

Riverbank Homeownrs Association
Board Meeting

August 26, 1986

Board Members present: Lynn Spencer, Rose McGuire, David Stoddard, Bill Root, Donna Selby, and Mike Tourney. Note: Mike Tourney present but not allowed to vote.

Location: Bill Root home. 9:00 pm

The board met due to objections raised based on the Declaration of Covenant, Conditions, and Restrictions Article V paragraph 5.5. The board decided to re-evaluate the decision rendered on May 24, 1986 concerning landscaping plans submitted by Greg and Susan Huntsinger.

The board's decision remains as previously approved with the exceptions noted on Robert Ferron landscaping plans attached. The natural barrier shall remain intact until such time an agreement can be reached between adjacent property owners to maintain a harmonious environment as detailed in the covenants.

A motion was made by Bill Root to adopt the revision to the original approval as stated in the minutes with a letter to Mr Huntsinger. The motion was seconded by Lynn Spencer.

The board attempted to contact Mr Kohl and Mr Watkins regarding the above mentioned but calls were not returned. It is suggested to send a copy of the board minutes to all said property owners which shall serve as notification.

David Stoddard moved to adjourn. Seconded by Lynn Spencer.

Note: Documents reviewed:

Letters from John Sayre dated February 13, 1986 and March 25, 1986

Letter from Maylie & Grayson attorney dated March 19, 1986

Letter from Greg & Susan Huntsinger dated August 23, 1986

Letter from Michael Torney dated "August 26, 1986"

Earnest Money Agreement dated April 2, 1978

cc: Greg Huntsinger, Mike Tourney, Jack Kohl, Carl Watkins

construct one additional tennis court. All amenities to be constructed on Tract "A", Riverbank No. 2.

ARTICLE IV. - RESTRICTIONS

4.1 No building site on said property shall be used for any purpose other than residential purposes.

4.2 No animals or fowls shall be raised, kept or permitted upon said property or any part thereof, excepting only domestic dogs, cats, horses and excepting caged pet birds kept within the dwelling house, providing that said dogs, cats, horses and pet birds are not kept, bred or raised for commercial purposes or in unreasonable numbers and providing that horses may be kept only in accordance with applicable law and zoning restrictions.

4.3 No noxious or offensive trade or activity shall be carried on upon said property or any part thereof, nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood or detract from its value as a high-class residential district.

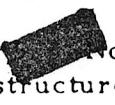
ARTICLE V. - CONSTRUCTION

5.1 Only one single-family dwelling house, designed for occupancy by not more than one family, may be constructed on any building site, together with a garage, which garage shall conform generally in architectural design and exterior materials and finish to the dwelling house to which it is appurtenant. No trailer, boat or tent shall be placed, erected, maintained or constructed on any building site for any purpose except that trailers and boats which can be and are stored completely within fully enclosed structures and are not used for living purposes, will not be in violation of those restrictions.

5.2 Lot 9, Riverbank can be used as sites for apartments, condominiums or rental homes not exceeding 10 in number. In which case each individual apartment, condominium or rental home shall be considered to be a lot or building site. Use of Lot 9, Riverbank for 10 building sites is subject to approval of an adequate sewer system.

5.3 No building shall be in any manner occupied while in the course of original construction or until it complies with all requirements as to area and with all other conditions and restrictions applicable thereto. The construction of any building or structure shall be prosecuted with reasonable diligence continuously from the time of commencement until fully completed. No buildings constructed elsewhere shall be moved to or placed on said property except with the written approval of the Declarant or, after transfer of such power to the Association, by the Association.

5.4 Nothing contained in this Declaration shall be construed to prevent the erection or maintenance by Declarant or its duly authorized agent of structures or signs for the conduct of its business in connection with said property while the same, or any part thereof, is owned by Declarant.

 No dwelling house, garage, shed, outbuilding, fence, wall or other structure upon any portion of said property shall be placed, erected,

maintained or constructed and no alterations which would materially alter the exterior appearance of any such structures shall be made (except as may be erected, constructed, altered or maintained by Declarant or the Association) unless a complete set of plans and specifications therefor, including the exterior color scheme, together with a plot plan indicating the exact location on the building site, shall have been submitted to and approved in writing by Declarant or, after transfer of said power to the Association, by the Association, and a copy of such plans as finally approved deposited for permanent record with Declarant or the Association as the case may be. Said plans and specifications shall be submitted in writing for approval, over the signature of the owner of the building site or over the signature of his duly authorized agent, on a form satisfactory to Declarant or the Association as the case may be. The approval of said plans and specifications may be withheld not only because of their non-compliance with any of the specific conditions, covenants and restrictions contained in this Declaration, but also because of the dissatisfaction of Declarant or the Association, as the case may be, with any or all other matters or things which, in the judgment of Declarant, or the Association as the case may be, would render the proposed structure inharmonious with the general plan of improvement of said property or with the structures erected on other building sites in the immediate vicinity of the building site upon which said structure is proposed to be erected.

5.6 Declarant, at his election, shall have the right to transfer all of his rights and powers under this Article to the Association and when so transferred, the Association shall be vested with all of the rights and powers and shall perform all of the duties of said Declarant expressed in this Article. The Association has, in its by-laws, provided for the appointment of three persons, who need not be members, to constitute a Review Board whose duties (in case of such transfer) shall be to assist the Association in all matters referred to in this Article and to perform such other functions as the Association may assign to such Review Board from time to time.

5.7 Declarant or (in case of transfer) the Association may at any reasonable hour or hours, after reasonable notice, enter and inspect any of said property as to its maintenance or improvements to determine if there has been compliance with the provisions hereof; and the Declarant or (in case of transfer) the Association, and/or any agent, or officer thereof, shall not thereby be deemed guilty in any manner of trespass for such entry or inspection.

5.8 The records of Declarant or (in case of transfer) of the Association shall be conclusive evidence as to all matters shown by such records, showing that the plans and specifications for the improvements or other matters herein provided for have been approved, and that said improvements have been made in accordance therewith, or a certificate as to any matters relating to and within the jurisdiction of the Association by the Secretary thereof, shall be conclusive evidence that shall fully justify and protect any title company certifying, guaranteeing or insuring title to said property, or any portion thereof, or any lien thereon and for any interest therein as to any matters referred to in said certificate, and shall fully protect any purchaser or encumbrancer in acting thereon.

ARTICLE VI. - SETBACKS

6.1 Each dwelling house, garage or other structure shall have a