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
FOR
YAWBERG ESTATES
PROVIDENCE TOWNSHIP
LUCAS COUNTY, OHIO

This Declaration of Restrictions is hereby adopted by Dolores J. Huffman and Neil V. Hefflinger, hereinafter collectively referred to as "Developer."

Witnesseth:

WHEREAS Developer is the owner of all of the real estate described on Exhibit A hereto, consisting of six parcels, the descriptions of which are adopted herein by reference, situated in the East one half of the South half of the Southeast quarter of Section 5, Township 6 North, Range 9 East, Providence Township, Lucas County, Ohio, pursuant to a deed recorded in Microfiche No. 91-100-E01 and 92-40-E03, Lucas County, Ohio, which real estate is hereinafter sometimes called "Yawberg Estates", and sometimes called "lots";

WHEREAS, Developer desires to establish a general plan for the development of Yawberg Estates and to establish restrictions upon the manner of use, improvements and enjoyment of Yawberg Estates which will make said lots more attractive for residential purposes and will protect present and future owners of said lots in the enjoyment of their use for residential purposes;

NOW, THEREFORE, Developer, in consideration of the enhancement in the value of said property by reason of adoption of the restrictions hereinafter set forth, and the premises above, does for himself and his successors and assigns, hereby declare, covenant and stipulate that all of Yawberg Estates shall hereafter be conveyed by him, his successors and
assigns, subject to the following restrictions:

ARTICLE I

SPECIFIC RESTRICTIONS ON IMPROVEMENTS

Residential Only

1.1 All lots shall be restricted to residence purposes only. Not more than one residence shall be built upon any lot. All residences shall be single family dwellings, and shall not consist of trailer homes, double-wides, prefabricated homes, or buildings of similar nature. Not more than two out buildings shall be permitted.

Building Lines

1.2 No structure or any part thereof, other than a fence, hedge, wall or other enclosure shall be erected, placed or maintained on any residential lot nearer to the front or street line or lines or the rear line or lines or nearer to any side lot line or easement than ten (10) feet.

Materials

1.3 All structures and buildings erected and maintained upon said lots shall be constructed with new, adequate and generally accepted building materials of a permanent nature and pleasing appearance.

ARTICLE II

SPECIFIC RESTRICTIONS ON THE USE OF THE PROPERTY

Residential Use Only

2.1 No portion of any residential lot or structure thereon shall be used or permitted to be used for any business purpose whatsoever and no noxious, offensive, or unreasonably disturbing activity shall be carried on upon any part of Yawberg Estates, nor shall anything be done thereon which may be or become an annoyance or nuisance in Yawberg Estates.

No Wells

2.2 No well for gas, oil, or other substances, other than water, shall at any time be erected, placed or maintained on any of such residential lots.
No Temporary Residences

2.3 No trailer, basement, tent, shack, garage, barn, mobile home, double wide, manufactured home or other temporary shelter or housing device shall be maintained or used as a residence, temporarily or permanently, in Yawberg Estates. No dwelling erected in Yawberg Estates shall be used as a residence until the exterior thereof has been completed in accordance with the detailed plans and specifications approved therefor.

No Storage

2.4 No lot shall be used for the storage of automobiles, scrap iron, water, paper, glass, or any reclamation products or materials; except that during the period a structure is being erected upon any such lot, building materials to be used in the construction of such structure may be stored thereon, provided however, any building material not incorporated in said structure within ninety (90) days after its delivery to such lot, shall be removed therefrom. All structures must be completed by an owner within one (1) year of the date of the beginning of the construction thereof. No sod, dirt, or gravel other than that incidental to construction of approved structures shall be removed from said lots without the written approval of the Developer, or its successors and assigns.

ARTICLE III

ENFORCEMENT OF RESTRICTIONS

3.1 Any violation or attempt to violate any of the covenants or restrictions herein while the same are in force shall be unlawful. The Developer, its successors and assigns, or any person or persons owning any lot in Yawberg Estates may prosecute any proceedings at law, or in equity, against the person or persons violating attempting to violate any such covenants or restrictions to enjoin such violation, to cause the removal of any structure in violation, and to recover damages for any such violation or attempted violation.

3.2 Invalidation of any of the restrictions and covenants herein contained by judgment or court order or amendment hereof by act of the owners of lots in Yawberg Estates shall not affect any of the other provisions contained in the Declaration of Restrictions, which shall remain in full force and effect.
3.3 All transfers and conveyances of each and every lot in Yawberg Estates shall be made subject to these covenants and restrictions.

3.4 Any notice required to be sent to any owner of a lot in Yawberg Estates or to the Developer shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as such owner or to the Developer as such address appears on the applicable public records.

3.5 The rights, privileges and powers granted by this Declaration of Restrictions to, or reserved by, the Developer shall be assignable and shall inure to the benefit of the successors and assigns of the Developer.

3.6 Developer shall have the right to construe and interpret these restrictions, and its construction or interpretation in good faith, shall be final and binding as to all persons and property benefited or bound by such restrictions.

3.7 No owner of any lot in Yawberg Estates shall subdivide the same or convey less than the whole of any lot without first obtaining the written consent of Developer, its successors or assigns.

3.8 No restrictions imposed hereby shall be abrogated or waived by any failure to enforce the provisions hereof, no matter how many violations or breaches may occur.

3.11 The Developer reserves and is hereby granted the right in case of any violation or breach of any of the restrictions, rights, reservations, limitations, agreements, covenants and conditions herein contained, to enter the property, upon or as to which such violation or breach exists, and to summarily abate and remove, at the expense of the owner thereof, any erection, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof as interpreted by the Developer and shall not, by reason thereof, be deemed guilty of any manner of trespass for such entry, abatement or removal.
ARTICLE IV
GENERAL AND MISCELLANEOUS

Utility Easements

4.1 The Developer reserves to itself, and to its successors and assigns, the exclusive right to grant consents, easements and rights of way for the construction, operation and maintenance of electric light, telephone and telegraph poles, wires and conduits, including underground facilities, and for drainage and sewers on, over, below, or under all of the areas described on Exhibit B hereto, entitled "Utility Easements". The Developer also reserves to itself, and to its successors and assigns, the right to go upon or permit any public or quasi-public utility to go upon the lots in Yawberg Estates from time to time to install, maintain and remove such equipment, and to trim trees and shrubbery which may interfere with the successful and convenient operation of such equipment. No structures, or any part thereof, shall be erected or maintained over or upon any part of the areas designated within Exhibit B as "Utility Easement". The term "structures" as used in the foregoing portion of this paragraph shall include those structures set forth in Section 4.4 below but shall not include lot improvements such as driveways and fences. No owner of any lot in Yawberg Estates shall have the right to reserve or grant any easements or rights of way upon or over any of the lots in Yawberg Estates without the prior written consent of the Developer, its successors and assigns.

Duration of Restrictions

4.2 These covenants and restrictions shall run with the land and shall be binding upon the Developer and all persons claiming under or through the Developer until the first day of January 2011, at which time these covenants and restrictions shall be automatically extended for successive periods of ten (10) years.

Amendments

4.3 The covenants and restrictions may be amended prior to January 1, 2011, upon the written approval of the then owners of not less than two-thirds (2/3) of the lots in Yawberg Estates, which amendment shall become effective from and after the filing with the Recorder of Lucas County, Ohio, of an instrument stating the amendment and signed by all approving lot owners with the formalities required by law. These
covenants and restrictions may be terminated as of January 1, 2011, and may be amended or terminated thereafter with the written approval of the owners of not less than one-half (1/2) of the lots in Yawber Estates upon the filing of an instrument as aforesaid with the Recorder of Lucas County, Ohio.

Definition of "Structure"

4.4 Wherever used herein, the term "structure" shall mean and refer to anything or device (other than trees, shrubbery which is less than two (2) feet in height if in the form of a hedge, and landscaping) the placement of which upon any lot may affect the appearance of such lot, including by way of illustration and not limitation, any building, garage, porch, shed, greenhouse or bathhouse, coop or cage, covered or uncovered patio, swimming pool, clothesline, radio or television antenna, fence, curbing, paving, wall, hedge more than two (2) feet in height, signboard or any temporary or permanent living quarters or any other temporary or permanent improvement to such lot. "Structure" shall also mean and refer to (i) any excavation, fill, ditch, diversion dam or other thing or device which affects or alters the natural flow of surface waters from, upon or across any lot, or which affects or alters the flow of waters in any natural or artificial stream, wash or drainage channel from, upon or across any lot, and (ii) any change in the grade of any lot of more than six (6) inches from that existing at the time of purchase, by the owner.

IN WITNESS WHEREOF, Dolores J. Huffman and Neil V. Hefflinger, Developers, have executed this Declaration of Restrictions this 30 day of October, 1992, in Providence Township, Lucas County, Ohio.

Witnesses:

__________________________

Dolores J. Huffman, Developer

__________________________

Neil V. Hefflinger, Developer

92 3370B10

92-3345A10
STATE OF OHIO  
) SS.  
COUNTY OF LUCAS  
)

The foregoing instrument was acknowledged before me this 20 day of October, 1992, by Dolores J. Huffman and Neil V. Hefflinger, Developers.

Notary Public

This Instrument Prepared by:
Zol & Associates
6605 West Central
Suite 205
Toledo, Ohio 43617
(419) 641-9623

DEBORAH K. WILSON
Notary Public, State of Ohio
My Commission Expires Nov. 15, 1994

RECEIVED & RECORDED

SUE RIoux
RECORDED, LUCAS COUNTY, OHIO

92-3345A11
92-3370B11
PLAT OF SURVEY

Being a part of the East half (½) of the South half (½) of the South West quarter (¼) of Section 5, Township 6 North, Range 9 East, Providence Township, Lucas County, Ohio

Fort Neil V. Hefflinger, et al.
7437 Yawger Road
Whitehouse, OH 43571

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LEGAL DESCRIPTION:

2
13.424 Acres

3
5.030 Acres

4
5.029 Acres

5
5.028 Acres

6
5.028 Acres

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LEGEND

A - Iron pin found from previous survey.
B - Steel pin with ID. one set this survey.
C - Iron pin found from previous survey.
D - P.S. not found from previous survey.
E - Iron pin found from previous survey.

NOTE:

Exhibit A

92 3370B12
Description of land: Parcel No. 1 (existing house)

A parcel of land being situated in the East half (½) of the South half (½) of the Southeast quarter (¼) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'27" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, eight hundred twenty-five and sixteen hundredths (825.16) feet to the point of beginning; thence North 89°34'21" West, three hundred thirty and zero hundredths (330.00) feet to an iron pin; thence North 0°05'27" East, two hundred and zero hundredths (200.00) feet to an iron pin; thence South 89°34'21" East, three hundred thirty and zero hundredths (330.00) feet to a point on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road; thence South 0°05'27" West on the said East line of the Southeast quarter (¼) of Section 5 and the centerline of said Road, two hundred and zero hundredths (200.00) feet to the point of beginning.

Containing 1.515 acres of land more or less, but subject to all legal highways and easements of record.

Paul J. Westhoven
Registered Surveyor No. 5602
Survey No. 4962-L-P-9-21-91
Description of land: Parcel No. 2 (13.454 acres)

A parcel of land being situated in the East (½) of the South half (½) of the Southeast quarter (¼) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'27" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawber Road, seven hundred fifty-nine and sixteen hundredths (759.16) feet to the point of beginning; thence North 89°32'11" West, one thousand three hundred twenty-seven and sixty-six hundredths (1327.66) feet to an iron pin on the West line of the East half (½) of the South half (½) of the Southeast quarter (¼) of said Section 5; thence North 0°02'18" East on the said West line of the East half (½) of the South half (½) of the Southeast quarter (¼) of Section 5, five hundred sixty-five and eighteen hundredths (565.18) feet to an iron pipe at the Northwest corner thereof; thence South 89°34'21" East on the North line of the East half (½) of the South half (½) of the Southeast quarter (¼) of said Section, nine hundred ninety-eight and seventeen hundredths (998.17) feet to an iron pin; thence South 0°05'27" West, five hundred and zero hundredths (500.00) feet to an iron pin; thence South 89°34'21" East, three hundred thirty and zero hundredths (330.00) feet to a point on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawber Road; thence South 0°05'27" West on the said East line of the Southeast quarter (¼) of Section 5 and the centerline of said Road, sixty-six and zero hundredths (66.00) feet to the point of beginning.

Containing 13.454 acres of land more or less, but subject to all legal highways and easements of record.

[Signature]
Paul J. Westhoven
Registered Surveyor No. 5632
Description of land: Parcel No. 3 (5.030 acres)

A parcel of land being situated in the East half (\(\frac{1}{2}\)) of the South half (\(\frac{1}{2}\)) of the Southeast quarter (\(\frac{1}{4}\)) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'27" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (\(\frac{1}{4}\)) of said Section and the centerline of Yawberg Road, five hundred ninety-four and twelve hundredths (594.12) feet to the point of beginning; thence North 89°32'11" West, one thousand three hundred twenty-seven and fifty-four hundredths (1327.54) feet to an iron pin on the West line of the East half (\(\frac{1}{2}\)) of the South half (\(\frac{1}{2}\)) of the Southeast quarter (\(\frac{1}{4}\)) of said Section 5; thence North 0°02'18" East on the said West line of the East half (\(\frac{1}{2}\)) of the Southeast quarter (\(\frac{1}{4}\)) of Section 5, one hundred sixty-five and four hundredths (165.04) feet to an iron pin; thence South 89°32'11" East, one thousand three hundred twenty-seven and sixty-six hundredths (1327.66) feet to a point on the East line of the Southeast quarter (\(\frac{1}{4}\)) of said Section and the centerline of Yawberg Road; thence South 0°05'27" West on the East line of the Southeast quarter (\(\frac{1}{4}\)) of said Section and the centerline of said Road, one hundred sixty-five and four hundredths (165.04) feet to the point of beginning.

Containing 5.030 acres of land more or less, but subject to all legal highways and easements of record.

Paul J. Westheoven
Registered Survey No. 5602
Survey No. 4962-L-P-10-12-92
Description of land: Parcel No. 4 (5.029 acres)

A parcel of land being situated in the East half (1/2) of the South half (1/2) of the Southeast quarter (1/4) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'12" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (1/4) of said Section and the centerline of Yawberg Road, four hundred twenty-nine and eighty hundredths (429.08) feet to the point of beginning; thence North 89°32'11" West, one thousand three hundred twenty-seven and thirty-five hundredths (1327.35) feet to an iron pin on the West line of the East half (1/2) of the South half (1/2) of the Southeast quarter (1/4) of said Section 5; thence North 0°00'15" West on the said West line of the East half (1/2) of the South half (1/2) of the Southeast quarter (1/4) of Section 5, one hundred sixty-five and four hundredths (165.04) feet to an iron pin; thence South 89°32'11" East, one thousand three hundred twenty-seven and fifty hundredths (1327.50) feet to a point on the East line of the Southeast quarter (1/4) of said Section and the centerline of Yawberg Road; thence South 0°05'12" West on the East line of the Southeast quarter (1/4) of said Section and the centerline of said Road, one hundred sixty-five and four hundredths (165.04) feet to the point of beginning.

Containing 5.029 acres of land more or less, but subject to all legal highways and easements of record.

[Signature]

Paul J. Westhoven
Registered Survey No. 5602
Survey No. 4962-L-F-10-12-92

92 3370004
Description of land: Parcel No. 5 (5.028 acres)

A parcel of land being situated in the East half (½) of the South half (¼) of the Southeast quarter (¼) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'27" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, two hundred sixty-four and four hundredths (264.04) feet to the point of beginning; thence North 89°32'11" West, one thousand three hundred twenty-seven and twenty hundredths (1327.20) feet to an iron pin on the West line of the East half (½) of the South half (¼) of the Southeast quarter (¼) of said Section 5; thence North 0°02'18" East on the said West line of the East half (½) of the South half (¼) of the Southeast quarter (¼) of Section 5, one hundred sixty-five and four hundredths (165.04) feet to an iron pin; thence South 89°32'11" East, one thousand three hundred twenty-seven and thirty-five hundredths (1327.35) feet to a point on the East line of the Southeast quarter (¼) of said Section 5 and the centerline of Yawberg Road; thence South 0°05'27" West on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, one hundred sixty-five and four hundredths (165.04) feet to the point of beginning.

Containing 5.028 acres of land more or less, but subject to all legal highways and easements of record.

Paul J. Westhoven
Registered Survey No. 5602
Survey No. 4962-L-P-10-12-92
Description of land: Parcel No. 6 (5.026 acres)

A parcel of land being situated in the East half (¼) of the South half (½) of the Southeast quarter (¼) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5, thence North 0°05′27″ East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, ninety-nine and zero hundredths (99.00) feet to the point of beginning; thence North 89°32′11″ West, one thousand three hundred twenty-seven and five hundredths (1327.05) feet to an iron pin on the West line of the East half (½) of the South half (½) of the Southeast quarter (¼) of said Section 5; thence North 0°02′18″ East on the said West line of the East half (½) of the South half (½) of the Southeast quarter (¼) of Section 5, one hundred sixty-five and four hundredths (165.04) feet to an iron pin; thence South 89°32′11″ East, one thousand three hundred twenty-seven and twenty hundredths (1327.20) feet to a point on the East line of the Southeast quarter (¼) of said Section 5 and the centerline of Yawberg Road; thence South 0°05′27″ West on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, one hundred sixty-five and four hundredths (165.04) feet to the point of beginning.

Containing 5.026 acres of land more or less, but subject to all legal highways and easements of record.

Paul J. Westhoven
Registered Survey No. 5602
Survey No. 4962-L-P-10-12-92
FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS FOR YAWBERG ESTATES PROVIDENCE TOWNSHIP LUCAS COUNTY, OHIO

The undersigned, being the owners of lots 1, 2, 5, and 6 of Yawberg Estates, as described in the Declaration of Restrictions for Yawberg Estates, Providence Township, Lucas County, Ohio, recorded in microfiche no. 92-3345-A05 and filed for second record and recorded in microfiche no. 92-3370-B05, hereby amend said Restrictions pursuant to Article IV, Section 4.3 as follows:

WHEREAS, the undersigned constitute the owners of two thirds of the lots in Yawberg Estates and desire to amend the Declaration of Restrictions for Yawberg Estates, Providence Township, Lucas County, Ohio;

NOW THEREFORE, the undersigned, do for themselves and their successors and assigns, hereby declare, covenant and stipulate that the Declaration of Restrictions for Yawberg Estates, Providence Township, Lucas County, Ohio, shall be amended as follows:

Notwithstanding any other provisions in the Declaration of Restrictions for Yawberg Estates, Providence Township, Lucas County, Ohio, for so long as Judith E. Travis and/or Gary K. Travis is/are the record owner(s) of lot one of Yawberg Estates, the legal description of which is attached hereto as Exhibit A, and incorporated by reference, said lot one may be used by Judith E. Travis and/or Gary K. Travis for the continuation of the wagon building business they are presently engaged in, so long as said wagon building business remains a small home business. Judith E. and/or Gary K. Travis will also be permitted to erect signs for their business no larger than 20 Square Feet total.
IN WITNESS WHEREOF, the undersigned have executed this First Amendment to Declaration of Restrictions for Yawberg Estates, Providence Township, Lucas County, Ohio, this 13 day of March, 1993.

Witnesses:
Michael O. Goldsmith  Dolores J. Huffman
Denise O. Hefflinger

J. L. Hefflinger  Neil V. Hefflinger
Lynne Sutliff
B. C. Chadwick  Tamela Hefflinger
Edwin M. Schwartz  Craig Hefflinger

STATE OF OHIO
COUNTY OF LUCAS

The foregoing instrument was acknowledged before me this 13 day of March, 1993 by Dolores J. Huffman, Neil V. Hefflinger, Tamela Hefflinger, and Craig Hefflinger.

DEBORAH K. WILSON
Notary Public
Notary Public, State of Ohio
My Commission Expires Nov. 17, 1993
93 06607/11
Description of land: Parcel No. 1 (existing house)

A parcel of land being situated in the East half (½) of the South half (½) of the Southeast quarter (¼) of Section 5, Town 6 North, Range 9 East, Providence Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a railroad spike in the Southeast corner of said Section 5; thence North 0°05'27" East (assumed bearing for the purposes of this description) on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road, eight hundred twenty-five and sixteen hundredths (825.16) feet to the point of beginning; thence North 89°34'21" West, three hundred thirty and zero hundredths (330.00) feet to an iron pin; thence North 0°05'27" East, two hundred and zero hundredths (200.00) feet to an iron pin; thence South 89°34'21" East, three hundred thirty and zero hundredths (330.00) feet to a point on the East line of the Southeast quarter (¼) of said Section and the centerline of Yawberg Road; thence South 0°05'27" West on the said East line of the Southeast quarter (¼) of Section 5 and the centerline of said Road, two hundred and zero hundredths (200.00) feet to the point of beginning.

Containing 1.515 acres of land more or less, but subject to all legal highways and easements of record.

Paul J. Westhoven
Registered Surveyor No. 5602
Survey No. 4962-L-P-9-21-91

RECEIVED & RECORDED
MAR 18 1993
SUE RIOUX
RECEIVED,LUCAS COUNTY,OHIO

Exhibit A

93 0660E12