

**THIRD AMENDMENT TO DECLARATION OF COVENANTS,
EASEMENTS, CONDITIONS, AND RESTRICTIONS
FOR WEBER OAKS SUBDIVISION**

WHEREAS, the Declaration of Covenants, Easements, Conditions and Restrictions for Weber Oaks Subdivision was recorded on April 20, 1999 at Official Record Volume 1195, Page 142 of the Clermont County, Ohio Recorder's Office (the "Declaration"); and

the First Amendment to the Declaration was recorded on June 26, 2000 at Official Record Volume 1272, Page 2500 of the Clermont County, Ohio Recorder's Office; and

the Second Amendment to the Declaration was recorded on October 18, 2000 at Official Record Volume 1292, Page 1911 of the Clermont County, Ohio Recorder's Office; and

the First Supplemental Declaration was recorded on October 12, 1999 at Official Record Volume 1230, Page 1403 of the Clermont County, Ohio Recorder's Office; and

the Second Supplemental Declaration was recorded on November 19, 1999 at Official Record Volume 1237, Page 1512 of the Clermont County, Ohio Recorder's Office; and

the Third Supplemental Declaration was recorded on September 15, 2000 at Official Record Volume 1287, Page 543 of the Clermont County, Ohio Recorder's Office;

WHEREAS, the First Amendment to the Declaration at Article XI, Sub-paragraph (C)1 states that the Declaration may be amended by the affirmative vote of sixty-seven percent (67%) of the Lot Owners and requires the Association to prepare and record an amendment document certifying the contents of the amendment and indicating that it has been approved by not less than sixty-seven percent (67%) of the owners of the Association and further requires the signatures of the President and Secretary of the Association; and

WHEREAS, at least sixty-seven percent (67%) of the Owners in the Association have voted affirmatively to amend the Declaration;

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

1. Section IV, Paragraph J of the Declaration is hereby deleted and the following substituted in its place:

- J. Vehicles. The Board shall be entitled to create and enforce reasonable rules concerning the parking of any vehicle permitted in the Common Property. In addition to its authority to levy Lot Assessments as penalties for the violation of such rules, the Board shall be authorized to cause the removal of any vehicle violating such rules. No boats, campers, mobile homes, trailer, trailer coach,

house trailer, camp car, or camper shall be parked or stored on any Lot (except in an enclosed structure shielded from view) for any time period longer than forty-eight (48) hours in any thirty (30) day period, provided, however, that nothing contained herein shall prohibit the reasonable use of such vehicles as may be necessary during construction of residences on the Lots, or during approved home improvement applications.

The word "trailer" shall not include an automobile trailer whose sole purpose is for the conveyance of machinery, tools, or equipment and that such trailer is screened from view in the rear of the property.

2. Section IV, Paragraph H of the Declaration entitled "Storage" is hereby deleted and the following substituted in its place:

H. Storage. No open storage of any kind is permitted.

Detached structures, including storage sheds and gazebos ("Accessory Building") are permitted but only upon the approval of the Design Review Board established and appointed by the Board of Directors of the Association. Detailed drawings, specifications, and an improvement application must be submitted to the Design Review Board for approval prior to construction. Specifications that will be required by the Design Review Board are as follows:

1. The Accessory Building must be located only in the rear yard.
2. The Accessory Building, if approved, must be maintained in good condition.
3. The Accessory Building must be designed and located to respect the "visual rights" and aesthetic interests of the neighboring properties.
4. Trees or other vegetation must naturally screen the Accessory Building.
5. The materials used in the construction of the Accessory Building must match the color of the residence (for example, the roofing materials, siding, or trim) or must be neutral in color.
6. When an Owner submits an application for a pre-constructed Accessory Building, a catalog photograph or manufacturer's specifications or "cut sheets" of the Accessory Building including dimensions, materials and colors must be submitted to the Design Review Board.

7. Any utilities providing service to the Accessory Building must be underground and must adhere to standard building codes.
 8. The overall size of the Accessory Building must be within reasonable limitations which include not exceeding a height restriction of eight feet (8') from existing grade.
 9. The construction or maintenance of the Accessory Building must not interfere with any surface water drainage.
 10. The Design Review Board will not consider or approve any metal Accessory Buildings.
3. Pursuant to the provisions of Section XI, Paragraph C(1) of the First Amendment to the Declaration, attached hereto as Exhibit B is a certification of the Secretary that this Amendment has been approved by not less than sixty-seven percent (67%) of the Lot Owners.
 4. All provisions of the Declaration, the By-Laws, and of all Amendments or Supplements to the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Weber Oaks Homeowners' Association, Inc., an Ohio non-profit corporation, has caused this instrument to be executed this ____ day of _____, 2010.

**WEBER OAKS HOMEOWNERS'
ASSOCIATION, INC**
An Ohio non-profit corporation

By: 
Its President

STATE OF OHIO)
) ss:
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me this 10 day of August, 2010 by [Signature], as the President of Weber Oaks Homeowners' Association, an Ohio non-profit corporation, on behalf of the corporation.

[Signature]
Notary Public

KARLA J. EPPERSON, Notary Public
In and for the State of Ohio
My Commission Expires Feb. ~~1, 2008~~
2, 2013

This Instrument Prepared By:

Amy Schott Ferguson, Esq.
Cuni, Ferguson & LeVay Co., LPA
10655 Springfield Pike
Cincinnati, Ohio 45215
(513) 771-6768

EXHIBIT B

AFFIDAVIT

STATE OF OHIO)
):ss
COUNTY OF CLERMONT)

Now comes Mike Royer, the Secretary of the Board of Directors of Weber Oaks Homeowners' Association, Inc., and after been duly sworn and cautioned, deposes and states as follows:

1. I am the duly elected Secretary of the Weber Oaks Homeowners' Association.
2. As required by Section XI, Paragraph C(1) of the First Amendment, I certify the contents of this Third Amendment and further certify that the amendment has been approved by not less than sixty-seven percent (67%) of the Lot Owners.

Further Affiant Sayeth Naught.

By: Mike Royer
Its Secretary

STATE OF OHIO)
) ss:
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me this 10 day of August, 2010 by Mike Royer, as the Secretary of Weber Oaks Homeowners' Association, an Ohio non-profit corporation, on behalf of the corporation.

Karla J. Epperson
Notary Public

KARLA J. EPPERSON, Notary Public
In and for the State of Ohio
My Commission Expires Feb. ~~7~~, 2003
2, 2013

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This will certify that a copy of the Third Amendment to Declaration of Covenants, Easements, Conditions, and Restrictions for Weber Oaks Subdivision has been filed in the office of the County Auditor, Clermont County, Ohio, this ____ day of _____, 2010.

CLERMONT COUNTY AUDITOR

By _____

Prepared by:

**Amy Schott Ferguson, Esq.
Cuni, Ferguson, & LeVay Co., LPA
10655 Springfield Pike
Cincinnati, Ohio 45215
(513) 771-6768**