

COVENANT OF RESTRICTIONS

APPROVAL OF PLAN

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 water-front 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 this 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 granted by SOUTHMOOR SHORES, INC., its successors or assigns except for master tower located at the South-west corner of Lot 31 in favor of S.F.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 SLIPS, 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 13.1 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 street, waterways, or adjoining properties.

10. Outside garbage and rubbish disposal facilities shall be either underground or in garbage bins, fully enclosed, covered and 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 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 and restrictions shall automatically be extended for successive periods of ten (10) 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. Gierken, its PRES. and John R. Sansalone, its Vice PRES. the owners of the land contained in the hereon plat hereby adopt the said plat. We grant unto Auglaize County, Ohio its successors and assigns forever easements for sewers as shown hereon.

STATE OF OHIO

AUGLAIZE COUNTY

Be it remembered that on this 23RD day of MARCH 1977 A.D. Before me a Notary Public in and for said County and State, personally came,

Southmoor Shores Inc. represented by its President Robert C. Gierken and its Vice President John R. Sansalone and acknowledged signing & sealing of this Plat to be their voluntary Act and Deed for the Use and Purpose herein stated and in testimony whereof I have hereunto subscribed my hand and affixed my Notarial Seal this and year aforesaid.

John F. Kuffner, Attorney At Law
Notary Public - State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

John F. Kuffner
Notary Public, State of Ohio
My Commission expires

WITNESS

By Thomas P. Sansalone

By Audrey Umbach

BOARD OF HEALTH APPROVAL

This Plat approved by Auglaize County Board of Health on this 6 day of June 1977

PLANNING COMMISSION APPROVAL

Approval by the Planning Commission of the City of St. Marys, Ohio was resolved at the meeting on this 19th day of April 1977.

Edward L. Worsick
AUGLAIZE COUNTY BOARD OF HEALTH

Kenneth L. Hegemann
Secretary of the Commission

COUNTY ENGINEER'S APPROVAL

Since Southmoor Shores Drive has been improved to the standards of street construction required by this office, I recommend approval and acceptance of this plat on this 3RD day of June 1977

Clayton H. Stimmel
Auglaize County Engineer

COUNTY COMMISSIONER'S APPROVAL

We the undersigned, Commissioners of Auglaize County, Ohio, do hereby approve and accept this plat this 3 day of June 1977

Paul F. Reinhardt
William Lick
Thomas J. Wernert

SEE \$
Jimmie E. Dranges
Auglaize County Auditor

COUNTY AUDITOR'S CERTIFICATE

This Plat was filed for transfer this 6 day of JUNE 1977

COUNTY RECORDER'S CERTIFICATE

Filed for record in the Auglaize County, Ohio, Recorder's Office this 6 day of JUNE 1977 at 11:30 A.M. and recorded in Auglaize County, Ohio, Plat Cabinet A. on Pages A-XX-A49-A50

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L. Roy H. Kramers
Auglaize County Recorder

CHANNEL EASEMENT

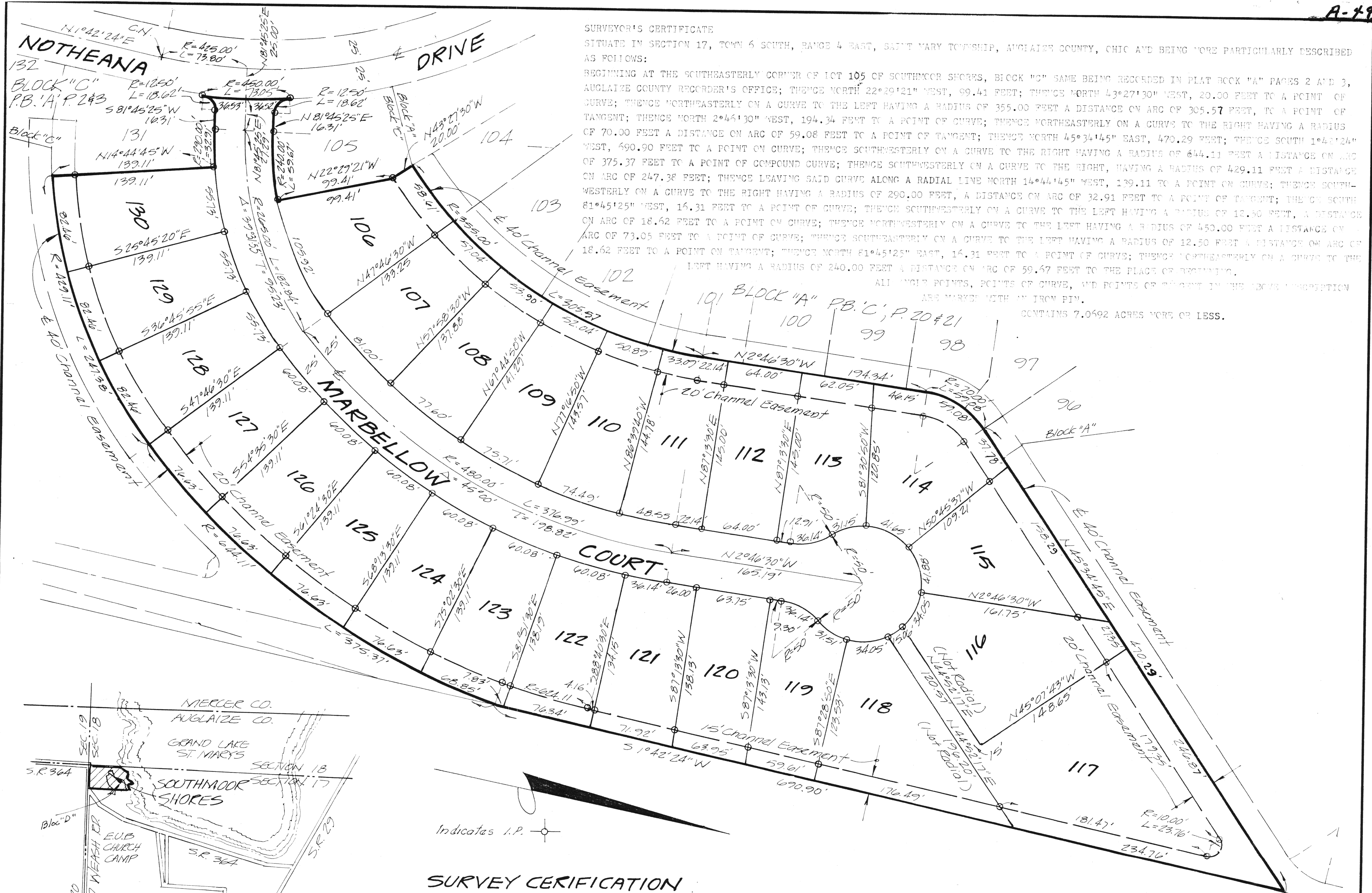
The channel easements as shown hereon are for the common use of all lot owners within Southmoor Shores, for ingress and egress and free passage thereon by watercraft. No improvement of any kind shall be made within said easement that will interfere with ingress and egress of watercraft. Boat docks within said easement shall comply w/Paragraph 7 of Covenant of Restrictions. Sea Walls shall be constructed w/Edge 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 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.

SOUTHMOOR SHORES BLK. D & E
SEC. 17, T. 6 S., R. 4 E., ST. MARY TWP.
AUGLAIZE COUNTY, OHIO

JOHN R. SANSALONE & CO.
CIVIL ENGINEERS & SURVEYORS
1008 MARSHALL AVE CINCINNATI, OHIO 45225

SHEET 1 of 3

SCALE: NONE
DEC. 1976



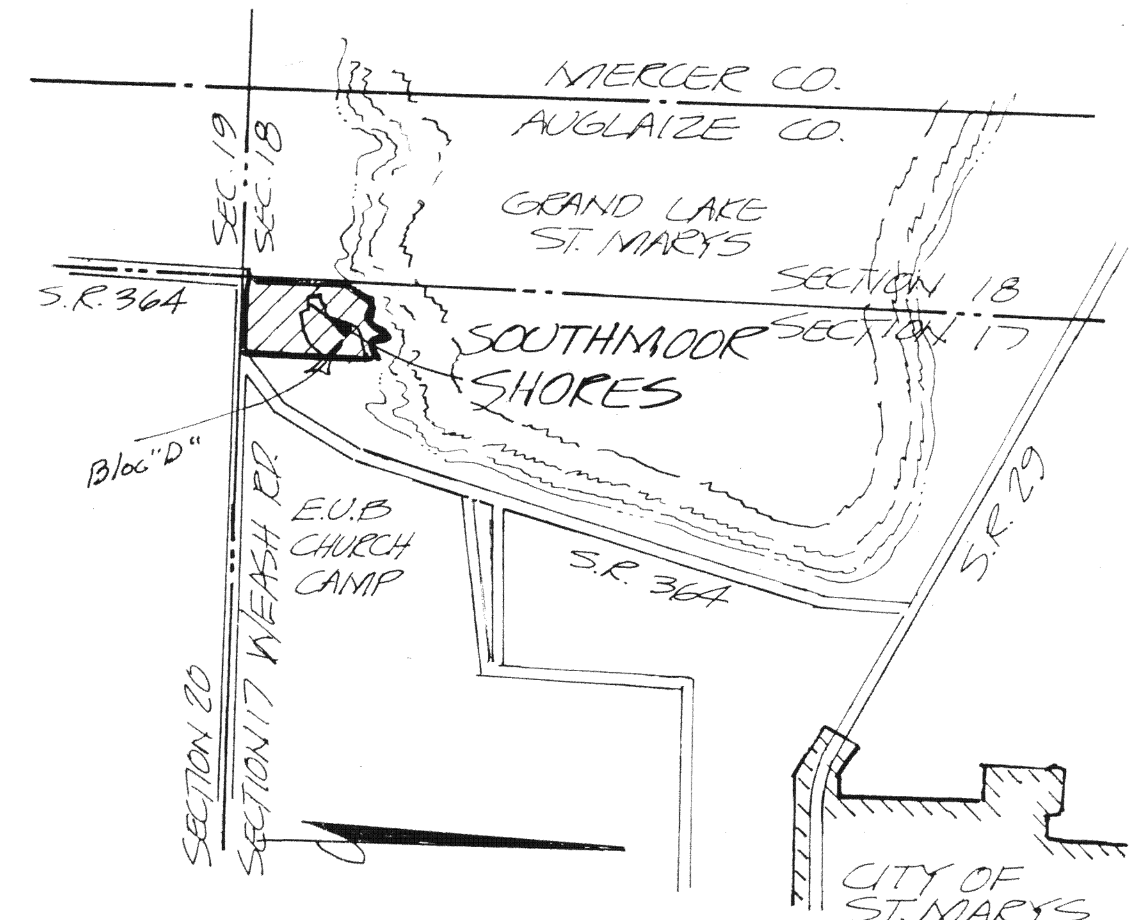
SURVEYOR'S CERTIFICATE

SITUATE IN SECTION 17, TOWN 6 SOUTH, RANGE 4 EAST, SAINT MARY TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 105 OF SOUTHMOOR SHORES, BLOCK "C" SAME BEING RECORDED IN PLAT BOOK "A" PAGES 2 AND 3, AUGLAIZE COUNTY RECORDER'S OFFICE; THENCE NORTH 22°29'21" WEST, 99.41 FEET; THENCE NORTH 43°27'30" WEST, 20.00 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 355.00 FEET A DISTANCE ON ARC OF 305.57 FEET, TO A POINT OF TANGENT; THENCE NORTH 2°46'30" WEST, 194.34 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET A DISTANCE ON ARC OF 59.08 FEET TO A POINT OF TANGENT; THENCE NORTH 45°34'45" EAST, 479.29 FEET; THENCE SOUTH 1°42'24" WEST, 690.90 FEET TO A POINT ON CURVE; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 644.11 FEET A DISTANCE ON ARC OF 375.37 FEET TO A POINT OF COMPOUND CURVE; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 429.11 FEET A DISTANCE ON ARC OF 247.38 FEET; THENCE LEAVING SAID CURVE ALONG A RADIAL LINE NORTH 14°44'45" WEST, 139.11 TO A POINT ON CURVE; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 290.00 FEET, A DISTANCE ON ARC OF 32.91 FEET TO A POINT OF TANGENT; THENCE SOUTH 81°45'25" WEST, 16.31 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 12.50 FEET, A DISTANCE ON ARC OF 73.05 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 450.00 FEET A DISTANCE ON ARC OF 18.62 FEET TO A POINT OF TANGENT; THENCE NORTH 81°45'25" EAST, 16.31 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 240.00 FEET A DISTANCE ON ARC OF 59.67 FEET TO THE PLACE OF BEGINNING.

ALL ANGLE POINTS, POINTS OF CURVE, AND POINTS OF TANGENT IN THE ABOVE DESCRIPTION ARE MARKED WITH AN IRON PIN.

CONTAINS 7.0692 ACRES MORE OR LESS.



SURVEY CERIFICATION

I certify that I have made a survey of the subdivision shown hereon and verify all dimensions.

John R. Sansalone
Registered Surveyor

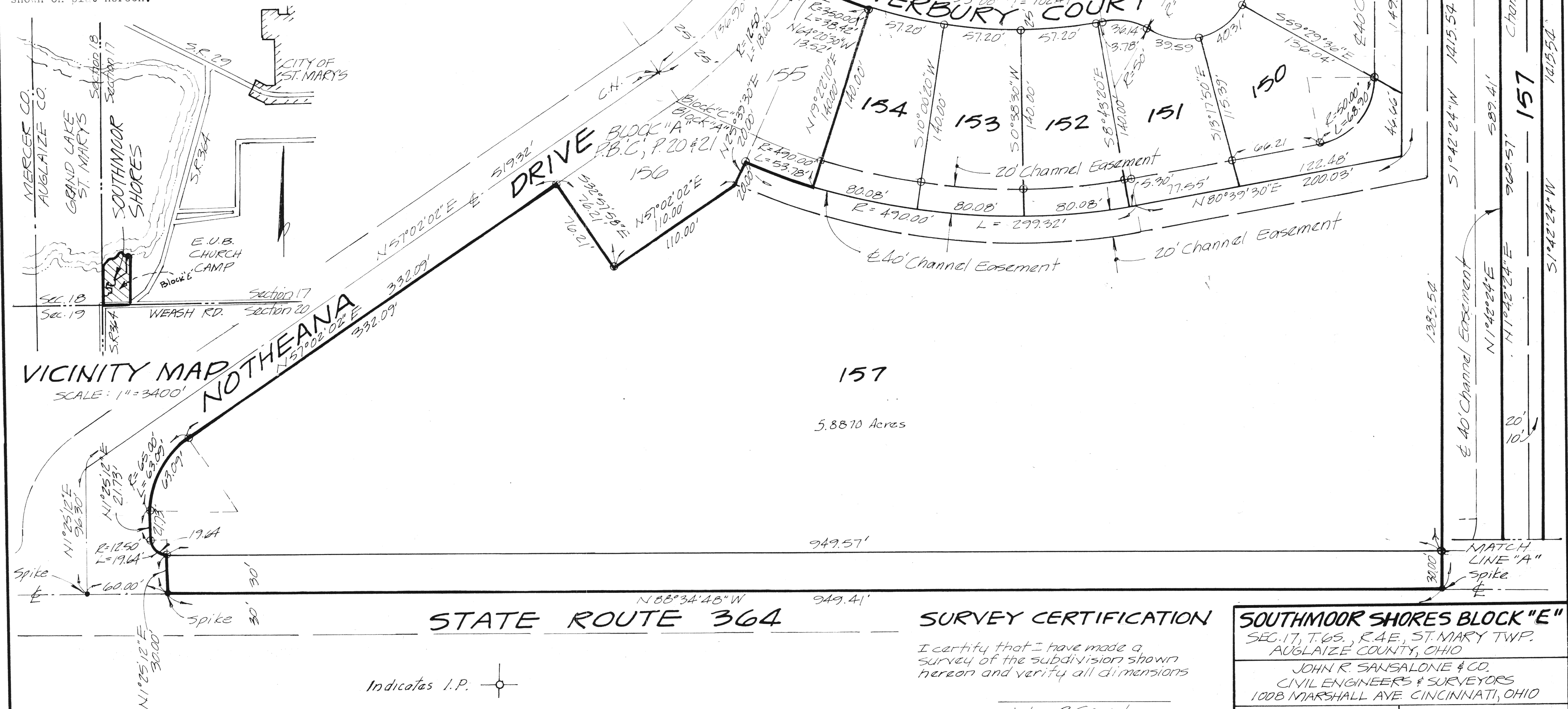
SOUTHMOOR SHORES BLOCK "D"	
SEC. 17, T. 6 S., R. 4 E., ST. MARY TWP. AUGLAIZE COUNTY, OHIO	
JOHN R. SANSALONE & CO. CIVIL ENGINEERS & SURVEYORS 1008 MARSHALL AVE. CINCINNATI, OHIO	
SHEET 2 OF 3	SCALE: 1"=50' DEC. 1976

Situated in Section 17, Township 6 South, Range 4 East, St. Mary Township, Auglaize County, State of Ohio, and being more particularly described as follows:

Beginning at the southeasterly corner of Lot #144 of Southmoor Shores Block "C" recorded in; Plat Book "A" Page 2 and 3, Auglaize County, Recorder's Office, thence along the east line of said lot North 13°58'10" East, 139.08 feet to the northeast corner of said Lot #144; thence on a curve deflecting 13°35'27" left having a radius of 425.00 feet for a distance on arc of 100.81 feet (Chord of arc bears North 81°39'3" East, 120.58 feet); thence North 74°51'20" East, 235.48 feet; thence North 1°42'24" East, 589.41 feet; thence on a curve deflecting 11°50'30" left having a radius of 644.11 feet for a distance on arc of 133.12 feet (Chord of arc bears North 14°45'16" East, 132.89 feet); thence South 1°42'24" West, 1415.54 feet to a point in the center-line of State Route #364; thence along said centerline, North 88°34'48" West, 949.41 feet; thence leaving said centerline, North 1°25'12" East, 30.00 feet to a point on the north line of said Route #364; thence on a curve deflecting 90°00'00" right having a radius of 12.50 feet for a distance on arc of 19.63 feet (Chord of arc bears North 43°34'48" West, 17.68 feet) to a point on the southerly line of Notheana Drive; thence along said Notheana Drive the following courses: North 1°25'12" East, 21.73 feet; thence on a curve deflecting 55°36'50" right having a radius of 65.00 feet for a distance on arc of 63.09 feet (Chord of arc bears North 29°13'37" East, 50.64 feet); thence North 57°02'02" East, 332.09 feet; leaving said Notheana Drive, South 32°57'58" East, 76.21 feet; thence North 57°02'02" East, 110.00 feet; thence North 25°39'30" East, 20.00 feet; thence on a curve deflecting 6°17'20" left having a radius of 490.00 feet for a distance on arc of 53.78 feet (Chord of arc bears South 57°29'10" East, 53.76 feet); thence North 19°22'10" East, 140.00 feet to a point on the south line of Waterbury Court thence along said Waterbury Court the following courses: on a curve deflecting 6°17'20" right having a radius of 350.00 feet for a distance on arc of 38.42 feet (Chord of arc bears North 67°29'10" left having a radius of 12.50 feet for a distance on arc of 18.00 feet (Chord of arc bears South 82°30'19" left having a radius of 275.00 feet for a distance on arc of 71.94 feet (Chord of arc bears North 25°39'30" East, 16.74 feet) thence along said Notheana Drive on a curve deflecting 82°30'19" left having a radius of 12.50 feet for a distance on arc of 18.00 feet (Chord of arc bears South 23°05'20" East, 16.48 feet); thence South 61°20'30" East, 13.52 feet; to a point on the north line of Waterbury Court; thence on a curve deflecting 11°41'20" left having a radius of 300.00 feet for a distance on arc of 61.20 feet (Chord of arc bears South 70°11'10" East, 61.10 feet); to the place of beginning.

Contains 421097.45 Square feet or 9.667067 Acres.

All angle points, points of curve, and points of tangent in the above are marked with monuments as shown on plat hereon.



STATE ROUTE 364

SURVEY CERTIFICATION

I certify that I have made a survey of the subdivision shown hereon and verify all dimensions

John R. Sansalone
Registered Surveyor

SOUTHMOOR SHORES BLOCK "E"

SEC. 17, T. 6 S., R. 4 E., ST. MARY TWP.
AUGLAIZE COUNTY, OHIO

JOHN R. SANSALONE & CO.
CIVIL ENGINEERS & SURVEYORS
1008 MARSHALL AVE. CINCINNATI, OHIO

SHEET 3 OF 3
SCALE: 1"=50'
AUGUST 1974

File No. 1166