

SECOND AMENDMENT TO THE CRYSTAL CREEK DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND LIENS

WHEREAS, the Crystal Creek Declaration of Covenants, Conditions, Restrictions, Easements and Liens (hereafter, "Declaration") was recorded on February 16, 1995 in Book 597, Page 580 of the Clermont Warren County, Ohio Recorder's Office; and

WHEREAS, the First Amendment to the Declaration was recorded on March 7, 2003 in Book 1586, Page 1689 of the Clermont County, Ohio Recorder's Office; and

WHEREAS, the Declaration and all supplements and amendments thereto are binding upon the property described in Exhibit A attached hereto; and

WHEREAS, pursuant to Article IX, Section 9.2 (B) the Declaration, at least sixty-seven percent (67%) of the voting power of the Association; and

WHEREAS, there are no "eligible mortgage holders"; and

NOW, THEREFORE, in accordance with Section 9.2 (B) of the Declaration, the Declaration is hereby amended as follows:

1. Article VIII, Section 8.3(D) of the Declaration is hereby deleted in its entirety and replaced with the following:

(D) Walls or fences to be erected on any Lots shall be ornamental in character. Yard fences shall be limited to Split Rail or Kentucky Board with three horizontal rail/board fences (no crossbuck), with mesh optional. No wall or fence shall extend into the front yard beyond the rear line of each respective residence except, however, retaining walls or other walls required by nature of the contour of the lot. Corner lots are declared to have two (2) front building setback lines. On corner lots only, at the sole discretion of the Board of Directors of the Crystal Creek Homeowner's Association, a side-yard fence may be approved to encroach no more than thirty (30) feet from the rear corner of the residence into the building setback located on the side of the residence. Permitted yard fences shall not exceed (4) feet in height. At the discretion of the Board of Directors, privacy fences, which shall not exceed six (6) feet in height, may be allowed in conjunction with small private areas adjacent to the rear of the single family dwelling, such as a patio, a deck, or a hot tub. At the discretion of the Board of Directors, privacy fences may also be allowed along any property line, which abuts lots of surrounding developments. These fences shall be limited to cedar, redwood, or treated lumber, be shadow box design, natural in color, limited to six (6) feet in height and must be approved by the Board of Directors. Fences around an in-ground pool located upon any lot may be allowed at the Board of Directors discretion. Pool fences may also be made of wrought iron, powder coated

steel or aluminum. No fence shall be installed, even if it purports to comply with these guidelines, until a written improvement application has been submitted to the Board of Directors and affirmatively approved.

IN WITNESS WHEREOF, _____, President of Crystal Creek Homeowners' Association, hereby makes and executes this Second Amendment to the Declaration this ____ day of _____, 2018.

CRYSTAL CREEK HOMEOWNERS' ASSOCIATION
an Ohio nonprofit corporation

By: _____
Printed:
President

STATE OF OHIO)
) :ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____, President of Crystal Creek Homeowners' Association, an Ohio nonprofit corporation, on behalf of the corporation.

Notary Public
My Commission expires:

This instrument was prepared by:
Lisa Conn, Esq.
Cuni, Ferguson, & LeVay Co., L.P.A.
10655 Springfield Pike
Cincinnati, Ohio 45215-1120
(513) 771-6768
(513) 771-6781
lmc@cfl-law.com

**Crystal Creek Homeowners' Association
c/o Towne Properties Asset Management Company
11340 Montgomery Road, Suite 202
Cincinnati, Ohio 45249**

**CONSENT TO
THE PROPOSED
SECOND AMENDMENT TO THE DECLARATION
OF
CRYSTAL CREEK**

I, _____, state that I am the owner of a Lot at Crystal Creek located at _____. I acknowledge that I have received a copy of the proposed Second Amendment to the Declaration, which is attached to this consent form.

I further acknowledge that I have the right to approve or disapprove this amendment to the Crystal Creek Declaration of Covenants, Conditions, Restrictions, Easements, and Liens. My vote is as follows:

_____ For approval of the amendment.

_____ Against the approval of the amendment.

(Date)

(Signature)

(Printed Name)

(Date)

(Signature)

(Printed Name)

Exhibit A

These images/illustrations are meant to be used only as examples and points of reference. An Improvement type, material, style, or location depicted in these examples may not be permitted and/or approved for your lot, community or neighborhood. Review the approved guidelines for applicable restrictions and requirements.

Yard Fence Styles (Wood)

Kentucky Board without wire mesh



Kentucky Board with wire mesh



Split Rail without wire mesh



Split Rail with wire mesh



Pool Fence Styles (Wrought Iron, Aluminum or Powder Coated Steel)

