

AMENDMENT TO RESTRICTIONS AND PROTECTIVE COVENANTS
for
SUNDANCE MOUNTAIN SUBDIVISION

THIS AMENDMENT TO THE RESTRICTIONS AND PROTECTIVE COVENANTS for Sundance Mountain Subdivision is made this _____ day of _____, 2021, by **SUNDANCE MOUNTAIN SOUTH ASSOCIATION, INC.**, an incorporated property owners' association (the "Association"), index as grantor.

P R E A M B L E

A. The Sundance Mountain Subdivision (the "Subdivision") was established and dedicated by the following instruments

1. Plat Showing the Division of the Northern Portion of a Larger Tract of Land owned by Sundance Properties, a Virginia limited partnership, dated February 18, 1975, which plat is recorded in the Clerk's Office of the Circuit Court of Shenandoah County, Virginia in Deed Book 350 at page 655, revised February 20, 1975 and re-recorded in Deed Book 354 at page 593;
2. Deed from Sundance Properties to Charles E. Spitler, et al. dated January 25, 1978, and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 514 at page 321;
3. Deed of Vacation and Dedication by Sundance Properties and Charles E. Spitler, et al. dated September 7, 1978, and recorded in the Rockingham County Clerk's Office in Deed Book 533 at page 192;
4. Owner's Consent and Dedication dated April 12, 1979, and recorded in the Rockingham County Clerk's Office in Deed Book 550 at page 6;
5. Owner's Consent and Dedication dated August 23, 1979, which is contained and recorded with a Document of Restrictions Regarding Sundance Mountain Division, Section 4, in the Rockingham County Clerk's Office in Deed Book 561 at page 776;
6. Owner's Consent and Dedication dated March 17, 1981, and recorded in the Rockingham County Clerk's Office in Deed Book 615 at page 484;
7. Owner's Consent and Dedication dated October 26, 1982, and recorded in the Rockingham County Clerk's Office in Deed Book 665 at page 163; and

8. Owner's Consent and Dedication dated October 26, 1982, and recorded in the Rockingham County Clerk's Office in Deed Book 665 at page 172.

B. The Subdivision is subject to certain restrictions which are contained in the following instruments:

1. Document of Restrictive Covenants Regarding that Certain Subdivision Known as Sundance Mountain dated February 13, 1976, made by Sundance Properties, a Virginia limited partnership, and recorded in the Shenandoah County Clerk's Office in Deed Book 354 at page 589;

2. Amendment to the Document of Restrictive Covenants Regarding that Certain Subdivision Known as Sundance Mountain dated on or about June 9, 1976, made by Sundance Properties, and recorded in the Shenandoah County Clerk's Office in Deed Book 357 at page 715;

3. Restrictive covenants set forth in a deed dated January 25, 1978, from Sundance Properties to Charles E. Spitler, et al. which deed is recorded in the Rockingham County Clerk's Office in Deed Book 514 at page 321;

4. Vacation of one of such covenants and addition of a new covenant in a Deed of Vacation and Dedication dated September 7, 1978, by Sundance Properties and Charles E. Spitler, et al., which deed is recorded in the Rockingham County Clerk's Office in Deed Book 533 at page 192;

5. Document of Restrictions Regarding Sundance Mountain Division, Section 3, dated April 12, 1979, by Sundance Properties, and recorded in the Rockingham County Clerk's Office in Deed Book 550 at page 12;

6. Document of Restrictions Regarding Sundance Mountain Division, Section 4, dated August 23, 1979, by Sundance Properties, and recorded in the Rockingham County Clerk's Office in Deed Book 561 at page 776;

7. Owner's Consent and Dedication dated March 17, 1981, by Sundance Properties, and recorded in the Rockingham County Clerk's Office in Deed Book 615 at page 484; and

8. Instrument dated April 16, 1984, made by Sundance Properties, and recorded in the Rockingham County Clerk's Office in Deed Book 708 at page 777.

C. Sundance Mountain South Association, Inc. is the property owners' association of Sundance Mountain Subdivision.

D. The Owners of the tracts in the Subdivision (the "Owners") have amended a

portion of the existing covenants and restrictions pursuant to § 55.1-1829 of the Code of Virginia (formerly § 55-515.1) and wish to record the amendment.

NOW THEREFORE, the Association, pursuant to § 55.1-1829 of the Virginia Property Owners Association Act (formerly § 55-515.1), hereby amends and replaces Paragraph 2 of the covenants and restrictions to which Sundance Mountain Subdivision is subject according to the instruments referenced in Paragraph B above, and declares that all of the property in the Subdivision shall be held, transferred, sold, conveyed, and occupied subject to the covenants and restrictions as amended herein, which shall run with the real estate and shall be binding on and inure to the benefit of all present and future Owners thereof.

2. The Association may assess each tract owner an equal amount approved by the membership each year at the annual membership meeting, based upon the annual budget approved at said meeting, for the use, upkeep, snow removal and maintenance of the rights of way within the said Subdivision and such other common areas therein, and for the administration of the Association. In the event no annual meeting is held, the amount assessed at the last annual meeting shall continue for the following calendar year. The payment of said assessment and levy shall be payable on or before the 31st day of January of the year following the assessment. The Association shall have a lien, once perfected, on every tract for unpaid assessments levied against that tract as provided by Virginia Code § 55.1-1833 Upon resale of a tract or tracts, the obligation to pay said assessment shall be binding upon the purchaser or purchasers of said tracts without any provisions in the sales contract so providing.

Except that the assessment per tract indicated above shall not apply to Lots No. 14 and 15 of the Subdivision situate in Shenandoah County if the primary means of access thereto be from State Route #620, a public road, and such primary access be not from a roadway of Sundance Mountain Division. In the event that access to and from either Lot 14 or 15 is gained from a roadway of Sundance Mountain Division, then such lots as served by such access from said roadway of said division shall be subject to assessment as provided above.

19. These covenants and restrictions may be amended by two thirds of the lot owners in Shenandoah County other than Lots No. 14 and 15, and separately amended by two thirds of the lot owners in Rockingham County.