

TRANSFER NOT NECESSARY
NICK NELSON, AUDITOR
WARREN COUNTY, OHIO

MAR 16 2010



NICK NELSON
AUDITOR, WARREN CO. OHIO

BETH DECKARD - WARREN COUNTY RECORDER
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BRANDENBURG DEVELOPMENT

**Second Amendment to
Declaration of Covenants, Conditions,
Restrictions, Easements and Liens
for The Fairways at Rivers Glen**

6/60

This Second Amendment to the Declaration of Covenants, Conditions, Restriction, Easements and Liens for The Fairways at Rivers Glen is entered into as of the 1st day of January, 2010, by Brandenburg Development Company, LLC, an Ohio limited liability company, hereinafter referred to as "Declarant" in connection with the development and subdivision of real property hereinafter described to be known as The Fairways at Rivers Glen and more fully described on attached Exhibit A.

WITNESSETH

WHEREAS, on or about March 10, 2003 Brandenburg Development Company, LLC set forth a Declaration of Covenants, Conditions, Restrictions, Easements and Liens for The Fairways at Rivers Glen, a subdivision that it was developing in Hamilton Township, Warren County, Ohio (hereinafter "Declaration"); and

WHEREAS, Declarant recorded the Declaration on April 3, 2003 in Official Record Book 2971, Page 494 of the Warren County, Ohio Recorder's Record; and

WHEREAS, Declarant recorded the First Amendment to the Declaration on 8th day of June, 2007 in Official Record Book 4473, Page 716 of the Warren County, Ohio Recorder's Record; and

WHEREAS, Section 12.3(a) of the Declaration provided that the Declaration may be amended from time to time by the Declarant to clarify the Declarant's original intent as well as to

satisfy any requirements of Declarant's Lender: to the extent that Declarant reserves the right to amend this Declaration as provided in this Declaration; to the extent necessary to enable Declarant to meet any other reasonable need or requirement in order to complete the development of the property or to facilitate the marking and marketing of first mortgages on any of the lots.

NOW, THEREFORE, Declarant hereby amends the Declaration of Covenants, Conditions, Restrictions, Easements and Liens for The Fairways at Rivers Glen to provide as follows:

Section 5.8 shall be amended to read as follows:

Section 5.8 Non-Payment of Assessment. Any assessment levied pursuant to these covenants which is not paid on the date when due shall be delinquent and shall, together with such interest thereon and costs of collection thereof, as hereinafter provided, including reasonable attorney's fees, thereupon become a continuing lien which shall bind such Lot in the hands of the then Owner, his heirs, devisees, personal representative and assigns. The personal obligation of the then Owner to pay such assessment, however, shall remain his personal obligation and shall not pass to his successors in title unless expressly assumed by them. Interest on delinquent assessments shall be charged at the lesser of one and one-half percent (1.5%) per month or the highest rate permitted by law.

Any assessment not paid within thirty days (30) days after the due date shall be subject to a cumulative late charge of Ten and No/100 (\$10.00) Dollars per month, said late charge increasing at a rate of Ten and No/100 (\$10.00) Dollars per month thereafter up to a maximum of Fifty and No/100 (\$50.00) Dollars per month or the highest amount permitted by law, whichever is less, and the Association may bring an action at law against the Owner personally obligated to pay the same, or to foreclose the lien against the lot, and interest, late payment charges, costs and reasonable attorney's fees related to such action or foreclosure shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments

provided for herein by not using the Common Areas, by not building on a Lot, or by abandoning his or her Lot. Any officer of the Association is authorized to file with the Warren County, Ohio Recorder's Office notice of any delinquency concerning an assessment lien against a Lot by signing a certificate which identifies the Lot, the name(s) of the Lot Owner, and the amount of the unpaid portion of such assessment, interest and late charges and other costs and expenses accrued as of the date of such certificate.

AMENDMENTS TO DESIGN REVIEW PROCEDURES

Design review procedures originally recorded as Exhibit D to the Declaration and recorded in Book 2971, page 550 of the records of Warren County, Ohio are amended to provide as follows:

I. The Site

C. The guidelines for landscaping and irrigation requirements are:

1. The builder shall strive to have landscaping and irrigation consistent with the surrounding neighbors particularly with regard to the golf course lots. The Declarant and developer are recommending that the cost of landscaping approximate 5% of the cost of the lot. The landscaping plan shall be approved by the DRB.

III. The Home

Although *The Fairways at Rivers Glen* does not limit to particular styles of homes, massing and proportional consideration is ultimately important with all design styles.

A. **Minimum Square Footage** per dwelling:

- | | |
|---------------------------------------|---------------|
| 1. Ranch Homes | 1,800 sq. ft. |
| 2. 1 st Floor Master Homes | 2,200 sq. ft. |
| 3. 2-Story Homes | 2,400 sq. ft. |

B. No change

C. No change

D. Exterior Materials.

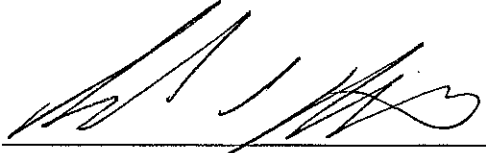
Most earth-tone colors work well in tying together the continuity of Buildings. The intent for individual houses to blend into the total image. Roof colors should not contrast sharply with the rest of the house.

1. The selection of exterior materials shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole. Natural materials are preferred over synthetic material. Depending on specific applications, the following materials have been approved by the DRB.
 - a. Wood: (cypress/cedar/redwood): cedar shake, lap siding, cedar shakes (roofs) tongue and groove siding or hardi board or other siding with approval of the DRB.
 - b. Stucco: (Approval subject to application, texture , and use of other primary, secondary or decorative treatments.) External Insulated Finish Systems (EIPS) (Dryvit)
 - c. Masonry: Natural stone, brick or cultured stone.
 - d. Windows: Wood frame or wood clad windows are preferred. Divided light or grilles are recommended. Vinyl or vinyl clad windows may be approved after the review and approval by the Design Review Board.
2. The following exterior materials must be approved by the DRB in advance of construction: aluminum or vinyl siding; vinyl shutters; concrete block (except for sub-surface wall); fiberglass; logs (imitation or otherwise except for landscaping purposes); fiberglass garage doors; and certain types of imitation stone and brick; fiberglass or asphalt singles used as siding. High quality simulated stone and brick from natural material will be considered on their own merit by the DRB, but are subject to disapproval.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed this

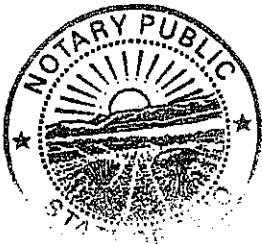
15 day of March, 2010.

Brandenburg Development Company, LLC
An Ohio limited liability company

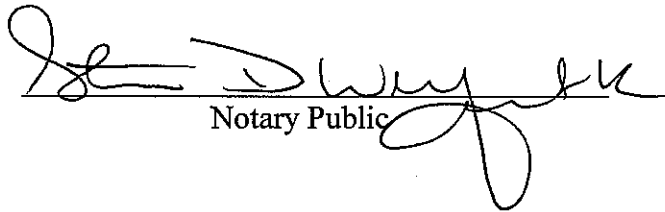
By: 
Jack L. Brandenburg II, President

STATE OF OHIO, COUNTY OF WARREN: ss

The foregoing Amendment to the Declarations of Covenants, Conditions, Restrictions, Easements and Liens for The Fairways at Rivers Glen was signed and acknowledged before me this 15 day of March, 2010 by Jack L. Brandenburg II, the President of Brandenburg Development Company, LLC, an Ohio limited liability company on behalf of the company.



STEVEN D. WILFERT, JR.
Notary Public, State of Ohio
My Commission Expires
November 23, 2013


Notary Public

prepared
by

Roger Friedmann
513-579-1707

Exhibit A Continued

All
Det

<u>LOT NO.</u>	<u>ACRES</u>	<u>NEW SIDEWELL NO.</u>	<u>LOT NO.</u>	<u>ACRES</u>	<u>NEW SIDEWELL NO.</u>
LOT 1	0.5149	16-06-124-001	LOT 35	0.2665	16-06-124-035
LOT 2	0.4038	16-06-124-002	LOT 36	0.2890	16-06-124-036
LOT 3	0.4038	16-06-124-003	LOT 37	0.2650	16-06-130-001
LOT 4	0.4038	16-06-124-004	LOT 38	0.2592	16-06-130-002
LOT 5	0.4038	16-06-124-005	LOT 39	0.2950	16-06-130-003
LOT 6	0.4038	16-06-124-006	LOT 40	0.2387	16-06-130-004
LOT 7	0.4796	16-06-124-007	LOT 41	0.3112	16-06-130-005
LOT 8	0.4710	16-06-124-008	LOT 42	0.2979	16-06-130-006
LOT 9	0.3005	16-06-124-009	LOT 43	0.3102	16-06-130-007
LOT 10	0.2453	16-06-124-010	LOT 44	0.3301	16-06-130-008
LOT 11	0.3626	16-06-124-011	LOT 45	0.3301	16-06-130-009
LOT 12	0.2736	16-06-124-012	LOT 46	0.3301	16-06-130-010
LOT 13	0.2479	16-06-124-013	LOT 47	0.3301	16-06-130-011
LOT 14	0.2479	16-06-124-014	LOT 48	0.3496	16-06-130-012
LOT 15	0.2479	16-06-124-015	LOT 49	0.6071	16-06-130-013
LOT 16	0.2479	16-06-124-016	LOT 50	0.5022	16-06-130-014
LOT 17	0.2479	16-06-124-017	LOT 51	0.4462	16-06-130-015
LOT 18	0.2479	16-06-124-018	LOT 52	0.3803	16-06-130-016
LOT 19	0.2479	16-06-124-019	LOT 53	0.3122	16-06-130-017
LOT 20	0.2899	16-06-124-020	LOT 54	0.3122	16-06-130-018
LOT 21	0.2956	16-06-124-021	LOT 55	0.3122	16-06-130-019
LOT 22	0.3264	16-06-124-022	LOT 56	0.3122	16-06-130-020
LOT 23	0.4752	16-06-124-023	LOT 57	0.2595	16-06-130-021
LOT 24	0.4545	16-06-124-024	LOT 58	0.3819	16-06-130-022
LOT 25	0.3474	16-06-124-025	LOT 59	0.5119	16-06-130-023
LOT 26	0.2777	16-06-124-026	LOT 60	0.3110	16-06-130-024
LOT 27	0.4540	16-06-124-027	LOT 61	0.3122	16-06-130-025
LOT 28	0.3974	16-06-124-028	LOT 62	0.3122	16-06-130-026
LOT 29	0.4930	16-06-124-029	LOT 63	0.3122	16-06-130-027
LOT 30	0.2815	16-06-124-030	LOT 64	0.3122	16-06-130-028
LOT 31	0.3399	16-06-124-031	LOT 65	0.3122	16-06-130-029
LOT 32	0.3416	16-06-124-032	LOT 66	0.3122	16-06-130-030
LOT 33	0.3144	16-06-124-033	LOT 67	0.3219	16-06-130-031
LOT 34	0.3253	16-06-124-034	LOT 68	0.1252	16-06-100-014
			R/W	2.4902	
			TOTAL	25.4775	LOTS AND R/W
			TOTAL	25.4774	BY SURVEY
			TOTAL	25.479	DEEDS

Situated in the State of Ohio, County of Warren, Township of Hamilton, Virginia Military Survey, No. 1547, Fairways at Rivers Glen Subdivision, Recorded in Plat Book 60, Pages 83 and 84, Warren County, Ohio Recorder's Records.