

**SEVENTH AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
GAYTON GLEN HOMEOWNERS ASSOCIATION**

**(Creation of New Class of Assessments)**

This SEVENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this \_\_\_\_ day of \_\_\_\_\_, 2003, by Gayton Glen Homeowners Association, hereinafter called "the Association."

**W I T N E S S E T H**

**WHEREAS**, New Life-Raintree Corporation, a Virginia corporation (the "Declarant") submitted to record various restrictive covenants by Declaration of Covenants, Conditions and Restrictions (the "Declaration"), recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office"), in Deed Book 1951, Page 453, on April 17, 1985, which Declaration has been amended from time to time; and

**WHEREAS**, the Declaration was amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions [of] Gayton Glen Homeowners Association ("Second Amendment") dated September 1, 1986 and recorded in the Clerk's Office in Deed Book 2031, Page 1871, on October 28, 1986; and

**WHEREAS**, the Declaration was amended by Fourth Amendment to Declaration of Covenants, Conditions and Restrictions [of] Gayton Glen Home Owners' Association ("Fourth Amendment") dated February 23, 1989 and recorded in the Clerk's Office in Deed Book 2202, Page 934, on August 15, 1989; and

**WHEREAS**, the Second Amendment replaced Article V of the Declaration, entitled Covenant for Maintenance Assessments, which created two (2) classes of stock, Class I and Class II; and

**WHEREAS**, the Fourth Amendment amended Article V of the Declaration to create a third class of stock, Class III; and

**GPIN:** See Exhibit A Attached  
Prepared By: Kaufman & Canoles, P.C.  
4801 Courthouse Street, Suite 300  
Williamsburg, VA 23185

**WHEREAS**, the Board of Directors has determined it is in the best interests of the Association to amend Article V's provisions to clarify which Lots belong to Class I, Class II and Class III; and

**WHEREAS**, the Board of Directors has determined it is also in the best interests of the Association to amend Article V's provisions to add a new Class of Assessments, Class IV; and

**WHEREAS**, the Declaration may be amended pursuant to Article XIII, General Provisions, Section 3, Amendment, which allows amendment during the first twenty (20) year period of the Association by assent of not less than eighty percent (80%) of the votes of the Lot Owners at a meeting duly called for the purpose of discussion and approval of the amendment; and

**WHEREAS**, pursuant to Section 55-515.1.F of the Code of Virginia, 1950, as amended (a provision of the Property Owners' Association Act), and Article XIII, Section 3, of the Declaration, this Amendment shall become effective when the amendment is duly recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia.

**NOW, THEREFORE**, the Association does hereby amend its Declaration in the following manner:

1. Article V, Covenant For Maintenance Assessments, Section 5, Rate of Assessment, subsection (a), Class I, shall be amended by deleting the second sentence and by adding a new second sentence to identify the Lots subject to Class I assessments, the entire provision to read as follows:

Class I: Certain Lots upon which townhouses or attached dwelling units have or will be constructed shall be subject to Class I assessments. The Lots subject to Class I assessments are:

- (i) All townhomes on Smithers Court; and
- (ii) The townhomes located at 1700, 1702, 1704 and 1706 Timberly Way.

2. Article V, Covenant For Maintenance Assessments, Section 5, Rate of Assessment, subsection (a), Class II, shall be amended by deleting the second sentence and by adding a new second sentence to identify the Lots subject to Class I assessments, the entire provision to read as follows:

Class II: All Lots upon which detached or semi-detached dwelling units have or will be constructed shall be subject to Class II assessments. The Lots subject to Class II assessments are: All patio homes in the 1700 block of Timberly Way.

3. Article V, Covenant For Maintenance Assessments, Section 5, Rate of Assessment, subsection (a), Class III, shall be amended by deleting the second sentence and by

adding a new second sentence to identify the Lots subject to Class I assessments, the entire provision to read as follows:

Class III: All Lots upon which detached dwelling units have or will be constructed on Stanton Way shall be subject to Class III assessments. The Lots subject to Class III assessments are: All single family homes on Stanton Way.

4. Article V, Covenant For Maintenance Assessments, Section 5, Rate of Assessment, subsection (a), shall be amended by add a new Class of Assessments, Class IV, the entire provision to read as follows:

Class IV: Certain Lots upon which townhouses or attached dwelling units have or will be constructed shall be subject to Class I assessments. The Lots subject to Class IV assessments are:

- (i) All townhomes in the 1800 block of Timberly Waye;
- (ii) All townhomes on Oceana Court;
- (iii) All townhomes on Keeney Court;
- (iv) All townhomes on Charlesfield Court; and
- (v) All townhomes on Berman Court.

5. All provisions of the Declaration not expressly amended herein shall be and remain in full force and effect.

The undersigned President of the Association does hereby certify that this Amendment has been approved by assent of not less than eighty percent (80%) of the votes of the Lot Owners at a meeting duly called for the purpose of discussion and approval of the amendment, as required by Article XIII, Section 3, of the Declaration and as evidenced by their signatures on file with the Association.

EXECUTED on the date first written above by the duly authorized officer of the Association.

GAYTON GLEN HOMEOWNERS ASSOCIATION,  
A Virginia Nonstock Corporation

By: \_\_\_\_\_  
Gayle Hunter, President

**CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-510.1.D**

COMMONWEALTH OF VIRGINIA,  
COUNTY OF HENRICO, to wit:

The foregoing instrument was acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2003, before me, the undersigned Notary Public, by Gayle Hunter, President of Gayton Glen Homeowners Association, who did state the requisite number of Lot Owners ratified the aforesaid amendment by signing a document so stating.

\_\_\_\_\_  
Notary Public

My Commission Expires: