

THIS AMENDMENT TO DEED OF DEDICATION OF THE PROTECTIVE COVENANTS for the Malvern of Madison Subdivision, made and entered into this 12<sup>th</sup> day of May, 1995, by and between The Board of Directors of the Malvern Club, Inc., a Virginia corporation.

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, Pages 434-440; Deed Book 105, Page 440 & 441; 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 104, 105 & 167; Deed Book 121, Page 407; Deed Book 121, Page 215; Deed Book 121, Page 406; Plat Book 7, Pages 49 & 50; and,

WHEREAS, the declarations of the Deed of Dedications are recorded as follows: Deed Book 112, Page 201; Deed Book 117, Page 318; Deed Book 117, Page 501; 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; Deed Book 204, Page 278, and Deed Book 206, Page 841; and,

WHEREAS, the Malvern Club, Inc., has been designated as the Property Owners' Association and is the association of property owners within the subdivision; and,

WHEREAS, by Section 55-513 of the CODE OF VIRGINIA, 1950, as amended, the Board of Directors of the association has the power to establish, adopt, and enforce rules and regulations with the respect to use of the common areas and such other

*Return to: Saung - Early*

areas of responsibility assigned to the association.

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

1. No track bikes, mini-bikes, off road vehicles, three or four wheel ATVs or similar vehicles may be operated on any of the roads, common areas of the subdivision, or lots owned by Malvern Club, Inc. or Malvern Management Corporation.

2. All motor vehicles as defined in the Code of Virginia, 1950, as amended, which are operated on the roads and common properties shall be registered and insured as required by the Code of Virginia, 1950, as amended.

3. All vehicles operated on the roads and common properties shall be operated by individuals possessing valid driver's license as required by the Code of Virginia, 1950, as amended.

4. Lot owners who are parents, guardians, etc. of minor children shall be responsible for insuring that there is no violation of these covenants.

5. All statutes and laws regulating the use of highways, rights of way, and vehicles of any type of the Code of Virginia, 1950, as amended, are hereby incorporated herein as if they were set forth herein verbatim.

6. Pursuant to 46.2-100, 46.2-101 and 46.2-102, et. seq. of the Code of Virginia, 1950, as amended, any law enforcement officer may patrol the streets and roads within the subdivision and enforce the provisions of the Code of Virginia, 1950, as amended.

7. Invalidation of any easement, covenant, restriction, shall in no way affect the validity of any other provision. Failure to proceed to enforce any provision herein shall in no way constitute a waiver of any rights with respect thereto nor

constitute a precedence for any subsequent circumstances.

WITNESS the following signatures and seals.

MALVERN CLUB, INC.

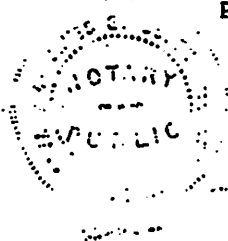
By: Samuel P. Devels [SEAL]  
President

ATTEST:

David Kalish  
Secretary

STATE OF VIRGINIA  
COUNTY OF ALBEMARLE, to-wit:

The foregoing Amendment to Deed of Dedication of the Protective Covenants was acknowledged before me the 13th day of MAY, 1995, by SAMUEL P. DEVELS, President of Malvern Club, Inc.



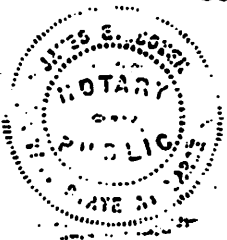
Given under my hand this 13th day of MAY, 1995.

James E. Frazier  
Notary Public

My commission expires: July 31, 1998

STATE OF VIRGINIA  
COUNTY OF ALBEMARLE, to-wit:

The foregoing Amendment to Deed of Dedication of the Protective Covenants was acknowledged before me the 13th day of MAY, 1995, by DAVID KALISH, Secretary of Malvern Club, Inc.



Given under my hand this 13th day of MAY, 1995.

James E. Frazier  
Notary Public

My commission expires: July 31, 1998

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

201 Clerk	\$ <u>10.00</u>	The foregoing instrument was presented.
145 VCLF	<u>1.00</u>	and a true and correct copy thereof, acknowledged
600 G. Grant	_____	to record on the <u>20</u> day of
600 St. John	_____	<u>May</u> , 19 <u>95</u> at
211 St. John	_____	<u>10:09</u> from time after day and of
212 St. John	_____	_____
213 St. John	_____	_____
TOTAL	\$ <u>13.00</u>	_____