROMOTING AND MAINTAINING THOSE ACTIVITIES WHICH BENEFIT AND PROTECT THE INTERESTS OF DOWDEN HILL RESIDENTS.

ITEM 3. TO COOPERATE WITH, ADVISE, ASSIST, WHERE POSSIBLE, LOCAL, COUNTY, AND STATE GOVERNMENTS IN DEVELOPING TO ITS MAXIMUM POTENTIAL AS A LEADING COMMUNITY DEVELOPMENT IN THE AREA.

**ARTICLE IV MEMBERSHIP**

ITEM 1. OWNER MEANS ANY PERSON, COMBINATION OF PERSONS, OR ENTITY HOLDING TITLE TO ONE OR MORE LOTS IN DOWDEN HILLS.

ITEM 2. EACH OWNER OF PROPERTY IN DOWDEN HILLS SHALL BE DEEMED A MEMBER OF THE ASSOCIATION. IF MORE THAN ONE PERSON OR ENTITY HOLD PARTIAL INTERESTS IN ONE OR MORE LOTS, THEY SHALL COMPRISE ONE MEMBER.

ITEM 3. MEMBERSHIPS, RIGHTS AND OBLIGATIONS SHALL PASS WITH TITLE TO PROPERTY IN DOWDEN HILLS.

ITEM 4. MEMBERS ARE IN GOOD STANDING IF ALL OPERATING AND SPECIAL ASSESSMENTS, INCLUDING COLLECTION OF COSTS, IF ANY, ARE PAID AND NO JUDGEMENTS SUSPENDING GOOD STANDING FOR VIOLATION OF RULES AND REGULATIONS ARE CURRENT.

ITEM 5. JUDGEMENTS OF VIOLATIONS OF RULES AND REGULATIONS MAY BE APPEALED TO MEMBERS AND REVERSED BY MAJORITY VOTE OF MEMBERS.

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ITEM 7. SECRETARY - THE SECRETARY SHALL MAKE AND KEEP A TRUE RECORD OF THE PROCEEDINGS OF ALL THE MEETINGS OF THE ASSOCIATION AND THE BOARD OF DIRECTORS. THE SECRETARY SHALL KEEP THE RECORDS AND CONDUCT CORRESPONDENCE OF THE ASSOCIATION. THE SECRETARY SHALL NOTIFY EACH MEMBER OF EACH ASSOCIATION AND EACH DIRECTOR OF BOARD OF DIRECTORS MEETINGS.

ITEM 8. TREASURER - THE TREASURER SHALL COLLECT AND DISBURSE ASSOCIATION FUNDS AS DIRECTED BY THE BOARD OF DIRECTORS IN ACCORDANCE WITH THE CONSTITUTION AND BY-LAWS. THE TREASURER SHALL KEEP AN ACCURATE RECORD OF ALL FINANCIAL TRANSACTIONS OF THE ASSOCIATION. HE SHALL SUBMIT A REPORT OF THE ASSOCIATION FINANCES AT EACH MEETING, AND MAKE SPECIAL REPORTS TO THE MEMBERSHIP AND THE BOARD OF DIRECTORS ON THE REQUEST OF THE CHAIRMAN. THE TREASURER SHALL DEPOSIT ALL FUNDS OF THE ASSOCIATION WITH THE EXCEPTION OF A PETTY CASH FUND NOT TO EXCEED \$100.00 IN BANK SPECIFIED BY THE BOARD OF DIRECTORS. THE ACCOUNT BEING OF SUCH NATURE THAT THE SIGNATURES OF BOTH THE CHAIRMAN AND TREASURER SHALL BE REQUIRED FOR ALL WITHDRAWALS.

ITEM 9. TENURE OF OFFICE - THE TERM OF OFFICES FOR A MEMBER OF THE BOARD OF DIRECTORS SHALL BE THREE YEARS EXCEPT FOR THE FIRST YEAR. AT THE FIRST ELECTION THREE DIRECTORS SHALL BE ELECTED FOR A TERM OF THREE YEARS, AND SIX DIRECTORS SHALL BE ELECTED FOR A TERM OF TWO YEARS. ALL TERMS SHALL BEGIN ON APRIL 1, AND END ON MARCH 31. IF A POSITION OF THE BOARD OF DIRECTORS IS VACATED BEFORE THE EXPIRATION OF THE TERM OF OFFICE, THE REMAINING DIRECTORS WILL, BY A MAJORITY VOTE, ELECT A MEMBER OF THE ASSOCIATION TO SERVE FOR THE REMAINDER OF THE TERM OF OFFICE. IF THE CHAIRMANSHIP IS VACATED, THE FIRST VICE-CHAIRMAN SHALL ASSUME HIS POSITION FOR THE REMAINDER OF THE TERM. IF THE OFFICE OF VICE-CHAIRMAN, SECRETARY AND TREASURER IS VACATED, THE BOARD SHALL ELECT BY A MAJORITY VOTE ANOTHER DIRECTOR TO SERVE FOR THE UNEXPIRED TERM OF OFFICE.

#### ARTICLE VII FINANCIAL TRANSACTIONS

ITEM 1. FUNDS REQUIRED TO FINANCE AND MAINTAIN PROPERTY AND TO CONDUCT OTHER NECESSARY BUSINESS OF THE ASSOCIATION SHALL BE OBTAINED FROM YEARLY MEMBERSHIP DUES AND SPECIAL ASSESSMENTS OR DUES. THE LEVYING OF SPECIAL ASSESSMENTS FOR DUES FOR ANY PURPOSE SHALL BE APPROVED BY A 51% VOTE OF THE TOTAL REGULAR MEMBERSHIP PRESENT AT A PROPERLY CONSTITUTED MEETING.

ITEM 2. ANNUAL MEMBERSHIP DUES SHALL BE APPROVED BY A VOTE OF THE TOTAL REGULAR MEMBERSHIP AT A REGULARLY CONSTITUTED MEETING.

ITEM 3. ALL PROPOSED FINANCIAL TRANSACTIONS REQUIRING MEMBERSHIP APPROVAL AT A REGULAR OR SPECIAL MEETING SHALL BE PUBLICIZED IN FULL TO EACH REGULAR MEMBER BY THE SECRETARY WITH AN ANNOUNCEMENT OF SUCH MEETING AT LEAST 4 WEEKS BEFORE SUCH MEETING IS HELD.

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**DOWDEN HILLS HOMEOWNERS ASSOCIATION**

**ADDENDUMS**

At the June 26, 1997 meeting of the Dowden Hills Homeowner's Association, the following addendums to previous resolutions were acted upon and elected by the majority, to be put into use.

**SITE AND BUILDING  
COMMITTEE**

In regards to specifications for housing in Dowden Hills... All homes will be constructed on site and be subject to inspection by the Site Committee. No partially constructed or fully constructed home shall be pulled into or placed in Dowden Hills.

**DELINQUENT PROPERTY DUES**

A motion was presented and passed by majority vote that the resolution previously acted upon will be put into effect. This resolution states that delinquent dues will be charged a 12% late charge. This will take effect July 1, 1997.

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[Signature]