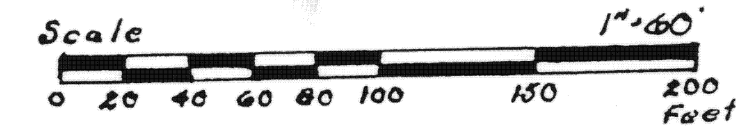
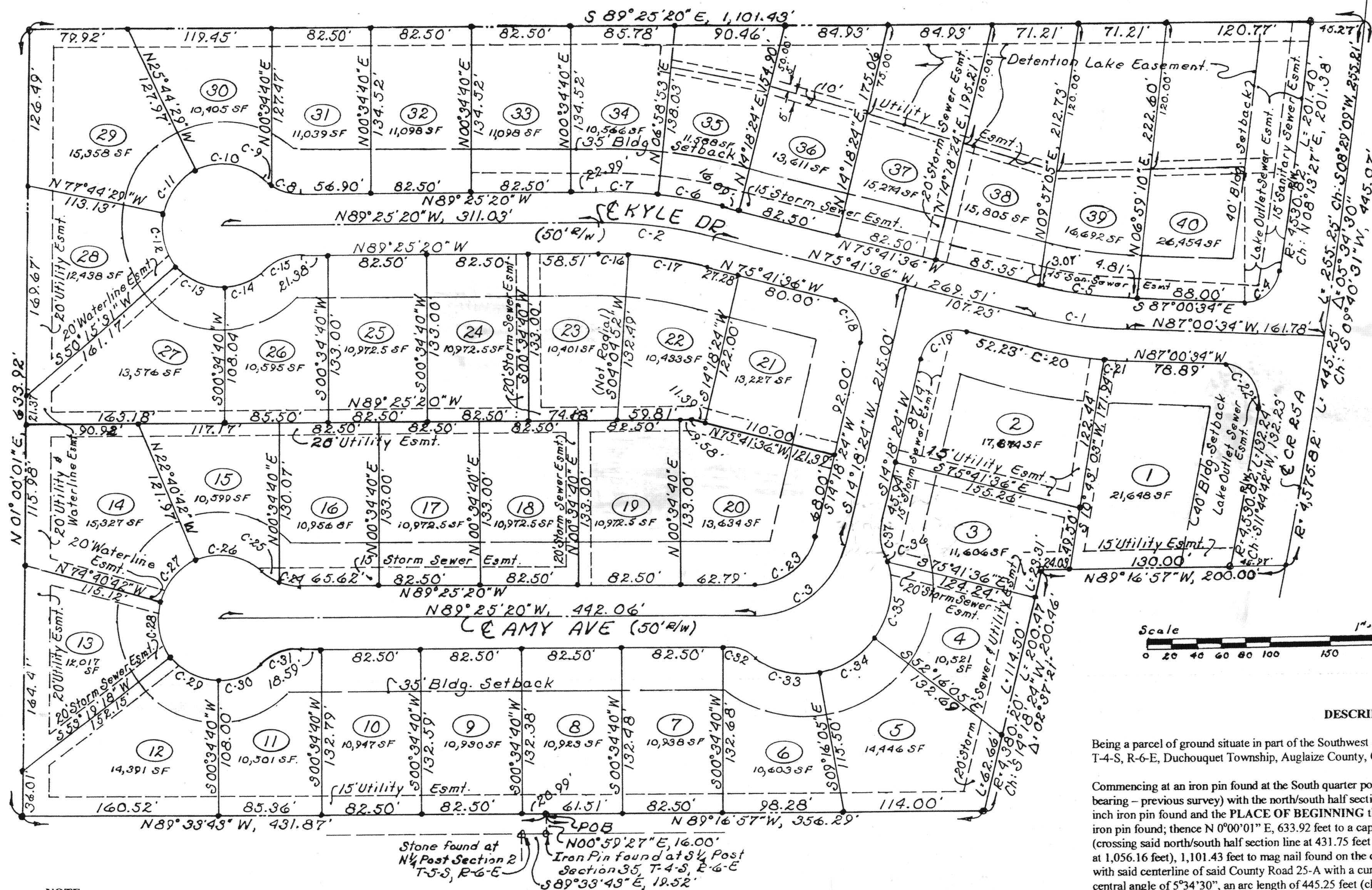


SUMMERCHASE SUBDIVISION
 Part S.W. 1/4 and Part S.E. 1/4, Section 35,
 T-4-S, R-6-E, Duchouquet Township,
 Auglaize County, Ohio.



DESCRIPTION

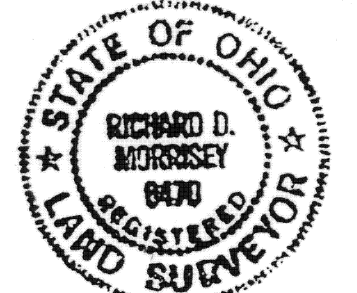
Being a parcel of ground situate in part of the Southwest quarter and part of the Southeast quarter of Section 35, T-4-S, R-6-E, Duchouquet Township, Auglaize County, Ohio and more particularly described as follows:

Commencing at an iron pin found at the South quarter post of said Section 35; thence N 00°59'27"E (basis of bearing - previous survey) with the north/south half section line of said Section 35, 16.00 feet to a capped 5/8 inch iron pin found and the PLACE OF BEGINNING thence N 89°33'43" W, 431.87 feet to a capped 5/8 inch iron pin found; thence N 0°00'01" E, 633.92 feet to a capped 5/8 inch iron pin found; thence S 89°25'20" E (crossing said north/south half section line at 431.75 feet and passing through a capped 5/8 inch iron pin found at 1,056.16 feet), 1,101.43 feet to mag nail found on the centerline of County Road 25-A; thence southwesterly with said centerline of said County Road 25-A with a curve to the right having a radius of 4,575.82 feet, a central angle of 5°34'30", an arc length of 445.25 feet (chord being S 09°40'31" W, 445.07 feet) to a mag nail found; thence N 89°16'57" W (passing through a capped 5/8 inch iron pin found at 45.97 feet), 200.00 feet to a capped 5/8 inch rebar found; thence southwesterly with a curve to the right having a radius of 4,380.20 feet, a central angle of 02°37'21", an arc length of 200.48 feet (chord being S 14°18'24" W, 200.46 feet) to a capped 5/8 inch iron pin found; thence N 89°16'57" W, 356.29 feet to the PLACE OF BEGINNING containing 14.424 acres more or less of which 8.145 acres are in the Southeast quarter and 6.279 acres are in the Southwest quarter. Road right-of-way occupies 0.460 acre.

SURVEYOR'S CERTIFICATION

I hereby certify that this PLAT is based on a true and accurate survey made under my supervision in April, 2005. A 5/8 inch rebar topped with a plastic Peramark cap stamped: KUCK & MORRISSEY, L.S. 6470 has been or will be placed at all lot corners shown on said PLAT within six (6) months from the recording date of this PLAT.

Richard D. Morrissey
 KUCK and MORRISSEY, Inc.
 Richard D. Morrissey, L.S. No. 6470
 2807 Chapel Hill Drive
 Lima, Ohio 45805 Phone: 419-228-1735



NOTE:

A five (5) foot easement shall be provided on each side of all interior lot lines for utility purposes, unless shown otherwise.
 Unless shown otherwise a ten (10) foot easement shall be provided on the inside of all front lot lines for utility purposes, including but not limited to lot drain tiles.

Curve No	Radius	Arc	Delta	Chord	
				Bearing	Length
CENTERLINE					
C-1	400.00'	79.00'	11°18'58"	N 81°21'05" W	78.87'
C-2	400.00'	95.85'	13°43'44"	N 82°33'28" W	95.62'
C-3	75.00'	99.84'	76°16'16"	S 52°26'32" W	92.63'

RIGHT-OF-WAY									
Curve No	Radius	Arc	Delta	Chord		Curve No	Radius	Arc	Delta
				Bearing	Length				
C-4	30.00'	43.72'	83°29'35"	S 51°14'38" W	39.95'	C-21	425.00'	18.31'	02°28'07"
C-5	375.00'	74.06'	11°18'58"	N 81°21'05" W	73.94'	C-22	30.00'	51.27'	97°55'06"
C-6	425.00'	54.34'	07°19'31"	N 79°21'22" W	54.30'	C-23	50.00'	66.56'	76°16'16"
C-7	425.00'	47.50'	06°24'13"	N 86°13'14" W	47.48'	C-24	50.00'	17.21'	19°43'33"
C-8	50.00'	26.87'	30°47'43"	N 74°01'28" W	26.55'	C-25	50.00'	18.92'	21°41'01"
C-9	50.00'	9.26'	10°36'51"	N 53°19'11" W	9.25'	C-26	50.00'	56.43'	64°39'56"
C-10	50.00'	59.10'	67°43'44"	N 81°52'37" W	55.72'	C-27	50.00'	45.38'	52°00'00"
C-11	50.00'	45.38'	52°00'00"	S 38°15'31" W	43.84'	C-28	50.00'	45.38'	52°00'00"
C-12	50.00'	45.38'	52°00'00"	S 13°44'29" E	43.84'	C-29	50.00'	45.38'	52°00'00"
C-13	50.00'	45.38'	52°00'00"	S 65°44'29" E	43.84'	C-30	50.00'	36.79'	42°09'13"
C-14	50.00'	34.11'	39°05'25"	N 68°42'48" E	33.46'	C-31	50.00'	36.14'	41°24'35"
C-15	50.00'	36.14'	41°24'35"	N 69°52'23" E	35.36'	C-32	50.00'	29.40'	33°41'18"
C-16	375.00'	23.78'	03°38'03"	S 87°36'19" E	23.78'	C-33	70.00'	53.19'	43°32'03"
C-17	375.00'	66.00'	10°05'41"	S 80°44'27" E	65.98'	C-34	70.00'	52.53'	43°00'00"
C-18	30.00'	47.12'	90°00'00"	S 30°41'36" E	42.43'	C-35	70.00'	64.03'	52°24'28"
C-19	30.00'	47.12'	90°00'00"	S 59°18'24" E	42.43'	C-36	70.00'	5.59'	04°34'29"
C-20	425.00'	65.63'	08°50'51"	S 80°07'01" E	65.56'	C-37	50.00'	29.28'	33°33'26"

COVENANT OF RESTRICTIONS

(1) **GENERAL:** As a part of the general plan of development for the SUMMERCHASE SUBDIVISION, and for the benefit of the purchasers, deed and/or title bearers, of any of the lots located within said subdivision, the herein described restrictions, covenants, and conditions, easements, and charges are for the common advantage of each and every lot, and shall apply to and be binding upon the purchasers and successors in interest.

(2) **DWELLING:** The first floor living space for a one-story dwelling exclusive of open porches and garages erected upon said described lots shall not be less than 1,400 square feet. All proposed residences shall have a minimum 5/12 roof pitch and have at least twenty (20) percent of the front elevation in brick or masonry stone.

(3) **PERMITS:** All building permits are to be obtained from the Zoning Inspector of Duchouquet Township. Permits for water and sanitary sewer taps are also to be obtained from the Village of Cridersville, if applicable.

(4) **BUILDING LOCATION AND ELEVATION:** Building location shall conform to the minimum setback lines as shown on the Plat for this subdivision. Minimum building elevations shall be such that the top of the foundation was shall be at least twenty-four (24) inches but not more than thirty-six (36) inches above the street curb at the highest point on the Lot.

(5) **CONSTRUCTION TIME:** Any house being constructed in said subdivision is to be completed within six (6) months from the date of the beginning of construction. The same applies to any house additions that may occur at a later date. All houses shall be landscaped within six (6) months from the date of their completion. All lawns and yards are to be brought to finished grade and seeded within six (6) months of the house construction completion.

(6) **SIGNS, TOWERS AND ANTENNAS:** No signs of any kind shall be displayed to the public view on any lot in the subdivision except for one sign of not more than six (6) square feet in total area for the purpose of advertising the property for sale or rent, or by the builder to advertise the property during actual construction and sale period, except for the existence of a sign by the developers of the subdivision advertising the Lots or configuration of the Lots, in which case said sign must be approved by Duchouquet Township. There shall be no radio or television antenna, nor satellite dish greater than thirty-six (36) inches diameter.

(7) **YARD LIGHTS:** One out-door carriage light will be required in the front yard of each building site. The light will be located fifteen (15) feet from the back of curb, in the front of the house, and four (4) feet off the driveway. The light shall be a carriage lamp. Each light will be eight (8) feet in height and controlled by an automatic timing device, which will turn the light off and on at sunrise and sunset. Each owner will be responsible to maintain an operational bulb in such light and for payment of electricity.

(8) **FENCES:** No fence shall be erected on any residential lot within the subdivision without the express written approval of the Architectural Control committee or its assignee. Any written application to erect a fence shall show the location, size, height and type of material to be used. All approved fencing shall be properly maintained forever.

(9) **NUISANCES:** No hunting, noxious or offensive activities shall be carried on upon any residential lot, nor shall anything be done thereon which may become an annoyance to the neighborhood. Recreational vehicles shall not be used for a living quarters. Outside storage of any recreational vehicle, camper or boat shall be in accordance with Duchouquet Township zoning regulations. On street parking of any vehicles will not be permitted on a frequent basis by any lot owner.

(10) **LOT MAINTAINANCE:** All grounds and premises in said subdivision shall be mowed and kept reasonably free of noxious weeds and undergrowth by the lot owners thereof at all times prior, during and after the construction and erection of any building or structure. Thereafter the completion of installation of lawns and landscaping, all such grounds shall be maintained by the lot owners so as to conform to the beauty of the area in the subdivision.

(11) **OUT-BUILDING AND/OR STORAGE SHEDS:** There shall be only one (1) storage shed permitted per Lot having a total of three hundred (300) square feet or less and must not be located within any public easements as shown in the accompanying Plat.

(12) **GARAGES AND DRIVEWAYS:** All residences are to have at least a two car attached garage with a minimum driveway width being eighteen (18) feet wide. All proposed driveways are to be finished, paved or poured with a hard wearing surface such as asphalt, concrete, brick or similar type of material within one (1) month from the date of construction completion of said residence if the weather or season permits. Gravel and stone driveways surfaces are not considered to be a hard surface by the developer and therefore are not permitted, except for use during construction of any dwelling or within one (1) month from the date of completion of the construction of the residence.

(13) **LIVESTOCK AND POULTRY:** No animals, bees, livestock or poultry of any kind shall be raised, bred or kept on any lot in this subdivision with the exception of domestic dogs, cats or any other household pet, provided they are housed within the structure, kept intact within the owners property line, and not kept, bred or maintained for any type of commercial purposes.

(14) **GARBAGE AND REFUSE DISPOSAL:** At no time shall anyone be allowed to store trash cans or bags of garbage anywhere on the exterior of their property where it can be visible or seen by others, except for the days of the regular scheduled garbage pick-up. No lot shall be used or maintained as a dumping ground for rubbish, trash, building materials, garbage or any other type of refuse material whatsoever.

(15) **STORM SEWER:** A storm sewer tap has been tap has been provided for each lot in this subdivision for the purpose of providing drainage for sump pumps, foundation drains, footer drains and crawl space drains. All roof water drained by downspouts and gutters shall be kept out of the storm sewers and is to be surface drained onto the lots and drainage swales unless otherwise approved by the Duchouquet Township zoning inspector. See Restriction No. 3 regarding storm sewer tap permits.

(17) **SANITARY SEWER:** A sanitary sewer tap has been provided for each lot in this subdivision (see As Built construction plans on file with the Village of Cridersville) for the purpose of providing sanitary sewerage disposal to each and every lot within this subdivision. All "clean water" connections to the sanitary sewer system are strictly prohibited. See Restriction No. 3 regarding storm sewer tap permits.

(18) **SIDEWALKS:** All lots in this subdivision shall install concrete sidewalks according to the specifications, codes and requirements of the Village of Cridersville within 30 days after occupancy of the house.

(19) **EASEMENTS:** Easements are reserved as shown on the attached plat of this subdivision for the installation and maintenance of public utilities, water, sanitary sewers and storm water drainage facilities, both present and future.

(20) **DRAINAGE SWALES:** Each and every lot owner in this subdivision shall finish grade their lot to provide surface water drainage to defined drainage swales located at the sides and rear of all lots as shown on the Grading Plan of this subdivision construction plans. No owner of any lot shall interfere or cause to interfere with the designed flow of surface water through drainage swales or drainage catch basins installed as a part of this subdivision development.

(21) **UTILITIES:** All utility services to each and every lot shall be located underground at the lot owner's expense. The public utility companies servicing this subdivision reserves the right to provide public utilities in designated utility easements located within this subdivision above ground, except on or along side yard easement, in which case, the utilities must be located underground. Each and every lot within this subdivision shall be subject to a three (3) foot side yard utility easement for the purpose of providing utility services to each lot, and/or for providing power for street lighting purposes.

(22) **ARCHITECTURAL CONTROL:** All proposed building plans and specifications, as well as a site plan including landscaping, grading plan and elevation, shall be submitted to the developers, H & B Partnership, consisting of Gary Binkley and Guy Hut, its successors and assigns, for approval prior to the start of construction or installation. All said plans and specifications shall be delivered in person to said developer(s) for their review. Refusal to approve such plans may be based on any grounds, including purely aesthetic grounds. There shall be no sectional or doublewide residences permitted in this subdivision. In the event that a Duplex residence is proposed for a particular lot in this subdivision, than a minimum of 1,000 square feet per side shall be required, with a least a one (1) car attached garage per side of the duplex. Otherwise, a single unit family residence shall meet the requirements of Restriction No. 2 listed above.

(23) **DUPLEX:** Lot 4 and 5 and Lots 10 through 17 inclusive may be used for single family or duplex housing. All other lots will be used for single-family homes ONLY.

(24) **STORM WATER DETENTION POND:** No changes shall be made in the size of the area making up the lake as shown on the approved construction drawings for Summerchase Subdivision and located within the Detention Lake Easement shown on this plat. No changes shall be made in the elevation level of the inlet and outlet to the lake as shown on the approved construction drawings for Summerchase Subdivision on file at the Auglaize County Engineer's Office. For the purpose of general maintenance of the lake including by way of illustration, erosion control and algae control, general cleaning and maintenance of the inlet and outlet tiles and maintenance of the dikes and for establishing rules in connection with the usage of the lake, each of the owners of Lots No. 35, 36, 37, 38, 39 and 40 their successors and assigns, by accepting a deed or contract for any of the listed lots, agrees to and shall form and become a member of and be subject to the obligations and duly enacted bylaws and rules of SUMMERCHASE LAKE ASSOCIATION, a nonprofit corporation. With the exception of the general maintenance of the lake listed above, all the storm sewers, major maintenance of the pond and the outlet tile as shown on the approved construction drawings for Summerchase Subdivision and the subdivision signage constructed within said Detention Lake Easement will be permanently maintained by the Auglaize County Engineer under Section 6137 of the Ohio Revised Code as the Summerchase Subdivision watershed with the owners of all lots within Summerchase Subdivision being responsible for the cost of the permanent maintenance. All Fee holders and all receiving title to the Fee through them are subject to payment of Drainage Maintenance fees assessed or to be assessed by the County pursuant to O.R.C. 6137 and following.

(25) **INCLUSIVE:** As part of the recording of this subdivision plat and restrictive covenants, the construction plans, profiles and specifications for the SUMMERCHASE SUBDIVISION shall become a part of these restrictive covenants with regards to any and all construction specifications, grading plans and minimum suggested foundation elevations, drainage installations and connections, water and sanitary sewer installations and connections, or any other type of specifications or recommendation by the author of the construction plans for this subdivision, including all disclaimers and recommendations contained therein as stated in said construction plans which are of public record and on file with the Auglaize County Engineer's Office or the Village of Cridersville.

(26) **ANNEXATION:** As part of the right to extend and provide Village of Cridersville utilities within this subdivision the developers signed an agreement that they would not oppose any annexation actions that may occur to bring the ground within this subdivision into the corporation limits of the Village of Cridersville. Each of the owners of Lots within this subdivision, their successors and assigns, by accepting a deed or contract for any of the lots within this subdivision, agrees to and shall be bound to the conditions of said signed agreement.

(27) **ENFORCEMENT:** Enforcement of the above restrictions, covenants and conditions shall be by proceedings at law, or in equity against any person or persons violating or attempting to violate any restriction either to restrain violation, or to recover damages. Should any one or more of the foregoing restrictions, covenants and conditions at any time in the future be held illegal, void or unenforceable, such fact shall not in any way impair the validity of any of the other restrictions, covenants and conditions, all of which shall remain in force and effect.

(28) The foregoing restrictions, covenants and conditions are in addition to any applicable Duchouquet Township building and zoning regulations.

SUMMERCHASE SUBDIVISION Part S.W. 1/4 and Part S.E. 1/4, Section 35, T-4-S, R-6-E, Duchouquet Township, Auglaize County, Ohio.

DEDICATION

We, the undersigned owners of the land herein shown on the attached plat have caused said described area to be surveyed, platted and recorded and to be known as SUMMERCHASE SUBDIVISION and do hereby certify that said plat is a true representation of the same. We also do hereby dedicate the street right-of-way and utility easements as shown on the attached plat to the public for their use, forever.

WITNESS:

H & B Partnership

Gary Binkley

Guy Hut

ACKNOWLEDGEMENT

STATE OF OHIO
COUNTY OF AUGLAIZE

Before me, a Notary Public in and for said State of Ohio, County of Auglaize, personally appeared Gary Binkley and Guy Hut, developers, hereby representing H & B Partnership, being the owners and developers of SUMMERCHASE SUBDIVISION and acknowledges the signing of the foregoing instrument to be their free act and deed.

IN WITNESS THEREOF, I have affixed my hand and seal on this 18 day of August, 2006.

My commission expires: December 31, 2006
My Commission Expires Dec. 31, 2006

Notary Public

APPROVALS

We certify that the road construction meets with our approval this 20 day of August, 2006.

John A. Binkley
Robert A. Binkley
Robert A. Binkley
Duchouquet Township Trustees

I certify that the improvements are complete this 17 day of August, 2006.

John A. Binkley
Village Administrator - Village of Cridersville

I certify that the improvements are complete this 22 day of August, 2006.

Douglas K. Hill, P.E., P.S.
Auglaize County Engineer

I certify that the rules, regulations and applicable health laws have been adhered to this 22 day of August, 2006.

Douglas K. Hill, P.E., P.S.
Auglaize County Sanitary Engineer

We certify that all roads, streets and/or utilities contracts with the developer are legally completed, this 22 day of August, 2006.

Stephen A. Cove
John M. Bergman
Auglaize County Commissioners

PLANNING COMMISSION APPROVAL

The Planning Commission for Auglaize County, Ohio does hereby certify that the attached Plat for the land encompassing the area known as SUMMERCHASE SUBDIVISION was approved by said Planning Commission on this 28 day of August, 2006.

Robert L. Hancock 9/28/06 Robert L. Hancock 9/28/06
Chairman Date Secretary Date

AUDITOR'S CERTIFICATION

This Plat and attached Covenant of Restrictions was filed for transfer on this 29 day of August, 2006.

Harold Schumann JK
Auglaize County Auditor

RECORDER'S CERTIFICATION

This Plat and attached Covenant of Restrictions was filed for permanent record in the Auglaize County

Recorder's Office on this 29 day of August, 2006 at 1:18 P.M. and is now

permanently recorded in PLAT CABINET D Slide 97-98

Ann Billings
Auglaize County Recorder