

Family Division Deed Restriction Language

- A) **The following language shall appear in all deeds whereby a family division lot is initially conveyed:**

Family Division: The lot conveyed herein is created by a family division of land; the conveyance herein is to an immediate family member of the Grantor; the Grantee shall retain title to such lot for a period of not less than five (5) years/fifteen (15) for the beneficiary of a trust from the date of this conveyance; only one (1) such family division lot shall be conveyed to the Grantee within the County, and this conveyance is not made with the purpose or intent to circumvent the County's subdivision ordinance requirements, all such provisions made in compliance with and as provided for in Section 15.2-2244 of the Code of Virginia and Section 20-2.1.3 of the Code of Spotsylvania County. A voluntary transfer or conveyance of this lot by the Grantee, within five (5) years/fifteen (15) for the beneficiary of a trust of the date of this conveyance, to anyone other than (i) the Grantee's spouse or (ii) an immediate family member (as defined by Section 20-14.1.1 of the Code of Spotsylvania County) of the Grantor of this deed shall render the family subdivision whereby this lot was created void and of no legal effect; and any subsequent division of this property must then comply with all requirements of Spotsylvania County Subdivision Ordinance as in effect at the time of such subsequent transfer.

[Explanatory Note (do not include the following in the deed): The intent of this deed restriction language is to prevent circumvention of the Subdivision Ordinance by abuse of the Family Subdivision provisions. This language is not intended and shall not be construed to work a restraint on alienation of property. Transfer of a lot created by family subdivision within less than five (5) years/fifteen (15) for the beneficiary of a trust shall, by this language, render the family subdivision void, but shall not in itself affect the transferee's title to the property transferred. In consequence of this, the transferee would continue to hold title to the subject property, but such property would no longer constitute a legal lot for which a building permit, occupancy permit, or other governmental approval could be granted or maintained.]

- B) **All plats, contracts of sale, and deeds for a lot in a subdivision in which private lanes, roads or streets are allowed shall contain language which clearly discloses to a potential purchaser the following minimum information. Lots with frontage on state maintained roads, streets, or lanes are not required to use this language when accessing those roadways directly via a driveway**

- a) The lot is served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the Virginia Department of Transportation and the County of Spotsylvania or any other public agency;
- b) School bus service shall not be provided by the County along private roads, lanes or streets; unless approved by the Spotsylvania County School Board;
- c) United States Postal Service shall not be provided along private roads, lanes or streets; unless approved by the United States Postal Service;
- d) The expense and responsibility for maintaining the roads within the development shall be paid for and borne by the lot owners and/or developer, as the case may be;
- e) It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads. If the roads are to be maintained by a property owners association or other legal entity, the disclosure must clearly so inform the buyer.