

**PENN FOREST PLACE HOMEOWNERS ASSOCIATION, INC.  
SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

**November 13, 2012**

This Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Penn Forest Place Homeowners Association, Inc. (the "Association") is hereby made and submitted by the Members of the Association this 13th day of November, 2012.

WHEREAS, on April 11, 1995, the Declaration of Covenants, Conditions and Restrictions was recorded in the land records of the Circuit Court of Roanoke County, Virginia, in Deed Book 1471, page 1480; and

WHEREAS, on November 7, 1996, the Amendment to the Declaration of Covenants, Conditions and Restrictions was recorded in the land records of the Circuit Court of Roanoke County, Virginia, in Deed Book 1520, page 1449; and

WHEREAS, the Members of the Association have approved the following amendment to the Declaration of Covenants, Conditions and Restrictions:

Article 12, Miscellaneous Provisions

Section 12.1. *The following is proposed to replace the current Section 12.1:*

The provisions of this Declaration shall run with and bind all of the Property including the Lots therein, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, his respective legal representatives, heirs, successors and assigns. Unless specifically prohibited herein, this Declaration may be amended by an instrument signed by the Owners holding no less than two-thirds (2/3) of the votes of the Membership. Any amendment must be recorded to be effective. No amendment shall change Architectural, Engineering, Landscaping (which term shall be defined in its broadest sense as including grass, fences, hedges, vines, trees and the like) or decorative design of the Community as finally constructed.

*The current Section 12.1 states as follows:*

The provisions of this Declaration run with and bind all the Property including the Lots therein, and shall inure to the benefit of and be enforceable by the Association, Developer, or the Member of any Lot subject to this Declaration, their respective legal

representative, heirs, successors, and assigns, for a term of fifty (\*50) years from the date this Declaration is recorded, after which time the Restriction shall be automatically extended for successive periods of ten (10) years each unless an instrument signed by Members holding more than three-fourths (3/4) of the votes of the membership has been recorded, agreeing to terminate or change said Restrictions in whole or in part; provided, however, that no such agreement to terminate or change shall be effective unless written notice of the proposed agreement is sent to every Member at least ninety (90) days in advance of any action taken. Unless specifically prohibited herein, this Declaration may be amended by an instrument signed by Owners holding not less than ninety percent (90%) of the votes of the membership at any time until the end of the initial fifty (50) year term and thereafter by an instrument signed by the Members holding more than three-fourths (3/4) of the votes of the membership. Any amendment must be properly recorded to be effective. No amendment shall change architectural, engineering, landscaping (which term shall be defined in its broadest sense as including grass, fences, hedges, vines, trees and the like) or decorative design of the Community as finally constructed by the Developer.

Developer shall retain the exclusive right to amend, modify, revoke, alter, expand and update the contents of this Declaration, or amendments thereto, or to add any real estate to the scope of this Declaration, or amendments thereto, without the permission of any party. Any amendment or alteration to the Declaration shall take effect only after Developer, or any entity in which one or more of the principals is a principal of the Developer, has caused to be recorded an amended Declaration among the Roanoke County land records.

Section 12.2. *The following is proposed to be deleted in its entirety:*

This Declaration contains provisions concerning various rights, priorities, remedies and interests of the mortgagees of Lots. Such provisions are to be construed as covenants for the protection of the mortgagees on which they may rely in making loans secured by mortgages on Lots. Accordingly, no amendment or modification of this Declaration impairing such rights, priorities, remedies or interests of a mortgagee shall be adopted without the prior written consent of such mortgagee. If there is more than one mortgagee holding mortgages on the Lots, it shall be sufficient to obtain the written consent of the mortgagee or mortgagees holding first liens on seventy-five percent (75%) of the Lots encumbered by Mortgages. This paragraph shall not apply to or in any way be construed as a limitation upon those rights of the Developer under this Declaration which do not so adversely affect such mortgagees.

*(Certification on following page.)*

**Certification**

I hereby certify that the foregoing Second Amendment to the Declaration of Covenants, Conditions and Restrictions was approved by the requisite majority of Owners, Members of the Association, whose signatures are attached in Exhibit A and whose Parcel ID, Address, and Owner Name(s) are attached in Exhibit B.

WITNESS the following signature and seal:

PENN FOREST PLACE HOMEOWNERS ASSOCIATION, INC.

By: Lloyd Thomas DeHart (SEAL)  
Lloyd Thomas DeHart  
President

COMMONWEALTH OF VIRGINIA            }  
COUNTY or CITY OF                    } To-wit:

The foregoing Second Amendment to the Declaration of Covenants, Conditions and Restrictions was acknowledged and executed before me this 19<sup>th</sup> day of November, 2012, by Lloyd Thomas DeHart the President of Penn Forest Place Homeowners Association, Inc. in my presence.

Carmen S. Beckner  
Notary Public

My Commission expires: August 31, 2015.

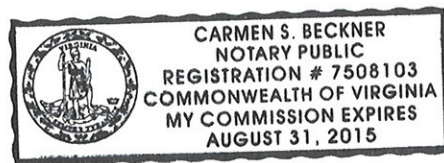


EXHIBIT A  
LOT OWNER SIGNATURE PAGE

The following owners of lots within Penn Forest Place Homeowners Association, Inc. hereby indicate their approval of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions.

- 5803 Penn Forest Pl Sue A. LaPrade  
Sue A. LaPrade
- 5804 Penn Forest Pl Harold E. Sweisfort  
Harold E. Sweisfort
- 5807 Penn Forest Pl Bernice P. Goodrich  
Bernice P. Goodrich
- 5808 Penn Forest Pl Criss - Tenna Peery  
Criss-Tenna Peery
- 5811 Penn Forest Pl Joyce Hill Pratt  
Joyce Hill Pratt
- 5814 Penn Forest Pl \_\_\_\_\_  
Cynthia B. Oliver
- 5815 Penn Forest Pl Francis V. Lassak  
Francis V. Lassak
- 5818 Penn Forest Pl Prentice E. Moran  
Prentice E. Moran
- \_\_\_\_\_ Betsy C. Moran  
Betsy C. Moran
- 5819 Penn Forest Pl Martha C. Pittard Trustee  
Martha C. Pittard Revocable Declaration of Trust  
Martha C. Pittard Trustee

5822 Penn Forest Pl

Bernice W. Dunstan  
Bernice W. Dunstan

5823 Penn Forest Pl

Ellen L. Moorhead  
Ellen L. Moorhead

5826 Penn Forest Pl

Gene M. Fulcher  
Gene M. Fulcher

Sue G. Fulcher  
Sue G. Fulcher

5827 Penn Forest Pl

Elizabeth D. Dudley  
Elizabeth D. Dudley

5830 Penn Forest Pl

John Westervelt, Jr.  
John Westervelt, Jr.

Norma Westervelt  
Norma Westervelt

5831 Penn Forest Pl

James A. Carmichael  
James A. Carmichael

Gloria L. Carmichael  
Gloria L. Carmichael

5834 Penn Forest Pl

Thurman D. Crowder  
Thurman D. Crowder

Decassed  
Shirley T. Crowder

5835 Penn Forest Pl

Ralph O. Foster  
Ralph O. Foster

Phyllis F. Foster  
Phyllis F. Foster

5838 Penn Forest Pl

Timothy S. Bailey

5839 Penn Forest Pl

Edward R. Teller  
Edward R. Teller

Bettina O. Teller  
Bettina O. Teller

5842 Penn Forest Pl

Sadie S. Mitchell  
Sadie S. Mitchell

5843 Penn Forest Pl

Astrid Jeannette Larson Dufresne Trustee  
Astrid Jeannette Larson Dufresne Revocable Trust  
Astrid Jeannette Larson Dufresne Trustee

5846 Penn Forest Pl

Eleanor R. Shelton  
Eleanor R. Shelton

5847 Penn Forest Pl

Roberta J. Kaufman  
Roberta J. Kaufman

5850 Penn Forest Pl

Betty A. Spraker  
Betty A. Spraker

5851 Penn Forest Pl

Melvin O. Wilson, Jr.  
Melvin O. Wilson, Jr.

Carolyn P. Wilson  
Carolyn P. Wilson

5854 Penn Forest Pl

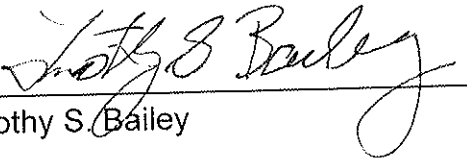
Jane C. Maher  
Jane C. Maher

Francis X. Maher  
Francis X. Maher

EXHIBIT A  
LOT OWNER SIGNATURE PAGE

The following owners of lots within Penn Forest Place Homeowners Association, Inc. hereby indicate their approval of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions.

5838 Penn Forest Pl

  
\_\_\_\_\_  
Timothy S. Bailey

5855 Penn Forest Pl

*Timothy J. Toohig*

Timothy J. Toohig

*Lonzie L. Linkous, Jr.*

Lonzie L. Linkous, Jr.

5856 Penn Forest Pl

*Gail H. Albert*

Gail H. Albert

5857 Penn Forest Pl

*Lloyd Thomas DeHart*

Lloyd Thomas DeHart

5859 Penn Forest Pl

*Charles R. Spencer*

Charles R. Spencer

*Debra L. Lovelace*

Debra L. Lovelace

5860 Penn Forest Pl

*C. Stuart McGhee*

*SM* C. Stuart McGhee

*Peggy C. McGhee*

Peggy C. McGhee



## EXHIBIT B

**Parcel Identification Number (PIN) Listing  
Penn Forest Place Homeowners Association, Inc.**

<u>Parcel ID</u>	<u>Address</u>	<u>Owner Name(s)</u>
086.20-04-31.00-0000	5803 Penn Forest Place	SUE A. LAPRADE
086.20-04-01.00-0000	5804 Penn Forest Place	HAROLD E. SWEISFORT
086.20-04-30.00-0000	5807 Penn Forest Place	BERNICE P. GOODRICH
086.20-04-02.00-0000	5808 Penn Forest Place	CRISS-TENNA PEERY
086.20-04-29.00-0000	5811 Penn Forest Place	JOYCE HILL PRATT
086.20-04-03.00-0000	5814 Penn Forest Place	CYNTHIA B. OLIVER
086.20-04-28.00-0000	5815 Penn Forest Place	FRANCIS V. LASSAK
086.20-04-04.00-0000	5818 Penn Forest Place	PRENTICE E. MORAN and BETSY C. MORAN
086.20-04-27.00-0000	5819 Penn Forest Place	MARTHA C PITTARD, TRUSTEE OF THE MARTHA C PITTARD REVOCABLE DECLARATION OF TRUST DATED AUGUST 19, 2002
086.20-04-05.00-0000	5822 Penn Forest Place	BERNICE W. DUNSTAN
086.20-04-26.00-0000	5823 Penn Forest Place	ELLEN L. MOORHEAD
086.20-04-06.00-0000	5826 Penn Forest Place	GENE M. FULCHER and SUE G. FULCHER
086.20-04-25.00-0000	5827 Penn Forest Place	ELIZABETH D. DUDLEY
086.20-04-07.00-0000	5830 Penn Forest Place	JOHN WESTERVELT, JR. and NORMA WESTERVELT
086.20-04-24.00-0000	5831 Penn Forest Place	JAMES A. CARMICHAEL and GLORIA L. CARMICHAEL
086.20-04-08.00-0000	5834 Penn Forest Place	THURMAN D. CROWDER and SHIRLEY T. CROWDER
086.20-04-23.00-0000	5835 Penn Forest Place	RALPH O. FOSTER and PHYLLIS F. FOSTER
086.20-04-09.00-0000	5838 Penn Forest Place	TIMOTHY S. BAILEY
086.20-04-22.00-0000	5839 Penn Forest Place	EDWARD R. TELLER and BETTINA O. TELLER
086.20-04-10.00-0000	5842 Penn Forest Place	SADIE S. MITCHELL
086.20-04-21.00-0000	5843 Penn Forest Place	ASTRID JEANNETTE LARSON DUFRESNE, TRUSTEE OF THE ASTRID JEANNETTE LARSON DUFRESNE REVOCABLE TRUST DATED SEPTEMBER 22, 2009
086.20-04-11.00-0000	5846 Penn Forest Place	ELEANOR R. SHELTON
086.20-04-20.00-0000	5847 Penn Forest Place	ROBERTA J. KAUFMAN
086.20-04-12.00-0000	5850 Penn Forest Place	BETTY A. SPRAKER
086.20-04-19.00-0000	5851 Penn Forest Place	MELVIN O. WILSON, JR. and CAROLYN P. WILSON
086.20-04-13.00-0000	5854 Penn Forest Place	JANE C. MAHER and FRANCIS X. MAHER
086.20-04-18.00-0000	5855 Penn Forest Place	TIMOTHY J. TOOHIG and LONZIE L. LINKOUS, JR.
086.20-04-14.00-0000	5856 Penn Forest Place	GAIL H. ALBERT
086.20-04-17.00-0000	5857 Penn Forest Place	LLOYD THOMAS DEHART
086.20-04-16.00-0000	5859 Penn Forest Place	CHARLES R SPENCER and DEBRA L. LOVELACE
086.20-04-15.00-0000	5860 Penn Forest Place	C. STUART MCGHEE and PEGGY C. MCGHEE

PG 0171 12 NOV 22 0946

*Penn Forest Place Homeowners Association, Inc.  
Second Amendment to the Declaration of Covenants, Conditions and Restrictions  
November 13, 2012*

Prepared by and to be returned to:

Stephen H. Moriarty  
Chadwick, Washington, Moriarty,  
Elmore & Bunn, PC  
25 Library Square  
Salem, Virginia 24153

INSTRUMENT #201213500  
RECORDED IN THE CLERK'S OFFICE OF  
ROANOKE COUNTY ON  
NOVEMBER 26, 2012 AT 09:45AM

STEVEN A. MCGRAW, CLERK  
RECORDED BY: FRS



OFFICIAL RECEIPT  
ROANOKE COUNTY CIRCUIT COURT  
DEED RECEIPT

DATE: 11/26/12 TIME: 09:47:40 ACCOUNT: 161CLR201213600 RECEIPT: 12000025844  
CASHIER: FRS REG: R068 TYPE: REST PAYMENT: FULL PAYMENT  
INSTRUMENT : 201213600 BOOK: PAGE: RECORDED: 11/26/12 AT 09:45  
GRANTOR: PENN FOREST PLACE HOMEOWNERS ASSOCIATION INC EX: N LOC: CO  
GRANTEE: PENN FOREST PLACE HOMEOWNERS ASSOCIATION INC EX: N PCT: 100%  
AND ADDRESS : ROANOKE COUNTY,  
RECEIVED OF : CHADWICK FIRM  
CHECK: \$21.00 30457  
DESCRIPTION 1: SECOND AMENDMENT PAGES: 10 OP 0  
2: NAMES: 0  
CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:  
301 DEEDS 14.50 145 VSLF 1.50  
106 TECHNOLOGY TRST FND 5.00  
TENDERED : 21.00  
AMOUNT PAID: 21.00  
CHANGE AMT : .00

CLERK OF COURT: STEVEN A. MCGRAW

PAYOR'S COPY  
RECEIPT COPY 1 OF 2