

MEMORANDUM

TO: BOARD OF DIRECTORS, GLAD ACRES HOMES ASSOCIATION
DATE: AUGUST 25, 2005
RE: GENERAL REVIEW OF DECLARATIONS

Tab 1

GLADACRE MEADOWS

Gladacre Meadows was platted on April 25, 1983 into lots 1 thru 34.

Tab 1a

Declaration of Restrictions dated June 6, 1983, filed June 7, 1983, document number 1411147:

1. None of the Lots hereby restricted may be used, improved or occupied for other than agricultural home site or single family residential use.
2. **Said land is further restricted hereby as to the required size and type of the improvements to be constructed thereon, and materials used therein. Any residence erected or constructed on said land shall contain a minimum ground floor area, exclusive of open or screened porches, garages, utility rooms or finished basement area, of 1,800 square feet for one-story and split level structures, 1,350 square feet for one and one-half story structures, and 1,100 square feet for two-story structures. No more than one residence shall be constructed on any lot, or part thereof containing not less than 1½ acres per each residence. Out-buildings will be of compatible styling to the residence structure to which it is appurtenant. The composition of roof construction of any residence or out-building will be wood shingles or comparable materials. Galvanized steel roofs and/or out-buildings are prohibited. Construction of any residence on any lot hereby restricted shall be completed within 9 months after the commencement of excavation of the foundation.**
3. Any fence, hedge or boundary wall erected, kept or maintained around any of said lots or any part thereof, shall be in keeping with the design and architecture of the residence upon such lot, and ornamental nature. Chain link, barbed wire, chicken wire, or farm woven wire fences are prohibited.
4. **No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance, or nuisance to the neighborhood.**
5. The Thurman Company, Inc. shall have and does hereby reserve the right to locate, construct, and maintain, or authorize the location, construction or maintenance of conduits, water, sewer, gas or electric, or other utility lines, or all

of any of then, over, under and along those rights-of-way or easements shown on the plat of survey heretofore mentioned and dedicated therein, and to excavate thereon for such purposes. All streets and roads shown on said plat and not heretofore dedicated to public use and thoroughfares are hereby dedicated to and for the public use, subject to the right hereby reserved to the present owner for the location, construction and maintenance of conduits, water, gas, sewer pipes, electrical wires, or other utility lines under, over and along said roadways.

6. The undersigned owner further reserves the right on behalf of itself, its successors and assigns, and on behalf of the future owners, to join in and establish a Homes Association, the membership of which shall consist of all owners of all lots within the subdivision, at such time as it may become necessary, for the common good of this subdivision, or the enforcement of any of the restrictions herein contained, or for any other lawful purpose deemed necessary by such owner or owners of record.
7. **No building shall be erected, placed, altered or externally improved on any building site hereby restricted, until the building plans, specifications, materials, and location thereof have been approved in writing by Thurman Company, Inc., or its duly appointed representative, as to conformity and harmony of external design and general quality with existing standards in the subdivision, and as to location of the building with respect to topography and finished ground elevations. Said plans must be submitted for approval at least 30 days prior to making application for building permit.**
8. These restrictions shall continue and be binding upon the undersigned maker and all successors in title, their heirs and assigns until June 6, 2008, and shall automatically be continued for an additional 25 years, provided, however, that these restrictions may be released or amended if the fee owners of more than 50 percent of the land area in said subdivision shall agree and record prior to June 6, 2008, an appropriately executed and acknowledged agreement releasing or amending the said restrictions. Said restrictions shall automatically terminate on June 6, 2033.

Tab 1b

Amendment to Declaration of Restrictions dated March 10, 1988 and filed March 21, 1998, document number 1777878. The above-bolded paragraphs were amended, **EXCLUDING** lots 1, 5, 6, 7, 10, 12, 14, 15, 16, 22, 23 and 24. (In other words, the March 10 amendment does not apply to these specifically designated lots.)

Following is a SUMMARY of the amendments:

2. Land further restricted as to improvements re: size, type and materials used. Any residence erected shall be a minimum of 2,500 sq. ft., exclusive of open or screened porches, garages, utility rooms or finished basement area. One residence per lot containing not less than 1½ acres. Out buildings must be fully enclosed. Roof must be made of wood cedar shake shingles, clay tile, or slate.

Galvanized steel prohibited. Construction of residence must be completed within 9 months after commencement of excavation of the foundation.

4. Added the following rules:

- (a) construction materials must be stored on site; all trash must be controlled and not be unsightly;
- (b) concrete trucks, masonry and plastering contractors are precluded from washing out or disposing of waste in ditches or vacant lots;
- (c) townhomes, A-frame homes, log homes, earth homes, wind generators, and radio towers are prohibited;
- (d) Animals are permitted up to two adult dogs and two adult cats. Pit Bulls are prohibited. Horses are prohibited on all lots except 10,11,18,29 and 34. Horses limited to two. May keep children's pets such as white mice, gold fish, etc.
- (e) Inoperable vehicles can only be stored up to 30 days unless garaged. Horse trailers, boats, tractors and recreational vehicles may only be left outside 30 days total per year.

7. Added - Must adhere to Homes Association Rules and all driveways shall be constructed of either concrete or asphalt of at least four inches in thickness.

Tab 1c Amendment to Declaration of Restrictions dated March 10, 1998 and filed March 21, 1998, document numbers 1777880 and 1777882.

Tab 1d Amendments re Lots 10 and 22: These amendments simply add lots 10 and 22 into the above-described amendment which previously excluded these two lots.

Tab 1e Amendment to Declaration of Restrictions dated May 16, 1988 and filed May 5, 1989, document number 1866597. Amendment re Lot 6 -Added Lot 6 to the above-described amendment which previously excluded this lot.

Tab 1f Amendment to Declaration of Restrictions dated April 5, 1990 and filed April 11, 1990, document number 1938063. Above-underlined paragraph was amended as to Lots 3, 4, 8, 17, 19, 26, 27, 29, 32, 33 and 34, stating: "Horses are prohibited except upon the following lots: 10,11,16,17,18,29 and 34." This adds lots 16 and 17 to those lots allowed to have horses.

Tab 1g Amendment to Deed of Restrictions dated May 10, 1991, filed May 13, 1991, Document No. 2023575. Above underlined paragraph referenced as paragraph 2(d) is amended again, as follows: "2.d. Horses are prohibited except upon the following lots: 10, 11, 15, 16, 17, 18, 26, 29 and 34. Horses are limited to two in number." This Declaration was apparently signed by the owners of lots 15 and 16.

Tab 1h This is the Annexation Resolution allowing for the annexation of Glad Acres South First Plat and Glad Acres South Second Plat.

Tab 2 **GLADACRES**

Gladacres was platted on December 6, 1983 into lots 1 thru 31.

Tab 2a Declaration of Restrictions dated March 12, 1986 and filed March 27, 1986, document number 1592917:

1. None of the Lots hereby restricted may be used, improved or occupied for other than agricultural homesite or single family residential use.
2. **Said land is further restricted hereby as to the required size and type of the improvements to be constructed thereon, and materials used therein. Any residence erected or constructed on said land shall contain a minimum ground floor area, exclusive of open or screened porches, garages, utility rooms or finished basement area, of 1,800 square feet for one-story and split level structures, 1,350 square feet for one and one-half story structures, and 1,100 square feet for two-story structures, except that lots 13,14,20 and 21 shall contain a minimum of 2,500 square feet for one-story and split level structures, 1,650 square feet for one and one-half story structures, and 1,250 square feet for two-story structures. No more than one residence shall be constructed on any lot, or part thereof containing not less than 1½ acres per each residence. Out-buildings will be of compatible styling to the residence structure to which it is appurtenant. The composition of roof construction of any residence or out-building will be wood shingles or comparable materials. Galvanized steel roofs and/or out-buildings are prohibited. Construction of any residence on any lot hereby restricted shall be completed within 9 months after the commencement of excavation of the foundation. *(Underlined portion is not in the original Gladacre Meadows restrictions).***
3. Any fence, hedge or boundary wall erected, kept or maintained around any of said lots or any part thereof, shall be in keeping with the design and architecture of the residence upon such lot, and ornamental nature. Chain link, barbed wire, chicken wire, or farm woven wire fences are prohibited.
4. **No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance, or nuisance to the neighborhood.**
5. Veryl L. Thurman shall have and does hereby reserve the right to locate, construct, and maintain, or authorize the location, construction or maintenance of conduits, water, sewer, gas or electric, or other utility lines, or all of any of then, over, under and along those rights-of-way or easements shown on the plat of survey heretofore mentioned and dedicated therein, and to excavate thereon for such purposes. All streets and roads shown on said plat and not heretofore dedicated to public use

and thoroughfares are hereby dedicated to and for the public use, subject to the right hereby reserved to the present owner for the location, construction and maintenance of conduits, water, gas, sewer pipes, electrical wires, or other utility lines under, over and along said roadways.

(Underlined portion is not in the original Gladacre Meadows restrictions).

6. The undersigned owner further reserves the right on behalf of itself, its successors and assigns, and on behalf of the future owners, to join in and establish a Homes Association, the membership of which shall consist of all owners of all lots within the subdivision, at such time as it may become necessary, for the common good of this subdivision, or the enforcement of any of the restrictions herein contained, or for any other lawful purpose deemed necessary by such owner or owners of record.
7. **No building shall be erected, placed, altered or externally improved on any building site hereby restricted, until the building plans, specifications, materials, and location thereof have been approved in writing by Veryl L. Thurman, or his duly appointed representative, as to conformity and harmony of external design and general quality with existing standards in the subdivision, and as to location of the building with respect to topography and finished ground elevations. Said plans must be submitted for approval at least 30 days prior to making application for building permit.** *(Underlined portion is not in the original Gladacre Meadows restrictions).*
8. The copy is illegible in paragraph 8 regarding the date until which these restrictions run. We are checking with the Register of Deeds office to see if we can find a more legible copy. Of greater concern is the last sentence in paragraph 8 that states: "Said restrictions shall automatically terminate on June 6, 2008." Obviously, this appears to be a typo, but this could cause real problems in enforcing restrictions on "Glad Acres."

Tab 2b

Amendment to Declaration of Restrictions dated March 10, 1988 and filed March 21, 1988, document number 1777879. The above-bolded paragraphs were amended, **EXCLUDING** lots 9, 10, 19, 23, 27, 30, and 31. (In other words, the March 10 amendment does not apply to these specifically designated lots.)

Following is a SUMMARY of the amendments:

2. Land further restricted as to improvements re: size, type and materials used. Any residence erected shall be a minimum of 2,500 sq. ft., exclusive of open or screened porches, garages, utility rooms or finished basement area. One residence per lot containing not less than 1.4 acres. Out buildings must be fully enclosed. Roof must be made of wood cedar shake shingles, clay tile, or slate. Galvanized steel prohibited. Construction of residence must be completed within 9 months after commencement of excavation of the foundation. *(Underlined portion is not in the original Gladacre Meadows restrictions).*
4. Added the following rules:

- (a) construction materials must be stored on site; all trash must be controlled and not be unsightly;
- (b) concrete trucks, masonry and plastering contractors are precluded from washing out or disposing of waste in ditches or vacant lots;
- (c) townhomes, A-frame homes, log homes, earth homes, wind generators, and radio towers are prohibited;
- (d) Animals are permitted up to two adult dogs and two adult cats. Pit Bulls are prohibited. Horses are prohibited on all lots except 2,9,13,14,18,20,21,22,23 and 24. Horses limited to two. May keep children's pets such as white mice, gold fish, etc.
- (e) Inoperable vehicles can only be stored up to 30 days unless garaged. Horse trailers, boats, tractors and recreational vehicles may only be left outside 30 days total per year.

7. Added - Must adhere to Homes Association Rules and all driveways shall be constructed of either concrete or asphalt of at least four inches in thickness.

Tab 2c

Amendment to Declaration of Restrictions dated March 7, 1988 and filed March 21, 1988, document number 1777881. Amendments re Lot 19: This amendment simply adds lot 19 into the above-described amendment which previously excluded said lot.

Tab 2d

Amendment to Declaration of Restrictions dated March 14, 1990 and filed June 27, 1990, document number 1955096. The above-underlined paragraph was amended as to Lots 1, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 26 and 29, stating: "Horses are prohibited except upon the following lots: 1, 2, 9, 13, 14, 18, 20, 21, 22, 23 and 24." This adds Lot 1 to those lots allowed to have horses.

Paragraph 8 of the original Declaration as also amended as follows:

8. These restrictions shall continue and be binding upon the undersigned maker and all successors in title, their heirs and assigns until June 6, 2010, and shall automatically be continued for an additional 25 years, provided however, that these restrictions be released or amended if the fee owners of more than 50 percent of the land area in said subdivision shall agree and record prior to June 6, 2010, an appropriately executed and acknowledged agreement releasing or amending the said restrictions. Said restrictions shall automatically terminate on June 6, 2010."

This paragraph appears to be very inconsistent. First it says that the restrictions will run until June 6, 2010, but automatically be continued for an additional 25 years unless released or amended. However, the last sentence says they will automatically terminate on June 6, 2010. An argument can be made that these restrictions will terminate on June 6, 2010.

Tab 2e



Amendment to Declaration of Restrictions dated December 8, 1994 and filed December 9, 1998, document number 2452102. The above-underlined paragraph was amended, **EXCLUDING** lots 9, 10, 19, 23, 27, 30, and 31 and states: "Horses are prohibited except upon the following lots: 1, 2, 5, 9, 13, 14, 18, 20, 21, 22, 23 and 24." This adds Lot 5 to those lots allowed to have horses.

Tab 3

GLADACRES SOUTH FIRST PLAT

Gladacres South First Plat was platted on November 22, 1988 in to lots 1 - 17.

Tab 3a

Declaration of Restrictions dated May 8, 1991 and filed May 8, 1991, document number 2022557 (pertaining to Lots 1 - 42):

1. None of the Lots hereby restricted may be used, improved or occupied for other than agricultural home site or single family residential use.
2. With the exceptions of Lots 1 and 7 as included herein, the aforesaid land is further restricted hereby as to the required size and type of the improvements to be constructed thereon, and materials used therein. Any residence erected or constructed on said land shall contain a minimum ground floor area, exclusive of open or screened porches, garages, utility rooms or finished basement area, of 2,200 square feet for one-story and split level structures, 1,550 square feet for one and one-half story structures, and 1,300 square feet for two-story structures. Lots 1 and 7 shall require a minimum ground floor area, exclusive of open or screened porches, garages, utility rooms or finished basement area of 2,000 square feet for one story and split level structures, 1,350 square feet for one and one-half story structures and 1,300 square feet for two story structures. The minimum width for the front of the house shall be 72 feet, including attached garages but excluding wing walls. A greater front width may be imposed by the developer or through architectural review. (Underlined portion Differs from Gladacre Meadows and Gladacres, above).
3. The composition of roof construction of any residence or out-building will be wood shingles or comparable materials. Galvanized steel roofs and/or out-buildings are prohibited. Construction of any residence on any lot hereby restricted shall be completed within 9 months after the commencement of excavation of the foundation. (Differs from Gladacre Meadows and Gladacres, above).
4. Any fence, hedge or boundary wall erected, kept or maintained around any of said lots or any part thereof, shall be in keeping with the design and architecture of the residence upon such lot, and ornamental nature. Chain link, barbed wire, chicken wire, or farm woven wire fences are prohibited. The use of light gauge wire in conjunction with a wood rail or other approved fence is not prohibited but must be approved as otherwise provided herein. (Underlined portion Differs from Gladacre Meadows and Gladacres, above).
5. Veryl L. Thurman shall have and does hereby reserve the right to locate, construct, and maintain, or authorize the location, construction or maintenance of conduits,

water, sewer, gas or electric, or other utility lines, or all of any of then, over, under and along those rights-of-way or easements shown on the plat of survey heretofore mentioned and dedicated therein, and to excavate thereon for such purposes. All streets and roads shown on said plat and not heretofore dedicated to public use and thoroughfares are hereby dedicated to and for the public use, subject to the right hereby reserved to the present owner for the location, construction and maintenance of conduits, water, gas, sewer pipes, electrical wires, or other utility lines under, over and along said roadways.

6. The undersigned owner further reserves the right on behalf of itself, its successors and assigns, and on behalf of the future owners, to join in and establish a Homes Association, the membership of which shall consist of all owners of all lots within the subdivision, at such time as it may become necessary, for the common good of this subdivision, or the enforcement of any of the restrictions herein contained, or for any other lawful purpose deemed necessary by such owner or owners of record.
7. No building, including outbuildings or accessory buildings, shall be erected, placed, altered or externally improved on any building site hereby restricted, until the building plans, specifications, materials, and location thereof have been approved in writing by Veryl L. Thurman, or his duly appointed representative, as to conformity and harmony of external design and general quality with existing standards in the subdivision, and as to location of the building with respect to topography and finished ground elevations. Said plans must be submitted for approval at least 30 days prior to making application for building permit. No improvement, including residential homes, out buildings, barns, swimming pools, gazebos, satellite dishes, antenna of any nature, porches, or home additions, shall be commenced until such time as the plans and specifications, materials and location have been approved in writing by Veryl L. Thurman or his duly appointed representative or assignee, of which said assignee may be the architectural review committee of the duly formed Homes Association. *(Underlined portion Differs from Gladacre Meadows and Gladacres, above).*
8. No horses shall be raised, bred, or kept on any lots except for Lot 1, Lot 26, Lot 27, Lot 28, Lot 30 and Lot 32. *(Differs from Gladacre Meadows and Gladacres, above).*
9. No vehicle truck, trailer, bus, camper, boat or other apparatus, except passenger automobiles shall be left or stored on said property, except to the rear of the house and in an area shielded from the adjoining lots and from the view of the street, and the developer reserves the right to approve or disapprove all shielding material. *(Differs from Gladacre Meadows and Gladacres, above).*
10. At the time of construction of each residential structure, the owner of said lots shall expend a minimum sum of Seven Hundred Fifty Dollars (\$750.00) for landscaping that portion of the lot between the street and the front building lot of the structure. All lawns shall be fully sodded, seeded, or otherwise plugged with zoysia strips

within 120 days of occupancy. (Differs from Gladacre Meadows and Gladacres, above).

11. No residential structure which has previously been at another location shall be moved onto any lot in this subdivision. (Differs from Gladacre Meadows and Gladacres, above).
12. All materials used in the replacement of the original roof of any residential structure must be approved in writing by the developer or by the architectural committee of the Homes Association. (Differs from Gladacre Meadows and Gladacres, above).
13. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
14. No business and no noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance to the neighborhood and in addition thereto, the following rules shall apply:
 - A. Construction materials must be stored . . .
 - B. Concrete trucks, masonry . . .
 - C. All driveways must be constructed of either concrete or asphalt.
(Underlined portion Differs from Gladacre Meadows and Gladacres, above).

Tab 3b

Amendment to Declaration of Restrictions dated August 6, 1992 and filed on August 14, 1992, document number 2153668. The amendments listed hereafter apply to all lots⁶⁹; however, only those paragraph that differ from the original May 8, 1991 Declaration are listed. For example, paragraph 1 is not mentioned below because it is identical to the original restriction.

2. Minimum square footage. "... minimum living area of 2,200 square feet exclusive of open or screened porches, garages, utility rooms or finished basement area. The minimum width for the front of the house shall be 62 feet, including attached garages or breeze ways to detached garages, but excluding wing walls.
3. Roofs. The composition of roof construction of any residence our out building with a pitch (slope) of 3/12 or greater shall have an exterior covering of wood shingles, "shake" shingles, asphalt shingles that are specifically designed to simulate the color, texture, and overall appearance of wood shingles . . . , or approved slater tile...
4. Construction. Construction must be completed within 9 months after the commencement of excavation of the foundation.
8. Horses. Horses are allowed on Lots 1, 8, 18, 26, 27, 28, 30 and 32. (This adds Lot 8 and 18 to the original list of those Lots allowed to have horses.)
9. Add: Propane tanks, if used, must be shielded with fences or shrubs so as not to be visible form the street. An inoperable vehicle shall not be stored in excess of

30 days unless said vehicles are properly garaged. Horse trailers, boats, tractors, and recreational vehicles shall not be left outside of the garage for more than 30 days per year; provided however, developer may locate, keep, and store any equipment for the maintenance of this subdivision on any Lot owned by the developer without complying with the shielding requirements.

10. Landscaping. This section changes the minimum deposit amount for landscaping from \$750.00 to \$500.00.
14. Business Regulation. No business (except as permitted by applicable code exceptions) and no noxious, unlawful, or offensive activities shall be carried upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Tab 3d Second Restated Declaration of Restrictions to Fourth Phase of Glad Acres South, First and Second Plat, dated November 1, 1992 and filed March 12, 1993, document number 2224777. This Amendment is simply made for correction purposes regarding paragraph 14C, deleting the prohibition to the construction of log homes.

Tab 3e Annexation Resolution from Glad Acres Meadows Homes Association allowing for the annexation of Glad Acres South First and Second Plat.

Tab 4 **GLADACRES SOUTH SECOND PLAT**

Plat dated December 13, 1988 comprises Lots 18 - 42.

All restrictions and amendments are exactly the same for the second plat as they are the first plat. An annexation resolution dated May 31, 1987 and filed August 29, 1995, annexes such plats.