

RESTRICTIONS

For the purpose of creating and carrying out a uniform plan for the improvement and sale of the lots as a restricted subdivision, the following restrictions upon the use of the lots included in said TREND VIEW ESTATES, are hereby established and adopted subject to the provisions hereof and shall be made a part of each and every contract and deed executed by or on behalf of OWNER, its successors and assigns, and same shall be considered a part of each contract and deed affecting the lots, and any of same, as though incorporated fully therein. Further, these restrictions as hereinafter set forth shall be and are hereby imposed upon each lot in TREND VIEW ESTATES, above identified, and same shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of OWNER and LIEN HOLDER and their respective successors and assigns and all subsequent purchasers of the lots, and each such purchaser by virtue of accepting a contract or deed covering the lots, and any of same, shall be subject to and bound by such restrictions, covenants and conditions and by the terms of this instrument as hereinafter set forth.

USE OF LAND – GENERAL

- (a) None of the lots in TREND VIEW ESTATES, shall be used for anything other than single family residential purposes.
- (b) No sign of any kind shall be displayed to the public view on any residential lot in TREND VIEW ESTATES, except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
- (c) No animals, livestock or poultry of any kind shall be raised, bred or kept or permitted on any residential lot in TREND VIEW ESTATES, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. A maximum of three (3) dogs and four (4) cats shall be kept as household pets on any residential lot in TREND VIEW ESTATES. The following breed(s) are not permitted to be kept on any residential lot in TREND VIEW ESTATES: Pitbulls, Doberman.
- (d) No trade or business may be conducted in or from any lot in TREND VIEW ESTATES, except that an owner or occupant may conduct business activities within the single family residence so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the residence; (ii) the business activity does not involve persons coming onto the properties who do not reside in TREND VIEW ESTATES or door-to-door solicitation of residents of TREND VIEW ESTATES; and (iii) the business activity is consistent with the residential character of TREND VIEW ESTATES and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of TREND VIEW ESTATES.
- (e) Garage sales, yard sales, moving sales, rummage sales or similar activity is limited to two (2) times a year per residential lot in TREND VIEW ESTATES.

- (f) No spirituous, vinous, or malt liquor or medicated bitters capable of producing intoxication shall ever be sold or offered for sale, on any lot in TREND VIEW ESTATES, or any part thereof, nor shall any lot or any part thereof be used for illegal or immoral purposes.
- (g) No truck, bus, boat or trailer shall be left parked in the street in front of any lot in TREND VIEW ESTATES, except as construction or repair equipment while a house, or houses are being built or repaired in the immediate vicinity, and no truck, bus boat or trailer shall be left parked in any driveway or other portion of the lot exposed to public view.
- (h) No septic tank or private water well will be permitted on any lot in TREND VIEW ESTATES.

ARCHITECTURAL AND OTHER SPECIFIC RESTRICTIONS

No improvements of any kind or character whatsoever shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on any lot or home site in TREND VIEW ESTATES, until the complete plans and specifications have been submitted to and approved in writing (as provided hereinafter) by the DEVELOPER as hereinafter constituted. Such approval is to include exterior design, the type of materials to be used, quality of workmanship and materials, harmony of exterior design with existing structures, location with respect to topography and finish grade elevation and the colors to be applied on the exterior of the structure, and such approval is to be based on the applicable requirements and restrictions set out herein.

- (a) No dwelling shall be erected or placed on any lot in TREND VIEW ESTATES, having a width of less than 60 feet at the minimum building set back line.
- (b) No structure shall be erected on any residential lot in TREND VIEW ESTATES, or any part or parts of one or more lots other than one detached single-family dwelling not to exceed two (2) stories in height, a garage for not less than two (2) cars nor more than four (4) cars, and other appurtenant outbuildings.
- (c) No structure shall be moved on to any residential lot in TREND VIEW ESTATES.
- (d) No trailer, basement, tent, shack, garage, barn or other out-building erected on any residential lot in TREND VIEW ESTATES, or any part thereof shall at any time be used as a residence, except as provided in paragraph (e) below, nor shall any residence of a temporary character be permitted. No temporary building shall be erected or maintained on any residential lot except during actual construction of a home being erected thereon, and then such temporary building must be on the lot on which construction is in progress and not on adjoining lots, land, streets, or easements, and at completion of construction, the temporary building must be removed immediately. No such temporary building or structure shall be used for residential purposes during construction.
- (e) No garage apartment for rental purposes shall be permitted on any residential lot in TREND VIEW ESTATES.

- (f) No residential lot shall be used for short term rentals, i.e. vacation rentals, Airbnb...etc.
- (g) All improvements in TREND VIEW ESTATES, shall be constructed on a residential lot so as to front the street upon which such lot faces.
- (h) The DEVELOPER is granted the right to designate the direction in which the improvements in TREND VIEW ESTATES, on any corner residential lot shall face, and such decision shall be made with the thought in mind of the best general appearance of that immediate section.
- (i) Dwellings on corner residential lots in TREND VIEW ESTATES, shall have a presentable frontage on all streets on which that particular lot fronts.
- (j) No residence shall be constructed on any residential lot or building site in TREND VIEW ESTATES, with (1) in the case of a single story residence with less than two thousand four hundred (2,400) living square feet of ground floor area exclusive of porches and garage, and (2) in the case of a two story residence with less than one thousand eight hundred (1800) living square feet of ground floor area and a total living area of two thousand four hundred (2,400) square feet exclusive of porches and garage, unless a variance is granted by the DEVELOPER.
- (k) Subject to the qualification set out hereinafter, the building lines of any residence to be erected upon any residential lot or building site in TREND VIEW ESTATES, shall be:
 - i. Front building line – as shown on the Subdivision plat of TREND VIEW ESTATES.
 - ii. Rear Building line – not nearer than fifteen (15) feet to the rear lot line.
 - iii. Side building line – not less than five (5) feet from the side property lines; provided that the “side property lines” herein referred to shall be deemed to be the actual side property lines of the building site upon which any residence is to be erected, without regard to the side lines of any of the above subdivided lots shown on the subdivision plat and included in said building site; and provided further that when any side property line of any building site faces and is immediately adjacent to any street shown on the subdivision plat of TREND VIEW ESTATES, the particular side building line adjacent to said street shall not be less than fifteen (15) feet from the right-of-way line of said street. Provided further, however, that in the event the map or plat of TREND VIEW ESTATES, expressly prescribes a different and greater rear or side building line than is set out hereinabove with respect to any particular lot covered hereby, the particular rear or side building line or lines prescribed in said map or plat shall control over the hereinabove stated rear or side building line.
- (l) No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted

to remain on any corner residential lot or on any tract abutting on two streets within the triangular area formed by the intersecting street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any such residential lot within (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement.

- (m) No radio or television aerial wires or antennae shall be maintained on any portion of any residential lot forward of the front building line of said lot.
- (n) No detached garage or other outbuilding of any kind shall be erected on any residential lot nearer than sixty (60) feet to the front property line, nor nearer than the easement on the rear or side property line of said lot, nor nearer than three (3) feet to the side property line. This does not apply to garage when attached to the main residence. No outside toilets will be permitted. No outbuildings on any residential lot shall exceed in height the dwelling to which they are appurtenant. Every such outbuilding shall correspond in style and architecture to the dwelling to which it is appurtenant.
- (o) Masonry: Masonry as used and required herein shall include brick, stone, or other masonry type of construction.
- (p) No roof of any building shall be constructed or covered with anything other than asphalt shingles with a maximum 10% of a highlighted roof such as a metal roof.
- (q) No window or wall type air conditioner shall be permitted to be used, erected, placed or maintained on or in any building so that same is visible from the street in front of the building in any part of TREND VIEW ESTATES.
- (r) No building material of any kind or character shall be placed or stored upon any residential lot until the owner is ready to commence improvements, and then such material shall be placed within the property lines of the lot upon which the improvements are to be erected, and shall not be placed in the street or between the pavement and property line.
- (s) No stumps, trees, underbrush or any refuse of any kind or scrap material from the improvements being erected on any residential lot or any building site shall be placed on any adjoining lots, streets or easements. All such material, if not disposed of immediately, must remain on the residential lot or building site on which construction is in progress, and at the completion of such improvements, such material must be immediately removed from the property.
- (t) No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any part of the lands in TREND VIEW ESTATES, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any part of said lands. No derrick or other structure designed for use in boring for oil or natural gas, shall be erected, maintained or permitted upon any part of the said lands.

- (u) At no time shall any house trailer, or any truck, trailer or commercial vehicle having a rated load capacity in excess of one (1) ton, ever be parked overnight or stored on any residential lot nor shall any such house trailer, or any such truck, trailer or commercial vehicle having a rated load capacity in excess of one (1) ton, be parked on any street in TREND VIEW ESTATES, at any time other than as may be reasonably required incident to construction work on or delivery or pick-up of goods, wares, property or materials to or from land in said subdivision.

DEVELOPER

TREND VIEW HOMES, is hereby designated and appointed as the DEVELOPER, which developer, and its successors, are hereby vested with the full right and authority to act as such under the provisions of these restrictions. DEVELOPER shall have the right to designate a representative to act for it in all matters arising hereunder. In the event of the death or resignation of any member or members of the DEVELOPER, the remaining member or members shall have the full right and authority to designate a successor member or members. Neither the members of such DEVELOPER nor any designated representative shall be entitled to any compensation for services performed pursuant to these restrictions.

The DEVELOPER's approval or disapproval as required in these restrictions shall be in writing. In the event the DEVELOPER or its designated representative, fails to approve or disapprove any design or location within thirty (30) days after plans and specifications have been submitted to it, or, in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and the related covenants and restrictions set out herein shall be deemed to have been fully complied with.

DURATION OF RESTRICTIONS

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for the duration of the development period and the completion of the last residence in TREND VIEW ESTATES, after which time said covenants will be extended and be governed by the City of Weimar, unless an instrument signed by the residential owners of two-thirds of the lots in TREND VIEW ESTATES covered by this declaration has been recorded, agreeing to change or terminate the covenants herein, in whole or in part.

RIGHT TO ENFORCE

The restrictions herein set forth shall be binding upon OWNER, LIEN HOLDER and their respective successors and assigns and all parties claiming by, through or under them, or any of them, and all subsequent property owners, of said above identified lands, and any part of same, each of whom shall be obligated and bound to observe such restrictions, covenants, and conditions; provided, however, that no such person, firm or corporation shall be liable except in respect to breaches committed during its, his or their ownership of said property. The violation of any such restriction, covenant or condition shall not operate to invalidate any mortgage, deed of trust, or other lien acquired and held in good faith against said property, or any part thereof, but such liens may be enforced as against any and all property covered thereby, subject nevertheless to the restrictions, covenants and conditions herein mentioned. Invalidity of any

one of these covenants by judgment or court order will in nowise affect any of the other provisions which shall remain in full force and effect.

OWNER, its successors and assigns, and/or TREND VIEW ESTATES, shall have the right, but not the duty, to enforce observance and performance of these restrictions, covenants and conditions, and in order to prevent a breach, or to enforce the observance or performance of same, shall have the right in addition to all legal remedies, to an injunction either prohibitive or mandatory. The owner of any lot, lots or land affected shall have the right either to prevent a breach of any such restriction, covenant or condition or to enforce the performance of same.

EASEMENTS

It is agreed that all sales and conveyances of the above identified lands in TREND VIEW ESTATES, shall be subject to dedicated easements and rights of way shown on the map or plat thereof, and to any utility easements over, under, along and across such portions of each lot and tract, as are reflected on said map or plat, for the purpose of installing using, repairing and maintaining public utilities, water, sewer lines, electric lighting and telephone poles, pipe lines and drainage ditches or structures and/or any equipment necessary for the performance of any public or quasi-public utility service and function, with the right to access thereto for the purpose of further construction, maintenance and repairs. Such right of access shall include the right, without liability on the part of any one or all of the owners or operators of such utilities, to remove any or all obstructions on said easement right-of-way, caused by trees, brush or shrubs, either on or overhanging such right-of-way, as in their opinion may interfere with the installation or operation of their circuits, lines, pipes, or drainage ditches or structures. Such easements shall be for the general benefit of TREND VIEW ESTATES, and the property owners thereof and are hereby reserved and created in favor of any and all utility companies entering into and upon said property for the purpose aforesaid. The utilities may be placed upon the streets as designated on said plat as said streets may be used for utilities as well as for traffic and other street purposes.

There is also reserved and dedicated herewith for the use of all public utility companies the easements for down guy anchors and push braces adjacent to the dedicated utility easements affecting the above identified lands, as shown on the map of said TREND VIEW ESTATES. There is also reserved and dedicated herewith for the use of all public utility companies an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all dedicated utility easements on the above identified lands as shown on the map of said TREND VIEW ESTATES.