

# RESTRICTIONS

- 1.- ALL LOTS IN THIS SUBDIVISION SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.
- 2.- NO RESIDENCE SHALL BE ERECTED, CHANGED OR ALTERED, OR BE PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED 2 STORIES IN HEIGHT OR ONE DUPLEX OR TWO FAMILY DWELLING, NOT TO EXCEED 2 STORIES IN HEIGHT, AND A PRIVATE GARAGE FOR NOT MORE THAN TWO CARS FOR THE SINGLE FAMILY OR FOUR CARS FOR THE DUPLEX OR TWO FAMILY DWELLING.
- 3.- NO ONE STORY DWELLING SHALL BE ERECTED ON ANY LOT IN SAID SUBDIVISION WHICH HAS LESS THAN 900 SQ. FT. OF LIVABLE AREA ON THE FIRST FLOOR AND WHICH EXCLUDES PORCHES AND CARPORTS, AND NO DWELLING SHALL BE ERECTED HAVING MORE THAN ONE STORY IN HEIGHT WITH THE FIRST FLOOR LIVABLE AREA OF LESS THAN 650 SQ. FT., EXCLUDING PORCHES AND CARPORTS.
- 4.- NO DWELLING SHALL BE ERECTED ON LESS THAN ONE LOT AS SHOWN ON THE PLAT OF SAID SUBDIVISION, AND NO LOT OR LOTS IN SAID SUBDIVISION CAN BE RESUBDIVIDED EXCEPT A LOT MAY BE SUBDIVIDED PROVIDED EACH PART IS ALLOTTED TO AN ADJOINING LOT.
- 5.- NO DWELLING AND CARPORT, OR ENCLOSED PORCHES, SHALL BE LOCATED NEARER TO THE STREET LINE THAN THE BUILDING SET BACK LINE SHOWN ON THE AFORESAID PLAT, AND NO DWELLING SHALL BE ERECTED NEARER TO ANY INSIDE SIDE LOT LINE THAN 6 FEET, NOR TO ANY SIDE STREET THAN THE BUILDING SET BACK LINE AS SHOWN ON THE AFORESAID PLAT.
- 6.- ON CORNER LOTS, NO FENCES, WALL, HEDGE OR SHRUB PLANTING SHALL BE PERMITTED WHICH OBSTRUCTS SIGHT LINE AT ELEVATIONS ABOVE 3 FEET FROM THE GROUND LEVEL, ON A TRIANGULAR STRIP FORMED BY MEASURING 25 FEET FROM THE INTERSECTION OF THE TWO STREET LINES OR IN CASE OF CURVED CORNERS, 25 FEET FROM THE CORNER FORMED BY THE STREET LINES EXTENDED, AND NO TREES SHALL BE PERMITTED WITHIN SAID TRIANGULAR POINT UNLESS THE FOLIAGE OF SAID TREES IS OF SUFFICIENT HEIGHT ABOVE THE GROUND TO PERMIT UNOBSTRUCTED SIGHT LINES.
- 7.- NO FENCE, WALL, HEDGE OR SHRUB PLANTING SHALL BE PLACED ON THE FRONT OR SIDE LOT LINE THAT EXTENDS MORE THAN 10 FEET FROM THE LOT CORNER OR IS MORE THAN 3 FEET IN HEIGHT. NO HEDGE, FENCE OR WALL MAY BE ERECTED ALONG THE SIDE LINES OF ANY LOT BEGINNING AT THE REAR OF THE HOUSE AND EXTENDING TO THE REAR LINE OF LOT AND ALONG THE REAR LOT LINE OF ANY LOT HIGHER THAN 5 FEET FOR THE PURPOSE OF GIVING PRIVACY TO THE REAR PORTION OF EACH LOT.
- 8.- NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME OR NOXIOUS OR A NUISANCE TO THE NEIGHBORHOOD.
- 9.- NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.
- 10.- NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN OF NOT MORE THAN FIVE SQ. FT., TWO SIGNS OF NOT MORE THAN TEN SQUARE FEET, ADVERTISING THE PROPERTY FOR SALE OR RENT.
- 11.- NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BREED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT KEPT, BREED OR MAINTAINED FOR COMMERCIAL PURPOSES.
- 12.- NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE SHALL NO BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION. NO AUTOMOBILE SHALL BE KEPT ON THE PREMISES IN PUBLIC VIEW UNLESS THE SAME CARRIES A CURRENT, VALID STATE INSPECTION CERTIFICATE.
- 13.- THESE COVENANTS AND RESTRICTIONS ARE MADE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON ALL LOT OWNERS, THEIR HEIRS, DEVISEES OR ASSIGNS FOR A PERIOD OF 35 YEARS FROM THE DATE HEREOF AND RENEWABLE FOR 10 YEAR PERIODS THEREAFTER.
- 14.- SHOULD ANY PROCEEDINGS AT LAW OR IN EQUITY DECREE THAT ANY ONE OR PART OF ANY ONE OF THE FOREGOING COVENANTS AND RESTRICTIONS BE DECLARED INVALID, THE SAME WILL NOT INVALIDATE ALL OR ANY PART OF THE REMAINING COVENANTS AND RESTRICTIONS.
- 15.- THE ENFORCEMENT OF ANY OF THE COVENANTS AND RESTRICTIONS HEREIN CONTAINED MAY BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY OF THE AFORESAID COVENANTS AND RESTRICTIONS EITHER BY INJUNCTION OR TO RECOVER DAMAGES FOR VIOLATION THEREOF.
- 16.- FEALIN AND WALDRON, INC., ITS SUCCESSORS OR ASSIGNS RESERVE THE RIGHT TO WAIVE, MODIFY AND RELEASE ANY OF THE COVENANTS AND RESTRICTIONS HEREINAFORE IMPOSED FOR THE PURPOSE OF PERMITTING ANY LOTS PLACED UPON ANY LOT IN SAID SUBDIVISION TO BECOME A FIRST LIEN THEREON.
- 17.- BEFORE ANY BUILDING SHALL BE ERECTED ON ANY LOT IN THE AFORESAID SUBDIVISION OR ANY CHANGES OR ALTERATIONS MADE ON THE EXTERIOR DESIGN THEREOF THE PLANS AND SPECIFICATIONS MUST BE FIRST APPROVED BY THE BOARD OF DIRECTORS OF FEALIN AND WALDRON, INC., IN WRITING, WHICH MAY BE A RECITATION TO THAT EFFECT IN ANY DEED SIGNED BY THE OFFICERS OF THE CORPORATION.
- 18.- IF ANY DWELLING HAS BEEN COMPLETELY ERECTED ON ANY LOT IN SAID SUBDIVISION, AND CONSENT HAS NOT BEEN OBTAINED AS ABOVE REQUIRED, AND NO OBJECTION HAS BEEN RAISED BY THE DIRECTORS OF THE CORPORATION AS AFORESAID, THEN ALL RIGHTS ON BEHALF OF THE CORPORATION OR ITS BOARD OF DIRECTORS RAISING ANY OBJECTION TO THE CHARACTER, STRUCTURE OR DESIGN OF SAID HOUSE OR ITS SPECIFICATIONS SHALL BE CONSIDERED WAIVED.

## KNOW ALL MEN BY THESE PRESENTS, TO WIT:

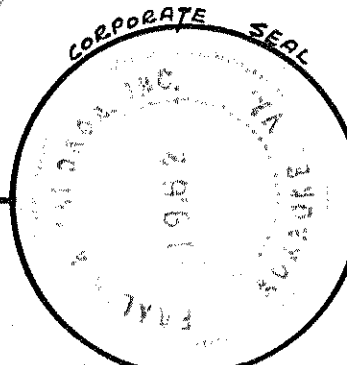
THAT FEALIN AND WALDRON, INCORPORATED, IS THE FEE SIMPLE OWNER AND PROPRIETOR OF THE LAND SHOWN HEREON SUBDIVIDED, KNOWN AS SECTION N° 3 BEVERLY HEIGHTS NORTH, BOUNDED AS SHOWN HEREON IN DETAIL BY OUTSIDE CORNERS 1 THRU 33 TO 1, INCLUSIVE, WHICH COMPRISES A PORTION OF THE LAND CONVEYED TO SAID OWNER BY DEED FROM JACKSON HILLS CORPORATION, DATED NOVEMBER 1, 1964, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA, IN DEED BOOK 760 PAGE 318, AND A PORTION OF THE PROPERTY CONVEYED TO SAID OWNER BY DEED FROM THE CITY OF SALEM DATED MAR. 30, 1972, AND RECORDED IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK 940 PG. 239. THE SAID OWNER CERTIFIES THAT IT HAS SUBDIVIDED THIS LAND, AS SHOWN HEREON, ENTIRELY WITH ITS OWN FREE WILL AND CONSENT AND PURSUANT TO AND IN COMPLIANCE WITH SECTIONS 15.1-44.5 THROUGH 15.1-485 OF THE VIRGINIA CODE OF 1950, AS AMENDED TO DATE, AND FURTHER PURSUANT TO AND IN COMPLIANCE WITH THE COUNTY OF ROANOKE "LAND SUBDIVISION ORDINANCES." THE SAID OWNER DOES, BY VIRTUE OF THE RECORDED OF THIS PLAT, DEDICATE IN FEE SIMPLE TO THE COUNTY OF ROANOKE ALL THE LAND EMBRACED WITHIN THE STREETS OF THIS SUBDIVISION AND ALL THE EASEMENTS ARE HEREBY DEDICATED FOR PUBLIC USE.

THE SAID OWNER DOES AS A CONDITION PRECEDENT TO THE APPROVAL OF THIS PLAT AND SUBDIVISION AND THE ACCEPTANCE OF THE DEDICATION OF THE STREETS, SHOWN HEREON, BY THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, ON ITS OWN BEHALF AND FOR AND ON ACCOUNT OF ITS HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS, SPECIFICALLY RELEASES THE COUNTY AND THE VIRGINIA DEPARTMENT OF HIGHWAYS FROM ANY AND ALL CLAIM OR CLAIMS FOR DAMAGES WHICH SUCH OWNER, ITS HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS MAY OR MIGHT HAVE AGAINST THE COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS BY REASON OF ESTABLISHING PROPER GRADE LINES ON AND ALONG SUCH STREETS AS SHOWN ON THIS PLAT OF THE LAND SUBDIVIDED (OR SUCH CHANGED STREETS AS MAY BE AGREED UPON IN THE FUTURE) AND BY REASON OF DOING NECESSARY GRADING, CUTTING OR FILLING FOR THE PURPOSE OF PLACING SUCH STREETS UPON THE PROPER GRADE AS MAY, FROM TIME TO TIME, BE ESTABLISHED BY SAID COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS, AND SAID COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS SHALL NOT BE REQUIRED TO CONSTRUCT ANY RETAINING WALL OR WALLS ALONG THE STREET AND PROPERTY LINES THEREOF.

IN WITNESS WHEREOF IS HEREBY PLACED THE SIGNATURE OF THE SAID CORPORATION BY ELBERT H. WALDRON, ITS PRESIDENT, WITH ITS CORPORATE SEAL HEREUNTO AFFIXED BY HORACE G. FEALIN, ITS SECRETARY, ON THIS 25 DAY OF OCTOBER, 1971.

FEALIN AND WALDRON, INCORPORATED

BY: Elbert H. Waldron PRESIDENT ATTEST: Horace G. Fealin SECRETARY



STATE OF VIRGINIA } TO WIT:  
CITY OF ROANOKE }

I, David Dick, A NOTARY PUBLIC IN AND FOR THE AFORESAID CITY AND STATE DO HEREBY CERTIFY THAT ELBERT H. WALDRON AND HORACE G. FEALIN, PRESIDENT AND SECRETARY, OF FEALIN AND WALDRON, INCORPORATED, WHOSE NAMES AS SUCH ARE SIGNED TO THE FOREGOING WRITING DATED Oct 25, 1971, HAS EACH PERSONALLY APPEARED BEFORE ME IN MY AFORESAID CITY AND STATE AND ACKNOWLEDGED THE SAME ON Oct 25, 1971.

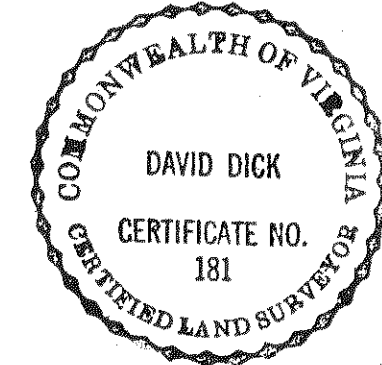
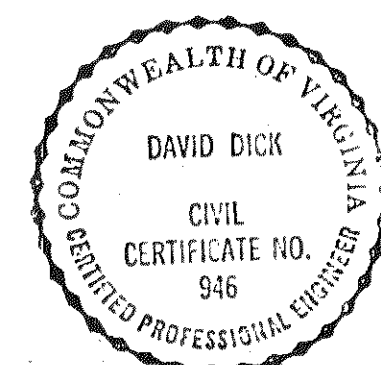
David Dick NOTARY PUBLIC  
MY COMMISSION EXPIRES Jan 16, 1973

OCT. 25, 1971  
I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS CORRECT.

David Dick CERTIFIED ENGINEER & SURVEYOR

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA, THIS PLAT WITH THE CERTIFICATE OF ACKNOWLEDGEMENT THEREON ANNEXED IS ADMITTED TO RECORD ON Oct 26, 1971, AT 1:15 O'CLOCK P.M.

TESTE: ELIZABETH STOKES  
BY: Edward L. Leonard DEPUTY CLERK



## APPROVED:-

Thomas J. Brown CHAIRMAN - BOARD OF SUPERVISORS OF ROANOKE COUNTY DATES: 2/22/72

Paul M. Smith SECRETARY - ROANOKE COUNTY PLANNING COMMISSION DATES: 2-23-72

William F. Taylor, Jr. EXECUTIVE SECRETARY - CITY OF SALEM, VIRGINIA DATES: 4-4-72

E.A. Shugla CITY ENGINEER - SALEM, VIRGINIA DATES: 4-4-72

PLAT  
of  
SECTION N° 3  
BEVERLY HEIGHTS NORTH  
PROPERTY OF  
FEALIN AND WALDRON, INCORPORATED  
ROANOKE CO., VIRGINIA  
BY: DAVID DICK AND HARRY A. WALL  
CIVIL ENGINEERS AND SURVEYORS  
DATE: OCT. 25, 1971 SCALE: 1"=100'  
JOB N° 8760