

Marked: Geary - Geary
P.O. Box 1566
Petersburg, WV

10/20/82

35527

DECLARATION OF EASEMENTS AND RESTRICTIONS
FALCONWOOD SUBDIVISION

767

This conveyance shall be made subject to the following easements and restrictive covenants, which easements and covenants are to run with the land:

1. Each OWNER of a lot, except lots numbered 8 through 16 shown on the "FALCONWOOD" Subdivision Plat, (being those lots which front on Hampshire Route 29/1, also known as "Pin Oak Road"), shall have an easement over and upon the existing roadway running through "FALCONWOOD" in the fifty (50) foot wide right of way provided therefor, depicted on the aforesaid Subdivision Plat of "FALCONWOOD", for ingress and egress to and from the lots fronting thereon and West Virginia Route 29, to be used in common with all such Owners.

2. Any maintenance, repair and reconstruction of the aforesaid roadway shall be performed on a continuing basis, and each OWNER, (except as to Owners of lots numbered 8 through 16), shall contribute on an equal basis to the costs of such maintenance, repair and reconstruction, promptly upon receipt of an assessment therefor.

2A. The DEVELOPERS reserve unto themselves, their successors and/or assigns, an easement or right of way over, under and through a fifteen (15) foot wide strip of land paralleling each side of the aforesaid roadway and paralleling all side and rear lot boundary lines, as depicted on the aforesaid Plat of "FALCONWOOD", for the purpose of installing, erecting and maintaining telephone, TV cable and electric poles, lines, wires and associated equipment, as well as conduits and pipes for sewer, gas, water and storm drains.

3. No lot shall be subdivided for sale, resale, gift, transfer or otherwise until (i) DEVELOPERS have conveyed title to all lots in "FALCONWOOD", and (ii) upon the affirmative vote of at least seventy-five percent (75%) of all Owners.

4. That no commercial or business of any type is permitted on any lot; that residential structures of a permanent nature, including mobile homes and double wides which are by foundation or basement construction made a part of the real estate, are permitted. The foregoing restriction shall not apply