

RESERVATIONS & RESTRICTIONS

The following Reservations and Restrictions are made covenants running with the title of the land shown hereon subdivided, known as Section No. 4 - FLEMING OAKS, and shall be binding upon all parties and all persons claiming under them for a period of Twenty-five (25) years from the date of recordation of this map, after which time said covenants shall be automatically extended for successive periods of Ten (10) years, unless an instrument, signed by the majority of the owners of the lots, has been recorded agreeing to change said covenants in whole or in part.

1. All of the lots of Blocks 5 and 6 of Section No. 4 - FLEMING OAKS, as shown hereon, shall be used for residential or religious purposes only, and not for commercial purposes, and the said property shall not be used for any purpose that will create a nuisance or annoyance in the neighborhood.
2. No residence lot shall be subdivided into building lots, except that a lot may be divided and added to adjoining lots, and lot 7-A-Block 6, as shown hereon, shall be used only in connection with an adjoining lot.
3. No dwelling shall be erected or placed on any lot having a width of less than 75 feet, and not nearer to the street line than the minimum setback line where shown hereon.
4. Easements for installation and maintenance of utilities are reserved where shown hereon.
5. No structure of a temporary character such as a trailer, basement, tent, shack, garage, barn, or other outbuilding, shall be used on any lot at any time, as a residence, either temporarily or permanently.
6. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste, except in sanitary containers.
7. No residence may be erected on any lot shown hereon whose building cost for labor and materials is less than \$12,500.00 or the equivalent value of \$12,500.00 on date of recordation of this map, said house to have an enclosed living area not less than 1,250 sq. ft., exclusive of carport, porches, breezeway, and garage, except that said enclosed living area shall have not less than 1,150 sq. ft. where the area of carport, porches, breezeway, or garage is equivalent to or more than 250 sq. ft.
8. No house shall be erected on any lot exceeding two stories in height and a one or two car garage, and not more than one such dwelling house shall be erected on any lot.
9. Enforcement of these covenants shall be by proceedings at law or in equity against any person, or persons, violating or attempting to violate any covenant, either to restrain violation, or to recover damages.
10. Violation or invalidation of any one of these covenants by judgement or court order, shall in no wise affect any of the other provisions which shall remain in full force and effect.

KNOW ALL MEN BY THESE PRESENTS, to-wit:

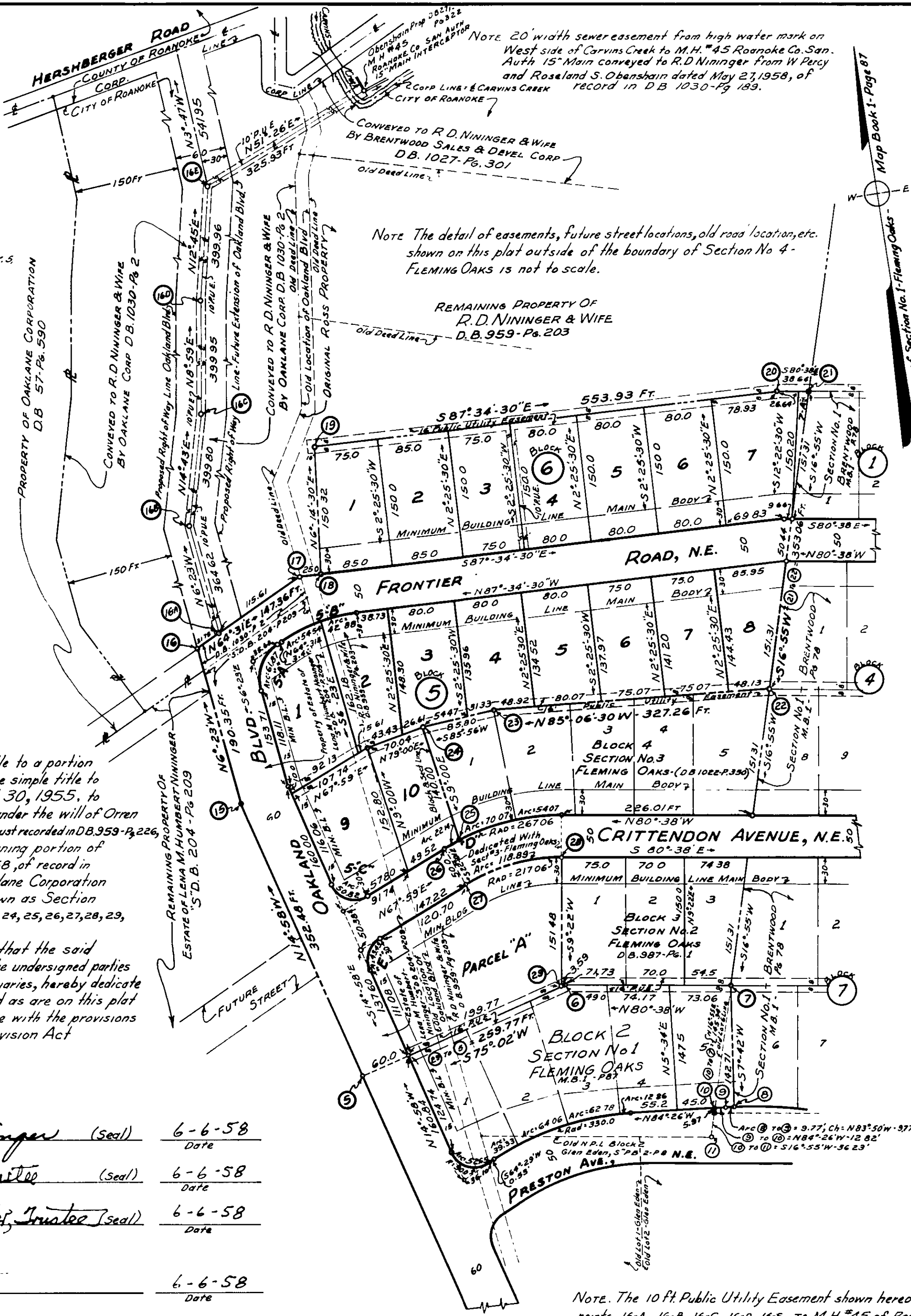
That the Estate of Lena M. Humbert Nininger is the owner of the fee simple unencumbered title to a portion of the property shown hereon, that R. Douglas Nininger and Ruth M. Nininger are the owners of the fee simple title to a portion of the property shown hereon, which said portion is subject to a deed of trust dated April 30, 1955, to Sidney F. Parham, Jr., and John L. Walker, Trustees, securing The First National Exchange Bank, Trustee under the will of Orrin Daniel Ross, and as Trustee under agreement dated July 11, 1955 with Anna D. Ross, the payment of a certain debt, said deed of trust recorded in D.B. 959-Pg. 226, and that R. Douglas Nininger and Ruth M. Nininger are the owners of the fee simple title to the remaining portion of said property shown hereon, which remaining portion is subject to a deed of trust dated April 23, 1958, of record in Deed Book, Page, to T.L. Plunkett, Jr., and J. Glenwood Strickler, Trustees, securing Oaklane Corporation the payment of a certain debt, the aforesaid portions of land hereon shown to be subdivided, known as Section No. 4 - FLEMING OAKS, bounded as shown hereon by outside corners 5, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, to 5, inclusive.

The undersigned owner and his wife, the trustees and beneficiaries, as aforesaid, certify that the said subdivision as appears on this plat is with the consent and in accordance with the desire of the undersigned parties. The said owner and his wife, with the consent of the undersigned trustees and beneficiaries, hereby dedicate to and vest in the City of Roanoke, wherein said land lies, such portions of the premises platted as are on this plat set apart for streets, easements, or other public use, or for future street widening, in accordance with the provisions of the Subdivision Ordinance of the City of Roanoke, as amended, and the Virginia Land Subdivision Act.

WITNESS the following signatures and seals:

R. Douglas Nininger (Seal) 6-6-58
R. Douglas Nininger, Executor of the Estate of Lena M. Humbert Nininger
Date
Ruth M. Nininger (Seal) 6-6-58
Ruth M. Nininger
Date
Sidney F. Parham, Jr. (Seal) 6-6-58
Sidney F. Parham, Jr., Trustee
Date
T.L. Plunkett, Jr. (Seal) 6-6-58
T.L. Plunkett, Jr., Trustee
Date
J. Glenwood Strickler (Seal) 6-6-58
J. Glenwood Strickler, Trustee
Date
THE FIRST NATIONAL EXCHANGE BANK OF ROANOKE, Trustee
By C. P. Kennedy 6-6-58 ATTEST: C. P. Kennedy 6-6-58
Vice President and Trust Officer Date Vice President and Cashier Date
OAKLANE CORPORATION
By C. F. Hegmann 6-6-58 ATTEST: C. F. Hegmann 6/6/58
President Date Secretary Date

State of Virginia } To-wit
City of Roanoke } I, Mary Linda M. Smiley, a Notary Public in and for the City of Roanoke, in the State of Virginia, do hereby certify that R. Douglas Nininger, Executor of the Estate of Lena M. Humbert Nininger, R. Douglas Nininger and Ruth M. Nininger, owners; Sidney F. Parham, Jr. and John L. Walker, Trustees, and George T. Ellis, Vice President, and C. P. Kennedy, Cashier, for The First National Exchange Bank of Roanoke; T.L. Plunkett, Jr. and J. Glenwood Strickler, Trustees, and J. H. Fralin, President, and C. F. Hegmann, Secretary, for Oaklane Corporation, whose names are signed to the foregoing writing each dated June 6, 1958, have each personally appeared before me in my City and State aforesaid and acknowledged the same.
My Comm. expires January 2, 1961
Given under my hand this 6 day of June, 1958.
Mary Linda M. Smiley
NOTARY PUBLIC



BOUNDARY CALCULATIONS - SECTION No. 4 FLEMING OAKS						
COR. TO COR.	BEARING	DISTANCE	NORTH	SOUTH	EAST	WEST
5-15	N14°58'W	352.48	340.52			91.03
15-16	N6°23'W	190.35	189.17			21.16
16-17	N64°31'E	147.36	63.40		133.02	
17-18	S87°34'30"E	25.00		1.06	24.98	
18-19	N6°14'30"E	150.32	149.43		16.34	
19-20	S87°34'30"E	553.93		23.44		553.43
20-21	S80°38'E	38.64		6.29	38.12	
21-22	S16°55'W	353.06		337.78		102.73
22-23	N85°06'30'W	327.26	27.91			326.07
23-24	S85°56'W	85.80		6.08		85.58
24-25	S9°00'E	140.00		138.28	21.90	
25-26	S70°21'30'W	22.13		7.44		20.84
26-27	S22°01'E	50.00		46.35	18.74	
27-28	N83°40'30'E	117.40	12.93		116.68	
28-29	S9°22'W	151.48		149.46		24.65
29-5	S75°02'W	259.77		67.09		250.96
TOTALS		2,951.87	783.36	783.27	923.21	923.02

Note: Boundary of Section No. 4 Fleming Oaks contains 7.096 Acres ±.

		CURVE DATA				CHORD	
CURVE	LOT	ANGLE	TANGENT	RADIUS	ARC	BEARING	DISTANCE
5-A	1	5	70°54'	35.60	50.00	N29°04'E	58.00
5-B	1	5	27°54'30"	49.70	200.00	N78°28'15"E	96.46
5-B	1	5	15°37'30"	27.44	200.00	N72°19'45"E	54.37
5-B	2	5	12°17'	21.52	200.00	N86°17'E	42.79
5-C	9	5	97°03'	33.94	30.00	N63°29'30'W	44.95
D	1	4	31°23'	75.03	267.06	S83°40'30'W	144.86
D	10	5	4°45'	11.08	267.06	S70°21'30'W	22.13
D	1	4	15°02'	35.24	267.06	S80°15'W	69.87
D	2	4	11°36'	27.13	267.06	N86°26'W	53.98
E	PARCEL A		82°57'	26.52	30.00	N26°20'30'E	39.74
27-28	PARCEL A		31°23'	60.98	217.06	N83°40'30'E	117.40

Note: This Map supersedes and renders null and void that portion of Section No. 1 Fleming Oaks, of record in Map Book 1, Page 87, known as Lot 5 of Block 2 which is shown corrected hereon, and also supersedes and renders null and void that portion of Section No. 2 Fleming Oaks, of record in Deed Book 387, Page 1, known as Lot 3 of Block 3 which is shown corrected hereon.

APPROVED:

J. R. Hildebrand June 16, 1958
AGENT FOR ROANOKE CITY PLANNING COMMISSION DATE
H. Clatus Broyles 6-16-58
CITY ENGINEER OF ROANOKE, VIRGINIA DATE

In the Clerk's Office of the Hustings Court for the City of Roanoke, Virginia, this map is presented on June 17, 1958, and with the certificate of dedication and acknowledgment thereto annexed, is admitted to record at 1:30 O'clock A.M.

TESTE: W. H. Carr - Clerk By: Lena Testerman Deputy Clerk

CAPTION LEGAL REFERENCE:

Section No. 4 Fleming Oaks is composed of a central portion of conveyance to R. D. Nininger, et ux by deed recorded in D.B. 959-Pg. 203, a southerly portion of conveyance to R. D. Nininger, et ux by deed of record in D.B. 1030-Pg. 2, an easterly portion of the property of the Estate of Lena M. Humbert Nininger of record in Salem D.B. 209, Pg. 209, and a southerly portion of Vacated Road (Ordinance #), dated.

MAP OF SECTION No. 4
FLEMING OAKS
BEING
PARCEL A, LOTS 1 TO 10 INCLUSIVE - BLOCK 5, AND
LOTS 1 TO 7 INCLUSIVE AND LOT 7-A - BLOCK 6
PROPERTY OF R. D. NININGER, RUTH M. NININGER,
AND ESTATE OF LENA M. HUMBERT NININGER

BY: C. B. MALCOLM & SON
VA. STATE CERT. ENGRS.
ROANOKE, VIRGINIA.
DATE: JUNE 6, 1958 SCALE: 1" = 100'

June 6, 1958
I, HEREBY CERTIFY THAT THIS
PLAT OF SURVEY IS CORRECT.
C. B. Malcolm
VIRGINIA STATE CERTIFIED ENGINEER