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DECLARATION OF RESTRICTIONS

WHEREAS, THE PORT LAWRENCE TITLE AND TRUST COMPANY, TRUSTEE, hereinafter called "OWNER", is the owner in fee simple of the following described real estate:

Lots numbers 79 to 102, both inclusive, and lettered Lot "A", all in HIGHLAND TERRACE, PLAT III, a Subdivision in the City of Sylvania, Lucas County, Ohio, hereinafter for convenience referred to as "HIGHLAND TERRACE, PLAT III".

AND WHEREAS, said OWNER desires to establish a general plan for the development of said HIGHLAND TERRACE, PLAT III, and to establish restrictions upon the manner of use, improvement and enjoyment of the lots in said subdivision which will make said lots more attractive for residential purposes and protect present and future owners of said lots in the enjoyment of their use for residential purposes;

NOW THEREFORE, in order to provide a uniform and general plan for the improvement, development, use, occupancy and enjoyment of said lots in HIGHLAND TERRACE, PLAT III, as an architecturally harmonious, artistic and desirable residential district, the restrictions hereinafter contained are adopted pursuant to said general plan for the better and uniform improvement and development of HIGHLAND TERRACE, PLAT III, and for the benefit and protection of the owners of the lots herein referred to, and of all persons who may hereafter become the owners of said lots.

The OWNER of HIGHLAND TERRACE, PLAT III, for itself, its successors and assigns, by the execution and recording of this indenture of covenants and restrictions, does hereby restrict the improvement, development, use, occupancy and enjoyment of the property of said HIGHLAND TERRACE, PLAT III, for the period and to the extent as hereinafter specified:

1. All of the lots in said Subdivision shall be used for private residential purposes only and no building of any kind whatsoever shall be erected or maintained thereon except a single family dwelling with
garage. No dwelling erected on said lots shall be occupied until it is at least 90% completed. All dwellings shall not exceed 2 stories in height.

2. No building or any part thereof shall be erected or maintained on said lots closer to the street than the building line designate on the plat of said Subdivision. All plans shall be approved by the Building Committee of HIGHLAND TERRACE, PLAT III.

3. No building, fence, wall or other structure shall be erected, constructed or maintained in said Subdivision until the plans and the grading plan of the plot to be built upon shall have been submitted to and approved in writing by HIGHLAND TERRACE, PLAT III, Building Committee and a copy thereof, as finally approved, lodged permanently with said Committee. The Committee shall have the right to approve or refuse to approve any such plans or specifications or grading plans, which in its opinion, for aesthetic or other reasons, are not suitable, and in passing upon such plans, specifications or grading plans, it shall have the right to take into consideration the suitability of the proposed building structure, or other work, and of the materials to be used therein to the site upon which it is proposed to erect the same or do such work, the harmony thereof with the surroundings and the effect thereof from or upon adjacent or neighboring property.

4. The HIGHLAND TERRACE, PLAT III, Building Committee shall consist of Morton Goldman, Norman H. Miller and William A. Winzeler. In the event there is a resignation, disability or death of any member of the said Committee, the remaining members shall choose his successor. Through unanimous consent, the record holders of 100% of the lots in said Subdivision shall have the power, at all times, through a duly recorded instrument, to change the membership of the Committee, to fill vacancies therein, and to withdraw from the Committee, or to restore to it, any of its powers and duties herein set forth and defined.
5. There shall not be erected, constructed, suffered, permitted, committed, maintained, used or operated on any land included in said Subdivision any nuisance of any character.

6. Any stable, cattle yard, pasture, pig pen, fowl yard, pen or house, privy vault or any form of privy, or any vault, cesspool, catch basin or other receptacle for the collection of liquid or other waste materials other than a septic tank or receptacle for the underground storage of water, fuel oil or automobile fuel shall be conclusively deemed to be a nuisance.

7. Any plant, manufactory, work shop, store establishment, or structure for the purposes of carrying on any trade or business whatsoever, shall be conclusively deemed to be a nuisance.

8. The determination of the HIGHLAND TERRACE, PLAT III, Building Committee, its successors or assigns, as to what constitutes a nuisance within the meaning of the preceding paragraphs shall be conclusive and binding, and no other person shall be entitled to any injunction to prevent the said Committee from determining whether a breach of covenants has taken place or to enjoin the abatement thereof.

9. No liquor, whether spirituous, venous or fermented, shall be sold or be allowed to be sold on said premises.

10. No truck or other commercial vehicle shall be allowed to stand or remain parked upon the premises other than for the purposes of a delivery. After construction of a dwelling on a lot, no house trailer, boat, boat trailer or similar item shall be placed or kept on said lot except when stored in an enclosed garage.

11. Until such time as a public street lighting system shall be established in this Subdivision, each lot owner shall erect and maintain at his expense a post light and adjacent to the street, which shall be in accordance with the plans and specifications approved by the HIGHLAND TERRACE PLAT III, Building Committee.

12. No fence, wall, hedge or shrub planting shall be erected,
placed or altered on any lot nearer to any street than the minimum building setback line unless written approval is granted by the HIGHLAND TERRACE, PLAT III, Building Committee. No ornamental fence, hedge or wall shall exceed 4 feet in height unless written approval is granted by the HIGHLAND TERRACE, PLAT III, Building Committee.

13. No weeds, underbrush or unsightly objects of any kind shall be placed or suffered to remain upon any part of said premises.

14. Building of structures in this Subdivision must be completed within 6 months of the date of the beginning of said construction. In addition, it shall be the responsibility of each person constructing a dwelling in said Subdivision to install a concrete sidewalk upon said lot within 6 months after commencement of the construction of said dwelling in accordance with the regulations and specifications relating to sidewalks issued by the City of Sylvania, Ohio.

15. All restrictions herein shall be construed together but if it shall be held that any restriction, or any part of any restriction, is invalid or unenforceable for any reason whatsoever, no other restrictions or any part thereof shall be affected or impaired. The aforesaid restrictions shall run with the land and shall be in full force and effect until the thirtieth day of June 1989, provided that the same may be extended for an additional period of 25 years by an appropriate instrument or instruments in writing consenting to such an extension signed, executed and acknowledged by the owners (not including Mortgages) of not less than 2/3 in area of the Subdivision are filed prior to the first day of July 1989. These restrictions or any part thereof or the application thereof to any lot or lots in said Subdivision may be changed or modified at any time by a written instrument or instruments signed, executed and acknowledged by the owners (not including Mortgages) of all lots in said Subdivision covered by these restrictions.
IN WITNESS WHEREOF, THE PORT LAWRENCE TITLE AND TRUST COMPANY, TRUSTEE, has caused its corporate name to be subscribed to these presents by its Vice-President and Assistant Secretary this 11th day of January, 1968.

Signed by The Port Lawrence Title and Trust Company, Trustee, by Vincent J. Meyers, Vice-President and Maude Hibbard Niles, Assistant-Secretary.

Two witnesses.

Acknowledged January 11, 1968 in Lucas County, by said corporation, as Trustee, by said officers, by authority of its Board of Directors, before a Notary Public, State of Ohio, (Seal). Received for record January 12, 1968 at 3:30 P.M., and recorded in Volume 2236 of Mortgages, page 291.