

WHISPERING PINES PHASE II

WESTLAND TOWNSHIP
GUERNSEY COUNTY, OHIO

RESTRICTIONS AND COVENANTS

WHEREAS, Kenneth D. Parrish and Patricia R. Parrish, hereinafter called GRANTORS, are owners of acreage in Westland Township, Guernsey County, Ohio, being a part of the Second Quarter, Township 1, Range 4 and recorded in Official Records Book 66, Page 711; and

WHEREAS, the GRANTORS have agreed to establish reasonable restrictions and covenants for the use of their lands as shown on the Plat of WHISPERING PINES PHASE II and for the residue of their acreage yet to be developed or conveyed; and

WHEREAS, the purpose of these restrictions is to provide orderly, aesthetically pleasing development of the GRANTORS lands for the financial protection of those investing in these lands.

NOW THEREFORE, in consideration of the grant and conveyance of lands and for other good and valuable consideration the GRANTORS, their heirs, executors, administrators, and assigns establish and declare the following covenants and restrictions WHICH RUN WITH THE LAND as to the land of the GRANTORS and those taking title through the GRANTORS, their heirs and assigns:

Protective Covenants & Building Restrictions

- 1. Residential Use: All lots in the subdivision shall be used exclusively for single-family residential purposes.
2. Setbacks: All dwellings shall be setback 100 feet from the front road line and 50 feet from the property lines.
3. Dwelling Size: No dwelling shall exceed 2.5 stories in height and shall contain a minimum of 1800 sq. feet in living area, excluding garage, basements, porches, decks or terrace.
4. Design Standards: Roofs shall have a minimum of 6:12 pitch on one-story dwellings. Roof plans shall be included with plans for review and approval by developer. All house trailers and manufactured homes are prohibited. Metal roofs are prohibited. Aluminum windows are prohibited. Artificial brick is prohibited. All homes must be done in brick or stone and vinyl, and shall be designated on house plans and specifications. Garage doors shall be painted or stained to blend with house colors. Developer must approve all colors. Mailboxes shall be of uniform color and size as established by developer. House numbers must be displayed at all times.
5. Garages/Accessory Buildings: Each residence shall have at least a two car and not more than a four car attached garage to the residence. Only one additional building may be erected on each lot, such as a storage building or shed. This building cannot be a transferable building. It must have a foundation. The building must be at least 200ft from the front road line or 50 ft from side property line. The design of additional buildings must be approved by developer and cannot be larger than 800 sq. ft.
6. Temporary Storage and Completion: No garage, trailer, basement, tent or unfinished building shall be used as temporary living quarters, or storage during the construction of a dwelling. All dwellings must be completed within one year after commencing construction.
7. Towers and Antennas: Radio towers and antennas are prohibited.
8. Vehicles: No travel or house trailer or semi tractor trailer/rig or equipment may be stored or parked on any lot or street in the subdivision at any time. This shall also include commercial machinery and equipment, except that which is in use during construction. Boats may only be stored inside approved garages. No equipment or vehicle other than a car may be parked or stored on any lot outside the confines of the garage. Major mechanical or vehicle body repairs within the subdivision are specifically prohibited. No unlicensed vehicles may be parked outside.
9. Animals: No animals of any kind shall be kept or harbored on the premises except domestic dogs and cats. Commercial kennels or breeding facilities of any kind are prohibited. No more than two (2) animals will be permitted for each ownership parcel. Pit bulls and other dogs considered under Ohio law to be vicious are prohibited. All dogs and cats must be kept on their own lot at all times and shall not be allowed to run free throughout the subdivision. All owners are responsible for clean up of their animals waste when deposited anywhere outside of their own lot.
10. Signs: No signs may be erected or displayed on any lot except those carrying the legend "For Sale" sign, or signs used by contractors while building a residence as advertisement for their company. All signs used for the sale of lot or residence or for advertisement within the subdivision shall not be more than five square feet in size. Garage sale and yard sale signs are permissible, and are to be promptly removed after the sale.

- 11. Dirt bikes and ATV's: Use of 2 cycle all terrain vehicles and dirt bikes or other vehicles that create a loud offensive noise are prohibited from being operated within the subdivision.
12. Propane Storage: All propane storage tanks are required to be set underground and secured.
13. Mowing and Trash: All lots must be kept mowed and free of weeds at all times and must have a neat appearance, whether before, during or after construction. No lot shall be used as a dumping ground and all household trash, rubbish and garbage to be hauled away may be placed in a proper container in front of the residence up to 6 hours prior to it being picked up. Premises shall be kept at all times free from debris or the collection of any other unsightly objects, except those necessary to and during the course of construction.
14. Driveways: Gravel driveways shall be permitted only during construction. All driveways shall be fully completed of either concrete or paving bricks immediately upon completion of a dwelling, weather conditions permitting, or as soon thereafter as reasonably possible.
15. Outdoor Lighting: All lots must have at least one permanent yard light installed twelve feet from the inner side of the road fronting the lot. The Developer shall approve this and all other permanent outdoors lighting fixtures and their locations on the lot and or dwelling before and after construction of each dwelling.
16. Compliance: Prior to commencing new residential construction each party shall disclose a copy of their sketch and building specifications to the Developers demonstrating compliance with the above restrictions.
17. Enforcement: These Restrictive Covenants may be enforced by injunction in addition to any other remedy provided by law by the Developer or the owner of any lot in the subdivision. Invalidation by the judgment or decree of any Court of any of these provisions shall not invalidate the remainder of their covenants. Lot owners who are found to have violated these restrictions agree to pay all of the Developer's legal and attorney fees in the event the Developer must sue to enforce these Covenants.
18. All septic tanks and sewer systems must comply with the standards as prescribed by the Guernsey County Board of Health.
19. All property owners agree, their heirs, and assigns to grant all necessary right of way and easements across their premises for public utilities.

The Covenants and restrictions may be waived, terminated, and or modified as to all Phases of Whispering Pines Estates Subdivision, only upon written consent of the majority of owners of the lots in all Phases including those owned by the Developer, and, if only one Phase of the subdivision is intended to be affected, the written consent of the owners of the majority of owners in that particular Phase.

PARCEL NUMBER:
PART OF: 41-00407.000

Date: 5/30/2001 Submitted for acceptance and approval.

Clerk: Cheryl Edwards

Accepted and approved under Section 711.05 of the Revised Code of the State of Ohio, in that at least minimum specifications for streets and drainages must be met before application under Section 711.091 is made.

Accepted and Approved this 18th day of June, 2001, by the GUERNSEY COUNTY COMMISSIONERS

Guernsey County Commissioner 6/18/01
Guernsey County Commissioner 6/18/01
Guernsey County Commissioner 6/18/01

Rick Van Fleet, R.S. 5-24-01
Guernsey County District Board of Health
Delmar E. George 5-24-01
Guernsey County Engineer, Delmar E. George

For road dedication, see O.R. Vol. 285 pg. 217.

Complied With Tony Brown, Auditor 6/6/01
Transfer Fee
JUL 10 2001
Conv. Fee: NONE
Transferred Section 31954 Ohio R.C.

200100004880
Filed for Record in GUERNSEY COUNTY, OHIO
COLLEEN WHEATLEY
07-10-2001 01:32 pm.
PLAT 20.00
State of Ohio, Guernsey County
Received for record on the 10th day of July, 2001 at 1:32 o'clock P.M.
Recorded July 10, 2001 in Plat Book 3, Page Slide 469.
Recorder Calleen Wheatley
Fee: \$20.00
Transferred Date: 7-10-01
Auditor, Guernsey County Tony Brown

DEDICATION

We, the undersigned, Kenneth D. and Patricia R. Parrish, being the owners and all parties having any right, title or interest in the Real Estate shown, hereby certify that we have caused the same to be surveyed and platted into lots and roads as shown; that said lots have been numbered 1 through 14, excluding a lot 13, that the said subdivision has been named and the restrictions recorded in Official Records Book Page shall apply whether specified in conveyance or not.

Kenneth D. Parrish
Patricia R. Parrish
Witness Scott Zeek
Witness Betty J. Neptune

ACKNOWLEDGEMENT

GUERNSEY COUNTY STATE OF OHIO
Before me, Notary Public, in and for said County, personally appeared Kenneth D. and Patricia R. Parrish of WHISPERING PINES PHASE II, who executed the foregoing instrument and acknowledged that they did sign the said instrument as their free act and deed and the free act and deed of said partnership. In testimony whereof I hereto subscribe my name and affix my official seal at New Concord, Ohio, this 29th day of June, 2001.

SCOTT E. ZEEK
Notary Public, State of Ohio
My Commission Expires Mar. 6, 2008
Scott E. Zeek
My Commission expires 3-6-06

SEWAGE DISPOSAL APPROVED
GUERNSEY COUNTY HEALTH DEPT.
SANITARIAN: Rick Van Fleet, R.S.
DATE: 5-24-01
APPROVAL IS VALID FOR ONE YEAR FROM ABOVE DATE.

Board of Health approved plat on lot-by-lot basis at July 1999 meeting.

Rick Van Fleet, R.S.
Director of Environmental Guernsey Co. Health Dept. Health

HUNNELL LAND SURVEYING
350 MAPLE AVE.
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