

COVENANT OF RESTRICTIONS

APPROVAL OF PLANS

1. No buildings or structures of any kind shall be constructed or placed upon the above described land, nor shall any existing building or structure be altered in exterior appearance in any way until the plans therefor have been approved in writing by SOUTHMOOR SHORES, INC., its successors or assigns. Refusal or approval of such plans may be based upon any grounds, including purely aesthetic grounds, and shall be solely within the discretion of SOUTHMOOR SHORES, INC., its successors or assigns. When SOUTHMOOR SHORES, INC. shall have sold all the lots in said subdivision, it will notify all the lot owners of this fact and assign the approval of plans as provided in this paragraph to the proper committee of property owners in this subdivision. No building shall contain less than 600 sq. ft. of living space.
2. No fences shall be constructed along the front, side, or rear lot lines of any lot unless plans therefor shall have first been approved by SOUTHMOOR SHORES, INC., in accordance with the provisions of the preceding paragraph. No hedges, trees, or other plantings which when fully grown will materially obstruct the waterway view from adjoining and nearby property shall be placed behind the rear building line on waterfront lots.
3. The approval of plans pursuant to this provision shall specifically be exercised so as to prevent the erection of structures having a similar exterior design or elevation in proximity to an existing structure.

COMPLETION OF CONSTRUCTION - REMEDY

4. When the construction of any building is once begun, work thereon must be prosecuted diligently and completed within a reasonable time. If for any reason work is discontinued and there is no substantial progress towards completion for a continuous six (6) months period then the SOUTHMOOR SHORES, INC., its successors or assigns, shall have the right to notify the owner of record of the premises of its intentions herein, invade the premises and take such steps as might be required to correct an undesirable appearance, the reason for such correction shall be solely in the discretion of SOUTHMOOR SHORES, INC., and may include but not limited to aesthetic grounds. The owner in fact of such property shall be liable for all costs incurred in such action, and the total costs thereof will be a lien on his property, which lien may be foreclosed in the manner provided for foreclosure of mortgages in the State of Ohio.

ANTENNAS

5. No television or other antenna which is visible from the street, waterway, or adjoining property is permitted unless specific approval for such is granted by SOUTHMOOR SHORES, INC., its successors or assigns, except for master tower located at the southwest corner of Lot 31 in favor of S&H Cablevision.

UNDERGROUND WIRES

6. All telephone, electric and other wires of all kinds must be underground from the poles or the underground transmission cables located within the platted utility easements to the building or use connected.

BOAT SLIDS, DOCKS, AND SEA WALLS

7. A dock is permitted so long as the same is constructed parallel to the channel easement line as recorded on each lot, built in a neat and workmanlike manner, and does not block the channel. Approval of the plans to be same as in Paragraph No. 1 Above.

PETS

8. Dogs and cats, provided they are not kept, bred, or maintained for any commercial purpose, may be kept on the above described property. No other animals, livestock, poultry of any kind, shall be kept, raised, or bred on any part of the above described property.

GENERAL APPEARANCE

9. Clothes lines or drying yards shall be so located so as not to be visible from the streets, waterways, or adjoining properties.
10. Outside garbage and rubbish disposal facilities shall be either underground or in garbage bins, fully enclosed, covered & screened.
11. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon any part of the premises and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon, provided that after proper notice if such condition is not corrected, SOUTHMOOR SHORES, INC., shall have the right to enter upon the premises and make such correction at the expense of the owner.
12. No noxious or offensive activity shall be carried on upon the above described property, or upon any part, portion or tract thereof, nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood.

DRAINAGE

13. No changes in the elevations of the lands shall be made which will interfere with the drainage or otherwise cause undue hardship to adjoining property.

REMEDIES - SEPARABILITY

14. In the event of violation or breach of any of these restrictions, SOUTHMOOR SHORES, INC. its successors or assigns, shall have the right to proceed at law or in equity to compel compliance with terms hereof or to prevent the violation or breach of any of them. The failure to enforce any right, reservation, restriction or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any restrictions herein contained shall not in any way affect any of the other restrictions which shall remain in full force & effect.

DURATION OF RESTRICTIONS

15. These covenants & restrictions are to run with the land and shall be binding upon the undersigned and upon the parties and upon all persons claiming under them until January 1, 1980 at which time said covenants & restrictions shall automatically be extended for successive periods of ten years unless by vote of the majority of the then owners of the lots or tracts it is agreed to change said covenants in whole or in part.

Dedication

Southmoor Shores, Inc., represented by Robert C. Gilsken, its Pres., & John R. Sansalone, its Vice Pres., the owners of the land contained in the hereon plat, hereby adopt the said plat. They respect the dedication of the 50 foot right-of-way of Notheana Drive, Causeway Drive, Southmoor Shores Drive, & 30 foot right-of-way of State Route 364. Also Lot 30 (TREATMENT PLANT LOT) AND Lot 156 (WATER WORKS), AS SHOWN HEREON, WE ALSO GRANT unto Auglaize County Ohio, ITS SUCCESSORS & ASSIGNS FOR EVER EASEMENTS FOR SEWERS AS SHOWN HEREON.

BE IT REMEMBERED THAT ON this 21st day of Jan., 1971 AD. before me, John H. Butler, Notary Public, personally came the above Federal Savings & Loan Association of Cincinnati, represented by George W. Bouvier, Pres., & Harry P. Jaeger, Asst. Secretary; Also Southmoor Shores, Inc., represented by its President, Robert C. Gilsken, and its Vice Pres., John R. Sansalone; Also Edward Statler & Grace Statler and acknowledged signing & sealing of this plat to be their voluntary act & deed for the use & purpose herein stated, and in testimony whereof I have hereunto subscribed my hand and affixed my Notarial Seal this 21st day of Jan., 1971 AD.

Notary Public, State of Ohio
My Commission Expires

THE ABOVE FEDERAL SAVINGS & LOAN ASSOCIATION OF CINCINNATI
By: George W. Bouvier, Pres.
By: Harry P. Jaeger, Asst. Secy.

SOUTHMOOR SHORES INC.
By: Robert C. Gilsken, Pres.
By: John R. Sansalone, Vice Pres.

EDWARD & GRACE STATLER, owners of Lots 30, 11, and 31 shown hereon
Edward S. Statler
Grace A. Statler

PLANNING COMMISSION APPROVAL

Approval by the Planning Commission of the City of St. Marys, Ohio was resolved at the meeting of Feb. 12, 1971.

Kenneth J. McNamee
Secretary of the Commission

COUNTY ENGINEER'S APPROVAL

Since State Route 364 is part of the State Highway System and Notheana Drive, Causeway Drive, and Southmoor Shores has been improved to the standards of street construction required by this office, I recommend approval and acceptance of this plat on this 5th day of February 1971.

Clayton W. Stimmel
Auglaize County Engineer

COUNTY COMMISSIONER'S APPROVAL

We, the undersigned Commissioners of Auglaize County, Ohio, do hereby approve and accept this plat this 5th day of February 1971, conditioned the road improvement stipulation contained within the dedication.

Hiram Katterbach
Paul F. Reinhart
Vernon H. Winters

COUNTY AUDITOR'S CERTIFICATE

This plat was filed for transfer this 17th day of Feb., 1971. Fee \$
Vernon E. Jaeger
Auglaize County Auditor

COUNTY RECORDER'S CERTIFICATE

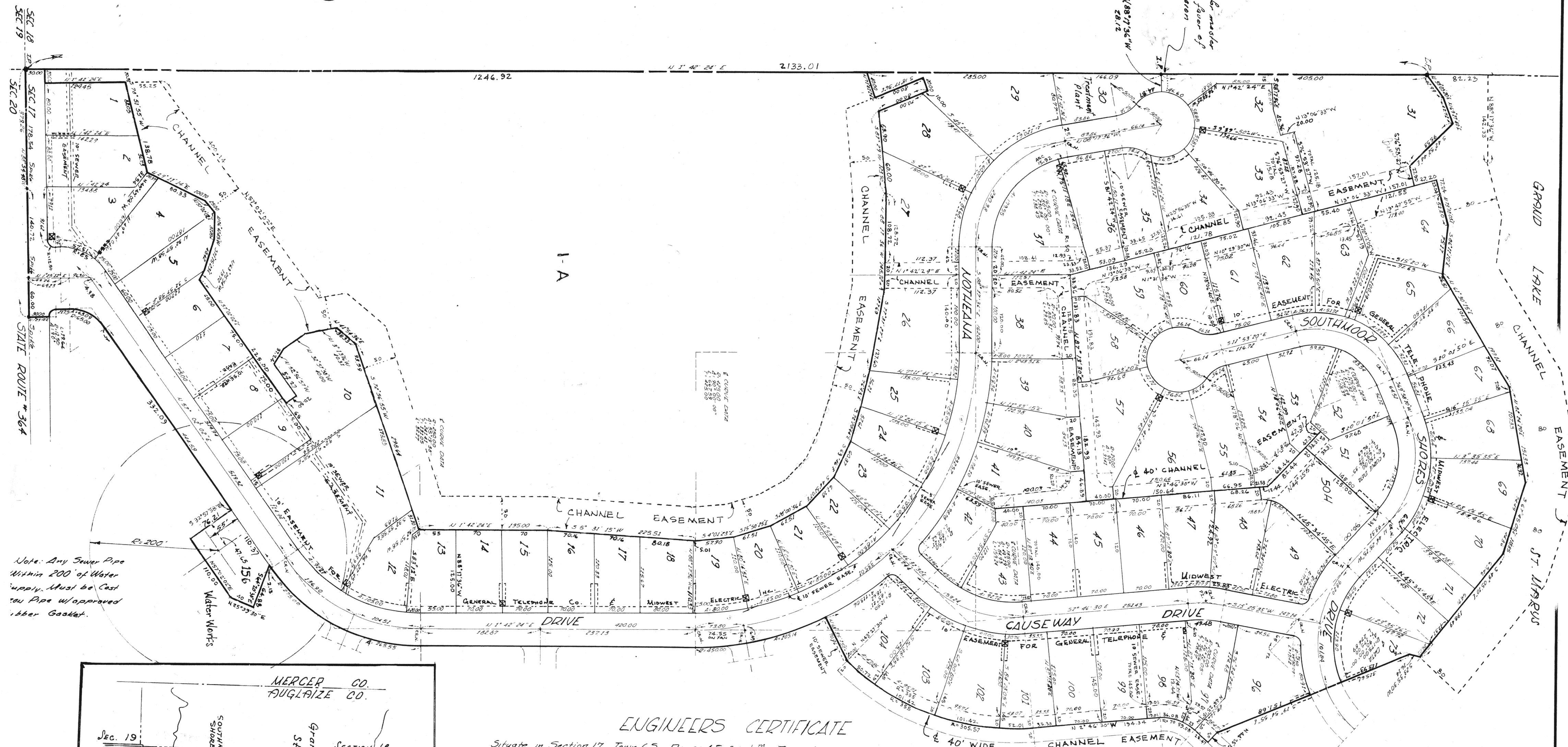
No 123072
Filed for record in the Auglaize County, Ohio, Recorder's Office this 17 day of Feb., 1971, at 1:17 o'clock, P. M. and recorded in Auglaize County, Ohio, Plat Book C on Page 20 & 21.

CHANNEL EASEMENT

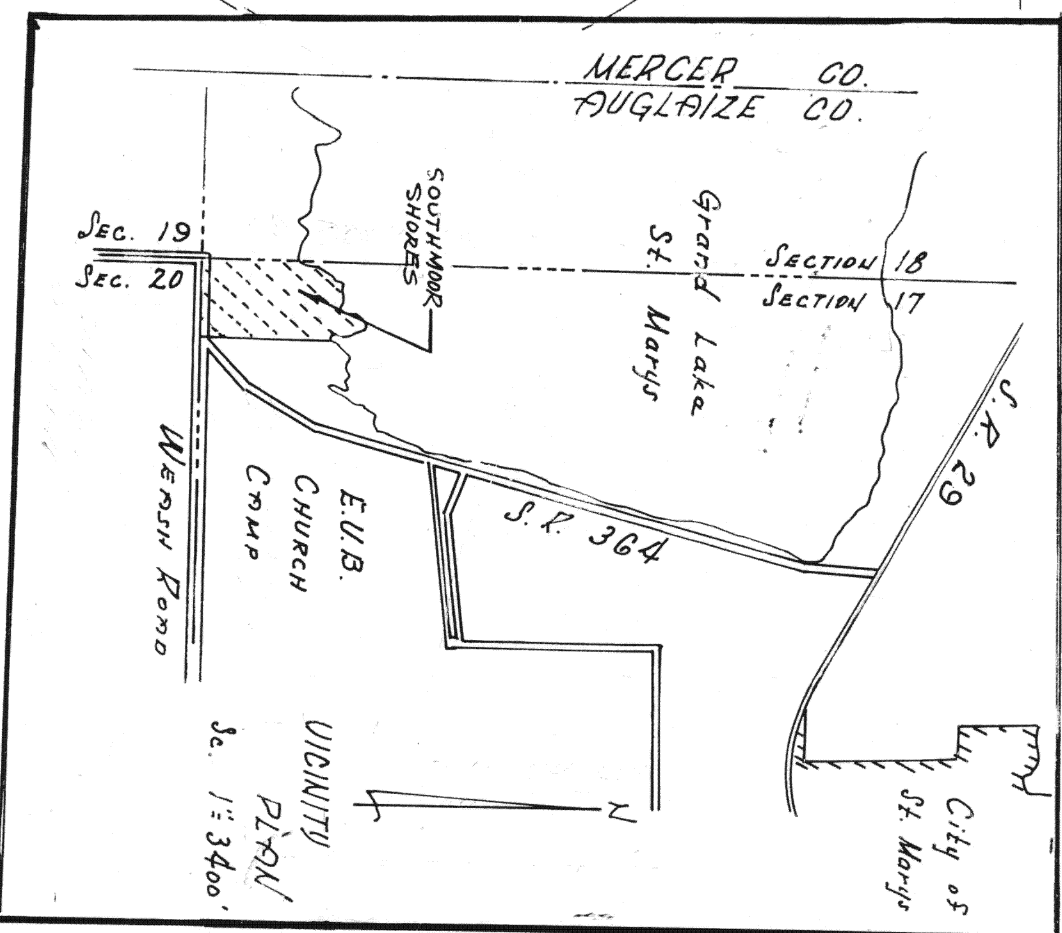
THE CHANNEL EASEMENTS AS SHOWN HEREON ARE FOR THE COMMON USE OF ALL THE LOT OWNERS WITHIN SOUTHMOOR SHORES, FOR INGRESS & EGRESS AND FREE PASSAGE THEREON BY WATERCRAFT. NO IMPROVEMENT OF ANY KIND SHALL BE MADE WITHIN SAID EASEMENT THAT WILL INTERFERE WITH INGRESS & EGRESS OF WATERCRAFT. BOAT DOCKS WITHIN SAID EASEMENT SHALL COMPLY W/ PARAGRAPH #7 OF COVENANT OF RESTRICTIONS. SEA WALLS SHALL BE CONSTRUCTED W/ FACE OF SAME ALONG EASEMENT LINE AS RECORDED FOR EACH LOT LINE OF THIS PLAT. THE REPAIR AND MAINTENANCE OF THE SEA WALLS AND OF THE CHANNEL AS RECORDED ON EACH LOT, INCLUDING KEEPING THE CHANNEL NAVIGABLE SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER. FAILURE TO REPAIR AND MAINTAIN SAID SEA WALL & CHANNEL SHALL GIVE EACH OR ANY GROUP OF OWNERS THE RIGHT TO REPAIR OR REPAIR OR MAINTAIN AS HEREIN CONTEMPLATED AT THE COST OF THE OWNER NEGLECTING TO DO SO, AND SAID COST SHALL BE A LIEN AGAINST THE SUBJECT LOT COLLECTABLE IN A COURT OF LAW, EXCEPT THAT THE MAINT. REQUIREMENTS SET FORTH HEREIN SHALL NOT APPLY TO LOT # 1-14.

L. Roy H. Kanne
Auglaize County Recorder # 17.35

SOUTHMOOR SHORES
OF
GRAND LAKE ST. MARYS
BONFIELD & SANSALONE
1008 MARSHALL AVE. (513) 541-1530
CINCINNATI, OHIO 45225
SCALE: 1"=100'
DATE:



Note: Any Sewer Pipe within 200' of Water Supply. Must be Cast Iron Pipe w/ approved Rubber Gasket.



ENGINEERS CERTIFICATE

Situate in Section 17, Town 6S, Range 4E, Saint Mary Twp, Auglaize County, Ohio, and being more particularly described as follows:

Beginning at the southwest corner of said Section 17; thence with the south line of said Section 17 which is also the center line of State Route Number 364, South 88°34'48" East, 379.26 feet; thence North 1°25'12" East, 30.00 feet; thence northwesterly on a curve to the right having a radius of 12.50 feet for a distance on arc of 19.64 feet; thence North 1°25'12" East, 21.73 feet to a point of curve; thence northwesterly on a curve to the right having a radius of 65.00 feet, for a distance on arc of 63.09 feet to a point of tangent; thence North 57°02'02" East, 332.09 feet; thence South 32°57'58" East, 70.21 feet; thence North 57°02'02" East, 110.00 feet; thence North 25°39'30" East, 40.00 feet; thence North 64°20'30" West, 64.38 feet; thence North 57°02'02" East, 2.13 feet to a point of curve; thence northwesterly on a curve to the left having a radius of 275.00 feet for a distance on arc of 263.55 feet to a point of tangent; thence North 1°48'24" East, 420.00 feet to a point of curve; thence northwesterly on a curve to the left having a radius of 450.00 feet, for a distance on arc of 205.14 feet; thence North 65°38'15" East on a radial line for a distance of 70.56 feet to a point on a curve; thence northwesterly on a curve to the left having a radius of 335.00 feet for a distance on arc of 305.57 feet to a point of tangent; thence North 2°46'30" West, 194.34 feet to point of curve; thence northwesterly on a curve to the right having a radius of 70.00 feet for a distance on arc of 59.08 feet to a point of tangent; thence North 45°34'45" East, 28.47 feet; thence North 44°25'15" West, 20.00 feet; thence North 19°54'55" West, 315.61 feet; thence North 23°35'30" East, 16.14 feet; thence North 49°05'10" West, 198.49 feet; thence North 67°45'05" West, 118.85 feet; thence South 82°24'20" West, 151.33 feet; thence South 61°30'15" West, 199.12 feet; thence North 66°01'10" West, 75.17 feet; thence South 73°18'03" West, 77.24 feet; thence South 13°06'38" East, 272.00 feet; thence South 76°53'27" West, 27.90 feet; thence North 42°52'44" West, 95.53 feet; thence South 69°27'40" West, 42.72 feet; thence South 59°05'20" West, 42.99 feet to a point on the west line of said Section 17; thence South 1°48'24" West with said section line for a distance of 2133.01 feet to the place of beginning.

Contains 43.0447 Acres more or less

I CERTIFY THAT I HAVE MADE A SURVEY OF THE SUBDIVISION SHOWN HEREON AND VERIFY ALL DIMENSIONS

John R. Sansalone
JOHN R. SANSALONE
REGISTERED SURVEYOR
25260
4513

SOUTHMOOR SHORES SECTION 17, TOWN 6 SOUTH, RANGE 4 EAST, ST. MARY TOWNSHIP AUGLAIZE COUNTY OHIO	
JOHN R. SANSALONE & COMPANY 1008 MARSHALL AVE (513) 541-1530 CINCINNATI, OHIO 45225	
SCALE: 1"=100'	DATE: