

ADISON  
UNTY, VA.  
37 No. 00813

RESOLUTION

Adopted at the Annual Budget Meeting of Malvern Club, Inc. on October 21, 1989, Malvern Club, Inc., held in Madison County, Virginia.

WHEREAS, by various written instruments recorded in the office of the Clerk of the Circuit Court of Madison County, the Malvern of Madison Subdivision was created. That the recorded instruments are various plats and declarations and consent to declarations, which create various lots subject to easements and covenants restricting and affecting the use and enjoyment of the lots of the subdivision and which govern the use of the common areas; and,

WHEREAS, the said plats referred to are recorded as follows: Deed Book 113 Page 349; Deed Book 115 Page 423 & 424; Deed Book 111 Page 434-440; Deed Book 105 Page 440 & 441; Deed Book 126 Page 510 & 511; Deed Book 117 Page 165 & 166; Deed Book 117 Page 173 & 174; Deed Book 116 Page 167; Deed Book 121 Page 407; Deed Book 121 Page 215; Deed Book 121 Page 406; Plat Book 7 Page 49 & 50; and

WHEREAS, the declarations are recorded as follows: Deed Book 112 Page 201; Deed Book 117 Page 318; Deed Book 117 Page 301; Deed Book 116 Page 219; Deed Book 116 Page 162; Deed Book 113 Page 345; Deed Book 105 Page 435; Deed Book 112 Page 194; and

WHEREAS, the Malvern Club, Inc., has assumed the role of the developer as contemplated in the various declarations, and is the association of property owners within the

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to record of Declaration 12-6-70 MS

subdivision; and

WHEREAS, by Section 55-513 of the CODE OF VIRGINIA, 1950, as amended, the board of directors of the association have the power to establish, adopt, and enforce rules and regulations with the respect to use of the common areas and such other areas of responsibility assigned to the association.

NOW, THEREFORE, the Board of Directors after careful consideration of the matters do now wish to amend and alter the existing declarations in the following manner:

BE IT RESOLVED, that from this time forth, all residences to be constructed in the Malvern of Madison Subdivision, as the subdivision is set out on the above referenced plats shall contain a minimum of 1500 square feet of living space. Living space shall specifically not include porches, whether enclosed or not, garages, patios, basements, cellars or attics. This resolution shall effect all future construction of any residence within the subdivision and shall become a covenant running with the land on each lot lying within the subdivision. Further the Secretary and President of the association are hereby directed to record a copy of this declaration in the office of the Clerk of the Circuit Court of Madison County, and record a copy of this resolution with the minutes of the Board of Directors. The Board of Directors and the officers of the corporation are

hereby empowered to use all means granted by law to enforce this resolution as it amends the recorded declarations.

I, Jacquelyn Driver, Secretary of the Malvern Club, Inc., do hereby certify that the foregoing resolution was duly adopted by the the Board of Directors of Malvern Club, Inc., at the Annual Budget Meeting of Malvern of Madison, Inc. on October 21, 1989, after due notice.

Jacquelyn B. Driver   
Secretary

ATTEST:

Elizabeth A. Bunch   
President

COMMONWEALTH OF VIRGINIA  
COUNTY OF MADISON, to-wit:

This  21<sup>st</sup>  day of  February , 1990, personally appeared before me the undersigned  Deputy Clerk, Circuit Court, Madison Co. Va.   notary public, Jacquelyn B. Driver  and  Elizabeth A. Bunch  personally known to me to be the Secretary and President of the Malvern Club, Inc., a Virginia Corporation and upon their oath did swear and subscribe that the foregoing was a true and accurate copy of a duly adopted resolution of the Board of Directors of the Corporation.

Debbie S. Nicholson   
Deputy Clerk - Madison Co. Circuit Court  
Notary Public Madison, Va.

[Page 3--Amendment to Malvern Deed of Dedication] 2/21/90

VIRGINIA: Clerk's Office, Circuit Court of Madison County

331 Clerk	<u> 96.00 </u>
039 St. Grantee	<u> - </u>
213 Co. Grantee	<u> - </u>
212 Transfer	<u> - </u>
003 St. Grantor	<u> - </u>
220 Co. Grantor	<u> - </u>
TOTAL	<u> 96.00 </u>

The foregoing instrument was presented and with the certificate appended, certified to record on the  21<sup>st</sup>  day of  February , 1990, at  14:15  o'clock  P.M. , after payment of fees and costs as shown.

Tests:  Luntel D. Griffith   
Clerk Deputy Clerk