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Eric C Sears
Greene County Recorder
DECLR 76.00
Pages 7

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Eric C Sears
Greene County Recorder
DECLR 72.00
Pages 7

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENTS**

FOR

OAK BROOKE OWNER'S ASSOCIATION, INC.

BY

OAK BROOKE DEVELOPERS, LTD.

an Ohio limited liability company
3445 Newmark Drive
Miamisburg, Ohio 45342

DEVELOPER

*This instrument is being re-recorded
to correct legal description*

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS (this "First Amendment") is made effective as of the 31st day of December, 2018, by OAK BROOKE DEVELOPERS, LTD., an Ohio limited liability company ("Developer"), whose address is 3445 Newmark Drive, Miamisburg, Ohio 45342, under the following circumstances:

A. Developer is the owner of certain real property located in Sugarcreek Township, Greene County, Ohio, more particularly described on Exhibit A attached (the "Property"), which is subject to that certain Declaration of Covenants, Conditions and Restrictions and Reservation of Easements dated April 10, 2017 and recorded April 10, 2017 at Instrument Number 2017005549 of the Greene County, Ohio Records (the "Declaration").

B. Pursuant to Section 12.2 of the Declaration, the Declaration may be amended in whole or in part at any time by a recorded instrument approved by Members representing at least 75% of the total votes of the Oak Brooke Owner's Association, Inc., an Ohio nonprofit corporation (the "Association") and, so long as Owner of at least one Lot, the Developer.

C. Further pursuant to Section 12.2 of the Declaration, Developer has the right, at any time during the Development Period, to amend the Declaration, without the vote of the Owners, by the execution of a written instrument for such purpose.

D. Developer is the Owner of Lots representing at least 75% of the voting rights of the Association, and for the avoidance of doubt and notwithstanding the power of Developer to amend the Declaration during the Development Period, this First Amendment is authorized by the Association and Developer as may be required under Section 12.2 of the Declaration.

E. As of the date hereof, the Property is still in the Development Period, and Developer desires to amend the Declaration to clarify the amount of the Initial Assessment levied under the Declaration.

NOW THEREFORE, for the purpose of amending the Declaration, Developer declares as follows:

1. Initial Assessments. Section 3.7 of the Declaration is hereby deleted in its entirety and replaced with the following:

Initial Assessment. Upon the initial conveyance of a Lot by Developer to a bona fide purchaser for value, not including a Builder, the Developer shall require the grantee to pay an initial assessment to the Association in amount of \$1,000.00 (the "Initial Assessment"). If the grantee is a Builder, payment of the Initial Assessment shall be deferred until the Lot is conveyed to the Builder's grantee. The Initial Assessment shall be used as the initial working capital of the Association and not in lieu of any installments of the Annual Assessment, unless the Board in its discretion so elects. The Initial Assessment is nonrefundable. Except as aforesaid (relating to sales to Builders where the Initial Assessment is deferred), no Initial Assessment shall be due on any Lot purchased from an Owner other than the Developer. The Initial Assessment may be waived at the Board's sole discretion."

2. Miscellaneous. The foregoing recitals are hereby incorporated by this reference as if fully restated within. Capitalized terms used, but not otherwise defined herein, shall have the meanings given them in the Declaration. Except as expressly set forth herein, the Declaration remains in full force and effect and is ratified by Developer.

IN WITNESS WHEREOF, Developer has executed this First Amendment as of the date first written above.

DEVELOPER:

OAK BROOKE DEVELOPERS, LTD.,
an Ohio limited liability company

By: *George R. Oberer, Jr.*
George R. Oberer, Jr., Manager

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this 31 day of December, 2018, by George R. Oberer, Jr., Manager of Oak Brooke Developers, Ltd., an Ohio limited liability company, on behalf of the company.

Alana Brenner-Lawson
NOTARY PUBLIC

This instrument drafted by:
Brian R. Tracy, Esq.
Thompson Hine LLP
10050 Innovation Drive, Suite 400
Miamisburg, Ohio 45342
(937) 443-6953



Alana D Brenner-Lawson, Notary Public
In and for the State of Ohio
My Commission Expires Nov 25, 2023

I HEREBY CERTIFY THAT THIS FIRST AMENDMENT WAS APPROVED BY MEMBERS REPRESENTING 75% OR MORE OF THE VOTING POWER OF THE COMMUNITY ASSOCIATION.

OAK BROOKE COMMUNITY ASSOCIATION, INC.,
an Ohio nonprofit corporation

By: *George R. Oberer*
George R. Oberer, Jr., President

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this 31 day of December, 2018, by George R. Oberer, Jr., President of Oak Brooke Community Association, Inc., an Ohio nonprofit corporation, on behalf of the association.

Alana Brenner-Lawson
NOTARY PUBLIC



Alana D Brenner-Lawson, Notary Public
In and for the State of Ohio
My Commission Expires Nov 25, 2023

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

OAK BROOKE SECTION ONE
25.9887 ACRES

LOCATED IN SECTION 4, TOWN 2, RANGE 6 M.R.S., SUGARCREEK TOWNSHIP, COUNTY OF GREENE, STATE OF OHIO AND BEING PART OF THAT 69.030 ACRE TRACT AS CONVEYED TO OAK BROOKE DEVELOPERS, LTD., AN OHIO LIMITED LIABILITY COMPANY BY THE DEED RECORDED IN VOL. 3686, PAGE 598 OF THE DEED RECORDS OF SAID COUNTY AND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A PK NAIL FOUND AT THE SOUTHWEST CORNER OF SAID SECTION 4, SAID POINT ALSO LYING IN LITTLE SUGARCREEK ROAD;

THENCE WITH THE WEST LINE OF SAID SECTION 4 NORTH 04°34'51" EAST, 1478.31 FEET TO A RAILROAD SPIKE FOUND AND TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, SAID POINT ALSO BEING THE WEST LINE OF SAID 69.030 ACRE TRACT;

THENCE CONTINUING WITH THE WEST LINE OF SAID SECTION 4 NORTH 04°34'51" EAST, 669.98 FEET TO A RAILROAD SPIKE FOUND AT THE SOUTHWEST CORNER OF THAT 5.001 ACRE TRACT AS CONVEYED TO THOMAS AND KELLY PUMPELL BY THE DEED RECORDED IN O.R. 2888, PAGE 414 OF THE DEED RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID 69.030 ACRE TRACT;

THENCE LEAVING THE WEST LINE OF SAID SECTION 4, WITH THE SOUTH LINE OF SAID 5.001 ACRE TRACT AND THE NORTH LINE OF SAID 69.030 ACRE TRACT THE FOLLOWING COURSES:

1. SOUTH 81°43'14" EAST, 675.28 FEET TO A 5/8" IRON PIN FOUND;
2. THENCE SOUTH 84°29'19" EAST, 122.70 FEET TO A 5/8" IRON PIN FOUND;

THENCE CONTINUING WITH THE NORTH LINE OF SAID 69.030 ACRE TRACT, THE SOUTH LINE OF SAID 5.001 ACRE TRACT AND ITS EXTENSION BEING THE SOUTH LINE OF THE 9.149 ACRE TRACT AS CONVEYED TO DAYTON POWER & LIGHT COMPANY BY THE DEED RECORDED IN O.R. 2360, PAGE 479 OF THE DEED RECORDS OF SAID COUNTY SOUTH 73°43'52" EAST, 523.10 FEET TO A POINT;

THENCE LEAVING THE SOUTH LINE OF SAID 9.149 ACRE TRACT AND A NORTH LINE OF SAID 69.030 ACRE TRACT THE FOLLOWING COURSES:

1. SOUTH 16°16'08" WEST, 265.00 FEET TO A POINT;
2. THENCE SOUTH 73°43'52" EAST, 128.82 FEET TO A POINT;
3. THENCE SOUTH 04°35'01" WEST, 513.23 FEET TO A POINT;
4. THENCE NORTH 85°24'59" WEST, 215.00 FEET TO A POINT;
5. THENCE SOUTH 04°35'01" WEST, 28.94 FEET TO A POINT;
6. THENCE NORTH 85°24'59" WEST, 230.00 FEET TO A POINT;

7. THENCE SOUTH 04°35'01" WEST, 234.37 FEET TO A POINT;
8. THENCE SOUTH 49°21'22" WEST, 421.91 FEET TO A POINT ON A WEST LINE OF SAID 69.030 ACRE TRACT AND THE EAST LINE OF THAT 2.344 ACRE TRACT AS CONVEYED TO ROBERT E. PAPE BY THE DEED RECORDED IN O.R. 2886, PAGE 790 OF THE DEED RECORDS OF SAID COUNTY;

THENCE CONTINUING WITH THE WEST LINE OF SAID 69.030 ACRE TRACT, THE EAST LINE OF SAID 2.344 ACRE TRACT AND ITS EXTENSION BEING THE EAST LINE OF THAT 2.372 ACRE TRACT CONVEYED TO MARK K. AND CAROL P. SWALLOW BY THE DEED RECORDED IN O.R. 674, PAGE 922 OF THE DEED RECORDS OF SAID COUNTY NORTH 07°23'00" EAST, 216.50 FEET TO A 5/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 2.372 ACRE TRACT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT 2.237 ACRE TRACT AS CONVEYED TO JAY R. JIRA AND TERESA L. BURTON JIRA BY THE DEED RECORDED IN O.R. 2824, PAGE 779 OF THE DEED RECORDS OF SAID COUNTY;

THENCE CONTINUING WITH THE WEST LINE OF SAID 69.030 ACRE TRACT, WITH THE EAST LINE OF SAID 2.372 ACRE TRACT AND ITS EXTENSION BEING THE EAST LINE OF THAT 3.356 ACRE TRACT AS CONVEYED TO JERRY W. BOWLES BY THE DEED RECORDED IN O.R. 3450, PAGE 519 OF THE DEED RECORDS OF SAID COUNTY NORTH 04°36'08" EAST, 374.94 FEET TO A 5/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 3.356 ACRE TRACT, THE SOUTHEAST CORNER OF THAT 3.356 ACRE TRACT AS CONVEYED TO WILLIAM E. LEE AND THE SOUTHWEST CORNER OF THE 0.258 ACRE TRACT AS CONVEYED TO WILLIAM E. LEE BOTH BY THAT DEED RECORDED IN O.R. 1391, PAGE 239 OF THE DEED RECORDS OF SAID COUNTY;

THENCE WITH THE SOUTH LINE OF SAID 0.258 ACRE TRACT SOUTH 83°02'32" EAST, 50.16 FEET TO A 5/8" IRON PIN FOUND AND A WEST LINE OF SAID 69.030 ACRE TRACT AND TO THE SOUTHEAST CORNER OF SAID 0.258 ACRE TRACT;

THENCE WITH THE WEST LINE OF SAID 69.030 ACRE TRACT OF LAND AND THE EAST LINE OF SAID 0.258 ACRE TRACT AND ITS EXTENSION BEING THE EAST LINE OF THAT 0.266 ACRE TRACT AS CONVEYED TO WILLIAM E. LEE BY THE DEED RECORDED IN O.R. 1391, PAGE 242 OF THE DEED RECORDS OF SAID COUNTY NORTH 04°36'09" EAST, 271.73 FEET TO A 5/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 0.266 ACRE TRACT AND AN ANGLE POINT IN SAID 69.030 ACER TRACT;

THENCE WITH A LINE OF SAID 69.030 ACRE TRACT AND THE NORTH LINE OF SAID 0.266 ACRE TRACT NORTH 88°29'39" WEST, 492.46 FEET TO A 5/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF SAID 0.266 ACRE TRACT AND A POINT ON THE NORTH LINE OF SAID LAST MENTION 3.356 ACRE TRACT;

THENCE WITH THE NORTH LINE OF SAID LAST MENTIONED 3.566 ACRE TRACT AND A LINE OF SAID 69.030 ACRE TRACT NORTH 83°00'58" WEST, ,208.46 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED 3.356 ACRE TRACT AND TO THE TRUE POINT OF BEGINNING CONTAINING 25.9887 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: ALL BEARING ARE BASED ON AN ASSUMED AZIMUTH AND ARE FOR PURPOSES OF ANGULAR MEASUREMENT ONLY. MONUMENTS FOUND AND OR SEAT ARE IN GOOD CONDITION UNLESS OTHERWISE LABELED.

OAK BROOKE SECTION 2:

SITUATED IN SECTION 4, TOWN 2, RANGE 6, SUGARCREEK TOWNSHIP, GREENE COUNTY, STATE OF OHIO, AND BEING ALL OF LOTS 33 THROUGH 55 OF A PLAT KNOWN AND RECORDED AS OAK BROOK SECTION TWO IN PLAT CABINET VOLUME 38, PAGES 314A THROUGH 315A OF THE PLAT RECORDS OF GREENE COUNTY, OHIO.

L32-1-14-118, L 32-1-14-119, L32-1-14-120, L32-1-14-121, L32-1-14-122, L32-1-14-123, L32-1-14-124, L32-1-14-125, L32-1-14-126, L32-1-14-127, L32-1-14-128, L32-1-14-129, L32-1-14-130, L32-1-14-131, L32-1-14-132, L32-1-14-133, L32-1-14-134, L32-1-14-135, L32-1-14-136, L32-1-14-137, L32-1-14-138, L32-1-14-139, L32-1-14-140,

THIS INSTRUMENT IS BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION