ALBERT J. COREY COMPANY BEVERLY HILLS PLAT 1

This information is taken from public records filed with the Lucas County Recorder's Office. Port Lawrence Title and Trust Company assumes no liability for the accuracy or completeness of the information contained herein.

DECLARATION OF RESTRICTIONS

The Title Guarantee and Trust Company, Trustee, an Ohio Corporation, being the sole owner of lots numbers 1 to 33 both inclusive, in Albert J. Corey's Beverly Hills, Plat I, an Addition in the City of Toledo, Lucas County, Ohio, hereby imposes and subjects each of said lots to the following restrictions and protective covenants as a general plan of improvement, intended for the benefit and uniform protection of all future owners of said lots within said subdivision and establishing restrictions governing the construction and erection of dwellings or other structures thereon, and hereby declares that each and all of said lots shall be conveyed by it subject thereto:

1. The lots in said subdivision shall be used for residential purposes only and no dwellings shall be erected, altered or placed on said lots other than one single family dwelling. No one of said dwellings shall exceed 23 feet in height from the established grade line. No detached garage shall be permitted.on said lots.

2. No dwelling shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. Small open porches and stoops not to exceed 10 feet in length which do not materially interfere with the view from residences on adjoining lots may encroach not to exceed 6 feet over the building setback line. Bays or chimneys not to exceed 10 feet in length which are a part of such dwellings may encroach not to exceed 2 feet over the building setback line. No dwelling shall be located nearer than 8 feet from the side lines of the plot upon which such dwelling is erected.

3. No building, fence, wall, sign or other structure shall be erected or maintained on said lots unless erected and maintained in accordance with plans and specifications showing the kind, shape, type, material, color scheme and location of such structure on lot including a finished grade elevation, which shall be submitted to Beverly Hills Associates, its successors or assigns, or to the undersigned or a committee of three lot owners in said subdivision designated by the undersigned, and approval thereof endorsed thereon in writing.

4. All of the restrictions herein contained shall be construed together but if it shall be held that any restrictions, or any part of any restrictions is invalid or unenforceable for any reason whatsoever, no other restriction or restrictions, or any part thereof, shall be affected or impaired.

5. The aforesaid restrictions shall be in full force and effect for a period of 25 years from the date hereof and continually thereafter unless and until any proposed change shall have been approved in writing by the owners of the legal title to a majority of said lots.

6. No structure of a temporary character, trailer, shack, basement, garage, tent, barn or other outbuilding shall be used at any time on any of said lots as a residence, temporarily or permanently.

7. No noxious or offensive activities shall be carried on upon any of said lots nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the neighborhood, nor shall any commercial trade or activity or advertisement in connection therewith be conducted upon any of the lots herein described.

8. No fence, wall or hedge shall be erected or maintained upon said lots nearer to the dedicated street line than the building setback line shown on the recorded plat nor shall any such fence, wall or hedge be erected on any part of said lots in excess of 4 feet in height, without prior written approval of the Beverly Hills Associates.

9. If the owners of any of the lots in said subdivision, their heirs or assigns, shall violate any of the covenants herein contained, it shall be lawful for any person, firm or corporation having any interest in any part of the lots herein described to take necessary proceedings at law or in equity to abate or enjoin such violation and to recover damages therefor. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, The Title Guarantee and Trust Company, Trustee, has caused its corporate name to be subscribed and its corporate seal to be affixed by its duly authorized officers this 16th day of May, 1960.

THE TITLE GUARANTEE & TRUST COMPANY,
TRUSTEE

(With Corporate seal) By: M. T. Redding,
Vice-President

Victor C. Turf,
Secretary

Two witnesses.

Acknowledged May 16, 1960 by said Company, as Trustee, by said Officers and by authority of its Board of Directors before a Notary Public, Lucas County, Ohio, (seal).

Received for record May 16, 1960 and recorded in Volume 1969 of Mortgages, page 468.

178035

AMENDMENT TO RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, being the owner of lots numbers 1 to 100 both inclusive in Albert J. Corey Company Beverly Downs, Plat One, a Subdivision in Adams Township, Lucas County, Ohio, did on July 8, 1955 execute a certain declaration of restrictions which was recorded in Volume 1739 of Mortgage Records of Lucas County, Ohio, at page 456 and;

WHEREAS, under the terms of said declaration of restrictions lots numbers 1, 2, 3, 4, 17, 18, 19 and 20 in said subdivision were reserved for business purposes and;

WHEREAS, it is the desire of the undersigned to amend said restrictions insofar as said lots 17 and 18 are concerned as hereinafter set forth.

NOW, THEREFORE, The Title Guarantee and Trust Company, trustee, being still the owner of lots numbers 1, 2, 3, 4, 17, 18, 19 and 20 in Albert J. Corey Company Beverly Downs, Plat One, a Subdivision in Adams Township, Lucas County, Ohio, does hereby alter and amend said declaration of restrictions by eliminating lots 17 and 18 above referred to from the lots reserved for business purposes and does hereby declare and impose upon said lots 17 and 18 all the restrictions and protective covenants applicable to other residential lots in said subdivision in the same manner and with like effect as if said lots 17 and 18 had been designated as residential lots under the original Declaration of Restrictions above referred to.

Executed this 4th day of May, 1956.

Witnesses:

Wm. R. Kennedy

R. P. Whitehead

THE TITLE GUARANTEE AND TRUST COMPANY, TRUSTEE

By Wm. S. Richards
Wm. S. Richards, President

Jane E. Welter
Jane E. Welter, Asst. Secretary

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

Before me, a Notary Public in and for said county, personally appeared Wm.S.Richards, VicePresident and Jane E. Welter, Asst. Secretary, of said The Title Guarantee and Trust Company, Trustee, who acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they did sign and seal said instrument as said President and Asst. Secretary of said The Title Guarantee and Trust Company, Trustee, in behalf of said corporation as Trustee and by authority of the Board of Directors, and that said instrument is the voluntary act and deed of the said The Title Guarantee and Trust Company, Trustee, and of said officers, for the uses and purposes aforesaid.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this 4th day of May, 1956.

N. F. Whitehead
Notary Public

N. F. WHITEHEAD
Notary Public, State of Ohio

PREPARED BY
N. F. WHITEHEAD ~~AND~~
~~W. WHITEHEAD~~, ATTORNEYS

RECEIVED and RECORDED at 1:17 P M
MAY 7 1956 Gerald J Cullen
$1.40 RECORDER, LUCAS COUNTY, OHIO.

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[illegible]

The Title Guarantee & Trust Company, Trustee, [illegible] corporation, being the sole owner of lots numbers 1 to [illegible] inclusive, in Albert J. Corey Company Beverly Downs, [illegible] Township, Lucas County, Ohio, [illegible]

[illegible]

1.

3. No building, fence, wall, sign, or other structure shall be erected or maintained on said lots unless erected or maintained in accordance with plans and specifications showing the nature, kind, shape, type, material, color scheme and location of such structure on lot including a finished grade elevation, which shall be submitted to Beverly Downs Associates, its successors or assigns, or to the undersigned or a committee of three lot owners in said subdivision designated by the undersigned, and approval thereof endorsed thereon in writing.

4. All of the restrictions herein contained shall be construed together but if it shall be held that any restrictions, or any part of any restrictions is invalid or unenforcible for any reason whatsoever, no other restriction or restrictions, or any part thereof, shall be affected or impaired.

5. The aforesaid restrictions shall be in full force and effect for a period of twenty-five (25) years from the date hereof and continually thereafter unless and until any proposed change shall have been approved in writing by the owners of the legal title to a majority of said lots.

6. No structure of a temporary character, trailer, [illegible], basement, garage, tent, shack or other outbuilding shall be used at any time on any of said lots as a residence, temporarily or permanently.

7. No noxious or offensive activities shall be carried on upon any of said lots nor shall anything be done thereon which may or may become an annoyance or a nuisance to the neighborhood, nor shall any commercial trade or activity or advertisement in connection therewith be conducted upon any of the lots herein described.

8. No fence, wall or hedge shall be erected or maintained upon said lots nearer to the dedicated street line than the building setback line shown on the recorded plat nor shall any such fence, wall or hedge be erected on any part of said lots in excess of four (4) feet in height, without prior written approval of the Beverly Downs Associates.

9. If the owners of any of the lots in said subdivision, their heirs or assigns, shall violate any of the covenants herein contained it shall be lawful for any person, firm or corporation having any interest in any part of the lots herein described to take necessary proceedings at law or in equity to abate or enjoin such violation and to recover damages therefor. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Executed at Toledo, Ohio by The Title Guarantee & Trust Company, Trustee, by its duly authorized officers this 8th day of July, 1955.

Signed and acknowledged in the presence of:

Joyce Diehl

[illegible]

The Title Guarantee & Trust Company, Trustee,

By John F. Landwehr, President

F. N. Borgess, Secretary.

STATE OF OHIO)
LUCAS COUNTY) SS.

Before me, a Notary Public in and for said county, personally appeared John F. Landwehr, President, and F. N.

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Borgess, Secretary of said The Title Guarantee & Trust Company, Trustee, was acknowledged that the seal affixed to said instrument is the corporate seal of said corporation, that they sig[illegible] sign and seal said instrument as said President and Secretary of said The Title Guarantee & Trust Company, Trustee, in [illegible]

RECEIVED & RECORDED
AT [illegible]
[illegible]
Gerald [illegible]
RECORDER, LUCAS COUNTY, OHIO

JANE [illegible]

See 1790 p.53 -