

Monastery
Restrictions and Conditions

DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTINS
APPLICABLE TO ALL PROPERTY IN MONASTERY

THIS DECLARATION is made on the date hereinafter set forth by Micro-Mini Co., Inc., a Delaware Corporation. Micro-Mini Co., Inc., is the owner and/or developer of a certain property in the County of Powhatan, Virginia, as more commonly known as "Monastery". The developer desires to create a uniform general plan of development for Monastery, which will be aesthetically pleasing and which will foster a peaceful residential lifestyle and preserve the attractiveness of the development.

In order to protect the value and desirability of Monastery and promote the purposes of this development, the developer does hereby impose certain restrictive covenants, conditions, easements, charges, assessments and affirmative obligations as hereinafter set forth.

WHEREAS, homeowners and lot owners of Monastery are subject to certain restrictions and conditions, this document is prepared as a compilation of all previously recorded documents and amendments regarding restrictions and conditions as of September 1, 2008. WHEREAS, homeowners and lot owners of Monastery desire to record this document to replace all previously recorded documents in referencing the restrictions and conditions of Monastery.

Architectural Restrictions:

1) The Architectural Control Committee, herein called "Committee" shall control all development in Monastery. The Committee shall enforce covenants, conditions, and restrictions. The Committee shall review, approve or disapprove and document the results of architectural reviews for any proposed building or structure within Monastery. The Committee shall collect annual dues to pay for the maintenance and obligations of Monastery. The Committee shall be composed of the developer, builders and others appointed by the developer.

2) No building shall be erected, altered, repaired or changed in color on any lot until the construction plans and specifications thereof and a plan showing the location thereof on the respective lot shall have been approved by the Committee. The quality and type of materials, harmony of external design with existing structures and the location with respect to topography and finish grade elevation, and the direction in which any garage entrances face must be approved by the Committee. No changes in grade, major landscaping or other work which in any way alters the exterior appearance of any lot (including clearance of trees and vegetation) shall be done until plans have been submitted and approved by the Committee.

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3) No dwelling or garage or other structure shall be erected on any lot by any owner, builder or contractor, whether the lot be owned by the contractor or someone else unless the contractor shall have received the prior approval of the committee and such approval shall not have been withdrawn. Any person shall before commencing the erection of any building in this subdivision, obtain the written approval of the Committee and shall to that end furnish to it such statements, information, and references as it may request. Any approval so given may be withdrawn at any time by the committee by written notice provided to the proponent but such withdrawal shall not prevent completing the erection of any building commenced before his receipt of such notice.

4) Plans shall be submitted to the Chairman of the Committee who may be contacted at 804-357-8674. The Committee shall meet within (7) days of receiving plans and review the plans in accordance with these Restrictions and Conditions. By-laws and such review guidelines as may be established from time to time.

5) The Committee approval or rejection shall be in writing and clearly state reasons for rejection. The committee using these guidelines will be making judgments based on the “total design” and in the context of surrounding houses and compatibility with the site. Refusal or approval of plans, location, exterior color, or specification may be based on any ground including “street appeal”. No two sites are alike and a design on one site may not be appropriate on another.

6) The Committee may retain the services of a consultant when necessary to assist in the evaluation process. The decisions of the Committee are final and may not be appealed.

7) No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and an attached private garage for not more than three automobiles and such freestanding structures as described in Par 8(g) as approved by the committee.

8) The following specific design restrictions will be rigidly enforced in Monastery.

- a) Single level homes without attached garage shall not be less than 2500 sq. ft. of heated and finished area.
- b) Single level homes with attached garage shall not be less than 2500 sq. ft. of heated and finished area.
- c) Two story homes shall not be less than 2500 sq. ft. of heated and finished area.
- d) Garage doors are not to be visible from the main street facing the home.
- e) Walks from driveway to front door to be exposed aggregate concrete brick, etc. Loose flagstone on top of ground in ill-defined manner is not acceptable.

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- f) All houses must incorporate balanced foundation landscaping that “connects” the house to its natural setting.
- g) Garages must be designed and located as an integral part of the house site plan incorporated into the overall design with landscaping, walkways, etc. and should be of the same style, finished materials and colors as the house. Freestanding storage sheds, work shops, doghouses, gazebos, playhouses, etc. shall be prohibited on the lots in Monastery. Exceptions may be granted where the intent is to make the structures as unobtrusive as possible.
- h) Fencing must be integral to the design of the house. Chain link and stockade style fencing will not be approved. Fencing which faces a front or side street must be of a style approved by the committee based on the total design and the impact on surrounding houses.
- i) Shrubbery may be placed in the front yard as appropriate so long as the location of the shrubbery does not constitute a fence-like hedge. No trees with a diameter of six (6) inches or more or at a height of five (5) feet or more may be cleared from any lot without the written permission of the Committee. This also applies to dead and diseased trees. Homeowners and lot owners are responsible for cutting the grass along the roads that adjoin their lots. *** check use of adjoins ****
- j) Service areas, which incorporate heating and air conditioning equipment and trash, cans must be properly screened.
- k) All exterior wood steps must have brick risers except where located in the rear yard.
- l) No exposed natural (mill finished) aluminum or galvanized flashing or roofing is permitted.
- m) Window screens, storm windows, and storm doors must be anodized or painted to match trim.
- n) The minimum roof pitch shall be 8ft. in 12ft for single level homes and 8ft. in 12ft. for two-story homes.
- o) Houses must be designed and located so as to minimize exposed foundations. Exposed foundations must be brick or other decorative finish as approved by the committee. Stone may be used as an accent.
- p) Multiple windows with different sizes and shapes, multi directional siding and “hodge podge” types of designs will be discouraged. The committee will also discourage skylights where they will be facing the street on traditional homes.

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- q) All homes must be stained or painted natural wood siding will not be allowed. Extremely bright or offensive colors or color combinations will not be approved. All exterior colors must be reviewed and approved by the committee prior to painting.
 - r) Plans submitted must be professionally drawn, clear, complete and to scale. All proposed changes to the plans must be incorporated as part of the drawings. No pencil sketches are permitted.
 - s) Plans submitted to the committee must be accompanied by a site plan at a minimum scale 1"=20'.
 - t) A three-step review process will be utilized by the Committee. To aid the buyers and to insure compliance with these requirements:
 - 1) At an early stage during the design process it is recommended that schematic designs be submitted for preliminary approval so that changes required or suggestions made could easily incorporated into the final working drawings.
 - 2) Final working drawings of how the house is actually to be built are submitted with final site plan and a complete list of exterior materials and colors.
 - 3) Compliance inspection is performed by a designated Committee member to insure the house is built in conformance with the plans and recommendations and approved colors.
- 9) The front elevation of the main structure must face the street, which has the greater building line set-back unless specifically exempted by the Committee due to lot variances, building structure or for other duly valid reason.
- 10) Notwithstanding the above square foot requirements, the Committee shall have full power and authority to reject building plans where square foot requirements have been met but where the Committee feels the intended structure is incompatible with other structures in Monastery.
- 11) No lot shall be cleared for building purposes until a valid building permit has been acquired and existing drainage ditches are maintained to allow free flow of water. Erosion control fencing shall be provided in accordance with the County Building Ordinance.
- 12) The exterior of the house as approved by the Committee must be completed before occupancy unless relief is granted by the Committee.
- 13) Approval of building plans by the Committee is effective for one year from date of approval. Extension of approval can be obtained by request to the Committee.

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14) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. No building shall be located nearer than 20 feet to the rear lot line. No dwelling shall be located on any interior lot nearer than 20 feet to the rear lot line. For the purpose of this covenant, eaves, steps, and open and/or screened porches shall not be considered as a part of a building. Where the subdivision plat shows more than one building line for a particular lot the building placed on such lot must be constructed to front on the street which has the greater building line setback.

15) Only one residence shall be erected or placed on a single lot. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

16) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently. Any residence to be constructed on any lot in this subdivision shall be completed within one year from the time the first building permit shall have been issued by the appropriate public authority to the owner or contractor for the construction of the residence.

17) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot or one sign of not more than five square feet advertising the property for sale or rent, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.

18) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose. Pets shall not be allowed to run free on the lots or roads of Monastery. No dog houses/pens or invisible fences are allowed on any lots. All dogs must be on a leash at all times when they are outside the main dwelling.

19) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage and other waste shall be kept on any lot except in sanitary containers and all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

20) No above ground swimming pools of any type shall be installed or used on any lot. Plans for installation of any pool must be submitted to the Committee for approval. The plans must be professionally drawn, clear and complete to scale including pool location, layout, landscaping, decking and fencing around the pool area. The committee using these guidelines will be making judgments based upon the "total design" and the impact on surrounding houses.

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21) No air rifles, BB guns, pellet guns, paint ball guns or anything that fires a projectile or looks like a gun or sounds like a gun (firecrackers) or boom boxes, outside speakers, non-stock motor vehicle muffles or any device that causes noise annoyance shall be allowed on the lots or roads in Monastery. The operation of unlicensed vehicles, including, but not limited to motor bikes, motorcycles, go-carts, and ATVs are prohibited on the lots and roads in Monastery

22) No external illumination on any lot shall be of such character or intensity or so located as to interfere with any other homeowner's use or enjoyment of his lot. No neon or flashing lights shall be permitted.

General Provisions

The Committee as described in Paragraph 1 shall have sole authority to enforce these conditions and restrictions and to collect the annual maintenance fee until seventy percent (70%) of the lots in Monastery are fully developed at which time the homeowners shall elect three (3) members who will serve on the Committee for three (3) years with the developer or the developer's representative. If an elected representative can't finish his/her term, the developer or the developer's representative shall appoint a homeowner to finish term. Each and every homeowner and lot owner must belong to the Monastery Homeowners Association and pay an equal share of the cost to maintain the subdivision.

Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.