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**DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR
MARIEMONT LANDING HOMEOWNERS
ASSOCIATION, INC.**

Instrument Prepared By:
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513-793-6220

8654-1007

**DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATION OF EASEMENTS
FOR
MARIEMONT LANDING HOMEOWNERS ASSOCIATION, INC.**

Declarant, **Pennington Properties, LLC**, is the owner of certain real estate in Columbia Township, Hamilton County, Ohio, described in Exhibit "A", attached hereto and incorporated herein (hereinafter referred to as "Property").

Declarant hereby declares that the Property shall be held, sold and conveyed subject to the covenants, conditions, restrictions and reservation of easements herein, which are for the purpose of protecting the value and desirability of and which shall run with the Property submitted hereunder or which may subsequently be added, and shall be binding on all parties having any right, title or interest in the Property, its successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

- 1.1. Additional Land.** "Additional Land" means the property described in Exhibit "B" which may be made subject to this Declaration pursuant to Article XII.
- 1.2. Allocated Interests.** "Allocated Interests" means the Common Expense Liability and votes in the Association as set forth in Article III.
- 1.3. Assessments.** "Assessments" means those charges upon the Lots established by Article VII of this Declaration.
- 1.4. Association.** "Association" means Mariemont Landing Homeowners Association, Inc., an Ohio nonprofit corporation, its successors and assigns. Except as the context otherwise requires "Association" shall mean the Board of Trustees acting on behalf of the Association.
- 1.5. Board.** "Board" shall mean the Board of Trustees of the Association.
- 1.6. Builder.** "Builder" means any person or entity (including the Declarant) who acquires a Lot for the purpose of improving that Lot and erecting a Dwelling Unit thereon for resale to an Owner.
- 1.7. Common Elements.** "Common Elements" shall mean any real estate owned or leased by the Association other than a Lot, including easements in favor of the Association.

1.8. Common Expense Liability. "Common Expense Liability" means the liability for Common Expenses allocated to each Lot pursuant to Article III, of this Declaration.

1.9. Common Expenses. "Common Expenses" means expenditures made by, or financial liabilities of, the Association, together with any allocations to reserves.

1.10. Declarant. "Declarant" means Pennington Properties, LLC, its successors and assigns. Mailing Address: 25 Crestview Hills Mall Road, Suite 103, Crestview Hills, KY 41017.

1.11. Declarant Control Period. "Declarant Control Period" means the period of time that the Declarant may appoint members of the Board of Trustees and the officers of the Association as set forth in Article XIII.

1.12. Declaration. "Declaration" means this Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Mariemont Landing Homeowners Association, including any amendments hereto.

1.13. Development Period. "Development Period" means the period commencing on the date of recording of this Declaration and ending on the date seven (7) years thereafter within which the Declarant has the right to submit Additional Land to the terms of this Declaration.

1.14. Development Rights. "Development Rights" means those rights reserved by the Declarant in Article XII.

1.15. Dwelling Unit. "Dwelling Unit" means a detached building or a portion of an attached multi-family building designed and intended for use and occupancy as a single-family residence.

1.16. Limited Common Elements. "Limited Common Elements" means those portions of the Common Elements allocated for the exclusive use and benefit of one or more but fewer than all of the Lots. Limited Common Elements, if any, shall be declared and defined in a Supplemental Declaration.

1.17. Lot. "Lot" means the physical portion of the Property designated for separate ownership or occupancy, the boundaries of which are described pursuant to Article II, Section 2.1.

1.18. Member. "Member" means any person or entity entitled to membership in the Association as provided herein.

1.19. Neighborhood. "Neighborhood" shall mean and refer to each separately developed residential area comprised of one (1) or more housing types subject to this Declaration, in which owners may have common interests other than those common to all Association Members, such as a common theme, entry feature, development name, and/or common areas and facilities which are not available for use by all Association Members. Neighborhoods shall be declared and defined in a Supplemental Declaration.

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ARTICLE II

LOTS AND NEIGHBORHOODS

2.1. Types of Lots. There shall be two types of Lots within the Property, which are described as follows:

2.1.1. Standard Lots. These Lots shall be single-family lots for the construction and occupation of a detached single-family Dwelling Unit.

2.1.2. Townhouse Lots. These Lots shall be lots for the construction of attached townhouse Dwelling Units.

2.2. Description of Lot Boundaries. The boundaries of the Lots shall be those as set forth on the Record Plan.

2.3. Neighborhoods. There shall be two Neighborhoods within the Property. The Standard Lot Neighborhood shall be composed of Standard Lots and shall be further defined in a Supplemental Declaration. The Townhouse Lot Neighborhood shall be composed of Townhouse Lots and shall be further defined in a Supplemental Declaration.

ARTICLE III

ALLOCATION OF ALLOCATED INTERESTS

3.1. Common Expense Liability. The allocation of Allocated Interests for Common Expense Liability shall be determined in accordance with the allocation of the various assessments as set forth in Article VII.

3.2. Votes in the Association. The allocation of Allocated Interests for voting purposes shall be one vote per Lot.

ARTICLE IV

COMMON ELEMENTS AND EASEMENTS

4.1. Description. The Common Elements shall be any portion of the Property owned by the Association in fee or by easement or leased to the Association. The Common Elements include the private streets and common sidewalks within the Property as identified on the Record Plan. The private streets are Tract "E" and are designated as Miami Run, Mariemont Crescent and Rear Access Drive on the Record Plan. These private streets are expressly declared to be easements for ingress and egress for the benefit of the Owners and others as set forth in this Declaration. The Common Elements shall be further defined in a Supplemental Declaration applicable to each Neighborhood.

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16.6. **Gender.** Throughout this Declaration, the masculine gender shall be deemed to include the feminine and neuter, and the singular, the plural and vice versa.

16.7. **Conflict.** In the event of a conflict between the Restrictions or any one or more of them and the restrictions of any Declaration which may be recorded subsequent to this Declaration, the more restrictive restriction, covenant, condition, easement or other obligation shall control.

IN WITNESS WHEREOF, Pennington Properties, LLC has caused this Declaration to be signed this 17 day of July, 2001, by Michael J. Gallenstein, Member, pursuant to a resolution of the Members.

*Signed and Acknowledged
in the Presence of:*

Paul Gallenstein
(Signature)

Paul Gallenstein
(Printed Name)

Kristi L. Robinson
(Signature)

Kristi L. Robinson
(Printed Name)

Pennington Properties, LLC

by: Michael J. Gallenstein
Michael J. Gallenstein
Member

STATE OF KENTUCKY)
) ss:
COUNTY OF KENTON)

The foregoing instrument was acknowledged before me, this ____ day of July, 2001, by Michael J. Gallenstein, Member of Pennington Properties, LLC, a Kentucky limited liability company, on behalf of the company.

Paul J. Dargatzis
Notary Public, State at Large
Com. Exp: Oct 28, 2001
Paul J. Dargatzis

EXHIBIT A
Lots to be submitted

Situate in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio and being Lots numbered 1 through 12, 29 through 40, 44 through 59, Tracts "A", "B", "C", "D" and "E" as shown on the Record Plan of Mariemont Landing, Block A, Plat Book _____, Pages _____ through _____ of the Plat Records of Hamilton County, Ohio.