

TORCH ESTATES

Transaction Checked for
Mathematical Accuracy
Athens County
ENGINEER OFFICE
BY: Paul H. Harty
DATE: 7-20-04

LEGAL DESCRIPTION

Situated in the State of Ohio, County of Athens, Township of Troy and being a part of a parcel of land conveyed to Thompson and Fornari Properties, LLC (hereinafter referred to as "Grantor") in Official Record 361, Page 615 and located in Fraction 5, Section 10, Township 5, Range 11 and being more particularly described as follows:

BEGINNING at a point in the center of Main Street in the Village of Torch, said point being the Grantor's Northwesterly property corner, the Northeastly property corner of a parcel of land conveyed to Charles J. and Joyce Ramsey in Deed Volume 344, Page 153 and an un-recorded parcel of land to Charles J. and Joyce Ramsey, on the North line of Section 10 and Fraction 5 and bears N 84° 08' 29" W from the Northeast corner of Section 10 a distance of 1988.00 feet, said distance obtained from the Grantor's deed;

Thence S 84° 08' 29" E along the center of Main Street, the North line of Section 10 and Fraction 5 and the Grantor's Northernly property line a distance of 583.17 feet to a point, said point being the Northwesterly property corner of a parcel of land as yet to be conveyed to Sherry Hope Powell Vaughn and the Grantor's Northeastly property corner;

Thence S 05° 50' 02" W along the Grantor's Easterly property line and the Westerly property line of the aforementioned Vaughn parcel as yet to be conveyed, a distance of 162.55 feet to an iron pin set (passing an iron pin set at a distance of 30.00 feet), said iron pin being a property corner of the Grantor and the Southwesterly property corner of the aforementioned Vaughn parcel as yet to be conveyed;

Thence S 81° 39' 50" E along the Grantor's property line and the aforementioned Vaughn parcel as yet to be conveyed a distance of 2.00 feet to an iron pin set, said iron pin being a property corner of the grantor, the Southeastly property corner of the aforementioned Vaughn parcel as yet to be conveyed and on the Westerly property line of a parcel of land conveyed to Sherry Hope Powell Vaughn in Official Record 114, Page 673;

Thence S 5° 50' 02" W along the Grantor's property line and the Westerly property line of the aforementioned Vaughn parcel as recorded in Official Record 114, Page 673 a distance of 57.12 feet to an iron pin found, said iron pin being the Grantor's property corner and the Southwesterly property corner of the aforementioned Vaughn parcel as recorded in Official Record 114, Page 673;

Thence S 84° 07' 41" E along a property line of the Grantor and the Southerly property line of the aforementioned Vaughn parcel as recorded in Official Record 114, Page 673 a distance of 99.29 feet to an iron pin found, said iron pin being a property corner of the Grantor, the Southeastly property corner of the aforementioned Vaughn parcel as recorded in Official Record 114, Page 673 and on the Westerly property line of a parcel of land conveyed to Evelyn Sanders in Deed Volume 372, page 631;

Thence S 05° 50' 02" W along the Grantor's Easterly property line, the Westerly property line of the aforementioned Sanders parcel and the Westerly property line of a parcel of land conveyed to Warren Hughes Calaway in Official Record 343 Page 522 a distance of 731.65 feet to an iron pin set, said iron pin being on the Northernly Right of Way line of State Route 7 and U.S. Route 50;

Thence through the Grantor's lands and along the Northernly Right of Way line of State Route 7 and U.S. Route 50 the following two (2) courses:

- 1) S 89° 55' 29" W a distance of 443.25 feet to an iron pin set;
 - 2) N 87° 48' 00" W a distance of 269.11 feet to a point, said point being the intersection of the Grantor's Westerly property line with the Northernly Right of Way line of State Route 7 and U.S. Route 50, from which an Ohio Department of Transportation Right of Way Monument bears S 23° 10' 13" W a distance of 0.26 feet and the Southeastly property corner of a parcel of land conveyed to Ernest E. and Rita P. Simmons in Deed Volume 298, Page 539;
- Thence through the Grantor's lands and along the Northernly Right of Way line of State Route 7 and U.S. Route 50 the following two (2) courses:

- 1) S 89° 55' 29" W a distance of 443.25 feet to an iron pin set;
- 2) N 87° 48' 00" W a distance of 269.11 feet to a point, said point being the intersection of the Grantor's Westerly property line with the Northernly Right of Way line of State Route 7 and U.S. Route 50, from which an Ohio Department of Transportation Right of Way Monument bears S 23° 10' 13" W a distance of 0.26 feet and the Southeastly property corner of a parcel of land conveyed to Ernest E. and Rita P. Simmons in Deed Volume 298, Page 539;

Thence N 05° 50' 02" E along the Grantor's Westerly property line, the Easterly property line of the aforementioned Ernest E. and Rita P. Simmons parcel as conveyed in Deed Volume 298, Page 539, and the Easterly property line of a parcel of land conveyed to Ernest E. and Rita S. Simmons in Deed Volume 248, Page 486 a distance of 746.26 feet to a point (passing the intersection of the Grantor's Westerly property line and Southerly property line of the aforementioned Simmons parcel as conveyed in Deed Volume 248, Page 486 at 665.82 feet, from which an iron pipe bears N 84° 09' 58" W a distance of 0.45 feet), said point being a property corner of the Grantor and the Southeastly property corner of the aforementioned Ramsey parcel as recorded in Deed Volume 344, Page 153, from which a concrete monument bears N 84° 24' 50" W a distance of 0.36 feet;

Thence along the Grantor's property lines and the property lines of the un-recorded parcel of land to Charles J. and Joyce Ramsey the following two (2) courses:

- 1) S 84° 43' 34" E a distance of 25.00 feet to an iron pin set;
- 2) N 05° 50' 02" E a distance of 249.91 feet to a point (passing an iron pin set at 219.91 feet) to the point of beginning, containing 15.411 Acres, more or less, and subject to all legal easements and rights of way of record.

SURVEYOR'S STATEMENT

I hereby certify that an actual survey was made under my direct supervision of the premises shown hereon on the 23rd day of August, 2004 and that said plat is a correct representation of the premises as determined by said survey and that all monuments shown hereon actually exist and are correctly shown. I further certify that there are no encroachments either way across any boundary line of the premises except as shown hereon.

Jerry L. Cassell
Surveyor

Jerry L. Cassell, P.S. Ohio Professional Surveyor No. 6378

OWNER'S STATEMENT:

OWNER: Thompson and Fornari Properties, LLC
1841 Hennen Lane
Coolville, Oh 45723
(740) 667-6795

DEVELOPER: Thompson and Fornari Properties, LLC
1841 Hennen Lane
Coolville, Oh 45723
(740) 667-6795

SURVEYOR: Jerry L. Cassell & Associates
20525 Buena Vista Road
Rockbridge, OH 43149
(740) 969-0024

ENGINEER: George A. Mara Consulting Engineers, Inc.
55 East Second Street
Logan, OH 43138
(740) 385-8138

STATEMENTS: Situated in the State of Ohio, County of Athens, Township of Troy, Fractional Lot 5 in Section 10, T5N, R11W, and being part of a tract of land in the name of Thompson and Fornari Properties, LLC as recorded in Official Record 316, Page 515.

The undersigned, John H. Thompson and Larry J. Fornari do hereby certify that the attached plat correctly represents "Torch Estates", a subdivision of Lots 1 to 14 inclusive, and does hereby accept this plat of same and dedicate to public use all roads and public areas shown hereon and not heretofore dedicated. The undersigned further agree that any use or improvements made on the land shall be in conformity with all existing valid zoning, platting, health or other lawful regulations of the State of Ohio and County of Athens for the benefit of themselves and all other subsequent owners or assignees taking title from, under or through the undersigned.

In witness thereof, John H. Thompson and Larry J. Fornari hereunto set their hand this 23rd day of August, 2004

John H. Thompson Owner
Larry J. Fornari Owner
Witnesses: Sherrita Thompson Printed Name
Deborah A. Pacheco Printed Name
John H. Thompson Printed Name
Larry J. Fornari Printed Name

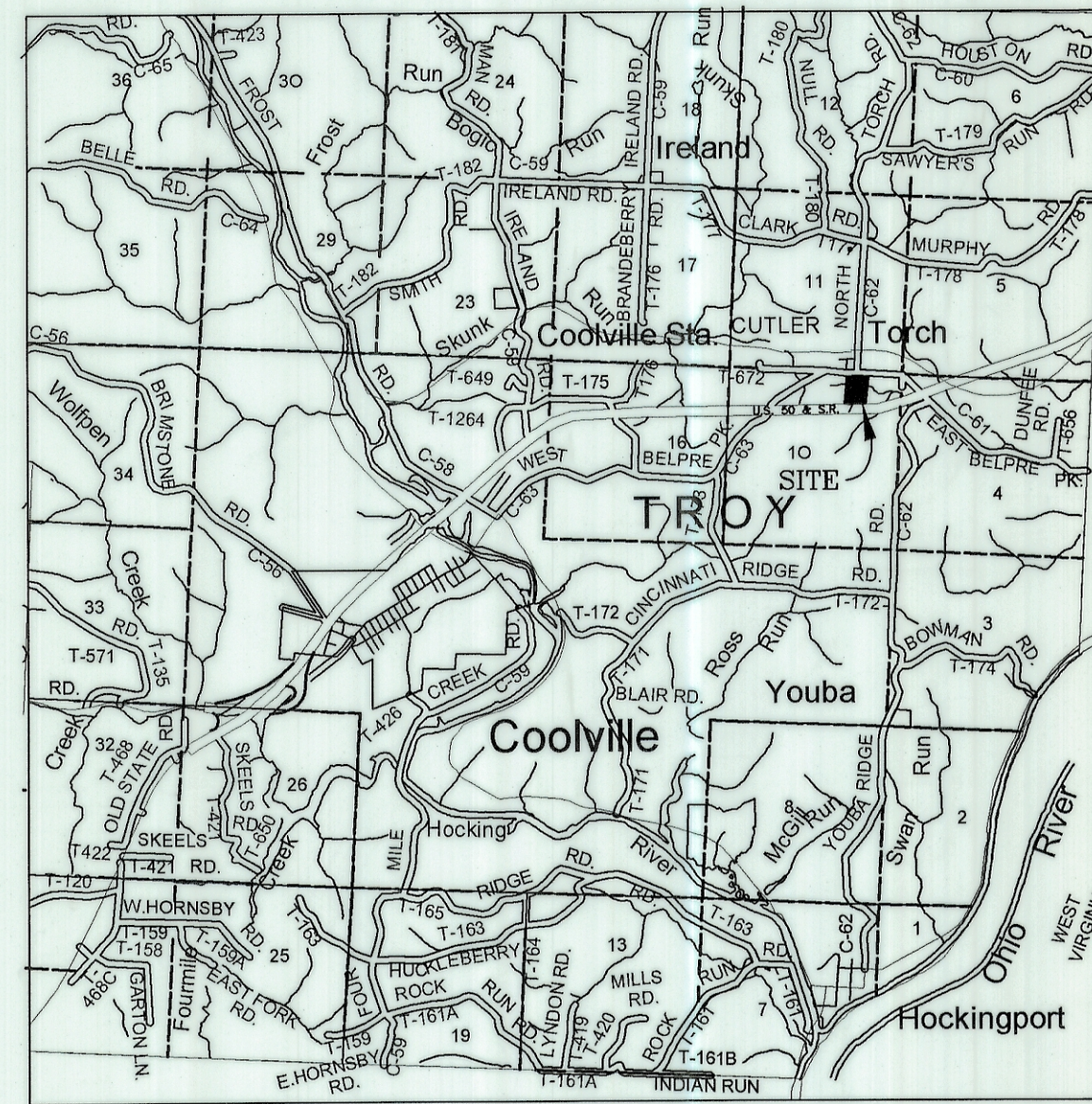
STATE OF OHIO, COUNTY OF ATHENS
Before me, a Notary Public, in and for said county, personally came John H. Thompson and Larry J. Fornari, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed.
In witness whereof, I have hereunto set my hand and affixed my official seal this 23rd day of August, 2004
Mark E. Applegate Notary Public
My Commission Expires 11/11/22, 2006

RESTRICTIONS

The following restrictions apply to each lot in Torch Estates Subdivision unless specifically modified in the deed of conveyance of the specific parcel.

INTRODUCTION, DEFINITION & CONCEPT

Torch Estates Allotment consisting of 14 lots on the South, East & West side of Howie Drive, is a planned allotment where one may live, work and play after investing in one's dream home on acres of land protected by restrictions. Features, particularly in architecture and landscape, both natural and man-made, have been selectively woven into the Torch Estates infrastructure and serve to unite the community pride of its inhabitants. The primary purpose of these restrictions is to better assure that builders of single-family residential units will conform and adhere to the same high standards of design excellence. The restrictions seek to establish a design framework which the individual builder will use as guidelines for site improvement, with latitude and flexibility (on one hand) balanced against preserving the value, consistency and integrity of Torch Estates (on the other hand). The Master Design Guidelines will hopefully, serve to guide, inform, aid and inspire to the same extent as they may prohibit, restrict, and require. While some features are mandated, the review committee may make discretionary judgments to reduce or waive any requirements when it can be demonstrated that appropriate mitigating measures have been taken and that the overall spirit and intent will be preserved. However, such discretionary approval(s) shall not represent or constitute a binding precedent since no two or more tracts or circumstances are likely to be the same.



RESTRICTIONS

The following restrictions shall apply relative to the construction of any building, structures, fence, wall or improvement of any kind or nature to be erected or placed on said premises.

1. No more than one single family dwelling house and attached or detached garage shall be erected on said premises. Detached garage must set behind dwelling.
2. Said premises or any building erected thereon shall not at any time be used for the purpose of any trade, business or manufacture.
3. No intoxicating liquors shall be manufactured for sale, kept for sale, or sold on said premises.
4. No structure of a temporary character, camper, mobile home, trailer, basement, tent, shack, garage or other outbuilding shall be used on any lot at any time either temporarily or permanently for dwelling or storage purposes, nor shall campers, mobile homes or trailers be stored on said premises. RV's or boats must be stored behind dwelling.
5. No animals, livestock, poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.
6. No noxious or offensive activity shall be carried on upon said premises, nor shall anything be done thereon which may become annoyance or nuisance to the adjoining property.
7. No soil or trees shall be removed from said premises for any commercial use. Cutting of trees shall be limited to the extent necessary for the clearing the foundation site for construction and landscaping.
8. No fires shall be permitted on the premises except for heating and cooking. Use of firearms on the premises is prohibited. The premises shall be kept clean and free of trash, garbage and debris at all times. Advertising signs, other than for sale of said premises, are prohibited.
9. Any structure shall be of brick, wood, HIGH GRADE Vinyl, stone construction or stucco except that concrete block may be used for foundations, basement walls and fireplaces or in any other places where the same will not be exposed to view from outside. Concrete block may be used for structures as long as exterior is finished with material listed above.
10. Unimproved premises shall be mowed at least once each month. All improved premises shall be kept properly maintained.
11. The racing of motor vehicles such as mini-bikes, motorcycles, or all terrain vehicles is prohibited within the subdivision. Use of golf carts is permitted.
12. There shall be no hunting with firearms or a bow and arrow or trapping allowed on said premises. Practice or target shooting with bow and arrow is permitted.
13. No fence shall be built on said premises more than six foot in height, and shall be of an ornamental nature and open construction. No Privacy Fences shall be permitted.
14. The exterior construction of structures erected on the premises shall be completed within 15 months from the time construction has commenced.
15. No non-operable, wrecked or junked vehicles shall be kept on said premises for a period in excess of 14 days.
16. No Antenna's or Satellite Dishes over 24" in diameter shall be constructed on any lot unless otherwise approved by the Torch Estates Architectural Review Committee.
17. Should any of the restrictions herein contained be determined by a court to be invalid, said invalidity shall not affect the other restrictions.
18. These restrictions shall run with the land and are for the protection of all lots in the Torch Estates Allotment and the lands adjacent thereto.
19. Minimum square footage of all one story dwellings shall be 2000 SF and all two story dwellings shall be 2200 SF.
20. A minimum landscaping of 1% of the total lot square footage is to be in the front of the dwelling. Remainder of lot to be seeded.
21. Above ground or in ground swimming pools shall be located to the rear of the dwelling.
22. Driveway construction shall be of asphalt or concrete.
23. Gardens are permitted to the rear of the dwelling, but shall not exceed 20 ft. by 40 ft.
24. Gutters and eaves down spouts must be installed on each dwelling.
25. Each lot owner shall hookup to subdivision sanitary sewer. Lot owners shall be assessed or pay fees in accordance with regulations of Torch Estates H.O.A., Inc. and/or the Athens Co. Water and Sewer district. For purposes of maintenance, repair or replacement.

26. Household pets shall be restricted from roaming freely within the subdivision.
27. Fences shall be to the rear of the dwelling foundation.
28. Each lot owner shall become a member of and maintain membership in the Torch Estates H.O.A., Inc. as long as it exists.

A. All plans and specifications shall be submitted in writing to Torch Estates for consideration and approval and disapproval. Factors to be considered by Torch Estates Architectural Review Committee as follows:

1. Quality of workmanship and materials, adequacy of site dimensions, adequacy of structure design, proper facing of main elevation with respect to the street;
2. Position and location of structure on the premises;
3. Conformity and harmony of the external design, color, type and appearance of exterior surface and landscaping;
4. Adequate surface and soil drainage;
5. The observance of and compliance with set back lines and easement areas and the enhancement of aesthetic views and visual corridors to and from the common property.

B. The procedure for the foregoing consideration shall be as follows:

1. Torch Estates consists of John and Sherrita Thompson and Larry Fornari who shall constitute the Review Committee. Said Committee may be further supplemented by persons selected by said John and Sherrita Thompson and Larry Fornari to act for them on the review process.
2. Preliminary plans and Specifications for the structures will be submitted for approval or rejection.
3. When the structure is approved, final plans will be submitted showing the location of the structure on the premises and shall include the location of soil and surface water drainage lines and all factors relating to the improvement including landscaping plans.
4. The review committee shall approve or reject the final plans and specifications within 14 days after being submitted. The Review committee shall confer with party submitting the plans relative to changes or alterations which may be required to preserve the integrity and harmony of the premises and the allotment.
5. The Review Committee shall incur no liability or responsibility to the final construction of the structure, which may be approved, it being understood that the approval by the Review Committee is only for the purpose of approving the kind of structure and its location so as to maintain the harmony and integrity of the whole area as expressed in the purpose and concept preamble.

Once approval is given by the Review Committee, construction may be commenced following the plans and specifications approved. Any deviation from the approved plans and specifications shall be cleared through the Review committee.

7. No improvements, additions or alterations shall be constructed, erected, placed or maintained on any lot which is in violation of any of the laws of ordinance
8. Neither the Torch Estates nor the Review Committee appointed by Torch Estates, employees, and agents of any of them, shall be liable in damages to anyone submitting plans or specifications to any of them for approval, or to any owner of property affected by those restrictions by reason of any mistake in judgment negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person or entity who submits plans or specifications, and every owner of each and every lot, agree that he will not bring any action or suit against Torch Estates or the Review Committee or persons appointed by Torch Estates. No approvals shall be unreasonably withheld.

9. The Review Committee has the right, during construction, to inspect the structure being constructed to ascertain that the construction is in accordance with the approved final plans and specifications.

GENERAL NOTES

- 1) ALL LOTS DEPICTED HEREON ARE TO BE USED FOR RESIDENTIAL PURPOSES ONLY.
- 2) Building Setback Lines:
75' Front Minimum From Road R/W Line, 125' Maximum
20.0' Rear Yard Minimum.
10.0' Side Yard Minimum.
- 3) Utility Easement Reservations:
10.0' Around Perimeter of Sub.
10.0' Either Side of all Common Lot Lines.
- 4) Driveway Culverts to be installed by the Developer/Owner at the Time of Construction as Follows:
12" MINIMUM DIAMETER
30' MINIMUM LENGTH
- 5) Driveway Culverts will be installed in accordance with Sound Construction Pro-procedures and are subject to the Approval of the Athens County Engineer's Office.
- 6) A central Collection and Treatment system will be installed by the developer, and MUST Be Approved By, as well as COMPLY With, DEPA, Athens Co. Health Department Regulations and Athens County Water and Sewer District.
- 7) The Developer Will Ensure that Electrical Service Will Be Provided in the Subdivision.
- 8) Water bars should be installed on all roadways on sloped hillsides.
- 9) Vegetative cover should be left on site to distribute rain drop impact on bare, disturbed soils. Trees to be left on site should be clearly marked to avoid damage from equipment during the site preparation material delivery, and any and all phases of development. The root zone (which extends to just below the crown of the trees), should be flagged off or otherwise marked to keep the roots safe from excessive traffic or digging. Stockpile topsoil in separate piles from subsoil for later use to reestablish vegetative cover after final construction. Place sediment barriers around the topsoil to avoid loss to erosion during construction time.
- 10) Temporarily seed and mulch any denuded areas within 7 days of disturbance if the site is to remain dormant for longer than forty-five days.
- 11) Maintain sediment control practices until completion of the construction phase.
- 12) The area of this subdivision is un-zoned
- 13) No lot shall be graded to create any new slope greater than 1 in 5.

APPROVALS:

ATHENS COUNTY ENGINEER
I hereby approve this plat on this _____ day of _____, 20____

Athens County Engineer

TROY TOWNSHIP TRUSTEES
We hereby approve this plat on this 23rd day of August, 2004

Nick Polman Donald D. White Gene Swartz
President

ATHENS COUNTY COMMISSIONERS
We hereby approve this plat on this 26th day of August, 2004

William A. (Bill) Theisen
Athens County Commissioners (President)

Kenny Johnson
Mark Sullivan

REGIONAL PLANNING COMMISSION
This plat was approved by the Regional Planning Commission on this 23rd day of August, 2004

Bob Eichenberg
Representative, Title

ATHENS COUNTY HEALTH DISTRICT
I hereby approve this plat on this 25th day of August, 2004

Andre G. Danner
Athens County Board of Health

TRANSFER AND RECORDING:

ATHENS COUNTY AUDITOR
Transferred on this 14 day of Sept, 2004

By: JL Gill A. Thompson
Athens County Auditor

ATHENS COUNTY RECORDER
File No. #04-7218, #04-7318, #04-7315

Received on this 14 day of September, 2004 at 10:23 A.M.
Recorded on this 14 day of September, 2004 at 10:23 A.M.
Recorded in Plat Book No. ENV, Page 539 A+B
Fee \$259.20 540 A

By: Gracie Markins Julia Michael Scott
Athens County Recorder

Be it resolved by the Board of County Commissioners, that subdivision roadway improvements have been inspected and approved for permanent maintenance by local government on this day of _____, 20____

Athens County Commissioners (President)

ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR MAINTENANCE:

Be it resolved by the Board of County Commissioners, that the subdivision roadway improvements have been inspected and approved for permanent maintenance by local government on this _____ day of _____, 20____

Athens County Commissioners, President

20040007313
Filed for Record in
ATHENS COUNTY, OHIO
JULIA MICHAEL SCOTT
09-14-2004 at 10:23 am.
PLAT
539 A

GEORGE A. MARA ENGINEERING, Inc.
CONSULTING ENGINEERS
LOGAN, OHIO

TORCH ESTATES

CONTRACT	JOB NO.
DRAWN BY:	SCALE:
CHECKED BY:	DATE:
APPROVED BY:	SHEET OF

FOR: John Thompson
DATE: May 23, 2003
REV:

BY: JLC
PROJ. NO.: AT050702

JERRY L. CASSELL
AND ASSOCIATES
PROFESSIONAL LAND SURVEYING
20525 Buena Vista Rd. Rockbridge, OH 43149
(740) 969-0024

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