

860405

AMENDED SUBDIVISION RESTRICTIONS, EASEMENTS AND RIGHTS

The undersigned, as officers and representatives of Lake Sylvan Property Owners' Association, an unincorporated association, hereby state the following:

1. That they are the duly elected officers of Lake Sylvan Property Owners' Association by virtue of an election by a majority of the property owners of Sylvan Shores Subdivision, Sylvan Shores Subdivision Section 2, and Sylvan Shores Subdivision Section 3 (the "Subdivisions") held on June 9, 1985 at Lake Sylvan, Clark County, Ohio.
2. That the provisions of the Restrictions, Easements, and Rights recorded with the plats of the Subdivisions, as found in Volume 10, Pages 90, 98 and 99, Clark County Plat Records, permit the amendment of said Restrictions, Easements and Rights by the vote of a majority of the then owners of the lots in the Subdivisions, voting as specified in Paragraph 8 thereof.
3. That, on October 12, 1985, at a meeting of the Lake Sylvan Property Owners' Association held at Lake Sylvan, Clark County, Ohio, a majority of the owners of such lots voted to amend certain of the Restrictions, Easements and Rights of the Subdivisions.
4. That attached hereto as Exhibit A are amended Restrictions, Easements and Rights as they pertain to the Subdivisions which contain each of the amendments approved by the vote of a majority of the owners of the lots in the Subdivisions voting as specified in Paragraph 8 therein on October 12, 1985.

IN WITNESS WHEREOF, the undersigned have signed this instrument this 13 day of January, 1986.

✓
LAKE SYLVAN PROPERTY OWNERS'
ASSOCIATION

Witness:

George N. Ward

Valerie S. Wilcoxon

By: Cliff Wilcoxon
Cliff Wilcoxon, President

By: John E. Parker
John Parker, Vice President

By: Bonnie Davis
Bonnie Davis, Secretary

By: Linda Pulver
Linda Pulver, Treasurer

Jeannette B. Allen Ward
Jeannette B. Allen Ward, lake owner

STATE OF OHIO)
)ss:
COUNTY OF CLARK)

Before me, a Notary Public in and for said County, personally appeared Lake Sylvan Property Owners' Association by Cliff Wilcoxon, President; John Parker, Vice President; Bonnie Davis, Secretary; and Jeannette B. Allen Ward, lake owner and Linda Pulver, Treasurer, who acknowledged the signing of the foregoing instrument to be their free act and deed for the purposes stated therein.

Sworn to before me and subscribed in my presence this 23 day of January, 1986.

John E. Parker

Notary Public

*My commission expires
June 30, 1989*



FILED
1986 JAN 15 PM 3:38
PAULENE BNSHAM, RECORDER
CLARK COUNTY, OHIO
fee \$19.00

This instrument prepared by:
MARTIN, BROWNE, HULL & HARPER
203 BancOhio Building
P.O. Box 1488
Springfield, OH 45501
513/324-5541

SYLVAN SHORES SUBDIVISIONSAMENDED RESTRICTIONS, EASEMENTS AND RIGHTS

THE LOTS IN THE SUBDIVISIONS SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS, EASEMENTS, RIGHTS and PROPERTY OWNERS' ASSOCIATION RULES:

1. Said premises shall be used for residential purposes only.
2. There shall not be erected, placed or permitted to remain on said premises any building or buildings other than one (1) single dwelling consisting of not less than 1,500 sq. ft. of living area, and the necessary outbuildings incident thereto.
3. No trailers, basement, tent, shack, garage, or other outbuilding shall be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be moved upon or used as a residence. No structure except open porches shall be nearer to the front (road) line of said premises than the setback line shown on the plat of said addition, and no building, or structure shall be erected less than three (3) feet from the side lines of any lot. On the lots bordering on the Lake, structures shall be erected between the setback lines shown on the plat.
4. No wall or hedge of any kind exceeding four feet in height, and no fence of any kind excepting an open construction ornamental fence shall be erected or maintained on any part of the premises herein conveyed, and such fences, walls or hedges shall not approach nearer the Lake front than the setback line specified in Paragraph 3.
5. No alcoholic liquors or alcoholic beverages, including beer, shall be manufactured or sold on said premises, and no noxious or offensive activity shall be carried on therein, nor shall anything be done thereon which may be or may become an annoyance or nuisance.
6. No livestock, except usual household pets, shall be kept or maintained on said premises, and no livestock shall be permitted to become a nuisance.
7. No billboards, signs or other advertising devices shall be placed on said premises except for "For Sale" signs of the usual size offering said premises for sale in good faith.
8. No dwelling house shall be erected on said premises, nor the construction of said dwelling house commenced until the plans and specifications for said dwelling house have been submitted to a committee composed of three property owners chosen by a majority vote of the lot owners in said subdivision, for approval of said specifications. If said committee fails to approve or disapprove the said plans or specifications within thirty (30) days after the receipt of the same, then such plans shall be deemed to have been approved by the committee. Vacancies on said committee shall be filled by a person or persons selected by a majority of the property owners in said subdivision. For this purpose, the owners of each lot shall have one (1) vote, and where there are two or more owners of any lot, they shall collectively have one (1) vote.

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9. The premises shall not be used for occupancy until drainage and sewage systems shall be installed in accordance with the requirements of the Clark County Health Board, or its successor. If a sanitary sewer line is installed to serve the subdivision, the committee named in Item 8. above, may require the owners of the lots in said subdivision to connect thereto.
10. These premises are subject to a right-of-way and easement five (5) feet in width along the side lines of each lot, for the following use and purpose: For the erection, construction and maintenance of poles, wires and conduits, and for necessary attachments in connection therewith for the transmission of electricity and for telephone and other utility purposes. Lots Nos. 37, 38, 39, 40, 41 and 42 shall be subject to a five foot easement and reservation along Sylvan Shores Drive for future road expansion. For the construction and maintenance therein of drains, public and private sewers, pipe lines for gas or water, and for any other public or quasi-public utility or function, and the right to enter upon said premises is hereby reserved.
11. This subdivision is adjacent to a private lake, and the owners of lots in said subdivision, their immediate families, bona fide guests, when accompanied by or in the immediate presence of such owners, or members of their immediate family, and such other persons as may be included by the rules and regulations hereinafter referred to, are, herewith granted an easement over and upon said lake with a mandatory \$70.00 annual fee per property owner, payable to Lake Sylvan Property Owners' Association, for the purposes of boating, fishing, bathing, and other usual purposes, subject to, and limited by such general rules and regulations as may from time to time be established by a committee consisting of one of the owners of the lake, and two other lot owners selected by a majority vote of the lot owners in said subdivision; (in co-operation with any similar committee hereafter organized in connection with the development and subdivision of other lands having, or being given rights and easements for use of said lake.) Vacancies on said committee shall be filled in accordance with the provisions outlined in Item 8. above.

Such persons using said lake and the facilities therein shall assume all the risks incident thereto, and the lake owners, or their heirs, successors and assigns, shall not be liable for any damage to the property of, or injury to, or death of such persons.

These covenants shall run with the land and shall be binding upon all parties hereto and all persons claiming under them until January 1, 1990, at which time said covenants shall be automatically extended for successive periods of five (5) years unless by vote of a majority of the then owners of said lots (voting as specified in Paragraph 8,) it is agreed to change said covenants in whole or in part.

If the parties hereto or any of them or their heirs, or assigns shall violate or threaten, or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said subdivision to institute and

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prosecute any proceedings at law or in equity against the person or persons violating, threatening or attempting to violate any such covenants and either to prevent him or them from so doing, or to recover damages or redress for such violation, or both, as such complaintant may elect.

No failure or omission to enforce any covenant or restriction, or to enjoin or to seek damages for violation or attempted or threatened violation thereof, shall be deemed a waiver of any rights or cause of action, or in any way affect or impair any right of enforcement with respect to subsequent violations or threatened or attempted violations.