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20060R016153

NANCY ABBOTT
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
05/26/2006 01:03:32PM

REC FEE: \$80 00

PAGES. 8

DOC TYPE: AMEND/DECLAR

MEDINA COUNTY RECORDER

NANCY DONAHUE ABBOTT

(DO NOT REMOVE THIS COVER SHEET.
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**AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS OF
FOX MEADOW SUBDIVISION PHASE 4
MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO**

THIS AMENDMENT is made as of the 26 day of May, 2006, by **EVERGREEN LAND DEVELOPMENT, LTD.**, an Ohio limited liability company (referred to herein as the "Declarant").

Recitals

WHEREAS, the Master Declaration of Covenants, Conditions, Easements and Restrictions of Fox Meadow, Montville Township, Medina County, Ohio (referred to herein as "Master Declaration") were filed with the Medina County Recorder on January 11, 1995, and are found at Volume OR 1002, Pages 794-874, for certain real property ("Fox Meadow Subdivision Phase 1") in Montville Township, Medina County, Ohio, owned at such time by Fox Meadow Development Limited Partnership and legally described in Exhibit "A" attached thereto; and

WHEREAS, the Declaration of Covenants, Conditions, Easements and Restrictions of Fox Meadow Subdivision Phase 4, Montville Township, Medina County, Ohio, were filed with the Medina County Recorder on June 25, 1999, and are further identified as Instrument No. 1999OR022106 (referred to herein as the "Phase 4 Declaration") for certain real property ("Fox Meadow Subdivision Phase 4") in Montville Township, Medina County, Ohio, owned at such time by Fox

16133.1

Meadow Development Limited Partnership and legally described in Exhibit "A" attached thereto; and

WHEREAS, Fox Meadow Development Limited Partnership did assign all of its right, title, interest, duties and obligations under the Master Declaration and the Phase 4 Declaration to Declarant by a certain Assignment and Assumption of Declarant Rights filed with the Medina County Recorder on August 6, 2004, and is further identified as Instrument No. 2004OR032108 (referred to herein as the "Assignment"); and

WHEREAS, pursuant to the Master Declaration, the Phase 4 Declaration and the Assignment, Declarant reserves the right from time to time to amend the Phase 4 Declaration in accordance with, among other provisions, Article XIV, Section 14.12 of the Phase 4 Declaration; and

WHEREAS, Declarant is desirous of amending the Phase 4 Declaration, Article VII, Section 7.3 as herein below set forth.

NOW, THEREFORE, Declarant, for itself and its successors and assigns, declares that the Phase 4 Declaration, Article VII, Section 7.3 shall be amended to read as follows:

"Every effort must be made to retain the feeling of open space. Attempts to establish property lines through individual fencing, walls or shrubbery are prohibited. Fences, walls or shrubbery shall not obstruct the right-of-way lines for vehicular traffic. Fences or walls shall be permitted on any Lot only with approval of the Fox Meadow Subdivision Phase 4 Board of Trustees at the recommendation of the Covenants Committee, unless originally constructed by the Declarant. Fences and walls must be constructed of wrought iron (or aluminum with a wrought iron appearance), masonry which corresponds to the masonry featured on the residence

16153.2

or a combination of these materials."

IN WITNESS WHEREOF, EVERGREEN LAND DEVELOPMENT, LTD. has signed this document this 26 day of May, 2006.

Signed in the presence of:

**EVERGREEN LAND DEVELOPMENT,
LTD.**, an Ohio limited liability
company

Julie Sanders
(Witness)

Julie Sanders
(Print name)

By: Joseph Beccia
JOSEPH BECCIA, Managing Member

Cara Jo Pyles
(Witness)

Cara Jo Pyles
(Print name)

16153.3

STATE OF OHIO,)
) SS:
MEDINA COUNTY.)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named **EVERGREEN LAND DEVELOPMENT, LTD.**, an Ohio limited liability company, by JOSEPH BECCIA, its Managing Member, who acknowledged that he executed the foregoing instrument for and on behalf of the said limited liability company, and the same is his free act and deed, personally, and in the aforesaid capacity, the free act and deed of the said limited liability company.

IN TESTIMONY WHEREOF, I have herein set my hand and notarial seal this 26 day of May, 2006.



REBECCA J. LANCE, Notary Public
Residence - Wayne County
Statewide Jurisdiction, Ohio
My Commission Expires June 17, 2008

Rebecca J. Lance
NOTARY PUBLIC

This instrument prepared by: **JOSEPH BECCIA**

16153-4

EXHIBIT A

SITUATED IN THE STATE OF OHIO COUNTY OF MEDINA AND TWP OF MONTVILLE AND BEING KNOWN AS THE WHOLE OF
SUBLOTS 187 THRU 234 AND BLOCKS I THRU UU IN FOX MEADOW SUBDIVISION PHASE 4 AS PER DOCUMENT #
1999P000085 OF MEDINA COUNTY RECORDER RECORDS IN ORIGINAL TWP LOTS 41 AND 52.
SEE PARCEL NUMBER LIST ATTACHED.

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A-1

| <u>SLA</u> | <u>Parcel #</u> |
|------------|-----------------|
| 187 | 030-11A-22-111 |
| 188 | 030-11A-22-112 |
| 189 | 030-11A-22-113 |
| 190 | 030-11A-22-114 |
| 191 | 030-11A-22-115 |
| 192 | 030-11A-22-116 |
| 193 | 030-11A-22-117 |
| 194 | 030-11A-22-118 |
| 195 | 030-11A-22-119 |
| 196 | 030-11A-22-120 |
| 197 | 030-11A-22-121 |
| 198 | 030-11A-22-122 |
| 199 | 030-11A-22-123 |
| 200 | 030-11A-22-124 |
| 201 | 030-11A-22-125 |
| 202 | 030-11A-22-126 |
| 203 | 030-11A-18-091 |
| 204 | 030-11A-17-055 |
| 205 | 030-11A-17-056 |
| 206 | 030-11A-17-057 |
| 207 | 030-11A-17-058 |
| 208 | 030-11A-17-059 |
| 209 | 030-11A-17-060 |
| 210 | 030-11A-21-004 |
| 211 | 030-11A-21-005 |
| 212 | 030-11A-21-006 |
| 213 | 030-11A-21-007 |
| 214 | 030-11A-21-008 |
| 215 | 030-11A-21-009 |
| 216 | 030-11A-22-127 |
| 217 | 030-11A-22-128 |
| 218 | 030-11A-22-129 |
| 219 | 030-11A-22-130 |
| 220 | 030-11A-22-131 |
| 221 | 030-11A-22-132 |

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16153-6

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| SLA | Parcel # |
|-----|----------------|
| 222 | 030-11A-22-133 |
| 223 | 030-11A-22-134 |
| 224 | 030-11A-22-135 |
| 225 | 030-11A-22-136 |
| 226 | 030-11A-21-010 |
| 227 | 030-11A-81-011 |
| 228 | 030-11A-21-012 |
| 229 | 030-11A-22-137 |
| 230 | 030-11A-22-138 |
| 231 | 030-11A-22-139 |
| 232 | 030-11A-22-140 |
| 233 | 030-11A-22-141 |
| 234 | 030-11A-22-142 |

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| | |
|---------|----------------|
| BIKS IT | 030-11A-21-013 |
| JJ | 030-11A-17-061 |
| KK | 030-11A-17-062 |
| LL | 030-11A-18-092 |
| MM | 030-11A-22-143 |
| NN | 030-11A-22-144 |
| OO | 030-11A-22-145 |
| PP | 030-11A-22-146 |
| QQ | 030-11A-22-147 |
| RR | 030-11A-22-148 |
| SS | 030-11A-22-149 |
| TT | 030-11A-22-150 |
| UU | 030-11A-22-151 |

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