

-REVISED BY-LAWS OF DUTCHLAND WOODS-  
PROPERTY OWNERS ASSOCIATION, INC., - 1985



Image ID: 000007895722 Type: OFF  
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File# 2011-00030140

BK 8354 PG 1252

ARTICLE I. NAME

Section 1

The name of this organization is the Dutchland Woods Property Owners Association, Inc., hereinafter referred to as the Association.

ARTICLE II. AREA

Section 1

The Association's activities shall concern the area known as Dutchland Woods, Holland Section, Phase I, lots 1-164; Amsterdam Section, Phase II, lots 165-321, and successive phases as may be adopted as part of the general land use plan together with common grounds, greenline, and recreational facilities owned by the Association. Dutchland Woods is a subdivision located in Liberty Township, Butler County, Ohio, as the same appears in the records of the Recorder of Butler County, Ohio.

ARTICLE III. PURPOSE

Section 1

The Association shall concern itself with any and all matters pursuant to the betterment, improvement, and general welfare of the area encompassed by the Association, including the enforcement of the covenants and restrictions recorded in Deed Records, Butler County, Ohio, as follows: Volume 998, Pages 347-50; Volume 1013, Pages 771-74; Volume 1041, Pages 261-62; and Volume 1304, Pages 75-77.

Section 2

The Association shall concern itself with any and all matters pursuant to the growth and development of the general area surrounding the area, including zoning, commercial development, highway construction, and any other activities which may affect the property values or the quality of life of the area.

Section 3

The Association shall concern itself with the enhancement of a cooperative spirit among its members and the developers of the area including builders and real estate sales firms.



Section 4

The Association may concern itself with matters deemed feasible to benefit the membership through joint purchasing power.

Section 5

The Association shall concern itself with the betterment and continuance of a cooperative spirit with all public agencies, including law enforcement, fire protection, all emergency care, and political subdivisions.

Section 6

The Association shall concern itself with social and civic activities.

Section 7

The Association shall concern itself with communication with the membership regarding Association activities.

Section 8

The Association shall concern itself with acquisition, maintenance, and improvement of the common grounds, greenline, and recreational facilities.

ARTICLE IV. GENERAL MEMBERSHIP

Section 1 - Qualifications

A - Every owner of a lot in the subdivision shall be eligible for membership in the Association.

B - Membership may be conditioned upon timely payment of dues and assessments as may be fixed by resolution of the Board of Trustees and upon compliance with the restrictive covenants applicable to the subdivision.

Section 2 - Voting

A - Every member in good standing shall be entitled to vote in Association affairs. The cumulative members from any one lot shall be entitled to only one vote per lot regardless of the number of members qualifying for membership by reason of ownership of said lot. Designation of voting rights among multiple owners shall be determined by the owners.

B - Any member may assign in writing his membership privileges including voting rights to the holder of an equitable or beneficial interest in the real property including, for example, a vendee pursuant to land installment contract or beneficiary of a trust. Voting privileges may not be assigned to tenants or the holders of a leasehold interest.

C - Voting shall be by written ballot for the purpose of election of the Board of Trustees or when requested by one-third of the ballots to be cast.

D - All issues submitted to the membership shall be determined by the affirmative vote of a simple majority of the members present except as follows: If the Board of Trustees certifies by resolution that the issue has a significant impact upon property rights, property values, land use, or safety of the subdivision, such issue may be submitted to the general membership. Certification of the issue is discretionary with the Board of Trustees; except as may be otherwise required by the Articles of Incorporation and By-laws.

E - Votes may be cast in person or by proxy.

### Section 3 - Membership Meetings

A - The general membership shall conduct meetings annually. The Board of Trustees shall determine the date, time, location, and order of business of the meetings. The Association's secretary shall provide written notice of the meetings to each member at least fifteen (15) days prior to the date of the meeting.

A quorum for the conduct of business shall consist of twenty (20%) percent of the members who are represented in person or by proxy.

The order of business, unless altered by the Board of Trustees, shall be:

- a) Outline of agenda.
- b) Reading of minutes of previous meeting.
- c) Reports of the Board of Trustees and committees.
- d) Election.
- e) Old business.
- f) New business.
- g) Adjournment.



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### B - Special Meetings

The general membership may conduct a special meeting when it is called by:

- a) The Board of Trustees.
- b) By written petition of ten percent (10%) of the membership.

The Association's secretary shall determine the date, time, and location of the meeting and shall provide written notice of the meeting to each member at least ten (10) days prior to the meeting.

#### Section 4 - Dues and Assessments

A - The Board of Trustees shall set the annual common assessment, which shall be estimated in an annual budget to be ratified by the general membership. Said budget shall be presented to the membership with notice of the annual meeting. All property owners are responsible for paying the annual common assessment regardless of membership status. Assessments shall constitute a lien on the premises.

B - The Board of Trustees may levy emergency assessments not to exceed \$250.00 per lot annually when the budget is inadequate to meet the operating needs. Determination of operating needs is discretionary with the Board of Trustees in the exercise of business judgment and their determination of need is conclusive. Any special assessment in excess of \$250.00 shall be submitted to the general membership for approval at a special meeting.

#### Section 5 - Suspension or Expulsion

If, in a written and signed communication addressed to the membership committee, any member of the Association shall be charged with conduct detrimental to the objects or interests of the Association or in violation of its articles or by-laws, the Board of Trustees shall consider the matter and if it shall decide to take further action, the secretary shall send a copy of the charges to the accused member, who shall be given adequate time to reply, whereupon the committee shall take further action as it may deem proper.

If the Board of Trustees, after a fair and impartial hearing on due notice to the accused member, such notice to be given by the secretary by certified mail to the accused member at his last known address at least ten (10) days before the hearing, shall be satisfied of the truth of the charges, the Board of Trustees may request the offending member to resign or may suspend or expel him. Should he decline to resign on such request, his name shall be stricken from the rolls by the secretary. In its discretion, the Board of Trustees may also deprive said member from exercising membership privileges, including without limitation, access to facilities.

This section shall not be construed as imposing procedures for violations of rules regarding use of a facility which is in the discretion of the facility manager.



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ARTICLE V. ORGANIZATION

Section 1 - Board of Trustees

A - The Board of Trustees shall have supervision, control, and direction of the affairs of the Association, shall execute the policies, and decisions of the membership, shall actively prosecute the Association's objectives, and shall have discretion in the disbursement of funds. The Board may adopt such rules for the conduct of its business as shall be deemed advisable, and may, in the execution of powers granted, appoint subcommittees to work on specific problems, objectives, or reports including, but not limited to membership, ways and means, and activity scheduling. The Board shall have a regular meeting at the time and place of the general membership meeting, and shall report to the membership on activities. The Board shall meet monthly and additionally, on the call of the president or secretary. The Board shall also meet on demand of a majority of the active members of the Association.

Section 2 - Duties

A - A member of the Board of Trustees shall chair any committee.

B - The Board of Trustees shall not have power to incur indebtedness or borrow money without consent of the general membership, except for current operating expenses.

C - The Board shall not transact any business unless a majority of its members are present.

D - Board meetings shall be conducted according to a written agenda approved as the first item of business, which may be amended at any time by majority vote.

Section 3 - Members

A - The Board of Trustees shall have five to nine members to be elected by ballot vote. Trustees shall be elected for annual terms. Any trustee shall be eligible for re-election. The trustees shall enter into performance of their duties at the first Board meeting following the general membership meeting and shall continue in office, unless removed for cause, until their successors are elected. The number of trustees shall be fixed by a general membership at the annual meeting.

B - If a trustee is absent from two consecutive Board meetings without presenting an excuse accepted by the Board, the Board may expel the trustee from the Board.

C - The president shall appoint a new trustee to fill any vacancy with consent of a majority of the Board within sixty (60) days after the vacancy occurs. The appointee shall serve for the unexpired term. The appointee of a vacant position must satisfy the same criteria as a member standing for election.

D - All officers must be members of the Board of Trustees.



Section 4 - Restrictions

A - The Board of Trustees has no authority to sell, convey, or otherwise dispose of common ground or facilities owned by the Association unless such act is approved by the general membership at any duly organized meeting.

B - The Board of Trustees has no authority to incur a debt in excess of \$5,000.00 on behalf of the Association unless such act is approved by the general membership at only any organized meeting.

Section 5 - Building Control Committee

A - The Board of Trustees shall establish a Building Control Committee to perform the duties contemplated by the restrictive covenants for the subdivision.

ARTICLE VI. OFFICERS

(a) Elective Officers. The officers of the Association shall be a president, a vice-president, a secretary, and a treasurer to be elected by the Board of Trustees at the first meeting after election. Other offices and officers may be established and appointed by the Board of Trustees.

(b) Terms. All officers shall take office immediately upon their election, and shall serve for a term of one year until successors are duly elected. Officers are eligible for re-election. Vacancies in any office may be filled for the balance of the term thereof by the Board of Trustees.

(c) President. The president shall be the chief officer of the Association, and shall preside at meetings of the Association and of the Board of Trustees. He shall be a member ex officio of all committees. He shall communicate to the Association such matters and make such suggestions as may in his opinion tend to promote the welfare and increase the usefulness of the Association, and shall perform such other duties as are necessarily incident to the office.

(d) Vice-president. The vice-president shall perform all duties of the president during the absence of the president. He shall be a member ex officio of all committees.

(e) Treasurer. The treasurer shall keep an account of all monies received and expended for use of the Association, and shall make disbursements authorized by the Board of Trustees or such other persons as the Association members may prescribe. He shall make a report at the annual meeting or when called upon by the president. Funds may be drawn only on the signature of the treasurer, countersigned by the president or vice-president. All disbursements in excess of One Thousand (\$1000.00) Dollars require authorization of the Board of Trustees.

The funds, books, and vouchers in his hands shall, with the exception of confidential reports submitted by members, shall at all times be subject to verification and inspection of the Board of Trustees of this Association. At the expiration of his term of office, the treasurer shall deliver to his successor all books, money, and other property of the Association.

(f) Secretary. The administration and management of the Association shall be vested in the secretary. He shall direct the activities of the Association and perform such other duties as may be defined by the executive committee. It shall be his duty:

(1) To give notice of and attend all meetings of the Association and all committees and to make provision for the keeping of a record of proceedings;

(2) To conduct correspondence and to carry into execution all orders, votes, and resolutions not otherwise committed;

(3) To keep a list of the members of the Association;

(4) To supervise the collection of dues and their payment to the treasurer;

(5) To keep records as to any agents retained by the Association, and to take charge of and supervise the performance by them of their duties;

(6) To prepare, with the concurrence of the treasurer, an annual report of the transactions and condition of the Association, and generally to devote his best interests to the Association;

(7) To make all deposits of Association funds;

(g) No officer has authority to enter into a contract on behalf of the Association unless such act is approved by the Board of Trustees.

#### ARTICLE VII. AMENDMENTS

These by-laws may be amended, repealed, or altered, in whole or in part, by a two-thirds majority vote at any duly organized meeting of this Association.

Proposed amendments to the by-laws shall be submitted to the secretary in writing not less than ten (10) days before the meeting at



which the proposed amendment is to be considered, excepting however, any amendment of any emergency nature endorsed by the Board of Trustees which is necessary to the continued activities of the Association.



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### ARTICLE VIII. LIABILITIES

Members of the Association are not partners for any purpose. No member, officer, or committee person shall be liable for the acts or failure to act of any other member, officer, agent, or employee of the Association. Nor shall any member be liable for his acts or failure to act under these by-laws, excepting only acts or omissions arising out of his intentional misconduct.

### ARTICLE IX. FUNDS

A - Finances. This Association is not intended as a profit-making organization, nor is it founded with the expectation of making a profit. This Association shall use its funds only for objects and purposes allowed by the articles and specified by these by-laws.

B - Bonding. Persons entrusted with the handling of Association funds may be required, at the discretion of the Board of Trustees, to furnish, at Association expense, a suitable fidelity bond.

### ARTICLE X. FISCAL YEAR

The fiscal year of the Association shall end on March 31.

### ARTICLE XI. DISSOLUTION

The Association may be dissolved by the vote of a two-thirds majority of its members.

In the event of dissolution, the property of the Association shall be distributed for payment of Association debts and obligations. Any unpaid balance shall be donated for charitable, scientific, or educational purposes as may be determined by the Board of Trustees.

### ARTICLE XII. GENDER

Use of any masculine pronoun shall be construed to apply equally to male or female members and shall not be construed as a term of limitation or exception.



ARTICLE XIII. ENFORCEMENT OF RESTRICTIVE COVENANTS

Complaints concerning an alleged violation of the restrictive covenants shall be submitted in writing to the Board of Trustees. A special committee shall investigate each complaint and shall report its findings and recommendations to the Board of Trustees. The Board of Trustees may take any action, including legal proceedings on behalf of the Association to prosecute alleged violations of the restrictive covenants.

ARTICLE XIV. FACILITIES

Section 1 - Open Space

The Association may own and maintain common open space and improvements thereon.

Section 2 - Special Facilities

A - The general membership may establish special facilities which are improvements within the open space, for example, the Whitehouse recreation building, swimming pool, tennis courts, stables, riding trails, lakes, and other recreational facilities.

B - Special facilities may not occupy more than twenty (20%) percent of the common open space by area.

C - New special facilities shall be funded by special assessments to be approved by the general membership at only duly organized meetings.

D - The Board of Trustees may establish rules and policies regarding the use of special facilities.

E - The Board of Trustees may charge fees for the use of special facilities which fees shall be considered to be part of the general operating budget. Such fees may be in addition to the annual common assessment, emergency assessment, or special assessment applicable to the general membership.



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BK 8354 PG 1260

AMENDMENT TO THE REVISED BY-LAWS OF  
DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION INC.

THIS AMENDMENT TO THE BY-LAWS OF THE DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC. ("Amendment") is made as of the 25 day of FEBRUARY, 1996 by DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC. (the "Association"), as follows:

1. Recitals.

1.1 Dutchland Woods Subdivision consists of Dutchland Woods, Holland Section, Phase I, Lots 1-164 and Amsterdam Section, Phase II, Lots 165-321 ("Dutchland Subdivision").

1.2 The Association is administered through its by-laws (the "By-Laws") and concerns itself with aspects of the Dutchland Subdivision.

1.3 The By-Laws provide that they may be amended by a two-thirds majority vote of Members at any duly organized meeting of the Association.

1.4 The Association is the owner of or controls the use of certain amenities used by the owners of the Lots in Dutchland Subdivision and the owners of the Lots are required to pay assessments for the use of such Common Area Facilities which are described more fully in Exhibit A hereto (the "Common Area Facilities").

2. Amendment of Dutchland By-Laws.

2.1 The Association, by an affirmative vote of at least two-thirds of the Members at a duly constituted meeting, amend the Dutchland By-Laws to require the all purchasers of Lots in Dutchland Woods Subdivision who purchase after April 1, 1996 shall pay annual assessments as Full Members of the Association and shall have all rights and privileges appurtenant thereto.

IN WITNESS WHEREOF, the party hereto has executed this Amendment as of the date and year first above written.

TRANSFER NOT NECESSARY  
KAY ROGERS  
BY 3-28-96 DEPT.  
AUDITOR, BUTLER CO., OHIO

1

9600016842  
Filed for Record in  
BUTLER COUNTY, OHIO  
JOYCE B THALL  
On 03-28-1996 At 02:33 pm.  
AMEN 14.00  
Vol. 6007 Page 539

Signed and acknowledged  
in the presence of:

Sandra Cussano  
Kathleen P. Klein

THE DUTCHLAND WOODS PROPERTY  
OWNERS ASSOCIATION, INC.

By Jeffrey Rosenberg  
Name Dutchland Woods, Inc.  
Its President

STATE OF OHIO, COUNTY OF Butler, ss:

The foregoing instrument was acknowledged before me this 12th  
day of March, 1996 by Jeffrey Rosenberg, the  
President of The Dutchland Woods Property Owners  
Association on behalf of the Association.

Kathleen P. Klein  
Notary Public



KATHLEEN P. KLEIN  
Notary Public, State of Ohio  
My Commission Expires Dec. 23, 2000

AMENDMENTS TO THE BY-LAWS  
March, 2012

Following are the amendments to the 1985 By-Laws of Dutchland Woods Property Owners Association to be voted on at the annual homeowners' meeting. We file a 2012 By-Laws with the recorder's office.

ARTICLE II. AREA

Section 1

The Association's activities shall concern the area known as Dutchland Woods, Holland Section, Phase I, lots 1-164; Amsterdam Section, Phase II, lots 165-321, The Trails of Dutchland Woods Subdivision, Lots 1-46, and successive phases as may be adopted as part of the general land use plan together with common grounds, greenline, and recreational facilities owned by the Association. Dutchland Woods is a subdivision located in Liberty Township, Butler County, Ohio, as the same appears in the records of the Recorder of Butler County, Ohio.

ARTICLE III. PURPOSE

Section 1

The Association shall concern itself with any and all matters pursuant to the betterment, improvement, and general welfare of the area encompassed by the Association, including the enforcement of the covenants and restrictions recorded in Deed Records, Butler County, Ohio, as follows: Volume 998, Pages 347-350; Volume 1013, Pages 771-774; Volume 1041, Pages 261-262; and Volume 1304, Pages 75-77; Volume 5461, Pages 677-691.

Section 7

The Association shall concern itself with communication with the membership regarding Association activities.

- 1) The Board secretary will inform the trustees each year of the expiration dates of the DWPOA Charter Certification

ARTICLE IV. GENERAL MEMBERSHIP

Section 3 – Membership Meetings

A – The general membership shall conduct meetings annually. The Board of Trustees shall determine the date, time, location, and order of business of the meetings. The Board secretary shall provide written notice of the meetings, annual budget and any amendments to the by-laws to each member at least fifteen (15) days prior to the date of the meeting.

## ARTICLE V. ORGANIZATION

### Section 4 – Restrictions

**B – The Board of Trustees has no authority to incur debt in excess of \$7,500.00 on behalf of the Association unless such act is approved by the general membership at only an organized meeting.**

## **ARTICLE VI. OFFICERS**

**f) Secretary. The administration and management of the Association shall be vested in the secretary. He shall direct the activities of the Association and perform such duties as may be defined by the executive committee. It shall be his duty:**

**(7) It shall be his duty to supervise all deposits of Association funds**

**(h) Each office may delegate assignments to the office administrator or contracted management entity at their discretion.**

TRANSFER NOT NECESSARY  
ROGER REYNOLDS, CPA  
BY 8/11/11 DEPT.  
AUDITOR, BUTLER CO., OHIO

REVISED BY-LAWS OF  
DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC.  
Adopted the 24<sup>th</sup> Day of March, 1985

1. Recitals

- 1.1 Dutchland Woods Subdivision consists of Dutchland Woods, Holland Section, Phase I, Lots 1-164, Amsterdam Section, Phase II, Lots 165-321 ("Dutchland Subdivision"), and The Trails of Dutchland Woods Subdivision, Lots 1-46, together with common grounds, greenline, and recreational facilities owned by the Dutchland Woods Property Owners Association, Inc. (the "Association").
- 1.2 These Revised By-Laws were adopted by an affirmative vote of at least two-thirds of the Members at a duly constituted meeting of the Association held at 1:00 p.m. on the 24<sup>th</sup> day of March, 1985, replacing the prior By-Laws. The Association then consisted of the Dutchland Subdivision. The By-Laws were subsequently amended to include The Trails of Dutchland Woods Subdivision in 1996, with an Amendment to that effect and an additional Amendment duly recorded.

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Recorded: 08/04/2011 at 01:01:01 PM  
Fee Amt: \$100.00 Page 1 of 11  
Workflow# 0000102963-0001  
Butler County, Ohio  
Dan Crank COUNTY RECORDER  
File# 2011-00030140  
BK 8354 PG 1250

IN WITNESS WHEREOF, the party hereto has adopted these Revised By-Laws as of the 24<sup>th</sup> Day of March, 1985.

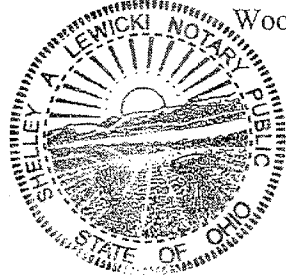
Signed and acknowledged  
In the presence of:  
[Signature]  
[Signature]

THE DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC.  
By [Signature]  
Name Bonnie S. Ferrone  
Its Secy. in 1985

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 2 day of AUGUST, 2011 by BONNIE STEPHANE, the SECY. of The Dutchland

Woods Property Owners Association at that time, on behalf of the Association.



SHELLEY A. LEWICKI  
Notary Public  
State of Ohio  
My Commission Expires July 27, 2015  
[Signature]  
Notary Public

AMENDMENT TO THE REVISED BY-LAWS OF  
DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC.  
AND INCLUSION OF ADDITIONAL MEMBERS IN  
THE DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC.

THIS AMENDMENT TO THE BY-LAWS OF THE DUTCHLAND WOODS  
PROPERTY OWNERS ASSOCIATION, INC. ("Amendment") is made as of the 25 day of  
FEBRUARY, 1996, by BLACKBERRY HILLS DEVELOPMENT CO., LTD. ("Blackberry")  
and DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC. (the  
"Association"), as follows:

960029079  
Filed for Record in  
BUTLER COUNTY, OHIO  
JOYCE B THALL  
On 05-22-1996 At 04:07 pm.  
RES 46.00  
Vol. 6022 Page 2249

1. Recitals.

1.1 Dutchland Woods Subdivision consists of Dutchland Woods, Holland Section,  
Phase I, Lots 1-164 and Amsterdam Section, Phase II, Lots 165-321 ("Dutchland Subdivision").

1.2 The Association is administered through its by-laws (the "By-Laws") and  
concerns itself with aspects of the Dutchland Subdivision.

1.3 The By-Laws provide that they may be amended by a two-thirds majority vote of  
Members at any duly organized meeting of the Association.

1.4 The Association is the owner of or controls the use of certain amenities used by  
the owners of the Lots in Dutchland Subdivision and the owners of the Lots are required to pay  
assessments for the use of such Common Area Facilities which are described more fully in  
Exhibit A hereto (the "Common Area Facilities").

1.5 Blackberry is the developer of certain Lots more fully described in Exhibit B  
hereto and known as The Trails of Dutchland Woods (the "Trails Lots"), along with certain  
additional property described more fully in Exhibit C hereto, which Blackberry may want to  
develop as future sections of The Trails of Dutchland Woods ("Additional Trails Property").

1.6 Blackberry desires to avail itself of all the Common Area Facilities owned or  
controlled by the Association.

1.7 The Association is willing to allow the owners of Trails Lots to become members  
of the Association and use all Common Area Facilities under the terms and conditions contained  
herein.

2. Subjection of Property.

Blackberry, for itself and its successors and assigns, subjects the Trails Lots and the  
Additional Trails Property such that the Owners of the Trails Lots, and upon the Additional  
Trails Property being developed as additional Trails Lots, such that the owners of Trails Lots  
shall be full members of the Association.

3. **Amendment of Dutchland By-Laws.**

3.1 The Association, by an affirmative vote of at least two-thirds of the Members at a duly constituted meeting, amend the Dutchland By-Laws to allow the Owners of the Trails Lots to become full members of the Association.

3.2 The Owners of Trails Lots shall be treated on an equal basis as the other Full Members of the Association who shall have the same rights and privileges attributed to them for the use of the Common Area Facilities.

3.3 The current annual assessment for Full Members having the same benefits as the benefits the owners of Trails Lots shall have in the Association is ~~\$30.00~~ payable on the 1st day of April. The assessment by the Association shall be binding upon and shall be payable by the Owner of a Trails Lot at such time as the construction of a single family dwelling on such Trails Lot is completed and occupied.

4. **Greenspace Easement.**

4.1 Blackberry is the owner of certain property described more fully in Exhibit D hereto, which property is subject to an easement for the preservation of greenspace ("Greenspace Easement Property").

4.2 Blackberry grants to the Association an easement for the maintenance and repair and preservation of the Greenspace Easement Property.

4.3 The Association accepts such easement and agrees to properly maintain the Greenspace Easement Property.

5. **Satisfaction of Requirement in Trails Declaration.**

5.1 The Trails of Dutchland Woods Declaration of Covenants, Conditions, Restrictions and Reservation of Easements is recorded in Official Record Book ~~5461~~, page ~~677~~, of the Butler County, Ohio Records ("Trails Declaration").

5.2 The Trails Declaration requires the formation of the Trails of Dutchland Woods Community Association, Inc. in the event that the Association does not consent to the Owners of the Trails Lots becoming members of the Association.

5.3 It is hereby acknowledged that the Owners of the Trails Lots and to the extent that the Additional Trails Property is developed into additional sections of the Trails Subdivision, the Owners of the Lots contained in the Additional Trails Property shall be full members of the Association, satisfying the requirement contained in the Trails Declaration. The Association shall have the right and obligation to enforce the Trails Declaration.



IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

Signed and acknowledged in the presence of:

THE DUTCHLAND WOODS PROPERTY OWNERS ASSOCIATION, INC.

Synda Curran  
Kathleen P. Klein

By Geoffrey Rosenberg  
Name Geoffrey Rosenberg  
Its President

BLACKBERRY HILLS DEVELOPMENT CO., LTD.

By Mercurio Realty, Inc., It Managing Member

Maurice McDermott  
Stephen G. Zachary

By Richard M. Kimbler  
Richard M. Kimbler, President

STATE OF OHIO, COUNTY OF Butler, SS:



The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 1996, by Geoffrey Rosenberg, the President of The Dutchland Woods Owners Association on behalf of the Association.

Notary Public, State of Ohio  
My Commission Expires Dec. 20, 2000

Kathleen P. Klein  
Notary Public

STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of March, 1996, by Richard M. Kimbler, President of Mercurio Realty, Inc., an Ohio corporation, Managing Member of Blackberry Hills Development Co., Ltd., an Ohio limited liability company on behalf of the corporation and the limited liability company.

Marsha Ringwald  
Notary Public

MARSHA RINGWALD  
Notary Public, State of Ohio  
Commission Expires August 8, 1998