

Instrument Control Number

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Commonwealth of Virginia  
Land Record Instruments  
Cover Sheet - Form A

Vance Level  
Rules & Regulations

[ILS VLR Cover Sheet Agent 1.0.87]

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Date of Instrument: [2/8/2010 ]

Instrument Type: [OTHER ]

Number of Parcels [ 1 ]

Number of Pages [ 20 ]

City  County  [Chesapeake ] (Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[Vance Level Homeowne ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[Vance Level Homeowne ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

Grantee Address (Name) [Vance Level Homeowners Association ]  
 (Address 1) [c/o United Property Associates ]  
 (Address 2) [525 S Independence Blvd., Ste 200 ]  
 (City, State, Zip) [Virginia Beach ] [VA] [23452 ]

Consideration [0.00 ] Existing Debt [0.00 ] Assumption Balance [0.00 ]

Prior Instr. Recorded at: City  County  [Chesapeake ] Percent in this Juris. [ 100 ]  
Book [ ] Page [ ] Instr. No [ ]

Parcel Identification No (PIN) [ ]

Tax Map Num. (If different than PIN) [ ]

Short Property Description [ ]

Current Property Address (Address 1) [ ]

(Address 2) [ ]

(City, State, Zip) [ ] [ ] [ ]

Instrument Prepared By [Thomas & Associates, P.C. ]

Recording Paid for By [Thomas & Associates, P.C. ]

Return Recording To (Name) [Thomas & Associates, P.C. ]

(Address 1) [4176 South Plaza Trail, Suite 128 ]

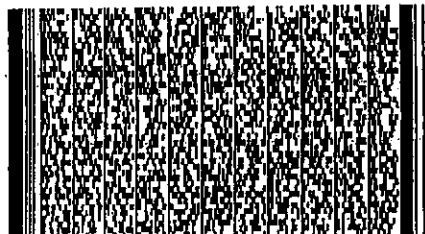
(Address 2) [ ]

(City, State, Zip) [Virginia Beach ] [VA] [23452 ]

Customer Case ID [ ] [ ] [ ]

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CHESAPEAKE CIRCUIT COURT  
FAYE W. MITCHELL CLERK

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VANCE LEVEL  
 RULES AND REGULATIONS  
 TABLE OF CONTENTS

Above Surface Utilities	10	Lake Use	13
Additions to Covenants	16	Landscaping	14
Animals	8	Mailboxes	7
Assessments	16	Maintenance	14
Association Empowerment to make Determinations	15	Noise	11
Awnings	5	Noxious or Offensive Activities	11
Buildings and Structures	2	Parking	12
Clotheslines	9	Permitted Building Materials	3
Commercial & Professional Activity on Property	12	Playground & Sports Equipment	9
Decks and Patios	4	Pods/Moving Containers	13
Design Plans	2	Portable Air Conditioning Units	19
Disclosure Packet (resale of home)	17	Portable Sports Equipment	9
Due Process	15	Private Wells (Pest Control)	16
Dwelling in other than Residential Home	11	Ramps (For Accessibility & Skateboards)	6
Exterior Lighting	17	Review of Design Plans	2
Failure to Maintain	15	Satellite Dishes/Antennae	10
Fences and Protective Screening	3	Set Back Requirements	3
Fire Pits/Outdoor Heat Sources	18	Signs	10
Foundations	4	Solar Panels	6
Fountains/Waterfalls	13	Statues, Monuments, Flags	13
Garbage and Refuse Disposal	8	Storage of Toys & Play Equipment	9
Gazebos/Arbors/Trellises/Pergolas	4	Sunrooms/Screened Porches	5
Good Standing Clause	18	Swimming Pools	6
Grills	18	Use & Maintenance of Slope/Berm Area	11
Holiday Decorations	19	Vehicles	12
Hot Tubs/Jacuzzis/Spas	7		

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VANCE LEVEL HOMEOWNER'S ASSOCIATION

RULES AND REGULATIONS

Date Adopted: \_\_\_\_\_

These Rules and Regulations are an extension of The Declaration of Restrictive Covenants of Vance Level and are to be used in conjunction with the Declaration.

1. BUILDING AND STRUCTURES

1.1. Review of Design Plans for Outbuildings, Fences, Other Structures

1.1.1 All plans and specifications for outbuildings, fences and any other structures not part of the main home (including, but not limited to, sheds, children's playhouses, tree houses, etc.) require the written approval of Vance Level's Architectural Review Committee ("ARC"). Written plans and specifications, made to scale and accompanied by a survey of the Lot, shall be submitted to Vance Level Architectural Review Committee prior to construction. A \$150.00 review fee shall be included with any request, made payable to Eastland Construction, Inc. and submitted to the management company. Any plans, specifications and requests for approval submitted after commencement of construction shall include an additional check in the amount of \$100.00 made payable to Eastland Construction, Inc.

1.2 Design Plans

- 1.2.1 If permitted, the outbuilding or other structure must, at a minimum, be constructed with the same exact material, or material similar to the primary dwelling as approved by the ARC and have an exterior that is made of the identical material and color as the primary dwelling; i.e., if the primary dwelling is all brick, the outbuilding(s) shall also be all brick.
- 1.2.2 All outbuildings must have a brick front and shall comply with all of the City Codes as to lot lines.
- 1.2.3 Prefabricated structures are prohibited. All outbuildings must be physically constructed on the site.
- 1.2.4 Exterior pump houses are prohibited.
- 1.2.5 No outbuilding shall exceed 150-square feet in size.
- 1.2.6 Detached garages shall be no larger than 16' x 21' with one 8' door. Maximum roof pitch on detached garages is 8.12; plate height to be no higher than 9' 6".
- 1.2.7 Roofing materials for any independent structure shall be of the exact type as employed on the home.
- 1.2.8 No lot shall have more than one (1) outbuilding.

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- 1.2.9 Vance Level's Architectural Review Committee and/or Board has the right to reject any proposed outbuilding, structure or fence for subjective or aesthetic reasons..

1.3 Set-Back Requirements

- 1.3.1. All structures shall be located according to the City of Chesapeake's lot "zoning set back" restrictions and open space area requirements.

1.4 Fences and Protective Screening

In order to retain the aesthetic qualities of the neighborhood, the following restrictions relating to screen planting and fencing shall be enforced:

- 1.4.1 All fences shall be approved by the Vance Level Architectural Review Committee prior to construction. A site plan shall be submitted to the ARC with a scaled drawing indicating fence location. A fee of \$150.00 is to be included, payable to Eastland Construction, Inc.
- 1.4.2 All fences shall be made of black aluminum alloy. All other fence types are prohibited.
- 1.4.3 Fences may not begin at the front of any home. The front of the home is defined as that portion of the home structure that is closest to the public street. The back of the home is that portion of the home structure that is closest to the rear lot line. However, fences may commence a minimum of ten (10) feet from the front of the home.
- 1.4.4 No fence, wall or screen planting shall be maintained so as to obstruct sight lines for vehicular traffic.
- 1.4.5 Permits are required by the City of Chesapeake for fences and must be submitted to the Association within 30 days after receiving City approval before the Association will consider the application complete.

(See Architectural Guidelines for further information.)

1.5 Permitted Building Materials for Dwellings Exteriors, Windows & Roofing

- 1.5.1 All residential dwellings constructed on the Lots shall have a front exterior of brick, stone or hardy plank, except the homes constructed on Lots 1, 2, 3, 27, 28, 29, 30, 31, 82, 83 and 84 shall be all brick.
- 1.5.2 The minimum standard for vinyl siding is full beaded siding. Natural wood siding is prohibited.
- 1.5.3 All windows shall be paint-grade wood, vinyl or vinyl clad. Metal windows are prohibited.
- 1.5.4 The front steps of every home shall be constructed of brick or stone.
- 1.5.5 No outside stairway to the second floor shall be permitted.

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- 1.5.6 Where design allows, all plumbing stacks, roof vents, or other roof intrusions shall be located in the rear of each dwelling. Any such roof intrusion placed on the front of the dwelling shall be painted black.
- 1.5.7 All roofs shall have a minimum 7:12 pitch.
- 1.5.8 All homes constructed side by side must have a different exterior elevation and appearance. Earth tones are the preferred exterior colors. All house plans and exterior colors must be submitted to the ARC for approval prior to construction of a home.

#### 1.6 Foundations

- 1.6.1 Homes shall be constructed on one of the following: a crawl space which is entirely covered with a brick or stone finish skirt, or on a raised slab which, when viewed from the exterior, has the appearance of a crawl space, including but not limited to brick skirt veneer. Brick and stone finish shall be placed around the exterior foundation perimeter, including porches.

#### 1.7 Gazebos/Arbors/Trellises/Pergolas

- 1.7.1 Gazebos (including hot tub surrounds that are classified as gazebos by the manufacturer) and pergolas are considered permanent structures and require an Architectural application.
- 1.7.2 No more than one gazebo, arbor, or pergola shall be erected on any one lot.
- 1.7.3 Arbors and trellises are considered either permanent or temporary/removable structures depending on size and method of anchoring. An arbor that is used for ceremonial purposes, or small arbors or trellises (less than six feet (6') high) that are not anchored using a permanent foundation method (i.e. cemented in place) are considered temporary/removable and do not require an application and must be removed after use. An arbor that is anchored in place using a permanent foundation structure does require an application to the Architectural Review Committee.
- 1.7.4 Color is to match or blend with the house - natural colors used.
- 1.7.5 Fabric materials on gazebos, arbors, trellises, and pergolas are to be regularly maintained. If torn, faded or dry rotted they must be replaced or taken down.

(See Architectural Guidelines for further information.)

#### 1.8 Decks and Patios

- 1.8.1 Decks and patios are considered permanent structures and require an ARC application prior to installation. Since deck plans may contain many design variables, all ARC applications will be evaluated

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independently. The placement and dimensions of a deck or patio must be identified on the application, however, the placement must be behind the home.

- 1.8.2 Decks shall be made of wood or engineered materials specifically manufactured for use as deck products. In the case of wood products, owners shall use pressure treated lumber. Patios may be made of poured concrete, brick pavers, or other material manufactured specifically for patios.
- 1.8.3 Decks and patios shall be maintained and kept in good appearance. This includes replacing boards which have excessively split, become deteriorated over time or are broken. Decks shall meet City of Chesapeake requirements for anchoring including joist/girder spans and requirements for foundations/footings.

(See Architectural Guidelines for further information.)

#### 1.9 Awnings

- 1.9.1 An ARC application is required prior to installing an awning. Said application must include the size, type, color and style of the awning to be installed.
- 1.9.2 An Owner may not install and/or use an awning that restricts the view, sunlight, etc. of surrounding properties, and all awnings must be placed in the back of home.
- 1.9.3 All awnings must be aesthetically pleasing and in harmony with surrounding properties and existing home. The color of all awnings must be neutral as to match the home.
- 1.9.4 If faded, frayed torn or otherwise damaged the awning must be replaced or removed.
- 1.9.5 Awnings and/or tent type products that are considered temporary do not require an ARC application and must not remain permanently erected. All awnings and/or tent type products using permanent foundation methods, or are greater than six feet (6') high require an ARC application. Since these types of structures may contain many design variables, all ARC applications will be evaluated independently.

(See Architectural Guidelines for further information.)

#### 1.10 Sunrooms/Screened Porches

- 1.10.1 Sunrooms, screened porches and similar additions are considered permanent attached structures and require an ARC Application. Since structures from this category may contain many design variables, all applications will be evaluated independently. Placement of sunrooms/screened porches must be identified on the application and placed in the back of the home. The exterior finish shall match the dwelling in all aspects. The siding must be the same in color, pattern and form as the siding on the dwelling. The trim must be painted the same as the trim on the dwelling. The roof of the attached structure

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must be the same material and color as the roof on the dwelling. Foundation skirting must be the same type as that on the existing dwelling.

- 1.10.2 Such structures shall meet City of Chesapeake requirements for anchoring, including joist/girder spans and requirements for foundations/footings.
- 1.10.3 Size will be evaluated on each ARC application independently.
- 1.10.4 No more than one sunroom/screened porch per Lot shall be allowed.

(See Architectural Guidelines for further information.)

1.11 Ramps (For accessibility, skateboards, etc.)

- 1.11.1 Where a ramp is required by a home occupant for accessibility in accordance with the Americans With Disabilities Act (ADA), an ARC application is required. Like all exterior structures, the ARC application must be approved as to the design and location. The ramp should be consistent with the design and materials of the adjacent porch or stoop. If this is not feasible then the ramp should have a plant screening. The ARC reserves the right to require removal of the ramp when the need no longer exists for that property. All costs associated with the construction and removal of an ADA ramp are to be borne by the homeowner.
- 1.11.2 No permanent ramps of any size or material for use with skates, skateboards, or bicycles shall be permitted.

1.12 Solar Panels

- 1.12.1 An ARC Application is required. Prior to installation, solar panels are to be approved by the Board or ARC in writing.
- 1.12.2 Solar panels must lie flat to the roof, and the preferred placement is on the rear roof of the dwelling.

(See Architectural Guidelines for further information.)

1.13 Swimming Pools

- 1.13.1 Above ground pools are strictly prohibited. Any swimming pool must be constructed below the grade of the existing yard and be considered "in ground" within the industry. This is excluding portable pools which are play equipment for children and must be taken down after use.
- 1.13.2 All in ground pools must have the proper permits and be approved in writing by the ARC prior to installation. All in ground pools must comply with applicable City Codes.
- 1.13.3 In ground pools are to be constructed of cement, vinyl or fiberglass.

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- 1.13.4 Swimming pools must be located behind the house.
- 1.13.5 A fence of four feet (4') minimum in height and made of black aluminum alloy is required to enclose a pool and related pool equipment. Fence plans must be included with the ARC application for the pool. Fences must comply with City Codes and have proper permits. Appropriate landscaping will be required to lessen the impact of the pool and fence.
- 1.13.6 Pool pumps must be placed in a location that minimizes the noise level affecting neighboring properties. Proper screening must be secured around the pump. Such screening may either be brick, matching that of the house, or shrubbery integrated into the landscaping. This is so the pump is not visible from the street.
- 1.13.7 Pumps cannot be placed on any easement.
- 1.13.8 Pools are to be maintained at all times. Such maintenance is the sole responsibility of the Owner.

### 1.14 Hot Tubs, Jacuzzis and Spas

- 1.14.1 Hot tubs, Jacuzzis and spas require ARC approval. As such, prior to installation, an ARC application must be submitted to the Board.
- 1.14.2 Hot tubs, Jacuzzis and spas should be located in the rear yard away from the adjacent property so that the use, presence, and noise of the mechanical equipment do not adversely affect the enjoyment of the adjacent property.
- 1.14.3 Hot tubs, Jacuzzis and spas should be an integral part of a deck, patio or landscaping.
- 1.14.4 Mechanical equipment, pipes and wiring must be concealed.
- 1.14.5 Hot Tubs, Jacuzzis and spas must be screened from the adjacent property by surrounding hot tubs, Jacuzzis, and spas with evergreen plant material.
- 1.14.6 If setting a hot tub, Jacuzzi or spa into an above ground deck, the understructure must be adequate.
- 1.14.7 A fence of four feet (4') minimum in height and made of black aluminum alloy is required to enclose hot tubs, Jacuzzis and spas.

(See instructions for swimming pools for further information.)

### 1.15 Mailboxes

- 1.15.1 All mailboxes in Vance Level are of a uniform design and quality and must be pre-approved by the Architectural Review Committee. The cost of same shall be borne by the homeowner.
- 1.15.2 Mailboxes shall be constructed of black aluminum metal. Mailboxes are to be mounted on a black cast aluminum metal post or made of all brick. The brick must match the color of the home. If planters are

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placed at the base of the brick mailboxes, they are to be maintained at all times.

- 1.15.3 Mailboxes must be located on or near the property line in accordance with the United States Postal Service specifications.
- 1.15.4 It is the responsibility of the owner of the residence to ensure that their mailbox and its supporting structure are maintained in a good state of repair and appearance.

2. Animals

- 2.1 No animals, birds, fowl, poultry, reptiles or livestock, other than generally recognized house or yard pets, shall be maintained on the property and then only if they are kept or raised thereon solely as domestic pets and not for any commercial purposes. No animal shall be allowed to make an unreasonable amount of noise, or become a nuisance. No structure for the care, housing or confinement of any animal shall be maintained so as to be visible from neighboring property. Upon written request of any owner, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this paragraph, a particular animal is a generally recognized house or yard pet, or a nuisance, or whether the number of animals on any such property is unreasonable. Any decision rendered by the Board shall be as enforceable as the other restrictions contained herein.
- 2.2 When outdoors, pets should never be left unattended. Pets should be attended by a responsible person who is able to control the pet. Pets are not permitted upon the streets unless accompanied by someone who can control the pet and unless carried or leashed. Pet owners must keep pets on their property and not allow the pet to roam onto neighboring properties. Pet owners are responsible for the immediate removal and proper disposal of animal waste.
- 2.3 All pets shall be registered with the City of Chesapeake and inoculated as required by Law.
- 2.4 The number and kind of pets maintained on the property shall comply with all state and local laws governing domestic animals.

(See Architectural Guidelines for specific details for dog houses/dog runs.)

3. Garbage and Refuse Disposal

- 3.1 Except for building materials during the course of construction or repair of any approved building improvements, no recyclable items, lumber, metals, bulk materials, rubbish, refuse, garbage, trash or other waste materials (all of which are hereinafter referred to as "Trash") shall be kept, stored or allowed to accumulate outdoors on any portion of the property, except in sanitary containers provided by the City of Chesapeake and screened from adjacent and surrounding property.

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- 3.2 Containers may be placed in the open within 24 hours of a scheduled pick-up, at such place so as to provide access to persons making such pick up. In no event shall containers be maintained in the front or side yard of any Lot so as to be visible from neighboring property except to make the same available for collection, and then only the shortest time reasonably necessary to effect such collection. Containers and/or trash cans, used interchangeably herein, include the trash can provided by the City of Chesapeake, as well as the recyclable container provided by the City of Chesapeake.
- 3.3 Trash cans are not to be placed in front of U. S. Postal mailbox.
- 3.4 Each resident is responsible for picking up litter on their property and preventing windblown debris from originating from their property.
- 3.5 SCREENS FOR TRASH CANS
  - 3.5.1 Screens for trash cans must be provided at the expense of the Owner if the trash cans are left outside of the home. This is to hide the containers from view.
  - 3.5.2 Screens must be constructed of either brick, which matches the home, or wood lattice and must be approved by the ARC by filing an ARC application.

#### 4. Clotheslines

- 4.1 No clothing, laundry or wash shall be aired or dried on any portion of the lots in any area other than behind the house and cannot be visible from the street. Permanent clotheslines are not permitted on any lots. All temporary clotheslines or drying apparatus must be dismantled and taken down when not in use and stored out of sight.

#### 5. Playground & Sports Equipment

- 5.1 Permanent playground equipment such as permanent swings, play forts, etc. require an ARC application for approval. Playground equipment will not be allowed in front or side yards of lots. All equipment must be maintained in good condition at the Owner's expense.

(See Architectural Guidelines for further information.)

#### 5.2 Portable Sports Equipment

- 5.2.1 Portable sports equipment such as, but not limited to, basketball goals, hockey nets and tether balls are allowed and do not require written approval. However, when not in use, they must be stored so as not to be visible from neighboring property.
- 5.2.2 USE: Portable basketball goals, as well as any other play equipment, should not be used in a manner that will interfere with the street right of way or vehicular traffic.

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5.3 Storage of Toys & Play Equipment

5.3.1 All bicycles, tricycles, scooters, skateboards and other play equipment, wading pools, sand boxes, picnic tables, baby strollers, sliding boards and similar items shall be stored neatly so as not to be visible from the street and the ground level of neighboring lots when not in use.

6. Satellite Dishes/Antennas

- 6.1 The Telecommunications Act of 1996, grants specific rights to homeowners with regard to the installation of exterior receiving antennas. Specifically, the act allows satellite dish antennas (less than 1 meter in diameter), MMDS (wireless cable and broadcast television antennas). The Telecommunications Act grants communities and municipalities the ability to establish and enforce guidelines regulating the location, installation and color of these antennas, when such rules do not adversely affect signal reception, unreasonably delay the installation of the antenna, or cause an unreasonable burden to the homeowners.
- 6.2 Owners are requested to locate the satellite dishes behind the rear foundation lines of the dwelling in an area not visible from neighboring Lots, unless satellite dish reception requires a different location. All antennae and satellite dishes located forward of the rear foundation line of the dwelling should be shielded by landscaping if possible and should match or be a complimentary color to the siding or trim of the dwelling.
- 6.3 No transmitting or receiving equipment or communication devices shall be operated on any lot that will, in any manner, interfere with standard electronic equipment, radio or television reception.

(See Architectural Guidelines for further information.)

7. Signs

- 7.1 Home address identification signs/numbers are permitted without application.
- 7.2 Real estate signs must meet City of Chesapeake Zoning ordinances with respect to size, content and removal. Real estate signs may only be placed in the front yard of the property. Only one sign per property is allowed.
- 7.3 Advertising, business or offer to sale (except for lot/home for sale) signs are prohibited.
- 7.4 All signs must be maintained in good condition.

8. Above Surface Utilities without Approval not Permitted.

- 8.1 No facilities, including, without limitation, poles and wires for the transmission of electricity or telephone messages, and water, gas, sanitary and storm sewer drainage pipes and conduits shall be placed or maintained above the

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surface of the ground on any portion of the Lot without the prior written approval of the Vance Level Homeowner's Association.

9. Noxious or Offensive Activities

9.1 No noxious or offensive activity shall be carried out upon any portion of the property, nor shall anything be done thereon that may be or become a nuisance or annoyance in the area to the residents or Owners thereof. The emission of smoke, soot, fly ash, dust, fumes, herbicides, insecticides, and other types of air pollution or radioactive emissions or electromagnetic radiation disturbances, shall be controlled so as not to (i) be detrimental to or endanger the public health, safety, comfort or welfare (ii) be injurious to property, vegetation or animals; (iii) adversely affect property values or otherwise produce a public nuisance or hazard; or (iv) violate any applicable zoning regulation or other governmental law, ordinance or code.

9.2 Noise

9.2.1 All persons present on the properties shall comply with the applicable local noise ordinances. Residents shall abide by City Code when generating excessive music or noise between the hours of 11:30 p.m. and 7:00 a.m. (per City Code) which is audible from the exterior of the dwelling or from the exterior of any vehicle operated by the owner, family members, tenants or guests. When operating heavy equipment or loud machinery (i.e. lawn mowers) of any type please abide by City Code and refrain from doing so between the hours of 9:00 p.m. and 7:00 a.m.

10. Dwellings Other Than Residential Homes

10.1 No temporary building, trailer, tent, shack, barn, outbuilding, shed, garage, or building in the course of construction or other temporary structure shall be used, temporarily or permanently, as a dwelling on any Lot or other portion of the Property.

11. Use and Maintenance of Slope/Berm Areas

11.1 Within any sloped/bermed area shown on any recorded map, plat or approved subdivision plan, no improvements, planting or other materials shall be placed or permitted to remain, nor shall any activity be undertaken, which may damage or interfere with established slope ratios, create erosion or sliding problems, or change the direction of flow of drainage channels. The slope control areas of any Lot or other portion of the Property and all improvements thereon shall be maintained continuously by the Owner of said Lot or other portion of the Property, except in those cases where the Association or a governmental agency or other public entity or utility company is responsible for such maintenance.

11.2 The Association forbids blocking of natural drainage or created drainage areas within Vance Level. Any blockage or obstruction not cleared within

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three (3) days written notice of the same may be removed or otherwise remedied by the Association, at the sole expense of the Owner of the property.

12. Commercial and Professional Activity on Property

- 12.1 No wholesale or retail business, including any salon, studio, laboratory, home industry or medical or dental office, shall be conducted in or on any Lot or other portion of the Property, except (i) by the Association in conjunction with the initial construction, development, lease and sale of Lots; and (ii) the conduction of business by telephone. This restriction is not intended to preclude the operation of an in-home office for purposes other than those set forth:

13. Vehicles

- 13.1 No commercial or recreational vehicles, including but not limited to, school buses, boats, campers or trailers, shall be parked or stored in front of the house line, upon the public streets in front of the home or anywhere upon the lot in Vance Level.

13.2 Exemption of Vehicle Repairs.

An exemption is provided for minor repairs that can be completed in a short period of time. "Minor repairs" are defined as those repairs that do not involve significant alteration to the vehicle, as determined by the Board of Directors. "Short period of time" is defined as not to exceed one (1) day. Examples of minor repairs include, but are not limited to, fluid changes, tire change and / or repair, and light bulb replacement.

13.3 Oversized, Commercial, Unlicensed Vehicle.

Unless used in connection with the construction or sale of Lots by the Association or maintenance of the property, the following shall not be permitted to remain overnight on the property.

13.3.1 Any vehicle which cannot fit into a garage of the size constructed by the developer with the units.

13.3.2 Commercial vehicles weighing two (2) tons or more, unless garaged.

13.3.3 Unlicensed vehicles of any type, unless garaged.

13.4 Parking

13.4.1 All vehicles must be parked in areas (driveways, streets, garages etc.) designated for this purpose. At no time may residential lawns, yards, open spaces, general turf areas etc. be used for parking or storage.

13.4.2 If a vehicle is parked in the street, it shall be parked on either side of the driveway and in such a location to preserve visibility of vehicles exiting the driveways and to keep intersections clear and safely navigable to all traffic. Vehicles shall not block sidewalks.

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14. Pods/Moving Containers

- 14.1 Portable storage/moving containers (commonly known as "pods") or any similar units designed for the temporary storage or transportation of a resident's household goods must be located on the resident's own driveway on the paved portion of the Lot for a period of up to sixteen (16) days without prior approval of the ARC.
- 14.2 Use of such containers for commercial or home business storage is expressly prohibited.
- 14.3 Such containers may not be located on Common Elements or in designated fire or traffic lanes, and may not block public sidewalks or obstruct the access of other residents. Such containers may be located in a neighboring resident's driveway with the neighboring resident's prior written permission.

15. Lake Use/Maintenance

- 15.1 No permanent or temporary dock or structure shall be placed in an area adjacent to or overhanging any lake or retention pond. No motorized vehicles, boats, jet skis, or other type of motor craft fueled by petroleum products are permitted within the lakes or on the lake banks. Additionally, boats, rafts, or other floating devices shall not be docked or left unattended at the waterfront portion of any lot for a period in excess of three (3) hours. It is the intention of this restriction to maintain an unobstructed and uncluttered waterfront view of all lakes and retention ponds.
- 15.2 The property around the lake and the lake is privately owned by the homeowners surrounding the lake. Use of the lake is at the discretion of the individual homeowners.
- 15.3 The lake is a retention pond for stormwater run off and also serves as fire protection for the community. The Association's obligation is to maintain the health of the lake, fountain and fire hydrants, as well as to ensure unfettered access to the lake for purposes of maintenance.
- 15.4 Do not introduce any fertilizers in the lake. This will accelerate algae growth and raise the nitrogen, ammonia and phosphate levels.
- 15.5 Do not use pesticides or herbicides (chemicals) in the immediate vicinity of the lake. Many chemicals, even in very small quantities will kill fish or other wildlife.
- 15.6 Never permit natural grass turf cuttings or other landscape debris to enter the lake. They will decompose and cause an increase in nutrients and algae growth.
- 15.7 Immediately remove any natural grass turf, landscaping debris or runoff silt from the water.
- 15.8 Grass around the lake is to be maintained by the homeowners - when cutting grass leave a two foot barrier of tall grass at water line. This will help with lake filtration.

16. Statues, Monuments, Flags, Fountains

- 16.1 No statues, monuments, bric-a-brac, fountains, ornaments, banners or symbols, including but not limited to weather vanes, bird baths, and window boxes,

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other than house numbers and the residents' names, shall be displayed from the front of any dwelling. Only United States flags or Commonwealth of Virginia flags of an appropriate size (no larger than four by eight feet) may be displayed. The flag must be displayed in accordance with generally accepted rules for the display of the flag.

- 16.2 All fountains and waterfalls must be submitted to the ARC for approval and if visible from neighboring property, they must be kept operational during daylight hours. Fountains and waterfalls may not be placed in the front of a dwelling.

(See Architectural guidelines and Declaration for additional rules )

### 17. Landscaping

- 17.1 All shrubbery, vegetation and plant material on the front of each dwelling shall consist of a minimum as allowed by the Veterans Administration home specifications. All front yards and/or side yards facing a street shall be sodded by builder and not planted by seed. All homes constructed on corner Lots shall have sod placed to the back edge of the home.

### 18 Maintenance

- 18.1 Each owner shall keep the lot, and all improvements thereon, in good order and repair, free of debris, all in a manner and with such frequency as is acceptable to the Association and consistent with a first quality single-family residential development. Such improvements shall include any residence, fence or other approved structure or landscaping on the lot and such manner shall include, but is not limited to, mowed grass and properly maintained exterior appearance.
- 18.2 Lawn areas must be maintained - grass height may not exceed seven inches (7"). This height requirement does not apply to the two feet wide buffer zone between the lake and the remainder of the lot of the Owners adjacent to the lake, as provided in Section 15.8 herein.
- 18.3 No tree, hedge, shrub or other landscape feature shall be planted or maintained in a location that obstructs sightlines, encroaches on sidewalks or creates a traffic problem for vehicular or pedestrian traffic.
- 18.4 Dead shrubs/hedges and plants must be timely removed at the expense of the Owner.
- 18.5 No vegetation of any type is allowed to proceed along the front borderline on any lots, such as hedges or small trees. No more than four trees (in a straight row) are allowed on any given front lot.
- 18.6 Pavement, paving stones, edging and curbing material, planting and other landscape materials shall not be placed or permitted to remain upon any lot:

18.6.1 If such materials may damage or interfere with any easement for the installation or maintenance of utilities.

18.6.2 If such materials may be in violation of any easement requirements or so as to invade any maintenance easements.

18.6.3 Unless in conformity with public utility standards.

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18.6.4 If such materials may unreasonably change, obstruct or retard direction of flow of any drainage channels.

19. Failure to Maintain

19.1 In the event an Owner shall fail to maintain his lot and the improvements situated thereon as provided herein, the Board, after notice to the Owner and Due Process, shall have the right to enter upon any lot in violation and correct such violation. All cost related to such correction shall become a special assessment upon such lot and shall be regarded as any other assessment with respect to lien rights of the Association and remedies.

20. Due Process

- 20.1 Every resident or Owner accused of a violation shall receive notice from the Association stating that a complaint has been filed, describing the general nature of the complaint, and providing a time frame to correct the violation.
- 20.2 When the violation has been corrected the Owner is to notify the Board of such compliance.
- 20.3 If the violation is not corrected within the time frame requested and before any disciplinary action is taken, a Due Process hearing notification letter will be sent to the Owner. At such time, the resident or Owner who is the subject of the formal complaint shall have the opportunity to be heard and represented by counsel before the Board of Directors.
- 20.4 Notice of a hearing shall be hand delivered or mailed by certified mail, return receipt requested, to the Owner and, if applicable, to the resident, at the address of record with the Association at least fourteen (14) days prior to the hearing.
- 20.5 If after the Due Process hearing, the Board of Directors determines that a violation of the Rules has occurred, the Board shall have the power to assess charges against the Owner and to suspend the Owner's rights to use facilities or services for any violation for which the Owner or the Owner's family members, tenants, guest, or other invitees are responsible.
- 20.6 The amount of any charges assessed by the Board shall be up to fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day not to exceed a period of ninety (90) days, as allowed by law, for any offense of a continuing nature and shall be treated as a special assessment against the Owner's Lot. The foregoing remedies are in addition to any remedy the Association may seek through the legal process. (Section 55-513 of the Virginia Code). All charges shall be assessed against the Owner and shall be their personal obligation of the Owner, and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the Declaration, these Rules and Regulations, and Section 55-516 of the Code of Virginia.

21. Association Empowered to Make Determinations

21.1 The Association is empowered to make determinations and judgments concerning aesthetics, styles, color schemes, material types, design features,

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quality, standards, and other purely subjective decisions in order to guarantee harmony, consistency, and the continued high quality of the subdivision. The Association shall have the non-exclusive right, but not the obligation to enforce these Rules and Regulations, and shall have no liability for any failure to enforce these Rules and Regulations.

22. Private Wells: Prohibition of Chemical Treatment of Foundations: Additional Requirements for Wells Adjacent to Lake 1 Impoundment Easement

- 22.1 VANCE LEVEL is not serviced by public municipal water; accordingly, each home site provides for its potable water needs by a private well system. In order to comply with regulations of the Virginia State Department of Health, the chemical treatment of foundations for termites and other pests is prohibited within Vance Level. Alternate, non-chemical treatments and systems are allowed, including but not limited to, the Terminix "Exterra" termite bait system. It is the intention of this paragraph to prohibit the introduction of harmful chemicals into the private drinking system serving the homes in this subdivision.
- 22.2 Any lot adjacent to Lake 1 Impoundment Easement shall employ a Class III-B well that is cased and grouted to a depth of fifty feet (50'). These wells shall be sited within an area on the front or side of each Lot no less than thirty-five feet (35') in distance from the sanitary sewer line within the public right-of-way and may not be placed in back of the rear foundation of any home.

23. Additions to Covenants and Restrictions

- 23.1 All Lots shall be subject to any additional covenants and restrictions as promulgated by the Vance Level Homeowner's Association.

24. Assessments

- 24.1 The Homeowner's assessments are due quarterly the first day of January, April, July and October. Any Association installment not paid within ten (10) days after the due date shall be assessed a late charge. Any Association installment not paid within fifteen (15) days after the due date shall be considered delinquent. The Association may refer the delinquent account to an attorney for collection action. The Owner shall be responsible for the actual costs incurred in collecting delinquent assessments, including, but not limited to, the cost to file and release a lien for assessments; postage costs; turnover costs charged by the management company and collections attorney, if any; prejudgment interest at the rate of six percent (6%) per annum; the costs of any court action; and reasonable attorneys' fees. The quarterly Association dues are \$120.00. The late charge is up to 10%. Checks are made payable to Vance Level Homeowner's Association and mailed to the Management Company.

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25. Disclosure Packet for Resale of Home

- 25.1 Disclosure packets, as required by the Virginia Property Owner's Association Act, requires sellers of residential property located in a property owner's association to make certain disclosures to their purchasers. Upon an Owner's request, the Management Company will provide a disclosure packet. The Management Company charges a \$250.00 fee (subject to change according to the law of Virginia) for providing the disclosure packet. When an Owner begins the process of selling your home, he or she must contact the Management Company immediately to order this packet. The cost of the disclosure packet shall be payable to the management company. The disclosure packet shall be provided in hard copy format. There is a fee of fifty dollars (\$50.00) to expedite the preparation of the disclosure packet and it will be assessed should an Owner, or his or her agent, request the packet within five (5) business days of required delivery. The homeowner is entitled to two (2) copies of the disclosure packet; each additional copy shall cost twenty-five dollars (\$25.00).
- 25.2 Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement. The seller shall be responsible for all costs associated with the preparation and delivery of the disclosure packet.
- 25.3 If settlement does not occur within ninety (90) days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the Association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be assessed against the Lot Owner and shall be the personal obligation of the Lot Owner, and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the Declaration, Section 55-516 of the Code of Virginia, and these Rules and Regulations.

26. Exterior Lighting

- 26.1 Exterior lighting, in addition to that initially provided on the house, may be desired to enhance a deck or patio or to improve visibility on a driveway, path or walkway. Lights added to the front of a house, porch or garage must match or complement existing lamp styles or existing lamps must be replaced with the new lamp fixtures representing a matching style. Ground level lights bordering a long driveway, path or walkway must be unobtrusive in nature and color. Lighting, decorative or otherwise, in the front or rear yard must be placed so that light does not shine into neighboring lots by arranging the angle of the light.

(See Architectural Guidelines)

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27. Good Standing Clause

- 27.1 Any Owner who is interested on serving on the Vance Level Board of Directors or on any Vance Level Committees must adhere to and be in compliance with all provisions of the Declaration of Covenants and Rules and Regulations set forth in Vance Level's recorded documents, as well as these Rules and Regulations. This includes the requirement that any Board or Committee member must be current on his or her Association assessments. Homeowners look to the Board of Directors for governing our community and if they are not following the Rules, this sets a bad example. Volunteers should have no personal agenda, have a commitment to the well being of our community, strong communication skills, and a willingness to work hard and commit to the Community's goals. Volunteers also need to be team players, positive, supportive, available, flexible and reliable.

28. Grills/Fire Pits/Outdoor Heat Sources

28.1 Grills

- 28.1.1 Use of portable grills or other portable outdoor cooking equipment is permitted on Lots.
- 28.1.2 Outdoor cooking equipment must be placed behind the dwelling and positioned so that smoke will not disturb neighboring lots.
- 28.1.3 Fires must be extinguished promptly after cooking.
- 28.1.4 When not in use, grills must be stored inside a shed, garage, patio, deck area or behind the dwelling.
- 28.1.5 Grilling in any garage, shed or other structure is strictly prohibited.
- 28.1.6 Permanent grills require approval from the ARC.

(See Architectural Guidelines)

28.2 Fire pits/Outdoor heat sources

- 28.2.1 All outdoor heat sources, including but not limited to, permanent in ground fire pits, chimneys, and outdoor fireplaces, require ARC approval prior to installation.
- 28.2.2 All in ground fire pits shall be ringed with a perimeter material such as stone or brick.
- 28.2.3 All fire pits / outdoor heat sources shall be located in the rear of the home no closer than fifteen feet (15') from the dwelling.
- 28.2.4 Chimeneas shall be no more than twelve inches (12") in diameter at the height of the spout.
- 28.2.5 Fire bowls and outdoor fireplaces shall be covered with mesh covering.
- 28.2.6 All outdoor heat sources must be extinguished promptly after use.

(See Architectural Guidelines)

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29. Holiday Decorations

29.1 Decorations for the holidays (Thanksgiving, Christmas, Hanukkah, etc. ) may be displayed beginning November 15<sup>th</sup> and must be removed by January 15<sup>th</sup>. Any other holiday decorations (Valentine's Day, St. Patrick Day, July 4<sup>th</sup> etc.) may be displayed from the beginning of the month to the end of the month in which the holiday occurs. All holiday decorations shall adhere to the standards of a first class community. Holiday decorations shall not encroach on a neighboring lot, and shall not impede the flow of traffic, or sight lines for streets.

30. Portable Air Conditioning Units

30.1 The mounting of any window air conditioner on any window or through an exterior wall is prohibited.

ADOPTED by the Vance Level Homeowner's Association Board of Directors this 22<sup>nd</sup> day of JANUARY, 2010.

(Signatures on next page)

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By: Sandra Thomasson President By: [Signature] Secretary

COMMONWEALTH OF VIRGINIA

CITY OF VIRGINIA BEACH, TO WIT:

I, ALISA SIGLER, a Notary Public in and for the City aforesaid, in the Commonwealth of Virginia, do hereby certify that Sandra Thomasson, President, **Vance Level Homeowner's Association**, whose name is signed to the above Rules and Regulations, bearing date on the 27<sup>th</sup> day of JANUARY, 2010, has acknowledged the same before me in my City aforesaid.

Given under my hand this 29<sup>th</sup> day of JANUARY, 2010.

[Signature]  
NOTARY PUBLIC.

My commission expires: July 31, 2010  
My registration number is: 7000028

COMMONWEALTH OF VIRGINIA

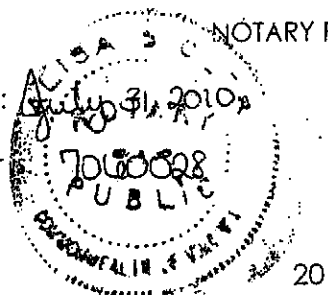
CITY OF VIRGINIA BEACH, TO WIT:

I, ALISA SIGLER, a Notary Public in and for the City aforesaid, in the Commonwealth of Virginia, do hereby certify that Donna Gordon, Secretary, **Vance Level Homeowner's Association**, whose name is signed to the above Rules and Regulations, bearing date on the 3<sup>rd</sup> day of FEBRUARY, 2010, has acknowledged the same before me in my City aforesaid.

Given under my hand this 3<sup>rd</sup> day of FEBRUARY, 2010.

[Signature]  
NOTARY PUBLIC.

My commission expires: July 31, 2010  
My registration number is: 7000028



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LIST OF GPINS  
VANCE LEVEL HOMEOWNERS' ASSOCIATION

0492005000030	500 BLUE MOON CRES	0492005000810	504 MCKINZIE CT
0492005000040	503 BLUE MOON CRES	0492005000840	507 MCKINZIE CT
0492005000020	504 BLUE MOON CRES	0492005000220	600 COMMISH LN
0492005000050	507 BLUE MOON CRES	0492005000190	603 COMMISH LN
0492005000010	508 BLUE MOON CRES	0492005000210	604 COMMISH LN
0492005000650	1400 VANCE CIR	0492005000200	605 COMMISH LN
0492005000640	1401 VANCE CIR	0492005000730	600 MCROWLAND WAY
0492005000660	1402 VANCE CIR	0492005000680	601 MCROWLAND WAY
0492005000630	1403 VANCE CIR	0492005000720	604 MCROWLAND WAY
0492005000670	1404 VANCE CIR	0492005000690	605 MCROWLAND WAY
0492005000620	1405 VANCE CIR	0492005000700	609 MCROWLAND WAY
0492005000680	1406 VANCE CIR	0492005000340	615 MCROWLAND WAY
0492005000610	1409 VANCE CIR	0492005000280	620 MCROWLAND WAY
0492005000740	1412 VANCE CIR	0492005000250	621 MCROWLAND WAY
0492005000600	1413 VANCE CIR	0492005000270	624 MCROWLAND WAY
0492005000590	1417 VANCE CIR	0492005000260	625 MCROWLAND WAY
0492005000790	1418 VANCE CIR	0492005000760	1300 MERRY CAT CT
0492005000800	1420 VANCE CIR	0492005000770	1303 MERRY CAT CT
0492005000580	1421 VANCE CIR	0492005000750	1304 MERRY CAT CT
0492005000570	1425 VANCE CIR	0492005000780	1307 MERRY CAT CT
0492005000560	1429 VANCE CIR	0492005000510	1300 TELFON CIR
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0492005000390	1459 VANCE CIR		
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0492005000370	1501 VANCE CIR		
0492005000360	1505 VANCE CIR		
0492005000230	1508 VANCE CIR		
0492005000350	1509 VANCE CIR		
0492005000320	1523 VANCE CIR		
0492005000300	1524 VANCE CIR		
0492005000310	1525 VANCE CIR		
0492005000820	500 MCKINZIE CT		
0492005000830	503 MCKINZIE CT		

INSTRUMENT #100005161  
RECORDED IN THE CLERK'S OFFICE OF  
CHESAPEAKE ON  
FEBRUARY 26, 2010 AT 10:16AM

FAYE W. MITCHELL, CLERK  
RECORDED BY: SWM

PREPARED BY:

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