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Mountain View Estates
Declaration of Protective Covenants and Use Restrictions
Revised in June 1998

- 1) Lots may be used only for single family residential purposes. No dwelling may be constructed or maintained on any lot with a ground floor area of less than 480 square feet, exclusive of porches and garages.
- 2) Any building constructed of wood must have at least two coats of paint, varnish, or stain unless the wood is of self-sealing nature such as redwood or cedar.
- 3) Any garage, outbuilding or storage shed must conform in general to the appearance to the dwelling.
- 4) There shall be no house trailers or mobile homes. Travel trailers, motor homes, camping trailers shall be permitted on premises temporarily for the weekend use or for vacation and hunting seasons, for no longer than 180 days during the year.
- 5) No building may be constructed within 40 feet from the center of the road which it faces nor closer than 20 feet from any one side of lot.
- 6) All buildings and dwellings shall be of substantial building construction. All exterior construction must be completed within eight months from the date of the beginning of construction. No temporary shacks, trailers, or basements shall be used as a residence.
- 7) All materials used for exterior walls of dwellings or buildings shall be of brick, stone, aluminum, masonite, redwood, or wood siding. No composition asphalt siding or shingles shall be used. All roofs shall be at least 4x12 pitch.
- 8) Premises shall be kept in a neat and orderly appearance at all times.
- 9) There shall be no open discharge of sewage or water. All water and sewage to be disposed of in accordance to the West Virginia Health Department.
- 10) No right of way or easement shall be granted or created upon or across owners acreage, excepts for public utilities.
- 11) Culverts shall be used in all driveways leading from subdivision roads and must be at least twelve inches in diameter and nothing less than 20 feet in length.
- 12) Garbage and trash disposal shall be the responsibility of the landowner.
- 13) No junk cars or abandoned vehicles to be parked on property.
- 14) No noxious or offensive trade or activity shall be carried out on any lot or right of way. Nor shall anything be done thereon which may or become an annoyance or nuisance to the property owners.
- 15) No livestock shall be allowed on any lots except house pets.
- 16) The grantees are to pay \$100 per year per lot for the maintenance of roads and any facilities dedicated to lot owners in common.
- 17) The speed limit is 15 MPH at all times

- 18) No sign of any kind larger than one square foot shall be displayed on any lot, except temporary signs in connection with construction, lease, or sale of lot. Furthermore this provision does not apply to road name and directional signs.
- 19) The use of motorcycles or motor vehicles without proper noise abatement and equipment is prohibited within the subdivision.
- 20) The grantors reserve the right unto themselves, their assigns, and successors, the right to erect and maintain utility poles such as telephone and electric power poles, conduits, equipment, sewer, gas and water lines, or to grant easements or right of ways therefore, with right of ingress and egress for the purpose of erection or maintenance on, over, or under a strip of land fifteen feet wide at any point along the side, rear of front lines of any said lots, or within forty feet from the center of any roads and right of way.
- 21) Refusal to pay road maintenance fees will create the right for the grantors or any successors to place a lien against the subject real estate and unpaid fees will accrue interest at the highest rate permitted by law. Late fee interest will start on September 1st unless other arrangements have been agreed upon.
- 22) The use of ATVs and other off road vehicles is limited to Authorized Personnel. (Authorized meaning lot owners only. No outside ATV or other off road vehicles allowed on subdivision roads.
- 23) Pets shall be confined to the owner's property and kept under the property owner's control. When off the property, the pet must be under the care, and supervision of the lot owner.

Mountain View Estates Owners Association

P. O. Box 63, Delray, WV 26714
Telephone number (304)496-9668
Email address pedrom@frontiernet.net

Date: October 20, 2007

Reference: Membership special meeting celebrated on 10/20/07.

Subject: Amendment to Mountain View Estates Owners Association's By-Laws.

1. The following amendment to the association's By-Laws was officially presented, voted on, and approved during the above referenced membership meeting:

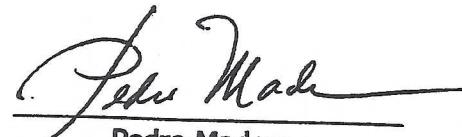
ARTICLE XVII - Amendments. Section 1.a. has been added to the By-Laws and states as follows:

"Section 1.a. Member responsibilities concerning guests: Mountain View Estates owners are responsible for the conduct of their invited guests' actions/and or any damages caused to common properties while on Mountain View Estates premises; a minimum charge of \$150.00 will be assessed to the member for the actions or damages".

2. This membership action carves the first official amendment to the MVEOA's By-Laws since their inception.



Richard Reynolds
President, MVEOA



Pedro Madera
Secretary/Treasurer, MVEOA

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**BY-LAWS
OF
MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION**

ARTICLE I
Definitions

Section 1. "Association" shall mean and refer to the MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION, a non-profit association organized and existing under the laws of the State of West Virginia.

Section 2. "Common Properties" shall mean and refer to parks, playgrounds, swimming pools, ponds, golf courses, commons, streets, footways, including buildings, structures, personal properties incident thereto, and any other properties owned and maintained by the Association for common benefit and enjoyment of the members.

Section 3. "Owner" shall mean any person, combinations of persons, or entity holding title to a lot within the MOUNTAIN VIEW ESTATES SUBDIVISION, a plat of which said subdivision is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Map Book 294, at page 110. If several persons or entities hold partial interests in a single lot, they shall together comprise one "owner".

ARTICLE II
Location and Mailing Address

Section 1. The mailing address of the Association shall be MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION, P. O. Box 63, Delray, West Virginia 26714. The principal office of the Association, as distinct from its address, shall be the property within the MOUNTAIN VIEW ESTATES SUBDIVISION which is owned by whoever is serving as secretary of the organization at any particular time.

ARTICLE III
Membership

Section 1. Every person or entity who is a record owner of a fee or undivided fee interest in any lot in MOUNTAIN VIEW ESTATES SUBDIVISION shall be entitled to membership in the Association, provided that any such person or entity which holds such interest merely as security for the performance of an obligation shall not be a member.

Section 2. There shall be only one class of members and each member shall have one vote per lot. Memberships shall be limited to those "owners" of lots as hereinbefore defined.

Section 3. On transfer or sale of a lot, the prior owner's membership in the Association shall cease, and, any obligations or rights incident to membership shall devolve upon the new owner.

ARTICLE IV Assessments

Section 1. The rights of membership are also subject to the payment of special assessments which may be levied by the Board of Directors from time to time for extraordinary purposes provided that the Board of Directors shall have the assent of thirty-five (35%) of the membership.

Section 2. The quorum required for any action authorized under Section 1 hereof shall be thirty-five percent (35%) of the entire membership who may be present in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 3. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents and other persons owning and using lots in Mountain View Estates Subdivision and in particular for the improvement and maintenance of properties, services and facilities devoted to this purpose. Pursuant to the foregoing, the Association may use and employ assessments to provide for repair, improvement and maintenance of the common properties, payments of taxes and insurance thereon, for paving, repaving, improvement, repair and maintenance of streets, alleys, and common ways. The enumeration of specific uses herein, however, shall not be construed to limit the Association to the use of assessments for purposes similar to the foregoing.

Section 4. The Board of Directors of the Association shall provide for written notice of the assessment to be sent to every owner subject thereof. The Association shall upon demand at any time furnish to any owner liable for said assessment a certificate in writing signed by an officer of the Association setting forth whether said assessment has been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to be paid.

Section 5. The membership rights of any person may be suspended by action of the Directors during the period when the assessments remain unpaid, but, upon payment of such assessments, his rights and privileges shall be automatically restored. If the Directors have adopted and published rules and regulations governing the use of the common lands and facilities, and the personal conduct of any person thereon, as provided in Article IX, Section 1, they may, in their discretion, suspend the rights of any person for violation of such rules and regulations for a period not to exceed thirty (30) days.

ARTICLE V
Voting Rights

Section 1. Each member of the Association shall have one vote per lot owned.

Section 2. A member may vote either in person or by proxy, as hereinafter provided.

ARTICLE VI
Property Rights and
Rights of Enjoyment of Common Property

Section 1. Each member, unless his membership rights are temporarily suspended pursuant to Article IV, Section 5, shall be entitled to the use and enjoyment of the common properties and facilities of the Association.

ARTICLE VII
Association Purposes and Powers

Section 1. The Association has been organized for the following purposes:

(a) To manage the common grounds of the MOUNTAIN VIEW ESTATES SUBDIVISION and to act for its members on all matters of common concern.

(b) To do all things consistent with the above purposes, including but not limited to the following: to own, acquire, and sell real estate; to build, operate, maintain recreation parks, playgrounds, commons, streets, footways, and buildings; to regulate activities by both members and nonmembers on the common areas; and to enter into legal obligations on behalf of its members.

(c) To enforce the covenants and restrictions in the deeds to the lots in this subdivision.

(d) To qualify for exemption from Federal Income Tax under Section 501 (c) (4) of the Internal Revenue Code of 1954 and from State Income Taxes under the appropriate provisions of the West Virginia Code.

(e) To distribute its assets, upon dissolution, to another organization recognized as exempt from Federal Income Taxes under Section 501 (c) (4) of the Internal Revenue Code of 1954 or corresponding parts of any later law.

ARTICLE VIII
Board of Directors

Section 1. There shall be five Directors of the Association, each of whom shall be elected by a majority vote of the members present at the annual meeting either in person or by proxy. Two of the Directors shall be elected for a term of one year, and three Directors shall be elected for a term of two years. New elections will be held annually on the second Saturday in June or at a special meeting called for that purpose.

Section 2. Vacancies in the Board of Directors shall be filled by a majority vote of the remaining Directors, any such appointed Director to hold office until his successor is elected by the members who may make such election at the next annual meeting or a special meeting duly called for that purpose.

Section 3. Any member in good standing may nominate a person to serve on the Board of Directors, with a seconding of the nomination by another member required. Election shall be by a simple majority vote of the members present at the annual meeting either in person or by proxy.

ARTICLE IX
Powers and Duties of the Board of Directors

Section 1. The Board of Directors shall have the power:

(a) To call special meetings of the members whenever it deems necessary.

(b) To appoint and remove at pleasure all officers, agents, and employees of the Association, prescribe their duties, fix their compensation and require of them such security or fidelity bond as it may deem expedient. Nothing contained in these By-Laws shall be construed to prohibit the employment of any member, director, or officer of the Association in any capacity whatsoever.

(c) To adopt and publish rules and regulations governing the use of the common properties and the facilities of the Association and the personal conduct of the members and their guests thereon. All such rules and regulations shall immediately be distributed either in person or by mail to the members.

(d) To establish, levy and assess, and collect the assessments or charges referred to in Article IV.

(e) To exercise for the Association all powers, duties and authority vested in or delegated to this Association, except those reserved to the meeting or to members.

Section 2. The Board of Directors shall have the duty:

(a) To call a special meeting of members upon written request of a majority of the members of the Association.

(b) To cause to be kept a complete record of all of its acts and corporate affairs and to present a statement thereof to the members at the annual meeting and at every special meeting.

(c) To supervise all officers, agents and employees of the Association and to see that their duties are properly performed. To prepare a roster of the lots owned by members of the Association and assessments levied against each member and paid by each member.

(d) To issue, or cause an appropriate officer to issue, upon demand of any person, a certificate setting forth whether any initiation fees, or assessments have been paid. Such certificate shall be conclusive evidence of payment.

ARTICLE X Directors' Meetings

Section 1. The outgoing Board of Directors shall meet each year on the second Saturday in June earlier in the same day as the annual meeting of members on its activities of the year. The incoming Board of Directors shall meet later on that same day, after the annual meeting of members, to make its plans for the coming year.

Section 2. Special meetings of the Board of Directors shall be held when called by any officer of the Association or by any two directors after not less than three (3) days' notice to each director.

Section 3. The quorum for a meeting of the Board of Directors shall be three. A member of the Board of Directors may act either in person or by proxy.

ARTICLE XI Officers

Section 1. The officers of the Association shall be a President, Vice-President, a Secretary and a Treasurer. The five members of the Board of Directors may act as officers.

Section 2. The officers shall be chosen by majority vote of the Directors.

Section 3. All officers shall hold office during the pleasure of the Board of Directors.

Section 4. The President shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board of Directors are carried out and sign all notes, checks, leases, mortgages, deeds, and all other written instruments.

Section 5. The Vice-President shall perform all of the duties of the President in his absence.

Section 6. The Secretary shall be ex officio the Secretary of the Board of Directors, shall record all votes and keep the minutes of all proceedings in a book to be maintained for that purpose, shall sign all certificates of membership, shall record in a special book the names and addresses of all the members of the Association and all the persons eligible to be members and shall keep all other records of the Association.

Section 7. The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors, provided, however, that a resolution of the Board of Directors shall not be necessary for disbursements made in the ordinary course of business conducted within the limits of a budget adopted by the board. The Treasurer and the President shall sign all checks and notes of the association.

Section 8. The Treasurer shall keep proper books on account, and he shall prepare an annual balance sheet statement, which shall be presented to the membership at its regular annual meeting.

ARTICLE XII Committees

Section 1. The Board of Directors may appoint such standing and special committees as it may deem necessary. No action by a committee shall be final until ratified by the Board of Directors.

ARTICLE XIII Meeting of Members

Section 1. The regular annual meeting of the membership shall be on the second Saturday in June at the time, date and location to be determined by the Chairman of the Board.

Section 2. Special meetings of members shall be called by the chairman of the Board upon petition by half of the members or persons eligible to be members. Special meetings shall also be held at a location and at a time and dated chosen by the Chairman of the Board of Directors.

Section 3. The Secretary shall give notice of all meetings to all members and to all persons eligible to be members. Notice shall be given in writing at least fifteen (15) days prior to a meeting, either in person or through the mail

Section 4. At a meeting of members, a quorum shall consist of thirty-five percent (35%) of the persons who are actually members of the association.

ARTICLE XIV
Proxies

Section 1. At all corporated meeting of members, each member may vote in person or by proxy.

Section 2. All proxies shall be in writing and filed with the Secretary. No proxy shall extend beyond a period of eleven (11) months, and every proxy shall automatically cease upon sale by the member of his home or other interest in the properties

ARTICLE XV
Books and Papers

Section 1. The books, records, and papers of the Association shall be available for inspection by any member at the annual meeting of the Association.

ARTICLE XVI
Corporate Seal

Section 1. The Association shall have A seal in the circular form, having within its circumference the words "Mountain View Estates Subdivision Association".

ARTICLE XVII
Amendments

Section 1. These By-Laws may be amended at any time by a 35% vote of the membership attending either in person or by proxy any regular meeting or one called for this purpose (with thirty (30) days written notice).

Section 2. These By-Laws shall at all times be compatible with the Articles of Incorporation and, in the event of any incompatibility, the Articles shall control.

ARTICLE XVIII
Road Maintenance Fees

All road maintenance fees under the covenants in the deeds are due on the first Saturday in June.

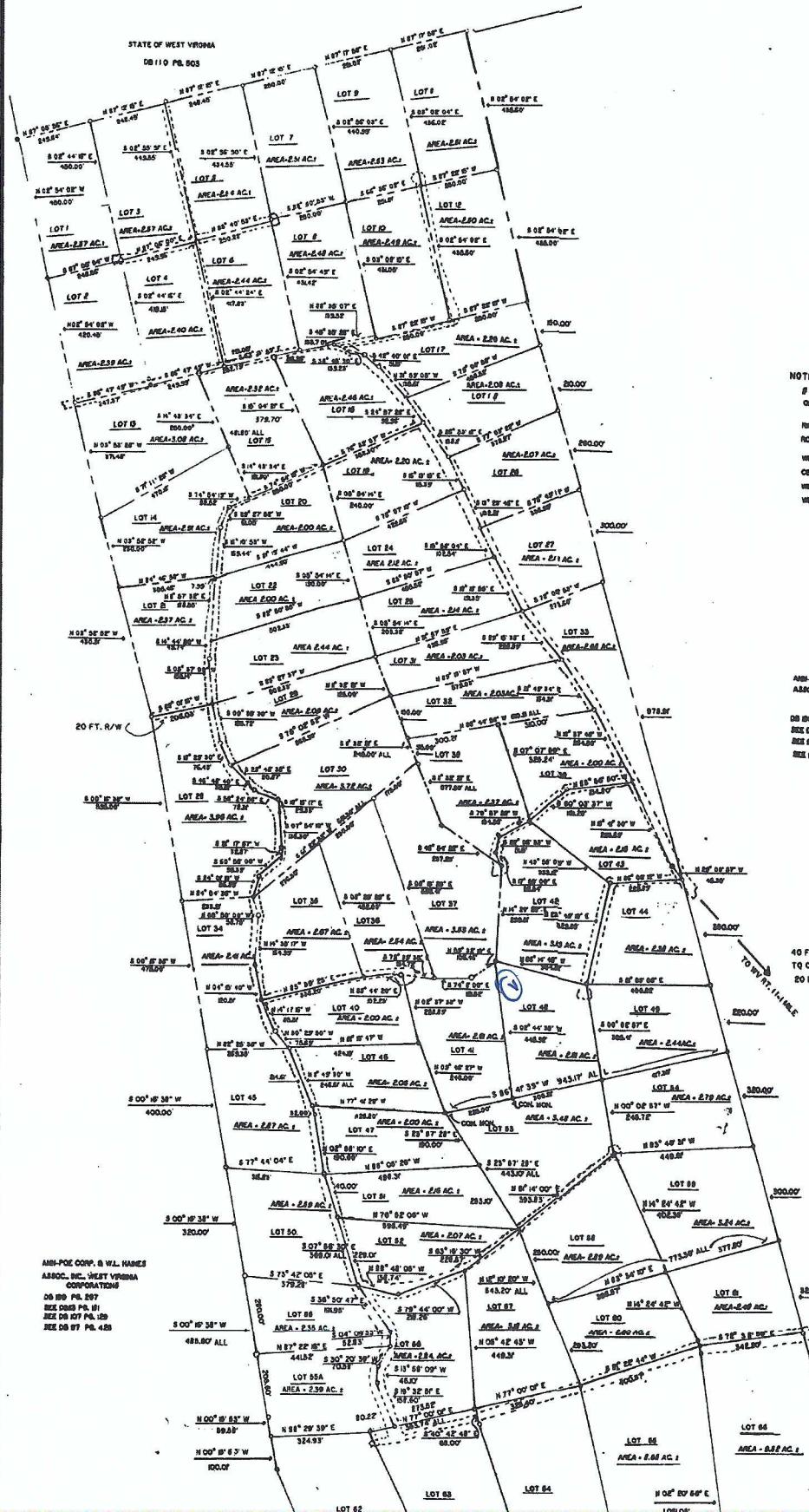
In Witness Whereof, we, being all the Directors of the Mountain View Estates Subdivision Association, have hereunto set our hands this _____ day of _____, 1995.

official copy signed.

PLAT & SURVEY
of
MT. VIEW ESTATES
SUBDIVISION

Sherman Dist. Hampshire Co. W. V.

P.63



NOTES:

2 FT. REBARS ARE SET AT ALL PROPERTY CORNERS OR 20 FEET BACK ALONG PROPERTY LINE.
RIGHT-OF-WAY WIDTHS ARE 40 FEET FOR ALL ROADS SHOWN.
WHERE PROPERTY LINES FOLLOW ROADS THE CENTER LINE IS THE BOUNDARY LINE.
WHERE POSSIBLE ALL BOUNDARY LINES ARE MARKED WITH 2 HACKS AND PAINTED WITH RED PAINT.

AM-POE CORP. & W. L. HARNES
ASSOC. INC. WEST VIRGINIA
CORPORATIONS
DD 89 PL. 577
RE 09 115 PL. 61
RE 09 277 PL. 69
RE 09 67 PL. 418

40 FT. R/W ACROSS AM-POE CORP. LANDS DD 8/75
TO CHARLES LOY LANDS DD/IR
20 FT. R/W ACROSS CHARLES LOY LAND TO WV RT. 11

STATE OF WEST VIRGINIA, County of Hampshire, on the 1st day of October, 1971,
Be it known that on the 1st day of October, 1971, the Clerk's Office of the County Commission of said County
was presented that on the 1st day of October, 1971, the Clerk's Office of the County Commission of said County
and with the certificate thereof annexed, admitted to record.
Attest: *Mark C. Zeller*
County Commission, Hampshire County, W. Va.