

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (the "Amendment") is made as of this 1<sup>st</sup> day of May, 2017 by D.R. HORTON, INC., a Delaware corporation, (the "Declarant") Grantor; and BLUE RIDGE SHADOWS HOMEOWNERS ASSOCIATION, a Virginia non-stock corporation, its successor and assigns (the "Association"), Grantee.

WHEREAS, Declarant is the owner of Lots 25 through 36, both inclusive, BLUE RIDGE SHADOW, PHASE 4 (collectively, the "Phase 4 Lots"), which are duly subdivided, platted and recorded as Instrument Number 060000472 among the land records of Warren County, Virginia (the "Land Records"); and

WHEREAS, Declarant is the owner of Lots 98 through 118, both inclusive, BLUE RIDGE SHADOW, PHASE 5 (collectively, the "Phase 5 Lots"), which are duly subdivided, platted and recorded as Instrument Number 070000033 among the Land Records; and

WHEREAS, the Phase 4 Lots and the Phase 5 Lots are collectively referred to hereinafter as the "Lots"; and

WHEREAS, the Lots are subjected to a certain Declaration of Covenants, Conditions and Restrictions for Blue Ridge Shadows Subdivision recorded as Instrument Number 050013986 among the Land Records, as the same has been amended from time to time (collectively, the "Declaration"); and

WHEREAS, Warren County has approved a new Proffer Statement for the Lots, pursuant to Rezoning # R2016-09-01, which has been approved by the Warren County Board of Supervisors as of January 17, 2017 (the "Active Adult Proffers"); and

WHEREAS, Article XII, Section 4 of the Declaration provides the Declarant with the unilateral right to amend the Declaration, among other things, to bring the Declaration into compliance with the requirements of Warren County, Virginia; and

WHEREAS, it is necessary to amend the Declaration in order to bring the Declaration into compliance with the Active Adult Proffers; and

WHEREAS, it is the desire of the Declarant to amend the Declaration, to bring the Declaration into compliance with the Active Adult Proffers; and

WHEREAS, the Association joins herein to evidence its consent to this Amendment.

Prepared by/Return to:  
Michael R. Kieffer, VSB No. 75077  
Walsh, Colucci, Lubeley & Walsh, PC  
2200 Clarendon Blvd., Suite 1300, Arlington, VA 22201

NOW THEREFORE, the Declarant, in its capacity as the Declarant under the Declaration and as the fee simple owner of the Lots, with the consent of the Association, hereby declares that the Declaration is amended as follows:

1. The following is added as a new Section 21 to ARTICLE VI of the Declaration:

"21. Dwelling Size, Lots 25 – 36, Phase 4 and Lots 98 – 118, Phase 5. Notwithstanding anything to the contrary contained in Article VI, Section 19, in accordance with the Proffer Statement approved by the Warren County Board of Supervisors as of January 17, 2017, pursuant to Rezoning # R2016-09-01, the following restrictions shall apply to Lots 25 through 36, both inclusive, Blue Ridge Shadows, Phase 4, and Lots 98 through 118, both inclusive, Blue Ridge Shadows, Phase 5:

a. the minimum square footage for a one-story single family detached Dwelling shall be 2,900 square feet cumulative. The minimum square footage for a single family detached Dwelling of two or more stories shall be 3,500 square feet cumulative.

b. For two or more story homes, square footages as set forth above shall include unfinished basement areas, if the first two stories are at least 2,500 square feet, and provided further that such unfinished basement area is capable of being finished including the installation of a heating and air conditioning system appropriately sized and installed, so the basement area can be finished as living space. The above restrictions shall exclude garage space and porches.

c. For one-story homes, the finished living area in the basement shall count toward the 2,900 square foot minimum set forth above. The 2,900 square feet shall not include garage space, porches or other unfinished spaces.

d. All Dwellings shall be single-family detached dwellings as defined in the Warren County Zoning Ordinance."

2. RECITALS. The recitals above are incorporated herein by this reference as though the same had been set forth at length. Any capitalized term used in this instrument and not defined herein shall have the definition given to it in the Declaration.

3. BINDING AFFECT. The covenants, conditions, restrictions, easements, agreements and benefits contained herein shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns, and shall run with title to the land. Except as modified by this Amendment, all of the terms and provisions of the Declaration are hereby expressly ratified and confirmed and shall remain in full force and effect.

4. GOVERNING LAW. This instrument shall be governed by and interpreted in accordance with the laws of the Commonwealth of Virginia.

5. COUNTERPARTS. This instrument may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which shall be deemed to be one and the same instrument.


The Declarant and Association have caused this instrument to be signed as of the date described above.

***[SIGNATURE PAGES FOLLOW]***

WARREN COUNTY, VIRGINIA  
LAND RECORDS

000018 MAY 11 2

**D.R. HORTON, INC.**, a Delaware corporation

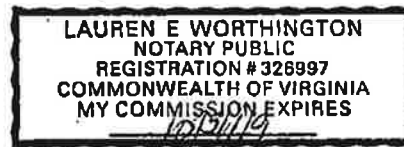
By:   
Name: Patrick J. Williams  
Title: Vice President

STATE OF Virginia :  
COUNTY/CITY OF Fairfax :

The foregoing instrument was acknowledged before me this 1st day of May, 2017 by Patrick J. Williams, Vice President of D.R. Horton, Inc., on behalf of said corporation.

  
Notary Public

My commission expires: 10/31/19



**[SIGNATURE PAGES CONTINUE ON THE FOLLOW PAGE]**

WARREN COUNTY VIRGINIA  
LAND RECORDS

000019 MAY 11 2017

**BLUE RIDGE SHADOWS  
HOMEOWNERS ASSOCIATION, INC.,** a  
Virginia non-stock corporation

By: *[Signature]*  
Name: Patrick J. Williams  
Title: President

STATE OF Virginia :  
COUNTY/CITY OF Fairfax :

The foregoing instrument was acknowledged before me this 1st day of May, 2017 by Patrick J. Williams, President of Blue Ridge Shadows Homeowners Association, Inc., on behalf of said corporation.

*[Signature]*  
Notary Public

My commission expires: 10/31/19

LAUREN E WORTHINGTON  
NOTARY PUBLIC  
REGISTRATION # 326997  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
10/31/19

INSTRUMENT 170002430  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
May 11, 2017 AT 09:09 AM  
DARYL L. FUNK, CLERK  
RECORDED BY: AVS

AVS