

Rt. 11-5-99

Jesse O. Shulls, Jr.

117 North Ct. St.

Jewelling, W 2401-1101

SUMMERS COUNTY COMMISSION
 DEED Clerk 07
 Date/Time: 11/02/1999 14:25
 Inst #: 99915
 DEED BOOK
 Book/Page: 199- / 302-
 Recd/Tax: 3.50 .00

**DECLARATION OF COVENANTS,
 CONDITIONS AND RESTRICTIONS**

Mary E. Merritt

EMERALD ISLE

THIS DECLARATION, Made on the 27th day of September, 1999, by Howard R. McVey, III and Detra C. McVey.

WITNESSETH

Declarants hereby covenant and declare that all land shown on the Plat of Survey for Howard R. McVey, III and Detra C. McVey, dated August, 1999, prepared by Rickford Walton which shall be recorded in the Office of the Clerk of the County Commission of Summers County, West Virginia, to be recorded at a later date, shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title, and interest in the property more particularly described on said plat, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

1. The lot or lots hereby conveyed shall be limited to and described as residential and recreational lots.
2. No lot shall be further subdivided for the purpose of constructing or locating any dwellings, campers, trailers or improvements upon such part of lot or portion thereof and subject to compliance with any required governmental permits..
3. There shall be no outside toilets erected on said property, and there shall be no open sewers or drains on said property. All sewers and drains on said property shall be so constructed as not to constitute a nuisance to other property owners, or to endanger the health and safety of others and their property. All sewage systems must be constructed and maintained as outlined in the regulations adopted by the West Virginia State Board of Health.
4. Grantors shall reserve a permanent easement over and across a 25 foot and 30 foot wide strip of real estate to the Greenbrier River as shown on the designated plat.
5. No noxious or offensive operation shall be allowed or maintained on any lot, or nothing

shall be permitted which may constitute a nuisance or unreasonable annoyance to the neighborhood or which in any way tend to depress the property in the subdivision.

6. Any buildings, mobile homes or campers placed or erected upon the lots shall be no closer than fifteen (15) feet from the side of the lot and twenty-five (25) feet from the adjacent street or road.

7. Grantor reserves a permanent easement across the rear of each lot, parallel to the railroad tracks, within fifteen (15) of the boundary for constructing and maintaining utilities.

8. All lots shall be properly maintained with grass appropriately mowed and no trash, garbage or other waste shall be kept except in sanitary containers.

9. No unlicensed or abandoned vehicles shall be permitted.

10. Each lot owner shall be a member of the Emerald Isle Property Owners Association and subject to the rules, regulations and assessments of the Association for the preservation of all common areas, including any streets and rights-of-ways.

11. No signs or billboards shall be placed on the lots except that signs may be used to promote sale of lots within the subdivision.

12. At the time of recording of the subdivision plat and this Declaration of Covenants, Conditions and Restrictions, the roads in Emerald Isle are private. Each lot owner in Emerald Isle will be granted an easement over the road as shown on the subdivision plat of Emerald Isle for purposes of ingress to and egress from their respective lots, which easement shall be an appurtenance to each lot and shall run with the title to each lot, subject to the provisions and obligations of the Declaration for maintenance and upkeep of the private road in Emerald Isle.

13. The road shown on the herein above referenced plat of Emerald Isle is a private road and provides the sole means of access to and from the lots shown on said map. Each lot owner, as evidenced by their acceptance of the deed to their respective lots, acknowledges that the roads are private and portions of the roads that cross their respective lots shall remain unobstructed at all times and shall be subject to the rights of other lot owners in the subdivision to use portions of their lot

within the bounds of said private right-of-way. Each lot owner acknowledges that it is in their best interest that the roads be maintained in a good and passable condition at all times and that they agree to share equally, per lot, in the cost of maintaining said roads regardless of the size of their lot or the distance traveled over said roads to provide access to their respective lots.

WITNESS the following signatures and seals:

Howard R. McVey, III

HOWARD R. MCVEY, III
Detra C. McVey

DETRA C. MCVEY

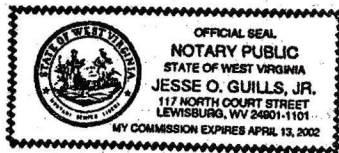
STATE OF WEST VIRGINIA

COUNTY OF GREENBRIER:

The foregoing instrument was acknowledged before me this 27th day of September, 1999, by Howard R. McVey, III and Detra C. McVey, husband and wife.

My commission expires April 13, 2002

(Notarial Seal)



Jesse O. Guills, Jr.

Notary Public

This instrument was prepared by the Law Office of Jesse O. Guills, Jr., 117 North Court Street, Lewisburg, WV, 24901-1101.

FIRST AMENDMENT AND RESTATEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EMERALD ISLE

This First Amendment to, and Restatement of, the Declaration of Covenants, Conditions and Restrictions for real estate in the Emerald Isle Subdivision, more particularly shown on a plat of survey for Howard R. McVey, III, and Detra C. McVey, dated August, 1999, prepared by Rickford Walton, which survey appears of record in the Office of the Clerk of the County Commission of Summers County, West Virginia, in Map Cabinet B, Map 47A;

WHEREAS, the original Declaration of Covenants, Conditions and Restrictions for Emerald Isle was dated September 27, 1999, and appears of record in the aforesaid Clerk's Office in Deed Book No. 199 at page 302; and

WHEREAS, a special meeting of the Property Owners' Association of the Emerald Isle Subdivision was held on Saturday, August 14, 2021, pursuant to notice of said meeting as required by the Articles of Incorporation of the Emerald Isle Subdivision, at which meeting a quorum was present; and

WHEREAS, the Property Owners' Association passed a proposal to amend and restate the Declaration of Covenants, Conditions and Restrictions for the Emerald Isle Subdivision to address concerns about commercial activities resulting from use of properties for short term rentals; and

WHEREAS, the Property Owners' Association voted to amend the Declaration of Covenants, Conditions and Restrictions as follows:

Paragraph No. 1 which provides that "The lot or lots hereby conveyed shall be limited to and described as residential and recreational lots" is hereby deleted.

Paragraph No. 1 is hereby amended as follows:

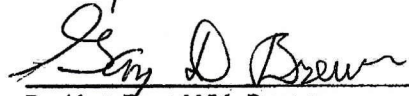
1. The lot or lots hereby conveyed shall be limited to, and described as, residential and recreational lots.

GARY D. BREMER
PO BOX 853
ALDERSON WV 24910-0853

- A. No commercial activity, as defined by West Virginia law or West Virginia tax law, shall be allowed to operate on property within the Emerald Isle Subdivision.
 - B. Short term leasing of any property within the Association must be for a minimum term of 120 consecutive days. Any lease for a period of less than 120 consecutive days is prohibited.
2. No lot shall be further subdivided for the purpose of constructing or locating any dwellings, campers, trailers or improvements upon such part of lot or portion thereof and subject to compliance with any required governmental permits.
 3. There shall be no outside toilets erected on said property, and there shall be no open sewers or drains on said property. All sewers and drains on said property shall be so constructed as not to constitute a nuisance to other property owners, or to endanger the health and safety of others and their property. All sewage systems must be constructed and maintained as outlined in the regulations adopted by the West Virginia State Board of Health.
 4. Grantors shall reserve a permanent easement over and across a 25 foot and 30 foot wide strip of real estate to the Greenbrier River as shown on the designated plat.
 5. No noxious or offensive operation shall be allowed or maintained on any lot, or nothing shall be permitted which may constitute a nuisance or unreasonable annoyance to the neighborhood or which in any way tend to depress the property in the subdivision.

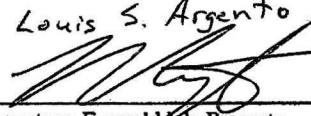
6. Any buildings, mobile homes or campers placed or erected upon the lots shall be no closer than fifteen (15) feet from the side of the lot and twenty-five (25) feet from the adjacent street or road.
7. Grantor reserves a permanent easement across the rear of each lot, parallel to the railroad tracks, within fifteen (15) feet of the boundary for constructing and maintaining utilities.
8. All lots shall be properly maintained with grass appropriately mowed and no trash, garbage or other waste shall be kept except in sanitary containers.
9. No unlicensed or abandoned vehicles shall be permitted.
10. Each lot owner shall be a member of the Emerald Isle Property Owners Association and subject to the rules, regulations and assessments of the Association for the preservation of all common areas, including any streets and rights-of-ways.
11. No signs or billboards shall be placed on the lots except that signs may be used to promote sale of lots within the subdivision.
12. At the time of recording of the subdivision plat and this First Amendment and Restatement to the Declaration of Covenants, Conditions and Restrictions, the roads in Emerald Isle are private. Each lot owner in Emerald Isle will be granted an easement over the road as shown on the subdivision plat of Emerald Isle for purposes of ingress to and egress from their respective lots, which easement shall be an appurtenance to each lot and shall run with the title to each lot, subject to the provisions and obligations of the Declaration for maintenance and upkeep of the private road in Emerald Isle.

13. The road shown on the herein above referenced plat of Emerald Isle is a private road and provides the sole means of access to and from the lots shown on said map. Each lot owner, as evidenced by their acceptance of the deed to their respective lots, acknowledges that the roads are private and portions of the roads that cross their respective lots shall remain unobstructed at all times and shall be subject to the rights of other lot owners in the subdivision to use portions of their lot within the bounds of said private right-of-way. Each lot owner acknowledges that it is in their best interest that the roads be maintained in a good and passable condition at all times and that they agree to share equally, per lot, in the cost of maintaining said roads regardless of the size of their lot or the distance traveled over said roads to provide access to their respective lots.

Gary D Brewer


President, Emerald Isle Property
Owners' Association

Attest:

Louis S. Argento


Secretary, Emerald Isle Property
Owners' Association

