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DECLARATION OF RESTRICTIONS
APPLICABLE TO LOTS IN HIGHLAND
MEADOWS PARK, PLAT II, IN THE
VILLAGE OF SYLVANIA, LUCAS COUNTY,
OHIO

Residential Development Corporation and Valleybrook Homes, Inc., the
owners in fee simple of all the lots in Highland Meadows Park, Plat II, an
Addition in the Village of Sylvania, Lucas County, Ohio, the plat of which is
recorded in Volume 57 of Plats, pages 31 and 35, Lucas County, Ohio, records,
hereinafter referred to as the "plat", desire to and do hereby make known the
restrictions, conditions, covenants and agreements subject to which all of said
lots in said plat are owned by said companies, their successors and assigns.

Said restrictions, conditions, covenants and agreements are as
follows:

1. Building lines for the lots in said plat are designated on the
recorded plat thereof. No building, or any part thereof, shall be erected, or
maintained on any part of said lots closer to any street than said building
line; provided, however, that unenclosed porches may extend up to but not more
than 10 feet beyond said building lines.

2. A minimum free or open space of not less than 5 feet shall be
maintained on each side of every plot built upon, which free or open space
shall extend the full depth of the plot and no part of any building shall
encroach upon such free space. For the purposes of this declaration of
restrictions a plot is defined as that parcel of land on which a dwelling or
other structure is constructed and/or maintained together with the land
adjacent thereto and used in conjunction therewith. A plot, may, therefore,
include parts or all of two or more of the lots delineated on the recorded
plat, or may be a part of such a lot, provided, however, that such a plot shall
not be less in area than the smallest lot in the plat.

3. All plots in said plat shall be used for residence purposes only
and no more than one residence for occupancy by one family shall be built upon
any one building plot.
4. No basement, garage, trailer or tent shall at any time be used or occupied as a residence, temporarily or permanently, nor shall any residence or other structure of a temporary character be permitted on any plot.

5. There shall not be erected or permitted on any plot in said plat any stable, cattle-yard, hog-pon, fowl-house, coop or yard, cess-pool, privy vault or any form of privy; nor shall any live poultry, hogs, sheep, goats, cattle or other livestock or noxious, dangerous or offensive thing, whether of the character of those herein enumerated or otherwise, be permitted or maintained thereon.

6. No building, fence, wall, sign (including but not limited to a "for sale" sign), or other structure shall be maintained or erected on said lots unless erected in accordance with plans and specifications showing the nature, kind, shape, type, material, color scheme and location of such structure, which have been submitted to the companies and approved in writing by the companies and the said Witte Construction Company or by their successors and assigns.

7. The companies hereby reserve for themselves and their successors and assigns the right to use and permit the use of those portions of said plat, designated on the recorded plat thereof as reservations, rights of way, streets, lanes and boulevards, for the construction and maintenance of public and/or quasi-public utilities and functions.

The right is also reserved for any public or quasi-public utility company to go upon the property from time to time to install and maintain its equipment and to trim trees and shrubbery which may interfere with the successful operation of its equipment.

8. No building or other structures or any part thereof, shall be erected or maintained upon any part of the property in Highland Meadows Park, Plat II, over and upon which easements for the installation and maintenance of public and quasi-public utilities or functions are hereby reserved.

9. The provisions herein contained shall run with and bind the land, and shall inure to the benefit of and be enforceable by the companies, The
Witte Construction Company and/or the owner of any land included in said plat, and the failure of the companies, The Witte Construction Company or any land owner, however long continued, to object to any violation or to enforce any restrictions, conditions, covenants or agreements herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach, or as to one occurring prior or subsequent thereto.

10. The companies hereby expressly reserve the right at any time to annul, waive, change or modify any of the restrictions, conditions, covenants, easements and agreements herein contained, as to any part of said plat then owned by the companies, provided that the companies first obtain the consent of the owners of a majority of all the lots in said plat and obtain the consent of The Witte Construction Company.

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

12. The rights reserved by and the duties imposed upon the companies and The Witte Construction Company by this Declaration of Restrictions are also reserved by and imposed upon their respective successors and assigns, and said companies and the said Witte Construction Company hereby expressly reserve for themselves and for their successors and assigns the right and privilege of assigning or relinquishing said rights and duties. Such assignment or cancellation will become effective from and after the time a written instrument signed by the companies and The Witte Construction Company or any of them or by their successors and assigns evidencing the fact of such assignment or cancellation is filed for record with the Lucas County, Ohio Recorder.

The aforesaid restrictions shall be in full force and effect from this date until the first day of July, 1993, and shall continue in full force and effect after July 1, 1993 until such time as the owners of not less than 51% of the lots in said Highland Meadows Park, Plat II, shall sign, execute, acknowledge and file for record appropriate instruments in writing altering, amending or terminating such restrictions.
The Witte Construction Company, which company has a lien against the premises by virtue of the provisions of a certain mortgage indenture recorded in Volume 1876 of the Lucas County, Ohio Mortgage Records at Page 111, is fully informed of the nature and extent of the foregoing Declaration of Restrictions and hereby consents to the adoption of the same.

IN TESTIMONY WHEREOF, Residential Development Corporation, by Donald J. Scholz, its President, and Daniel W. Sydlaska, its Secretary, thereunto duly authorized; Valleybrook Homes, Inc., by Donald J. Scholz, its President and Daniel W. Sydlaska, its Secretary, thereunto duly authorized; The Witte Construction Company, by John G. Witte, its President, and D. L. Sears, its Secretary, thereunto duly authorized, have hereunto set their hands and affixed their official seals this 11th day of September, 1958.

Signed by Residential Development Corporation, by Donald J. Scholz, President, Daniel W. Sydlaska, Secretary; Valleybrook Homes, Inc., by Donald J. Scholz, President, Daniel W. Sydlaska, Secretary; The Witte Construction Company by John G. Witte, President, D. L. Sears, Secretary.

Acknowledged September 11 and 15, 1958 before a Notary Public, Lucas County, Ohio (Seal).

Received for record September 17, 1958 at 10:33 A.M., and recorded in Volume 1501 of Mortgages, page 277.
AMENDMENT TO DECLARATION OF RESTRICTIONS
FOR
HIGHLAND MEADOWS PARK, PLAT 2
IN THE VILLAGE OF SYLVANIA, LUCAS COUNTY,
OHIO.

Whereas, Residential Development Corporation and Valleybrook Homes, Inc. were the owners in fee simple of all the lots in Highland Meadows Park, Plat 2, an Addition in the Village of Sylvania, Lucas County, Ohio, consisting of 49 lots, and

Whereas, said companies adopted a Declaration of Restrictions applicable to all 49 lots in said Highland Meadows Park, Plat 2, which Declaration of Restrictions is recorded in Volume 1901 of the Lucas County, Ohio, Mortgage Records at page 277, and

Whereas, said companies expressly reserved the right to annul, waive, change or modify said Declaration of Restrictions as they apply to any part of said plat then owned by said companies, provided that said companies first obtain the consent of the owners of a majority of all the lots in said plat and the consent of The Witte Construction Company, and

Whereas, Residential Development Corporation is the owner in fee simple of lots numbers 1036, 1038, 1042, 1045, 1049, 1050 and 1074 through 1083 inclusive, in said Highland Meadows Park, Plat 2, and is fully advised of the nature and extent of the amendment to said Declaration of Restrictions hereinafter adopted and consents to the adoption thereof, and

Whereas, Valleybrook Homes, Inc. is the owner in fee simple of lots numbers 1039, 1040, 1055, 1056 and 1061 through 1064 inclusive, in said Highland Meadows Park, Plat 2, and is fully advised of the nature and extent of the amendment to said Declaration of Restrictions hereinafter adopted and consents to the adoption thereof, and
Whereas, Edmund Lee Powell, Jr. and Mary Catherine Powell, husband and wife, are the owners in fee simple of lot number 1037 in said Highland Meadows Park, Plat 2 and Donald B. MacMillan and Ann R. MacMillan, husband and wife, are the owners in fee simple of lot number 1059 in said Highland Meadows Park, Plat 2, and said owners are fully advised of the nature and extent of the amendments to said Declaration of Restrictions hereinafter adopted and consents to the adoption thereof, and

Whereas, said Residential Development Corporation, Valleybrook Homes, Inc., Edmund Lee Powell, Jr., Mary Catherine Powell, Donald B. MacMillan and Ann R. MacMillan are the owners of a majority of all of the lots in said Highland Meadows Park, Plat 2, and

Whereas, The Witte Construction Company is fully advised of the nature and extent of the amendments to said Declaration of Restrictions hereinafter adopted and consents to the adoption thereof.

Now therefore, Residential Development Corporation and Valleybrook Homes, Inc. do hereby amend said Declaration of Restrictions as follows:

Paragraph 3 of said Declaration of Restrictions which provides:

"3. All plots in said plat shall be used for residence purposes only and no more than one residence for occupancy by one family shall be built upon any one building plot".

shall no longer be applicable to lots numbers 1080, 1081 and 1082 in said Highland Meadows Park, Plat 2.

Save and accept for the amendment and alteration specifically provided for herein, said original Declaration of Restrictions applicable to lots in said Highland Meadows Park, Plat 2, recorded in Volume 1901 of the Lucas County, Ohio Mortgages at page 277, shall remain in all other respects in full force and effect.
In witness whereof, Residential Development Corporation, by Donald J. Scholz, its President and Daniel W. Sydlaske, its Secretary, thereunto duly authorized, has hereunto set its hand; Valleybrook Homes, Inc., by Donald J. Scholz, its President and Daniel W. Sydlaske, its Secretary, thereunto duly authorized, has hereunto set its hand; Edmund Lee Powell, Jr. and Mary Catherine Powell, husband and wife, have hereunto set their hands; Donald B. MacMillan and Ann R. MacMillan, husband and wife, have hereunto set their hands and The Witte Construction Company, by John G. Witte, its President and D. L. Sears, its Secretary, thereunto duly authorized, has hereunto set its hand and corporate seal this 12th day of May, 1960.

Signed by Valleybrook Homes, Inc., by Donald J. Scholz, President and Daniel W. Sydlaske, Secretary, et al, owners of the premises in question, and other owners, other lots.

Six witnesses.

Acknowledged May 6th, 1960 by Valleybrook Homes, Inc., by Donald J. Scholz, President and Daniel W. Sydlaske, Secretary, by authority of its Board of Directors, before a Notary Public, Lucas County, Ohio, (Seal).