

BETH DECKARD - WARREN COUNTY RECORDER
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ROGER E FRIEDMANN

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

This Third 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 November, 2011, 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 the
8th day of June, 2007, in Official Record Book 4473, Page 716 of the Warren County,
Ohio Recorder's Record; and

WHEREAS, Declarant recorded a Second Amendment to the Declarations on
the 16th day of March, 2010 in Official Record Book 5048, page 712 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:

- 1.) The Second Amendment shall be deleted in its entirety.
- 2.) Section 5.8 of the Declaration 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) 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 office 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.

3.) Section 9.6.4 shall be amended to read:

*Section 9.6.4 Water Discharge: Storm water must be disposed of in accordance with drainage plans established by the Declaration or the Association. Downspout lines must be properly directed to the drainage swale provided for the lot and downspout lines shall not be directed to a neighboring property. All extensions of the downspout lines away from the house shall be

buried to the point of discharge in the drainage swale or other approved discharge location"

4.) A new Section 11.9 shall be added to read:

"Section 11.9 Signs:

No sign for advertising or for any other purpose shall be displayed on any lot or on a building or structure on any lot, except a sign for advertising the sale thereof, which shall not be greater in area than nine square feet. This restriction shall not prohibit placement of occupant name signs and lot numbers as allowed by applicable zoning regulations. Signs supporting or opposing a political issue or a candidate for public office shall be permitted up to three weeks before a general or special election.

5.) 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

A. No change from Original.

B. No change from Original.

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 be at least 5% of the cost of the lot. The landscaping plan shall be approved by the DRB.

II. Grading & Drainage (No Changes)

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 | 2,000 sq. ft. |
| 2. 1 st Floor Master Homes | 2,200 sq. ft. |
| 3. 2-Story Homes | 2,400 sq. ft. |

B. No change from original

C. No change from original

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. Aluminum or vinyl siding shall not be permitted.

b. Stucco: (Approval subject to application, texture, and use of other primary, secondary or decorative treatments.) External Insulated Finish Systems (EPS) (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. In the event that vinyl or vinyl-clad windows are approved, they shall be trimmed by brick molding on the front extension.

2. The following exterior materials must be approved by the DRB in advance of construction: vinyl shutters; concrete block (for sub-surface wall); logs (for landscaping purposes); fiberglass garage doors; and certain types of imitation stone and brick. High quality simulated stone and brick from natural material will be considered on their own merit by the DRB, but are subject to disapproval. Aluminum or vinyl siding; logs for the exterior finish of a home; and concrete blocks shall not be permitted.

3. No change from original

4. No change from original

5. No change from original

IV. Automobiles (No changes)

V. Outdoor Areas/ Pools/ Screen Enclosures (No changes)

II. Grading & Drainage (No Changes)

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| 2. 1 st Floor Master Homes | 2,200 sq. ft. |
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IV. Automobiles (No changes)

V. Outdoor Areas/Pools/Screen Enclosures (No changes)

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed this 12th day of October, 2011.

Brandenburg Development Company, LLC
An Ohio Limited Liability Company

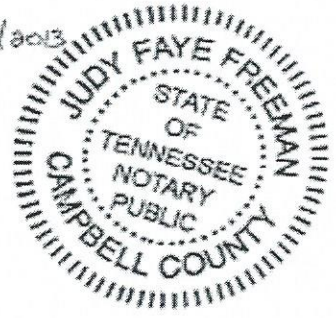
By [Signature]
Jack L. Brandenburg II, President

CA Tennessee Campbell
STATE OF ~~OHIO~~, COUNTY OF ~~WARREN~~: ss

The foregoing Third Amendment to the Declarations of Covenants, Conditions, Restrictions, Easements and Liens for The Fairways at Rivers Glen was signed and acknowledged before me this 12th day of October, 2011 by Jack L. Brandenburg II, the President of Brandenburg Development Company, LLC, an Ohio limited liability company on behalf of the company.

Judy Faye Freeman
Notary Public

my commission expires 10/9/2013



This Amendment prepared by:
Loeb, Vollman & Friedmann
125 E. Court Street, Suite 950
Cincinnati, Ohio 45202
513-579-1707

Exhibit A Continued

I.

<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	0.2965	16-06-124-035
LOT 2	0.4038	16-06-124-002	LOT 36	0.2690	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	0.2367	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	0.3828	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	0.8071	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	0.4482	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	0.2958	16-06-124-021	LOT 55	0.3122	16-06-130-019
LOT 22	0.3284	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 28A	16-06-124-037		LOT 62	0.3122	16-06-130-026
LOT 30	0.2815	16-06-124-030	LOT 63	0.3122	16-06-130-027
LOT 31	0.3399	16-06-124-031	LOT 64	0.3122	16-06-130-028
LOT 32	0.3416	16-06-124-032	LOT 65	0.3122	16-06-130-029
LOT 33	0.3144	16-06-124-033	LOT 66	0.3122	16-06-130-030
LOT 34	0.3253	16-06-124-034	LOT 67	0.3219	16-06-130-031
			LOT 68	0.1252	16-06-130-034

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. Lots 1-27, 30-68.

II. SITUATE IN THE STATE OF OHIO, WARREN COUNTY, HAMILTON TOWNSHIP, VMS 1547 BEING LOT 28A OF FAIRWAYS AT RIVERS GLEN SUBDIVISION OF LOTS 28 + 29, RECORDED IN PLAT BOOK 60 PAGE 84, WARREN COUNTY, OHIO RECORDER'S RECORDS.