

CUCKOO'S NEST**AMENDED DECLARATION OF PROTECTIVE
RESTRICTIONS AND COVENANTS**

THIS AMENDED DECLARATION OF PROTECTIVE RESTRICTIONS
AND COVENANTS, made this 15th day of February, 2006, by and between:

LAKE ANNA LAND CORP., a Virginia Corporation, to be indexed as
Grantor, and herein referred to as "Declarant".

WHEREAS, Declarant is the owner of certain real property fronting on Elnor
Road in Cuckoo District, Louisa County, Virginia, as said property has been
subdivided as shown on plat of survey dated August 9, 2005, by C & D Consultants,
Surveyors, entitled "**Cuckoo's Nest, Section III**" (hereinafter sometimes referred to as
"Cuckoo's Nest"), which plat is of record in the Clerk's Office of the Circuit Court of
Louisa County, Virginia in Plat Book 8 at pages 2118, 2119 and 2120; and

WHEREAS, Declarant recorded in said Clerk's Office in Deed Book 815 at
page 919, a Declaration of Protective Restrictions and Covenants affecting certain lots
within other sections of Cuckoo's Nest, and paragraph 14 of said Declaration
empowers Declarant to establish and Declarant does hereby establish this Amended
Declaration of Protective Restrictions and Covenants; and

WHEREAS, Declarant desires to amend the Declaration of Protective
Restrictions and Covenants of record in Deed Book 815 at page 919 by adding the real
property shown on the plat of survey dated August 9, 2005, by C & D Consultants,

R. JEFFERSON GARNETT
ATTORNEY AT LAW
ELM STREET
AND COURTHOUSE SQUARE
LOUISA, VIRGINIA 23093



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Surveyors, entitled "Cuckoo's Nest, Section III" recorded in said Clerk's Office in Plat Book 8 at pages 2118, 2119 and 2120.

NOW THEREFORE, WITNESSETH: that Declarant hereby declares that all of Declarant's lots within Cuckoo's Nest, Section III, shall be held, conveyed, leased, used, encumbered, occupied and improved subject to all of the provisions set forth in paragraphs 1 through 18, inclusive, of the Declaration of Protective Restrictions and Covenants of record in Deed Book 815 at page 919 as if the same were set out herein verbatim.

In addition, Declarant hereby provides as follows:

A. **Subdivision Roads:** All roads or roadways within Cuckoo's Nest, Section III, shall be public roads to be included in the Virginia Department of Transportation (VDOT) Secondary Highway System for ownership and maintenance. Declarant shall be responsible for construction of said roads or roadways in accordance with the Subdivision Street requirements of VDOT and shall take such actions as are necessary to insure that said roadways are accepted into the VDOT System as subdivision streets for ownership and maintenance, including but not limited to the posting of any necessary bonds, letters of credit, or the like, with the County of Louisa of the Commonwealth of Virginia.

Upon the completion of the roads to VDOT specification, the maintenance and repair of said roads shall be the responsibility of Declarant until such time as the roads have been officially accepted into the VDOT System. Any lot owner (including but not limited to the lot owner, general contractors, subcontractors

or material suppliers for whom the owner shall hereby be responsible) who damages a roadway or the shoulder thereof directly or indirectly resulting from constructing improvements on a lot, or otherwise damages a roadway or the shoulder thereof, shall be fully liable to Declarant for the expense of repairing any such damage.

B. **Utility and Drainage Easements:** Declarant hereby establishes easements for utilities and drainage as set forth on the plat of subdivision, as follows: "15' utility and drainage easement reserved along all lot lines fronting a right of way. 5' utility and drainage easement reserved along both sides of side lot lines, except where drainfields would be affected." In addition, Declarant hereby reserves the right to grant such further easements to Verizon and Rappahannock Electric Cooperative for the purpose of providing utility services to the lots within Section III of Cuckoo's Nest without the necessity of any lot owner having to join in the grant of such easements, provided the same is located within the area of land established for utility easements as described on the plat of subdivision or as may be located within the roads shown on said plat. Without limiting the foregoing, all other drainage easements shown on the plat of subdivision are also hereby established.

IN WITNESS WHEREOF, Lake Anna Land Corp. has caused this Amended Declaration to be executed, acknowledged and delivered by or on its behalf on the day and year first above written.

LAKE ANNA LAND CORP.

BY: Robert A. Whitlock (SEAL)
Robert A. Whitlock, President

ATTEST:

C. Douglas Whitlock
C. Douglas Whitlock, Secretary

STATE OF VIRGINIA:

COUNTY OF LOUISA; to-wit:

This day, after producing satisfactory evidence of being of age of majority, competent, and of being parties who executed the foregoing Deed, it was acknowledged before me, William Pickler, a Notary Public in and for the jurisdiction aforesaid, by Lake Anna Land Corp., a Virginia corporation, by Robert A. Whitlock, its President, and by C. Douglas Whitlock, its Secretary

Given under my hand this 15th day of February, 2006.

My Commission expires:

November 30, 2006

William Pickler
Notary Public

INSTRUMENT #06002015
RECORDED IN THE CLERK'S OFFICE OF
LOUISA COUNTY ON
FEBRUARY 16, 2006 AT 10:49AM
SUSAN R. HOPKINS, CLERK
Mary J. Kohn
RECORDED BY: MLK