Doc ID: 013128550009 Type: OFF
Kind: DECLAR AMEN
Recorded: 11/14/2019 at 01:28:52 PM
Fee Amt: $102.00 Page 1 of 9
Workflow# 0000195422-0001
Delaware County, OH
Melissa Jordan County Recorder
File# 2019-00032843
BK 1680 PG 465-473
KAMAN & CUSIMANO
8101 N HIGH ST STE 370
COLUMBUS, OH 43235

AMENDMENTS TO THE DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS AND ASSESSMENT LIENS FOR RIVER RUN OF POWELL HOMEOWNERS' ASSOCIATION AND THE DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS AND ASSESSMENT LIENS FOR THE ESTATES OF RIVER RUN HOMEOWNERS' ASSOCIATION

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS AND ASSESSMENT LIENS FOR RIVER RUN OF POWELL HOMEOWNERS' ASSOCIATION RECORDED AT VOLUME 0817, PAGE 2358 ET SEQ., THE DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS AND ASSESSMENT LIENS FOR THE ESTATES OF RIVER RUN HOMEOWNERS' ASSOCIATION RECORDED AT VOLUME 1114, PAGES 1466 ET SEQ., AND THE BYLAWS OF THE ESTATES OF RIVER RUN HOMEOWNERS' ASSOCIATION, INC. RECORDED AT VOLUME 1304, PAGES 656 ET SEQ., OF THE DELAWARE COUNTY RECORDS.

AMENDMENT TO THE DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS AND ASSESSMENT LIENS FOR RIVER RUN OF POWELL HOMEOWNERS' ASSOCIATION

RECITALS

A. The Declaration of Covenants, Easements, Restrictions and Assessment liens for River Run of Powell Homeowners' Association (the "River Run Declaration") was recorded at Delaware County Records, Volume 0817, Page 2358 et seq.

B. The River Run of Powell Homeowners' Association (the "River Run Association") is a corporation consisting of all Owners in River Run of Powell and as such is the representative of all Owners.

C. River Run Declaration Article VI, Section 1 authorizes amendments to the River Run Declaration.

D. As of September 5, 2019, The River Run of Powell Homeowners' Association Owners have signed and delivered to the Association written consents, in favor of authorizing the Association's Board of Directors to file the necessary paperwork to merge the Association with The Estates of River Run Homeowners' Association, Inc., with the River Run of Powell Homeowners Association as the surviving association, and the authority to expand the Subdivision to include the property currently contained with The Estates of River Run Homeowners' Association, Inc., but only within the limitations, and subject to the terms, set forth in the amendment and pursuant to the Merger Agreement, on their behalf, in accordance with the amendment recorded at Volume 1661, Page 562 et seq. of the Delaware County Records.

E. The Declaration of Covenants, Easements, Restrictions and Assessment Liens for The Estates of River Run Homeowners' Association (the "Estates Declaration") was recorded at Delaware County Records, Volume 1114, Pages 1466 et seq., and the Bylaws of The Estates of River Run Homeowners' Association, Inc. (the "Estates Bylaws") was recorded at Book 1304, Pages 656 et seq.

F. The Estates of River Run Homeowners' Association, Inc. (the "Estates Association") is a corporation consisting of all Owners in the Estates of River Run and as such is representative of all Owners.

G. Estates Declaration Article VI, Section 1 authorizes amendments to the Declaration and Estates Bylaws Article XI, Section 5 authorizes amendments to the Bylaws.

H. As of September 5, 2019, The Estates of River Run Homeowners' Association Owners have signed and delivered to the Association written consents, in favor of

authorizing the Association's Board of Directors to file the necessary paperwork to remove the Estates of River Run restrictions and merge the Estates of River Run Homeowner's Association Inc., with the River Run of Powell Homeowners Association as the surviving association, within the limitations, and subject to the terms, set forth in the amendment and pursuant to the Merger Agreement, on their behalf, in accordance with the amendment recorded at Volume 1661, Page 1362 et seq. of the Delaware County Records.

I. This document, in accordance with the powers and authorities provided by the River Run Association and the Estates Association, completes the process of dissolving the Estates Association and subjecting the lots within the Estates Association to the River Run Association.

J. Attached as Exhibit A is a certification from the River Run Association's President and Secretary that states the Amendment was duly adopted in accordance with the Declaration provisions in all material respects.

K. Attached as Exhibit B is a certification from the Estates Association's President and Secretary that states the Amendment was duly adopted in accordance with the Declaration provisions in all material respects.

L. Both Associations have complied with the proceedings necessary to amend the Declarations, as required by the Declarations, in all material respects.

AMENDMENT

The Declaration of Covenants, Easements, Restrictions and Assessment liens for River Run of Powell Homeowners' Association and the Declaration of Covenants, Easements, Restrictions and Assessment Liens for The Estates of River Run Homeowners' Association are amended by the following:

1) **INSERT a new PARAGRAPH to RIVER RUN DECLARATION BACKGROUND A.** Said new addition, to be added to Page 1 of the River Run Declaration, as recorded at Delaware County Records, Volume 0817, Page 2358 et seq., is as follows:

> **Being Lots Numbered 5157 through 5166 inclusive, of the Estates of River Run Subdivision, as the same are numbered and delineated on the recorded plat thereof, recorded as instrument number 201200015960, in Plat Book 1120, Pages 2636-2638 in the Recorder's Office, Delaware County, Ohio.**

2) **MODIFY THE LEGAL DESCRIPTION ON EXHIBIT "A" TO THE RIVER RUN DECLARATION. SAID MODIFICATION, TO BE MADE TO EXHIBIT "A" OF THE RIVER RUN DECLARATION,** as recorded at Delaware County Records, Volume 0817,

Page 2358 et seq., to include the real property described in the legal description attached to this Amendment as Exhibit "1," which is incorporated into and made part of this Amendment, together with all improvements thereon and all easements, rights, and appurtenances thereto.

3) **DELETE and REPEAL the provisions and restrictions in the ESTATES DECLARATION in their entirety.** Said deletion, to be taken from Delaware County Records, Volume 1114, Page 1466 et seq.

4) **INSERT a new ESTATES DECLARATION ARTICLE I.** Said new addition, to be made on Page 1 of the Estates Declaration, as recorded at Delaware County Records, Volume 1114, Page 1466 et seq., is as follows:

ARTICLE I

The Declaration of Covenants, Easements, Restrictions and Assessment Liens for River Run of Powell Homeowners' Association will control, govern, and subject the Owners and Lots within the Estates of River Run Homeowners' Association to the River Run of Powell Homeowners' Association Inc. Declaration, Bylaws, and Articles of Incorporation.

The Estates of River Run Homeowners' Association, Inc. will be dissolved and cease to be a registered nonprofit corporation as registered with the Ohio Secretary of State.

Estates of River Run Homeowners' Association, Inc. is terminated pursuant to the Declaration of Covenants, Conditions, Easements and Restrictions of Estates of River Run Homeowners' Association Declaration Article VII, Section 7.

5) **DELETE and REPEAL the Bylaws of The Estates of River Run Homeowners' Association Inc., in their entirety.** Said deletion, to be taken from Delaware County Records, Book 1304, Page 656 et seq.

Any conflict between the above provisions and any other provision of the Declaration and Bylaws will be interpreted in favor of this amendment. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any contest or other legal challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The River Run of Powell Homeowners' Association has caused the execution of this instrument this 21 day of October, 2019.

RIVER RUN OF POWELL HOMEOWNERS' ASSOCIATION

By: Kaylin A. Masonbrink
KAYLIN A. MASONBRINK, its President

By: _____
CHRIS SCHNETZLER, Secretary

STATE OF OHIO)
) SS
COUNTY OF Franklin)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named River Run of Powell Homeowners' Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal this 21st day of October, 2019.

_____
NOTARY PUBLIC

Place notary stamp/seal here:

NOTARIAL SEAL
STATE OF OHIO

Karen Weber
Notary Public, State of Ohio
My Commission Expires 04-29-2024

This instrument prepared by:
KAMAN & CUSIMANO, LLC,
Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
ohiohoalaw.com

The Estates of River Run Homeowners' Association has caused the execution of this instrument this 31 day of October, 2019.

THE ESTATES OF RIVER RUN HOMEOWNERS' ASSOCIATION

By: Laura F Casline
LAURA F. CASLINE, its President

By: Sudha Chauhan
SUDHA CHAUHAN, its Secretary

STATE OF OHIO)
) **SS**
COUNTY OF Delaware)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Estates of River Run Homeowners' Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal this 31 day of October, 2019.

NOTARY PUBLIC

Place notary stamp/seal here:

MATTHIAS STEWART
Notary Public State of Ohio
My Comm. Expires Dec. 6, 2021

This instrument prepared by:
KAMAN & CUSIMANO, LLC,
Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
ohiohoalaw.com

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

STATE OF OHIO)
) SS
COUNTY OF Franklin)

Kaylin A. Masonbrink and **Chris Schnetzler**, being the duly elected and acting President and Secretary of the River Run of Powell Homeowners' Association, certify that the Amendment to the Declaration of Covenants, Easements, Restrictions and Assessment liens for River Run of Powell Homeowners' Association was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

Kaylin A. Masonbrink
KAYLIN A. MASONBRINK, President

CHRIS SCHNETZLER, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **Kaylin A. Masonbrink** and **Chris Schnetzler** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 21st day of October, 2019.

Karen Weber
NOTARY PUBLIC

Place notary stamp/seal here:

NOTARIAL SEAL
STATE OF OHIO

Karen Weber
Notary Public, State of Ohio
My Commission Expires 04-29-2024

EXHIBIT B

CERTIFICATION OF PRESIDENT AND SECRETARY

STATE OF OHIO)
) SS
COUNTY OF Delaware)

Laura F. Casline and **Sudha Chauhan**, being the duly elected and acting President and Secretary of the Estates of River Run Homeowners' Association, certify that the Amendment to the Declaration of Covenants, Easements, Restrictions and Assessment liens for The Estates of River Run Homeowners' Association was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

Laura F Casline
Laura F. Casline, its President

Sudha Chauhan
Sudha Chauhan, its Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **Laura F. Casline** and **Sudha Chauhan** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 31 day of October, 2019.

NOTARY PUBLIC

Place notary stamp/seal here:

MATTHIAS STEWART
Notary Public State of Ohio
My Comm. Expires Dec. 6, 2021

EXHIBIT "1"

LEGAL DESCRIPTION

Situated in the State of Ohio, County of Delaware, Township of Liberty, being in Farm Lot 12, Farm Lot 13 and Farm Lot 14 of Quarter Township 4, Township 3, Range 19, United States Military Lands, Containing 37.751 acres of land, more or less, 0.957 acres of said 37.751 acres being all of that tract of land described in "Exhibit A" in the deed to RIVER RUN OF POWELL,LLC, of record in Official Record 0723, Page 0937,16.008 acres of said 37.751 acres being all of that tract of land (11.508 acres per deed) designated as PARCEL TWO ("Exhibit B"), as said PARCEL ONE and PARCEL TWO are described in the deed to RIVER RUN OF POWELL, LLC, of record in official Record 0723, Page 0941,1.827 acres of said 37.751 acres being all of Tract One, 1.130 acres of said 37.751 acres being all of Tract Two, 0.246 acre of said 37.751 acres being all of Tract Three and 6.087 acres of said 37.751 acres being all of Tract Four as said Tract One, Two, Three and Four are described in Exhibit A in the deed to RIVER RUN OF POWELL, LLC, of record in Official Record 0723, Page 0947 all being of record in the Recorder's Office, Delaware County, Ohio, of which 2.534 acres are in Farm Lot 12, 18.956 acres are in Farm Lot 13 and 16.26 L acres are in Farm Lot 14.

Being Lots Numbered 5002 through 5027, inclusive, of River Run Subdivision, as the same are numbered and delineated on the recorded plat thereof, recorded as instrument number 200700035293, in Plat Book 816, Pages 1498-1501 in the Recorder's Office, Delaware County. Ohio.

Situated in the State of Ohio, County of Delaware, Township of Liberty, Part of Farm Lots 11 (9.3521 Acres) and 12 (5.7222 Acres), Section 4, Township 3, Range 19, United States Military Lands being 3.98 Acres, 9.44 Acres and 5.73 Acres by deed as recorded in O.R. 410, Pg. 1745 – 15.120 Acres by survey and being 1.401 Acres by deed and survey.

Being Lots Numbered 5157 through 5166, inclusive, of The Estates of River Run Subdivision, as the same are numbered and delineated on the recorded plat thereof, recorded as instrument number 201200015960, in Plat Book 1120, Pages 2636-2638 in the Recorder's Office, Delaware County. Ohio.