

Tax Map No. 124-(A)-L98

**SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS OF  
WINGATE MEADOWS TOWNHOMES**

**THIS SUPPLEMENTAL DECLARATION**, made this 31<sup>st</sup> day of March, 2023, by and among WINGATE, LLC, a Virginia limited liability company, hereinafter referred to as “Declarant”, Grantor, RED OAK TRUSTEE, LLC, a Virginia limited liability company, as sole-acting TRUSTEE, to be indexed as Grantor, DAVID C. BRANCH, as sole-acting TRUSTEE, to be indexed as Grantor, FARMERS & MERCHANTS BANK, organized and existing under the laws of Virginia, to be indexed as Grantor, and NVR, INC., a Virginia corporation, to be indexed as Grantor

**RECITALS**

**WHEREAS**, Declarant is the owner of various lots in Section 1, being known and designated as LOTS 24-39 and LOTS 210-225, located on Drysdale Street in Ashby District, Rockingham County, Virginia, designated on a subdivision plat dated March 22, 2023, made by Daniel E. Hansen, L.S., entitled “Final Plat Wingate Meadows, Section 1, Lots 24-39, 120-133, 162-173, & 210-225” which said plat is recorded in the Clerk’s Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 5704, page 302; and

**WHEREAS**, Declarant recorded Declaration of Covenants, Conditions and Restrictions, in the aforesaid Clerk’s Office in Deed Book 5654, page 115, relating to Wingate Meadows

Townhomes Subdivision. Section 12.1 of such Declaration provides for bringing additional property within the terms of such Declaration. Declarant now desires to make the property included in **Wingate Meadows Subdivision, Section 1, Lots 24-39 and LOTS 210-225**, subject to the Declaration of Covenants, Conditions and Restrictions for Wingate Meadows Townhomes Subdivision, which is recorded in the aforesaid Clerk's Office in Deed Book 5654, page 115; and

**WHEREAS**, Declarant recorded a First Amendment to the Declaration of Covenants, Conditions and Restrictions, of record in the aforesaid Clerk's Office in Deed Book 5668, page 675; and

**WHEREAS**, Declarant conveyed the subject property to Hoover Penrod PLC and Red Oak Trustee, LLC, Trustees, either of whom may act alone, pursuant to a Deed of Trust dated December 13, 2021, which is recorded in the aforesaid Clerk's Office in Deed Book 5517, page 20, securing a loan from Farmers & Merchants Bank in the amount of One Million Two Hundred Sixty Thousand Dollars (\$1,260,000); and

**WHEREAS**, Declarant conveyed the subject property to Hoover Penrod PLC and Red Oak Trustee, LLC, Trustees, either of whom may act alone, pursuant to a Deed of Trust dated December 13, 2021, which is recorded in the aforesaid Clerk's Office in Deed Book 5517, page 33, securing a loan from Farmers & Merchants Bank in the amount of Two Million Two Hundred Seven Hundred Fifty Thousand Dollars (\$2,750,000); and

**WHEREAS**, Declarant conveyed the subject property within to Brett Hetrick and David C. Branch, Trustees, either of whom may act alone, pursuant to a Deed of Trust dated December

13, 2021, which is recorded in the aforesaid Clerk's Office in Deed Book 5517, page 46, securing a loan to from NVR, Inc. in the amount of Three Hundred Ninety-Six Thousand Dollars (\$396,000); and

**WHEREAS**, Declarant conveyed the subject property within to Brett Hetrick and David C. Branch, Trustees, either of whom may act alone, pursuant to a Deed of Trust dated December 13, 2021, which is recorded in the aforesaid Clerk's Office in Deed Book 5517, page 56, securing a loan to from NVR, Inc. in the amount of Three Hundred Sixty-Four Thousand Dollars (\$364,000); and

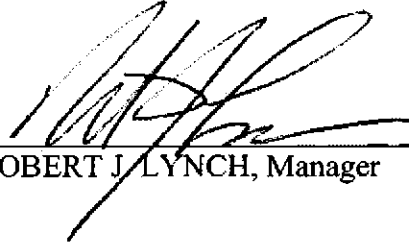
**WHEREAS**, Declarant conveyed the subject property within to Brett Hetrick and David C. Branch, Trustees, either of whom may act alone, pursuant to a Deed of Trust dated December 13, 2021, which is recorded in the aforesaid Clerk's Office in Deed Book 5517, page 66, securing a loan to from NVR, Inc. in the amount of Three Hundred Sixty-Four Thousand Dollars (\$364,000); and

**NOW, THEREFORE**, Declarant declares that all of the property included in **Wingate Meadows Subdivision, Section 1, Lots 24-39 and LOTS 210-225** shall be held, transferred, sold, conveyed and occupied subject to the limitations, restrictions and uses contained in the Declaration of Covenants, Conditions and Restrictions for Wingate Meadows Townhomes Subdivision, which is recorded in the aforesaid Clerk's Office in Deed Book 5654, page 115.

**IN WITNESS WHEREOF**, the said Wingate, LLC, a Virginia limited liability company, being the Declarant herein, has caused this Declaration to be executed in its name by

its duly authorized Manager; and Red Oak Trustee, LLC, Sole-Acting Trustee; Farmers & Merchants Bank, Noteholder; David C. Branch, Sole-Acting Trustee; and NVR, Inc., Noteholder, join herein to evidence consent to this Supplemental Declaration.

WINGATE, LLC

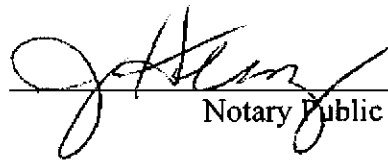
By:   
ROBERT J. LYNCH, Manager

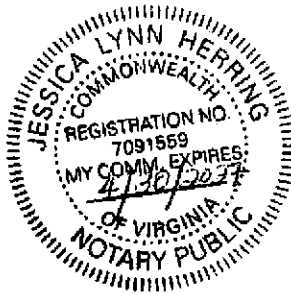
COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF ROCKINGHAM, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 27<sup>th</sup> day of April, 2023, by ROBERT J. LYNCH, Manager on behalf of WINGATE, LLC, a Virginia limited liability company.

My commission expires: 4/30/2027.

Notary Registration Number: 7091559

  
Notary Public



RED OAK TRUSTEE, LLC, Sole-Acting  
Trustee

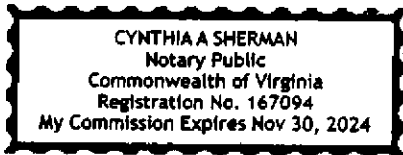
By: *J C Withers*  
Its: Member

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction  
aforesaid this 26<sup>th</sup> day of April, 2023, by  
Jason C Withers, as Member on behalf of  
RED OAK TRUSTEE, LLC, Sole-Acting Trustee.

My commission expires: Nov 30 2024.

Notary Registration Number: 167094



*Cynthia A Sherman*  
Notary Public

FARMERS & MERCHANTS BANK

By: [Signature]  
Its: VP-CRM

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Rockingham, to-wit:

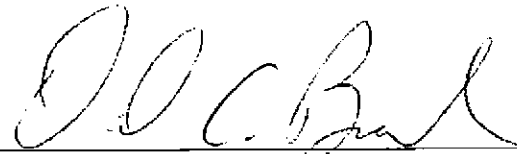
The foregoing instrument was acknowledged before me in the jurisdiction  
aforesaid this 28 day of April, 2023, by Kevin Nixon  
as VP-CRM on behalf of FARMERS & MERCHANTS BANK.

My commission expires: 10/31/2023

Notary Registration Number: 7664503

KELLY A. ALGER  
NOTARY PUBLIC  
Commonwealth of Virginia  
Registration No. 7664503  
My Commission Expires Oct. 31, 2023

[Signature]  
Notary Public



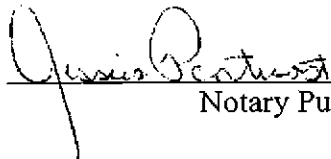
DAVID C. BRANCH, Sole-Acting Trustee

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Chesterfield, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction  
aforesaid this 27 day of April, 2023, by DAVID C. BRANCH, SOLE-  
ACTING TRUSTEE.

My commission expires: 9/30/26

Notary Registration Number: 7375613

  
Notary Public

NVR, INC.

By: [Signature]  
Its: David C. Branch  
VP - Land

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Crestfield, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction  
aforesaid this 27 day of April, 2023, by David C. Branch  
as VP - Land on behalf of NVR, INC.

My commission expires: 9/30/26.

Notary Registration Number: 7375613



[Signature]  
Notary Public

4874-0375-5099, v. 2

*Prepared By: Dean M. Nichols (VSB #25131) Flora Pettit, 90 N. Main St., Suite 201, Harrisonburg, VA 22802*