

Chris Cunningham

From: bill clark [wclark1@maine.rr.com]
Sent: Thursday, January 07, 2010 4:20 PM
To: Brett P Davis
Subject: Packard Farm DECLARATIONS OF PROTECTIVE COVENANTS AND RESTR

DECLARATIONS OF PROTECTIVE COVENANTS AND RESTRICTIONS
 AFFECTING PACKARD FARMS, CLUSTER HOUSING SUBDIVISION,
 LOCATED AT NORTH ROAD IN THE TOWN OF NORTH YARMOUTH,
 CUMBERLAND COUNTY, MAINE AS RECORDED IN PLAN BOOK ,
 PAGE

This Declaration, dated this day of , 2005, by Sally Packard (hereinafter referred to As "Declarant"), as owner of the subdivision shown on the Plan entitled. "Packard Farm, Cluster Housing Subdivision", dated ,2005 and recorded in the Cumberland County Registry of Deeds in Plan Book , Page, (hereinafter referred to as "the Plan").

WITNESSETH

WHEREAS, the Declarant owns a certain parcel of land containing five (5) lots as shown on the Packard Farm, Cluster Housing Subdivision Plan, as recorded in the Cumberland County Registry of Deeds in Plan Book , Page , being the premises conveyed to Declarant by deed of Amoskeag Savings Bank dated July 16th 1968, and recorded in the Cumberland County Registry of Deeds in Book 3049, Page 305, and

WHEREAS, the Declarant intends to sell and convey lots from said Subdivision and desire to assure herself and to assure her purchasers and all their heirs, successors, and assigns, owning said lots in the future, use, benefits and enjoyment of the premises with certain protections of their common interests: and

NOW, THEREFORE, for good and valuable consideration, the Declarant hereby covenants and agrees with future purchasers of lots in said Packard Farm Subdivision, that said real property of the Declarant shall be held and conveyed subject to the following terms, covenant and restrictions, which shall run with the land:

GENERAL COVENANTS AND RESTRICTIONS

1. All notes and restrictions as appearing on the Plan shall apply to Lots 2 through 6, to the extent noted on the Plan, including setbacks as allowed in said residential district.
2. Lots 2 through 6 on said Plan shall be used only for single family residential purposes.
3. No mobile homes shall be placed or maintained on said Lots.

4. All residences shall meet the following minimum requirements:
 - minimum floor living space of 1800 square feet for two story structure
 - minimum floor living space of 1400 square feet for one story structures; unless Declarant (together with the then owners of any lots conveyed out to date) gives its advance written consent otherwise.
5. Written approval from the Declarant, its successors or assigns, shall be required for all building plans prior to commencement of construction.
6. No trees greater than eight (8) inches in diameter shall be cut or removed nearer than ten (10) feet to any boundary line, with the exception of dead tress or trees that present a danger to homes or for reasonable driveway access. Written approval from the Declarant, its successors or assigns, shall be required for any cutting or removal of trees within ten (10) feet of any lot boundary line. With the exception of dead trees or trees that present a danger.
7. No garbage, trash, junk automobiles or other unsightly items, equipment or vehicles shall be kept, maintained or allowed on the lots herein described, other than residential garbage or trash that is at all times properly contained for site and smell, or certain items, equipment or vehicles being repaired or restored outside of view from adjacent homes or roadways.
8. All buildings, structures, installations and any other improvements, including subsurface waste disposal systems to be erected, maintained or install upon said land must comply with all State, municipal and other government laws, rules and regulations and all outdoor fire must comply with applicable State municipal laws and ordinances.
9. No lot owner shall permit the use of their property or conduct or allow activities thereon in such a manner as to create an unreasonable nuisance substantially affecting the peaceful enjoyment of the other lot owners in the Subdivision. It is not intended by this paragraph to cover minor occasion annoyance, but rather to cover substantial repeated annoyances, such as continuously barking dogs or regular repeated loud noise or offensive behavior.
10. No dog kennels, swine, or poultry shall be allowed on any lot.
11. No above ground swimming pools.
12. No ham radio antennas or satellite dishes in excess of eighteen (18) inches in diameter.

In the event the Declarant, its successor or assigns or any lot owners, their heirs, successors or assigns, are to be found in violation of any provision of the Declaration, such violation may be enjoined by civil action brought by the Declarant or such lots owners. If such Declarant or lot owner who brings such action to enjoin such

violations is successful, any and all attorneys' fees incurred by the successful party shall be paid for by the party found to be in violation. It is further understood that the Declarant, its successors and/or assigns, are not required to bring any such action and the Declarant, as such, has complete discretion as to when it may wish to bring such action for injunctive relief.

IN WITNESS WHEREOF, Sally Packard caused this instrument to be executed by Sally Packard, this day of 2005.

WITNESS

By: _____
Sally Packard
Its:Owner

STATE OF _____
County of _____

Personally appeared the above name of and acknowledged the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of .

Before me,

Notary Public/Attorney at Law

print name

BY-LAWS OF

Packard Farm Homeowners Association

-
-
Article I

A. The affairs of the Corporation shall be controlled and administered by a Board of Directors which shall be composed of not less than 3. Approximately one-third (1/3) of the initial Directors shall serve for a term of one (1) year, approximately one-third (1/3) for a term of two (2) years, and the remainder for a term of three (3) years. Thereafter, all Directors shall serve for a term of three (3) years,- so that approximately one-third (1/3) of the Board shall be elected at every Annual Meeting.

B. Except for the initial Board of Directors, all new Directors shall be elected by a majority vote of the existing members of the Board of Directors (including those whose terms are expiring) during the annual meeting. A Director may be re-elected. A Director may resign at any time or may be removed, with or without cause, by a two-thirds vote of the entire Board of Directors. Upon the death, removal, resignation or incapacity of any member of the Board of Directors, a majority of the remaining Directors may fill the vacancy.

C. The Directors shall meet annually during the month of December at a place, time, and date which shall be fixed by the officers and shall hold such other meetings as may be necessary from time to time upon notice of the President or at the written request of at least twenty percent of the Board of Directors, which notice or request shall specify the place, time and date of meeting, with at least two weeks notice to all incumbent Directors. Notice must be made either personally, by telephone, or by mail.

D. A quorum for the transaction of business at any regular or special meeting of the Board of Directors shall consist of one-half of the members of the Board, and a majority of such quorum shall decide any questions that may properly come up before the meeting.

E. The Directors shall serve without compensation.

F. In addition to the officers provided hereafter, the Board of Directors may create other offices and employ such personnel as in its discretion it deems necessary to accomplish the purposes for which the Corporation was created and to authorize the payment of such salaries as it deems necessary to the personnel and agents effectuating said corporate purposes.

G. The Board of Directors will appoint each of its members to serve on one of the

standing committees, and may appoint such other committees as it may deem advisable to assist it in the discharge of its duties.

ARTICLE II

A. The officers of the Corporation shall consist of a President, a vice-President, a Secretary, a Treasurer, and other such officers as may be elected by the Directors. Any two offices may be held by the same person, except the offices of President and Secretary.

B. The President shall preside at all meetings of the Directors, and shall have the general supervision over the affairs of the Corporation and over the other officers.

C. The Vice President, in the absence of the president, shall perform the duties of that office.

D. The Secretary shall be the custodian of the minute books of the Corporation and shall be responsible for the accurate keeping of the minutes of meetings of the Directors.

E. The Treasurer shall have the authority and responsibility for the safe keeping of the funds and securities of the Corporation.

F. The officers of the Corporation shall be elected at the annual meeting by the Board of the Directors. All officers shall serve for one-year terms. Officers may be re-elected. All officers shall serve without compensation.

G. An Executive Director may be named by the Board of Directors to be responsible to the Board for carrying out all the activities of the Corporation, and to have charge of any employed staff.

H. The Executive Director and President shall be members without vote on all committees.

ARTICLE III

A. The purpose of the Corporation shall be to manage, maintain, and repair, and when appropriate approve the common areas of Packard Farm, Cluster Housing Subdivision.

B. Membership in the Corporation shall consist of the lot owners.

C. It shall be the duty of each member to promote and work toward the accomplishment of the purposes of the Corporation.

ARTICLE IV

A. The funds of the Corporation shall be deposited in such banks or trust companies as the Directors shall designate and shall be withdrawn only upon the check or order of two persons; The Treasurer or his or her designee and any other officer of the Corporation.

B. Any sale or transfer of any stock, bond, security or any other property standing in the name of the Corporation shall be valid only if signed by the Corporation acting through any two officers.

Any transfer signed in this matter shall in all respects bind the Corporation as fully and completely as if each transaction had been authorized by a special vote of the Directors, and any person firm or Corporation to whom a copy of this Article V shall have been certified by the Secretary shall be entitled to rely thereon until notified of its appeal.

ARTICLE V

The fiscal year of this Corporation should be the calendar year.

ARTICLE VI

The members, officers, directors, committee members, employees and persons served by this Corporation shall be selected entirely on a non-discriminatory basis with respect to age, sex, race, religion, and national origin.

ARTICLE VII

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she is or was a Director, officer, employee, or agent of the Corporation, or is or was serving at the request of the Corporation as a Director, officer, employee, or agent of another Corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorneys fees judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding; provided that no indemnification shall be provided for any person with respect to any matter as to which he or she shall have been finally adjudicated in any action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interest of the Corporation or, with respect to any criminal action or proceeding had reasonable cause to believe that his or her conduct was unlawful. The termination of any action, suit, proceeding by judgment, order or conviction

adverse to such person, or by settlement or plea of nolo contendere or its equivalent shall not of itself create a presumption that such person did not act in good faith in the reasonable belief that his or her action was in the best interest of the Corporation, and with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

ARTICLE VIII

The Board of Directors shall have the power to alter, amend, or repeal the by-laws and adopt new by-laws, provided that the by-laws at no time shall incorporate any provision inconsistent with the law or the Articles of Incorporation. All amendments of the by-laws shall be kept by the Secretary with these original by-laws in a format calculated to avoid confusion or mistake about the terms of the by-laws as they may be amended hereafter.