

**AMENDMENT TO THE DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
THE VILLAGE AT TINKER CREEK HOMEOWNERS ASSOCIATION, INC.**

2022

The Declaration of Covenants, Conditions and Restrictions of The Village at Tinker Creek Homeowners Association, Inc., recorded in the land records of the Circuit Court of the County of Roanoke, Virginia, originally recorded on September 9, 2002, as Instrument No. 200217807, and amended successively afterward, is hereby amended in the following manner.

Article VI, General Provisions, Section 1, Enforcement, is hereby repealed and replaced by:

The Declarant, Developer, Association through its Board of Directors, or any Member of the Association shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants and reservations now or hereafter imposed by the provisions of the Declaration, as amended. Failure by any party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event that any legal action or proceeding is commenced to enforce any restriction, condition, covenant, reservation or term of this Declaration, the prevailing party shall be entitled to an award of its court costs, legal fees incurred, and any other expense of litigation.

In addition, the Association is authorized to impose penalties in accordance with the Virginia Property Owners' Association Act and in the amounts set forth in that statute, as it may be amended.

Article VI, Section 4, Violations and Nuisances, is hereby repealed and replaced by:

Every act or omission whereby any provision of this Declaration which is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, regardless of whether the relief sought is for negative or affirmative action, by a Declarant, Developer, the Association, Board of Directors, or any Owner of a Lot.

Approved and executed this 21st day of September, 2022.

CERTIFICATION

I HEREBY CERTIFY that the requisite number of members approved and ratified the foregoing Amendment. Pursuant to Article VI, Section 3 of the Declaration, the Declarant is empowered to amend the Declaration unilaterally so long as it owns any Lot within the community. Tinker Creek Developers, LLC, the Declarant, remains the owner of multiple lots within the Association.



Norman D. Mason
Tinker Creek Developers, LLC
President, Village at Tinker Creek
Homeowners Association, Inc.

COMMONWEALTH OF VIRGINIA

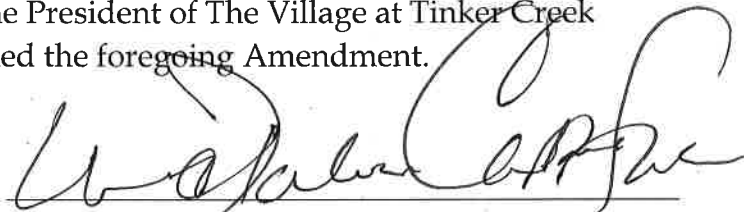
COUNTY/CITY OF Roanoke

}

}

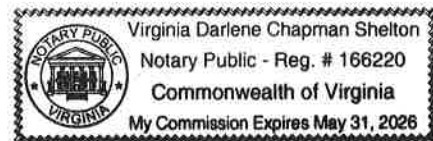
To-wit:

I hereby certify that Norman D. Mason appeared before me this 9 day of September, 2022, identified himself as the President of The Village at Tinker Creek Homeowners Association, Inc., and signed the foregoing Amendment.



Notary Public

My Commission expires: May 31, 2026



Prepared by and to be returned to:
Stephen H. Moriarty
3201 Jermantown Road
Suite 600
Fairfax, Virginia 22030

Rec'd 11/14/22