



**COMMUNITY
ASSOCIATION**

**FIFTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
COURTHOUSE ESTATES**

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, Made this 28th day of September, 1995, by COURTHOUSE ESTATES ASSOCIATES, A JOINT VENTURE, a Virginia joint venture (hereinafter referred to as the "Declarant"), GRANTOR;

WITNESSETH:

WHEREAS, by that certain Declaration of Covenants, Conditions and Restrictions dated August 23, 1994, and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia on in Deed Book 3452, at page 0069 (hereinafter referred to as the "Declaration"), Declarant did subject certain real property, described in Exhibit B appended thereto, situate, lying and being in the City of Virginia Beach, Virginia to the covenants, conditions and restrictions set forth in said Declaration, reference being hereby made to said Declaration for a more particular description of said covenants, conditions and restrictions; it being the intent of the Declarant that the property subjected to said Declaration, whether described therein or included within the scope thereof in the future, shall be a part of the residential community known as "COURTHOUSE ESTATES"; and

WHEREAS, Article II, Section 2.02 of the Declaration provides that Declarant may bring within the scope of the Declaration all or a portion of the real property described in Exhibits A and C appended thereto, all subject to the terms and provisions thereof; and

WHEREAS, the Declarant now wants and desires to bring certain other real property (hereinafter the "Additional Property") within the scope of the Declaration by declaring and making said Declaration applicable to certain land(s), which are portions of the property described in Exhibit A of the Declaration, and more particularly described as Lots 1 through 67, both inclusive, as shown on that certain plat entitled "SUBDIVISION OF PARCEL 2B, COURTHOUSE ESTATES, PHASE 2, SECTION M-8, MAY 26, 1995, PRINCESS ANNE BOROUGH - VIRGINIA BEACH, VIRGINIA", duly recorded in the aforesaid Clerk's Office in Map Book 246, at Pages 36 through 40, (the "Additional Property");

NOW THEREFORE, pursuant to the rights reserved by Declarant, and in accordance with Article II, Section 2.02 of the Declaration, Declarant, the owner in fee simple of the Additional Property described aforesaid, does hereby amend the Declaration to add to the scope of the Declaration and to make said Declaration fully and completely applicable in all respects to the Additional Property, all as more particularly set forth below:

1) THE ADDITIONAL PROPERTY SUBMITTED TO THE DECLARATION: The real property described herein as the Additional Property is hereby included within the scope of the Declaration as a part of the residential community known as "COURTHOUSE ESTATES".

2) REALLOCATION OF VOTES: Recordation of this instrument shall increase the number of lots in COURTHOUSE ESTATES (as defined in the Declaration) from three hundred eighty-five (385) to four hundred fifty-two (452) and the number of votes in Courthouse Estates Community Association, Inc. (the "Association" as defined in the Declaration) shall also be increased to correspond to the number of lots, all as more fully set forth in said Declaration.

3) ADDITIONAL PROPERTY: The right to further expand the scope of the Declaration by adding thereto all, a portion, or portions of the remaining additional property described in Exhibits A and C of the Declaration is hereby expressly reserved by Declarant.

4) CONFIRMATION OF DECLARATION: Except as modified by this Amendment, all terms and provisions of the Declaration are hereby expressly ratified and confirmed by Declarant, and shall remain in full force and effect and shall henceforth be applicable to the Additional Property.

IN WITNESS WHEREOF, COURTHOUSE ESTATES ASSOCIATES, A JOINT VENTURE, a Virginia joint venture, has caused this instrument to be executed in its name by its authorized joint venturers.

COURTHOUSE ESTATES ASSOCIATES, A JOINT VENTURE
a Virginia joint venture

By: Virginia Land Investment Associates No. 1,
a Virginia limited partnership, Joint Venturer

By: Larasan Realty Corporation, a Virginia
Corporation, Its General Partner

By: Anthony J. Sancilio
Anthony J. Sancilio, President

By: Baymark Construction Corporation, a
Virginia corporation, Joint Venturer

By: Richard S. Foster
Richard S. Foster, President

BK-3545PG2083

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

I, the undersigned, a Notary Public in and for the City and State aforesaid, do hereby certify that Anthony J. Sancilio, as President of Larasan Realty Corporation, a Virginia corporation, as General Partner of Virginia Land Investment Associates No. 1, a Virginia limited partnership, Joint Venturer of COURTHOUSE ESTATES ASSOCIATES, A JOINT VENTURE, a Virginia joint venture, whose name as such is signed to the foregoing writing, has acknowledged the same before me this 2nd day of October, 1995.

Robin Collesci
Notary Public

My Commission Expires: 7-31-99

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

I, the undersigned, a Notary Public in and for the City and State, do hereby certify that Richard S. Foster, as President of Baymark Construction Corporation, a Virginia corporation, as Joint Venturer of COURTHOUSE ESTATES ASSOCIATES, A JOINT VENTURE, a Virginia joint venture, whose name as such is signed to the foregoing writing, has acknowledged the same before me this 2nd day of October, 1995.

Cynthia Sue Byrnes
Notary Public

My Commission Expires: June 30, 1999

*Consula Markowitz
& Webb*
4240 COLUMBUS LOOP
VIRGINIA BEACH VIRGINIA 23462

RECORDED WITH
CERTIFICATE ANNEXED

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