

CREEK SIDE ESTATES
COVENANTS & RESTRICTIONS

CREEKSIDE ESTATES

PHASE II

SITUATED IN
MILITARY SURVEY No. 1121
VILLAGE OF BLANCHESTER
MARION TOWNSHIP
CLINTON COUNTY
OHIO

1. SINGLE FAMILY RESIDENCE:
ALL LOTS SHALL BE USED FOR SINGLE FAMILY RESIDENCE PURPOSES ONLY. NO LOT OR THE IMPROVEMENTS THEREON SHALL BE USED TO PROVIDE SHELTER ON A TEMPORARY, SEMI-PERMANENT, OR PERMANENT BASIS, TO MORE THAN THREE PERSONS UNRELATED TO EACH OTHER BY BLOOD, MARRIAGE, OR LEGAL ADOPTION. THE WORD "FAMILY" AS USED HEREIN MEANS A PERSON OR A GROUP OF PERSONS LIVING AS A SINGLE HOUSEKEEPING UNIT.

2. BUILDING AND STRUCTURES:
[a] NO BUILDING OR STRUCTURE SHALL BE ERRECTED, PLACED OR PERMITTED TO REMAIN UPON ANY LOT EXCEPT ONE SINGLE FAMILY RESIDENCE NOT TO EXCEED TWO STORIES IN HEIGHT. THE WORD "STRUCTURE" OF "BUILDING" MEANS ANY THING OR OBJECT, THE PLACEMENT OF WHICH UPON ANY LOT MAY AFFECT THE APPEARANCE OF SUCH LOT INCLUDING, WITHOUT LIMITATION, ANY GARAGE, BARN, GREENHOUSE, SATELLITE DISH, FREE-STANDING ANTENNA, COOP, CAGE, HOUSE TRAILER, OR ANY OTHER IMPROVEMENTS ON SUCH LOT. THE WORD "STRUCTURE" OR "BUILDING" DOES NOT INCLUDE COVERED OR UNCOVERED PATIOS, BASKETBALL POLES, SWING SETS, SWIMMING POOLS, WALLS, FENCES, DRIVEWAYS, AND WALKWAYS.

[b] A GARAGE MUST BE ATTACHED TO A SINGLE-FAMILY RESIDENCE.

[c] FENCES AND WALLS ARE RESTRICTED UNDER PARAGRAPH 7.

[d] A WOOD SHED MAY BE CONSTRUCTED ON THE REAR CORNER OF THE LOT, NOT TO EXCEED 120 SQUARE FEET.

3. ANIMALS and PETS:
NO ANIMALS OF ANY KIND SHALL BE KEPT OR MAINTAINED ON ANY LOT, EXCEPT HOUSEHOLD PETS, SUCH AS DOGS AND CATS, AND ANY SUCH HOUSEHOLD PETS ARE NOT TO BE IN VIOLATION OF PARAGRAPH 9 BELOW PERTAINING TO PROHIBITED ACTIVITIES.

4. SIGNS:
NO SIGN, BILLBOARD, OR ADVERTISEMENT OF ANY KIND SHALL BE DISPLAYED ON OR ABOUT ANY LOT TO PUBLIC VIEW EXCEPT FOR SIGNS ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY THE DEVELOPER AND ITS SUCCESSORS TO ADVERTISE OR PROMOTE CREEK SIDE ESTATES.

5. APPROVAL OF PLANS:
[a] NO BUILDING OR STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED, ERRECTED, PLACED, OR MOVED ONTO OR PERMITTED TO REMAIN UPON ANY LOT UNLESS AND UNTIL PLANS AND SPECIFICATIONS FOR ANY BUILDING OR STRUCTURE HAVE BEEN SUBMITTED TO, AND APPROVED IN WRITING BY THE DEVELOPER, OR A DULY AUTHORIZED SUCCESSOR THEREOF.

[b] PLANS AND SPECIFICATIONS TO BE SUBMITTED FOR APPROVAL SHALL BE IN DUPLICATE AND SHALL INCLUDE THE FOLLOWING:

[1] A SITE PLAN SHOWING PROPOSED STRUCTURE, EXISTING AND FINISHED GRADES, DRIVEWAYS AND PARKING AREAS and

[2] ARCHITECTURAL PLANS SHOWING THE FLOOR PLANS, EXTERIOR ELEVATION, FENCING, EXTERIOR MATERIALS AND COLOR CONCEPTS.

[c] APPROVAL OF SUCH PLANS AND SPECIFICATIONS SHALL BE EVIDENCED BY WRITTEN ENDORSEMENT ON SUCH PLANS AND SPECIFICATIONS. NO CHANGES OR DEVIATION IN OR FROM SUCH PLANS AND SPECIFICATIONS AS APPROVED SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER. THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY STRUCTURAL DEFECTS IN SUCH PLANS OR SPECIFICATIONS OR IN ANY BUILDING OR STRUCTURE ERRECTED ACCORDING TO SUCH PLANS AND SPECIFICATIONS.

[d] APPROVAL OF SUCH PLANS AND SPECIFICATIONS SHALL NOT BE UNREASONABLY WITHHELD BY THE DEVELOPER OR ITS SUCCESSOR. HOWEVER, NO FAILURE TO APPROVE THE PLANS AND SPECIFICATIONS, NOR ANY FAILURE TO ACT UPON THE SUBMISSION OF SUCH PLANS OR SPECIFICATIONS, SHALL BE DEEMED A WAIVER OR STOP DEVELOPER, OR ITS DULY AUTHORIZED SUCCESSOR, FROM OBJECTING AT A LATER TIME TO SUCH PLANS AND SPECIFICATIONS.

6. VARIANCE PROCEDURE:
THE DEVELOPER SHALL HAVE THE AUTHORITY TO GRANT VARIANCES WHERE OWING TO SPECIAL CONDITIONS A LITERAL ENFORCEMENT OF THE PROVISIONS HEREOF WOULD RESULT IN UNNECESSARY HARDSHIP. ANY VARIANCE REQUEST MUST BE IN WRITING, ALONG WITH ADEQUATE PLANS, SPECIFICATIONS AND DOCUMENTING AS DEEMED NECESSARY TO PROPERLY EVALUATE THE REQUESTED VARIANCE AND IF VARIANCE IS GRANTED, SUCH APPROVAL SHALL BE GIVEN TO THE PERSON REQUESTING THE VARIANCE IN WRITING. THE DEVELOPERS' AUTHORITY TO GRANT VARIANCES SHALL TERMINATE THREE (3) YEARS AFTER DATE OF RECORDING OF THESE RESTRICTIONS AND THEREAFTER THIS AUTHORITY SHALL BE EXERCISED BY SEVENTY FIVE PER CENT (75%) OF LOT OWNERS.

7. FENCES and WALLS:
CONSTRUCTION OF FENCES AND WALLS IS PROHIBITED ON ANY LOT UNTIL PLANS AND SPECIFICATIONS ARE APPROVED AS SET FORTH IN PARAGRAPH 5 HEREIN. AT NO TIME WILL DEVELOPER APPROVE ANY FENCE OR WALL WHICH EXCEEDS FOUR (4) FEET IN HEIGHT (EXCEPTING ANY RETAINING WALL REQUIRED BY WRITTEN OPINION OF A CIVIL ENGINEER TO CONFORM TO THE NATURAL TERRAIN OF THE AREA) OR ANY FENCE OF THE CHAIN LINK VARIETY, OR ANY FENCE EXTENDING FORWARD OF THE REAR PLANE OF RESIDENCE, AS SUCH PLANE IS DETERMINED BY THE DEVELOPER, OR ANY FENCE EXTENDING FORWARD OF THE BUILDING LINE.

8. PARKING OF TRUCKS AND OTHER VEHICLES:
NO TRUCKS OVER ONE (1) TON IN CAPACITY, BOATS, TRAILERS, CAMPERS, MOBILE HOMES, BUSES, ROAD TRACTORS ANDS THE LIKE SHALL BE PARKED WITHIN THE SUBDIVISION EXCEPT FOR LOADING AND UNLOADING WHICH SHALL NOT EXCEED EIGHT HOURS AND EXCEPT THAT ANY SUCH VEHICLES MAY BE STORED OR PARKED IN AN ENCLOSED GARAGE. FURTHERMORE, NOT MORE THAN THREE (3) VEHICLES MAY BE PARKED OUTSIDE OF GARAGE (EXCEPT FOR OCCASIONAL GUEST PARKING) AND ALL VEHICLES OUTSIDE OF THE GARAGE MUST BE CURRENTLY LICENSED, REASONABLY MAINTAINED AND OPERATIONAL.

9. PROHIBITED ACTIVITIES:
EXCEPT AS OTHERWISE PROVIDED HEREIN, NO INDUSTRY, BUSINESS, TRADE, OCCUPATION, PROFESSION, OR COMMERCIAL ACTIVITY OF ANY KIND, WHETHER FOR PROFIT OR NON-PROFIT PURPOSES, SHALL BE CONDUCTED, MAINTAINED, OR PERMITTED ON ANY LOT, EXCEPT FOR THE SALES OFFICES UTILIZED TO SELL NEW CONSTRUCTION. FURTHER, NO LOT SHALL BE USED UNDER ANY CIRCUMSTANCES, AS A "BOARDING HOUSE", "GROUP HOUSE", OR "LODGING HOUSE". BOARDING HOUSES, GROUP HOME, AND LODGING HOUSES ARE DEFINED TO INCLUDE IN THEIR MEANINGS THE TEMPORARY, SEMI-PERMANENT OR PERMANENT HOUSING OF ANY GROUP OF MORE THAN THREE (3) PERSONS UNRELATED BY BLOOD, MARRIAGE OR LEGAL ADOPTION.

10. CONSTRUCTION COMPLETION REQUIREMENTS:
THE CONSTRUCTION OF EACH DWELLING HOUSE TO BE ERRECTED UPON ANY LOT SHALL BE COMPLETED WITHIN TWELVE (12) MONTHS FROM COMMENCEMENT OF SUCH CONSTRUCTION.

11. TREES:
EACH LOT OWNER AND/OR BUILDER SHALL ENDEAVOR TO RETAIN AS MUCH OF THE NATURAL WOODS AS IS PRACTICAL. IN NO CASE SHALL LIVE TREES LARGER THAN 6" IN DIAMETER AT A POINT 3' ABOVE GRADE LOCATED MORE THAN 15' FROM ANY DRIVEWAY OR STRUCTURE BE CUT DOWN WITHOUT THE APPROVAL OF THE DEVELOPER OR ITS ASSIGNS.

12. STORM WATER MAINTENANCE:
STORM WATER DETENTION OR RETENTION FACILITIES REQUIRED BY WATER MANAGEMENT AND SEDIMENTATION REGULATIONS AS ADOPTED BY THE BOARD OF CLINTON COUNTY COMMISSIONERS HAVE PREVIOUSLY BEEN INSTALLED IN CREEKSIDE ESTATE AND MET SAID REGULATION. MAINTENANCE OF ANY RETENTION OR DETENTION BASIN EASEMENT AS INDICATED ON THIS RECORD PLAT ARE THE RESPONSIBILITY OF THE OWNER OF RECORD, OF LOT ON WHICH SAID EASEMENT IS LOCATED.

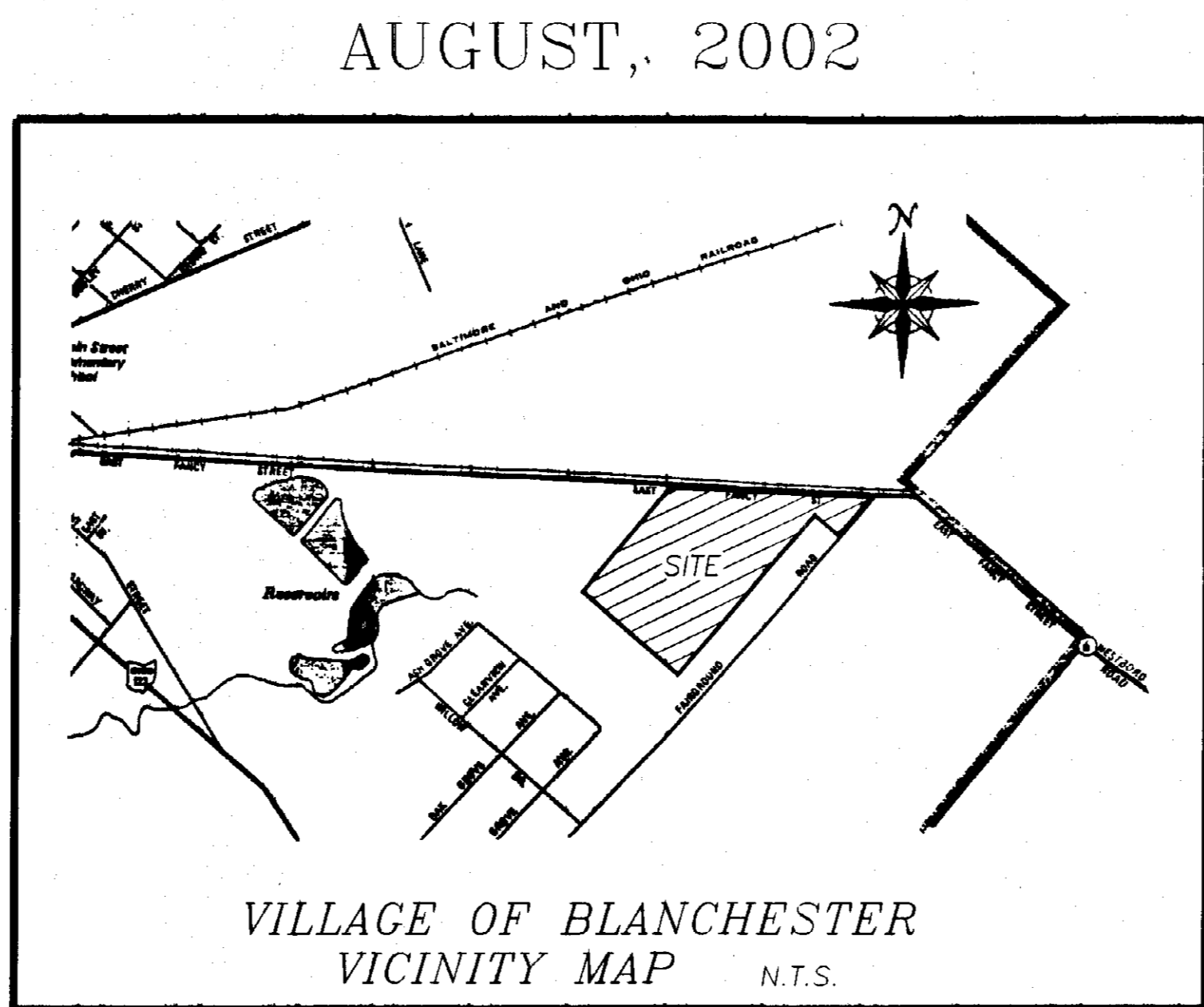
13. AMENDMENT OF DECLARATION:
NOTWITHSTANDING ANYTHING ELSE CONTAINED HEREIN TO THE COVENANT THIS DECLARATION MAY BE TERMINATED OR AMENDED AT ANY TIME, AS TO ANY OR ALL OF THE COVENANTS, CONDITIONS, OR RESTRICTIONS, UPON THE EXECUTION OF A WRITTEN INSTRUMENT BY THE OWNERS OF SEVENTY-FIVE (75%) OF THE LOTS IN THE SUBDIVISION. THE INSTRUMENT CONTAINING SUCH TERMINATION OR AMENDMENT SHALL BE DULY RECORDED IN THE RECORDS OF CLINTON COUNTY, OHIO. HOWEVER, NO SUCH AMENDMENT OR TERMINATION SHALL AFFECT ANY WRITING, TO SUCH AMENDMENT TERMINATION.

ALL OF THE FOREGOING COVENANTS, CONDITIONS, AND RESTRICTIONS SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AT ALL TIMES AS AGAINST THE OWNER OF ANY LOT WITHIN THE SUBDIVISION, REGARDLESS OF NOW TITLE WAS ACQUIRED, UNTIL DECEMBER 31, 2017, ON WHICH DATE THESE COVENANTS, CONDITIONS, AND RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS, OF TEN (10) YEARS EACH UNLESS THE OWNERS OF SEVENTY-FIVE PER CENT (75%) OF THE LOTS IN THE SUBDIVISION SHALL BY WRITTEN INSTRUMENT DULY RECORDED DECLARE AN AMENDMENT OR TERMINATION OF ANY OR ALL OF THESE COVENANTS, CONDITIONS OR RESTRICTIONS.

THESE COVENANTS, CONDITIONS, AND RESTRICTIONS SHALL BE COVENANTS RUNNING WITH THE LAND AND THE BREACH OF ANY OF THEM OR THE CONTINUANCE OF ANY SUCH BREACH BY ANY OWNER OF ANY LOT OR LOTS, MAY BE ENJOINED OR REMEDIED BY APPROPRIATE PROCEEDINGS AT LAW OR EQUITY BY THE DEVELOPER OR BY THE OWNER OF ANOTHER LOT IN THE SUBDIVISION, BUT BY NO OTHER PERSON. IF THE DEVELOPER EMPLOYS COUNSEL TO ENFORCE ANY OF THE FOREGOING COVENANTS, CONDITIONS, OR RESTRICTIONS BY REASON OF SUCH BREACH, ALL COSTS INCURRED IN SUCH ENFORCEMENT, INCLUDING A REASONABLE FEE FOR COUNSEL, SHALL BE PAID BY THE OWNER OF SUCH LOT OR LOTS.

NO DELAY OF OMISSION ON THE PART OF THE DEVELOPER OR THE OWNERS OF OTHER LOTS IN THE SUBDIVISION EXERCISING ANY RIGHTS, POWER, OR REMEDY HEREIN PROVIDED, IN THE EVENT OF ANY BEACH OF COVENANTS, CONDITIONS, OR RESTRICTIONS HEREIN CONTAINED SHALL BE CONSTRUED AS WAIVER THEREOF OR ACQUIESCENCE THEREIN, AND NO RIGHT OF ACTION SHALL ACCRUE NOR SHALL ANY ACTION BE BROUGHT OR MAINTAINED BY ANYONE WHATSOEVER AGAINST THE DEVELOPER FOR OR AN ACCOUNT OF HIS FAILURE TO BRING ANY ACTION ON ACCOUNT OF ANY BREACH OF THESE COVENANTS, CONDITIONS, OR RESTRICTIONS, OR IMPOSING RESTRICTION HEREIN AGAINST THE DEVELOPER.

IF ANY ONE OR MORE OF THE FOREGOING COVENANTS, CONDITIONS, OR RESTRICTIONS SHALL BE DECLARED TO BE NULL AND VOID FOR ANY REASON BY THE COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT OR DECREE SHALL NOT IN ANY MANNER WHATSOEVER AFFECT ANY OF COVENANTS, CONDITIONS, AND RESTRICTIONS NOT SO DECLARED TO BE VOID, BUT ALL OF THE REMAINING COVENANTS, CONDITIONS, AND RESTRICTIONS NOT TO EXPRESSLY HELD TO BE VOID SHALL CONTINUE UNIMPAIRED AND IN FULL FORCE AND EFFECT.



OWNER & DEVELOPER

LES WABNITZ
1386 ST. RT. 28
LOVELAND, OHIO 45140

BLANKENSHIP & ASSOCIATES
CIVIL ENGINEERS—LAND SURVEYORS
115 W. MAIN STREET
WILMINGTON, OHIO 45177
(937) 382-0704

MATHEMATICAL ACCURACY
CLINTON COUNTY ENGINEER
Melinda N. Blankenship
11-26-02

CERTIFICATE OF OWNERSHIP & DEDICATION

SURVEYORS RECORD

Book 33 Page 12

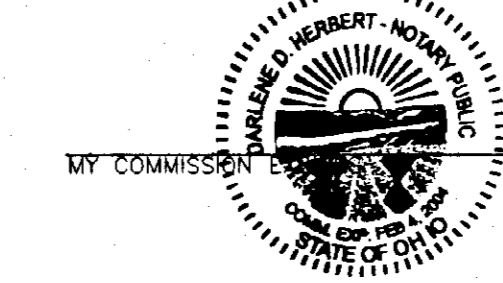
I, LESTER J. WABNITZ JR., PRESIDENT OF WABNITZ CONSTRUCTION INC., HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATED ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Nov. 13, 2002
DATE

Lester J. Wabnitz Jr.
OWNER

ACKNOWLEDGMENT

STATE OF OHIO S.S.
BE IT REMEMBERED THAT ON THIS 13 DAY OF November, 2002, BEFORE ME THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME LESTER J. WABNITZ, JR., WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT TO BE HIS VOLUNTARY ACT AND DEED.
IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE ABOVE WRITTEN.



Harlow D. Herbert
NOTARY PUBLIC, STATE OF OHIO

CERTIFICATE OF THE APPROVAL OF PLAT AND ENGINEERING DETAILS

I HEREBY CERTIFY THAT I HAVE APPROVED THE PLAT AND ENGINEERING DETAILS OF THE PROPOSED ROADS, AND OTHER PROPOSED PUBLIC FACILITIES IN THE SUBDIVISION PLAT AS SHOWN HEREON.

Nov. 13, 2002
DATE

F. Wayne West
PLANNING COMMISSION'S
AUTHORIZED ENGINEER

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR BLANCHESTER, OHIO, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE BLANCHESTER PLANNING COMMISSION AS THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY RECORDER.

Nov. 13, 2002
DATE

F. Wayne West
CHAIRMAN, BLANCHESTER
PLANNING COMMISSION
Rodman Campbell-Muhler, Sec.

CERTIFICATE OF COUNTY AUDITOR

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OF UNPAID TAXES OF RECORD UPON THE SUBDIVISION PLAT AS SHOWN HEREON AS OF THE DATE OF TRANSFER.

TRANSFERRED _____ DATE _____ 2002

CLINTON COUNTY AUDITOR

CERTIFICATE OF COUNTY RECORDER

I HEREBY CERTIFY THAT THE ATTACHED PLAT WAS RECEIVED FOR RECORD DECEMBER 10, 2002

AT 10:25 A.M. AND WAS RECORDED DECEMBER 10, 2002

IN VOLUME B PAGE 106-A OF THE CLINTON COUNTY RECORDS.

SEE \$40.00

Loada K. Wilt
CLINTON COUNTY RECORDER

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE BLANCHESTER PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

Nov. 11, 2002
DATE

Brian F. Gallagher
BRIAN F. GALLAGHER

