SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION, hereinafter referred to as the “Second Amendment”, is made on the date hereinafter set forth by THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION, an Ohio not-for-profit corporation, hereinafter referred to as the “Association”, under the circumstances summarized in the following Recitals.

RECITALS

A. The Association was formed and operates to administer and maintain The Villas of Timber Ridge, a planned community located in the City of Carlisle, Warren County, Ohio, hereinafter referred to as “The Villas of Timber Ridge”, which consists of the property described in Exhibit “A” attached hereto, hereinafter referred to as the “Property”.

B. The Property is subject to a Declaration of Covenants, Conditions and Restrictions for The Villas of Timber Ridge Owners Association, hereinafter referred to as the “Declaration”, which was subsequently amended.

C. The Declaration and the amendment thereto are recorded in the Official Records of Warren County, Ohio as follows:
Instrument

Declaration
First Amendment

Official Records

Volume 3850, Page 719
Volume 5852, Page 537

D. The term Declaration as used herein shall refer to the Declaration as amended.

E. This Second Amendment is being executed by the Association for the purpose of amending the Declaration with the approval of at least seventy-five percent (75%) of the total votes of the Association pursuant to Section 11.2 of the Declaration.

F. Attached hereto as Exhibit "B" is the certificate of the President of the Association that the Members of the Association representing at least seventy-five percent (75%) of the total votes of the Association have approved this Second Amendment.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The limitation as provided in the First Amendment to the Declaration that the Declaration apply or affect only the Property is hereby deleted and removed. The Developer or its assignee may, by a Supplemental Declaration as provided for in Section 12.2 of the Declaration, add to its provisions the property described in Exhibit "C" attached hereto.

2. Unless herein specifically amended or modified all of the provisions of the Declaration shall remain in full force and effect.

EXECUTED on the date set forth in the acknowledgement of the signatures below.

THE VILLAS OF TIMBER RIDGE
OWNERS ASSOCIATION

By: [Signature]
Its President

By: [Signature]
Its Secretary
STATE OF OHIO, COUNTY OF Warren, SS:

The foregoing instrument was acknowledged before me this 12th day of Sep., 2016 by Chet Mules, President and Claudia Rhule, Secretary of The Villas of Timber Ridge Owners Association, an Ohio corporation, on behalf of such corporation.

[Signature]
Notary Public

DEBBIE L. RHULE
NOTARY PUBLIC • STATE OF OHIO
Recorded in Montgomery County
My commission expires Nov. 23, 2017

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU
Attorney at Law
6776 Loop Road
Centerville, Ohio 45459
EXHIBIT "A"

PROPERTY

Situate in Sections 33 and 34, Town 2, Range 5 East, City of Carlisle, Warren County, Ohio and being Lots 1 through 40 inclusive, together with Reserve Areas A and B of The Villas of Timber Ridge, Section One, as recorded in Plat Book 69, Pages 68 and 69 of the Plat Records of Warren County, Ohio.

Sidwell Nos. 01-33-276-017 through 01-33-276-058 inclusive
EXHIBIT “B”

CERTIFICATION

The undersigned, being the duly elected and acting President of The Villas of Timber Ridge Owners Association, an Ohio not-for-profit corporation, hereinafter referred to as “Association”, hereby certifies that the Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Villas of Timber Ridge Owners Association has been approved and consented to by at least seventy-five percent (75%) of the total votes of the Association.

THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION

Dated: 2-12- 2016

By: [Signature]
Its President
SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION

THIS SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAS OF TIMBER RIDGE OWNERS ASSOCIATION, hereinafter referred to as the “Supplemental Declaration”, is made on the date hereinafter set forth by TIMBER RIDGE ESTATES DEVELOPMENT, LTD., an Ohio limited liability company, hereinafter referred to as “Developer” under the circumstances summarized in the following Recitals.

RECITALS

A. Developer is the owner of the real property described in Exhibit “A” hereinafter referred to as the “Additional Property”, and is the assignee to Associates Construction, Inc. by virtue of a Limited Assignment of Developer’s Rights recorded at Volume______, Page______ of the Official Records of Warren County, Ohio, the initial Developer of The Villas of Timber Ridge, a planned community located in the City of Carlisle, Warren County, Ohio.

B. The Developer and owner of the Additional Property intends to and the purpose of this Supplemental Declaration is to add the Additional Property to the Property described in the Declaration of Covenants, Conditions and Restrictions for The Villas of Timber Ridge Owners Association, hereinafter referred to as the “Declaration”, as amended, which is recorded in the Official Records of Warren County, Ohio as follows:
STATE OF OHIO, COUNTY OF Warren, SS:

The foregoing instrument was acknowledged before me this 16th day of February, 2016 by Rod Maris, of Associates Construction, Inc., the sole member of Timber Ridge Estates Development, Ltd., an Ohio limited liability company, on behalf of such company.

DAWN R. RUSH, Notary Public
In and for the State of Ohio
My Commission Expires Dec. 2, 2019

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU
Attorney at Law
6776 Loop Road
Centerville, Ohio 45459
EXHIBIT “A”

PROPERTY

Situate in Sections 33 and 34, Town 2, Range 5 East, City of Carlisle, Warren County, Ohio and being Lots 71 through 80 inclusive of The Villas of Timber Ridge, Section Four, as recorded in Plat Book 92, Page 51 of the Plat Records of Warren County, Ohio.

Sidwell Nos. 01-33-276-081 through 01-33-276-090 inclusive

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LIMITED ASSIGNMENT OF DEVELOPER’S RIGHTS

THIS LIMITED ASSIGNMENT OF DEVELOPER’S RIGHTS, hereinafter referred to as “Limited Assignment”, is made on the date(s) hereinafter set forth by ASSOCIATE CONSTRUCTION, INC., an Ohio corporation, hereinafter referred to as “Assignor” and TIMBER RIDGE ESTATES DEVELOPMENT, LTD., an Ohio limited liability company, hereinafter referred to as “Assignee” under the circumstances summarized in the following Recitals.

RECITALS

A. Assignor is the Developer, as defined in and pursuant to the Declaration of Covenants, Conditions and Restrictions of The Villas of Timber Ridge Owners Association, hereinafter referred to as the “Declaration” which was subsequently amended.

B. The Declaration and the amendments thereto are recorded in the Official Records of Warren County, Ohio as follows:

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<tr>
<td>Second Amendment</td>
<td>Volume ____, Page ___</td>
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NOW, THEREFORE, the parties do hereby agree as follows:
1. Assignor, for good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged by Assignor, does hereby assign and transfer to Assignee the right to add the property as described in Exhibit "A" attached hereto and improvements thereon, hereinafter referred to as the "Property", to the Declaration pursuant to the annexation provisions thereof.

2. Assignee hereby accepts such rights and acknowledges that such assignment is limited to adding the Property and shall not be construed to extend the Development Period as defined in the Declaration.

3. This Limited Assignment shall be construed in accordance with the laws of the State of Ohio.

EXECUTED on the date(s) set forth in the acknowledgments of the signatures below.

ASSIGNOR:
Associate Construction, Inc.

By: __________________________
Its: VP

STATE OF OHIO, COUNTY OF ___, SS:

The foregoing instrument was acknowledged before me this __ day of February, 2016 by Rod Morris, of Associates Construction, Inc., an Ohio corporation, on behalf of such corporation.

[Signature]
Notary Public
DAWN R. RUSH, Notary Public
In and for the State of Ohio
My Commission Expires Dec. 2, 2019
ASSIGNEE:
Timber Ridge Estates
Development, Ltd.

By: Rod Morris

of Associates Construction, Inc.
Its Sole Member

STATE OF OHIO, COUNTY OF __________, SS:

The foregoing instrument was acknowledged before me this 16th day of
February, 2016 by Rod Morris, of Associates
Construction, Inc., the sole member of Timber Ridge Estates Development, Ltd., an
Ohio limited liability company, on behalf of such company.

DAWN R. RUSH, Notary Public
In and for the State of Ohio
My Commission Expires Dec. 2, 2019

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU
Attorney at Law
6776 Loop Road
Centerville, Ohio 45459
C. The term Declaration, as used herein, shall refer to the Declaration as amended.

D. The Developer retained the right to add the Additional Property in Section 12.2 of the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The Property as described in Section 1.17 and in Exhibit “A” to the Declaration is hereby amended to include the Additional Property which is hereby, in all respects, submitted to the Declaration.

2. Unless herein specifically provided all provisions of the Declaration shall remain in full force and effect.

EXECUTED on the date set forth in the acknowledgement of the signature below.

TIMBER RIDGE ESTATES DEVELOPMENT, LTD.

By: __________________________

of Associates Construction, Inc.
Its Sole Member
EXHIBIT "A"

PROPERTY

Situate in Sections 33 and 34, Town 2, Range 5 East, City of Carlisle, Warren County, Ohio and being Lots 71 through 80 inclusive of The Villas of Timber Ridge, Section Four, as recorded in Plat Book 92, Page 51 of the Plat Records of Warren County, Ohio.

Sidwell Nos. 01-33-276-081 through 01-33-276-090 inclusive

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