

BK 0758 PG 00992

**THE RETREAT
FORCE MAIN SEPTIC SYSTEM DECLARATION**

THIS DECLARATION is made and entered into this 5th day of November, 2002,
by Pyle Development, Inc., a Virginia Corporation, hereinafter referred to as the Developer.

WITNESSETH:

WHEREAS, the Developer is the owner and developer of The Retreat Subdivision, located on
Smith Mountain Lane in Franklin County, Virginia; and

WHEREAS, a plat of said subdivision, prepared by Philip W. Kester Inc., Land Surveyor,
dated August 21, 2002 and revised September 23, 2002 and recorded in the Clerk's Office of Circuit
Court of Franklin County, Virginia, in Deed Book 158 at page 492; and

WHEREAS, certain lots of said subdivision are required by the Franklin County Health Department
to have off site septic drain fields served by force mains; and

WHEREAS, The County of Franklin, through its subdivision regulations, requires a maintenance
agreement for force mains and off site drain fields.

NOW THEREFORE THIS DECLARATION OF COVENANTS:

That the Developer, Pyle Development, Inc., being the owner of the aforesaid lots of
The Retreat Subdivision, hereby imposed covenants on certain lots in the aforesaid subdivision as follows:

1. All lots needing off site pump back systems are hereby encumbered with a maintenance covenant
requiring each of those lot owners to maintain the individual force main and septic line which serves
the residence to be located on each respective lot from its point of origination on the aforesaid lot,
along with septic easements on the aforesaid plot to and including the designated drain field area.
Said maintenance requires underground maintenance only and it does not require surface
maintenance such as mowing grass.
2. When individual force mains are located in a common septic easement and it cannot be determined
which septic line or force is defective, the lot owners, as a group, utilizing a pump back system, shall
be responsible for the cost of the repair. The lot owners shall be responsible for the cost of the repair
guaranteeing the repairing contractor payment to locate and correct the defective line so that the
contractor can proceed to correct the defect. However, if it can be determined that one individual
septic line or force main was defective, the owner of the defective line and septic line shall be
responsible for the entire payment and reimbursement to the other lot owners for any cost incurred
by them.

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WITNESS the following signatures and seal:

The Return Subdivision, by
Flyer Development, Inc.

By: E. Derrick Flyer
E. Derrick Flyer, President

By: Erik L. Flyer
Erik L. Flyer, Vice-President

State of Virginia,
County of Franklin, ss-wit:

The foregoing instrument was acknowledged before me this 14 day of
November, 2002, by the above named: E. Derrick Flyer, President of Flyer Development, Inc. and
Erik L. Flyer, Vice-President of Flyer Development, Inc.

[Signature]
Notary Public
Tanya Register
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My Commission Expires September 30, 2006

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