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~~VOL. 91-6711 PAGE 48~~

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FRANK RUSSO
CUYAHOGA CTY. RECORDER

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FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

THE SANCTUARY COMMUNITY ASSOCIATION, INC.

THIS DECLARATION, made this 4th day of October, 1991, by and between SUNRISE DEVELOPMENT CO., an Ohio Corporation (successor to F C & Z Land Co.), hereinafter referred to as DECLARANT, and THE SANCTUARY COMMUNITY ASSOCIATION, INC., an Ohio Non-Profit Corporation, hereinafter sometimes referred to as ASSOCIATION, both of 10800 Brookpark Road, Cleveland, Ohio 44130.

WITNESSETH: That

WHEREAS, Declarant is the owner of the real property described in Article II, Section 1 of the Declaration (hereinafter referred to as the "Declaration"), recorded in Volume 485, Pages 135-165 of the public records of Lake County, Ohio.

WHEREAS, Declarant, pursuant to Article IX, Section 6, desires to amend the Declaration.

NOW, THEREFORE, Declarant declares that the Declaration is amended pursuant to the terms contained herein:

1. Article VI, Section 6 shall be superseded and replaced by the following provision:

Section 6. No fence of any kind whatsoever shall be erected or placed on any Sublot until the construction plans and specifications and a plan showing the location of the fence have been approved by the Declarant or the Architectural Review Committee as to quality of workmanship and materials, type of fence, harmony of design with existing structures and as to location with respect to topography and finished grade elevation. In no event shall any fence be erected nearer to any street than the minimum building setback line, except by consent of the Declarant or the Architectural Review Committee as the case may be. Any such variance from the setback line shall be in harmony with the design and location of surrounding structures, topography and landscape plans.

2. All other provisions of the Declaration shall remain in full force and effect and unchanged by this Amendment.

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IN WITNESS WHEREOF, the Declarant and the Association have hereunto set their hands at Cleveland, Ohio the date and year first above written.

Signed and Acknowledged in the Presence of:

SUNRISE DEVELOPMENT CO.

Carol A. Moscarino
Carol A. Moscarino
Nancy L. Watson
Nancy L. Watson

By: [Signature]
Sam H. Miller, President

Carol A. Moscarino
Carol A. Moscarino
Nancy L. Watson
Nancy L. Watson

By: THE SANCTUARY COMMUNITY ASSOCIATION, INC

By: [Signature]
Robert L. Dyer, President

Carol A. Moscarino
Carol A. Moscarino
Nancy L. Watson
Nancy L. Watson

By: [Signature]
Robert F. Monthein, Secretary/
Treasurer

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COMPARED

VALIDATED

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GEOFFREY T. KENT
RECORDER, LAKE COUNTY, OHIO

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Recorded Vol. 103 Page 169

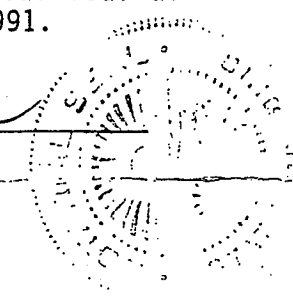
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STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

The foregoing instrument was acknowledged before me this 4th day of October, 1991 by Sam H. Miller, President of Sunrise Development Co., an Ohio Corporation, on behalf of said Corporation.

In Testimony Whereof, I have hereunto set my hand and official seal at Cleveland, Ohio, this 4th day of October, 1991.

Nancy L. Watson
Notary Public
Nancy L. Watson



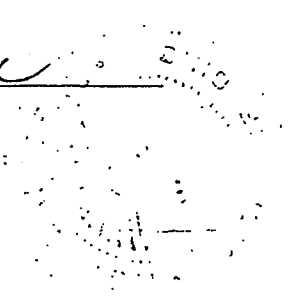
NANCY L. WATSON
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 01-09-94

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named THE SANCTUARY COMMUNITY ASSOCIATION, INC., an Ohio non-profit corporation, by Robert L. Dyer, its President, and Robert F. Monchein, its Secretary/Treasurer, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed individually and as such officers, and the free act and deed of said Corporation.

In Testimony Whereof, I have hereunto set my hand and official seal at Cleveland, Ohio, this 4th day of October, 1991.

Nancy L. Watson
Notary Public
Nancy L. Watson



NANCY L. WATSON
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 01-09-94

This instrument prepared by:
Gary A. Webb, Esq.
10800 Brookpark Road
Cleveland, Ohio 44130

921054850

Amended
1803

SECOND AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS
THE SANCTUARY COMMUNITY ASSOCIATION, INC.

THIS SECOND AMENDMENT, made this 22nd day of October, 1992, to the Declaration of Covenants and Restrictions The Sanctuary Community Association, Inc., by SUNRISE DEVELOPMENT CO., successor in interest to F C & Z Land Co. ("Declarant").

WITNESSETH:

WHEREAS, the Declaration of Covenants and Restrictions The Sanctuary Community Association, Inc. as recorded in Volume 485, Page 135 of Lake County Records (the "Declaration") contains the following provision in Article II, Section 3:

Alcocom

"Additional Land. Declarant is the owner of 'Additional Land' adjoining The Properties, which is shown on Exhibit 'B' attached hereto and made a part hereof by reference. Declarant, its successors and assigns, reserve the right, but not the obligation, to add all or any part of the Additional Land to The Properties by amendment hereto duly executed and recorded with the Recorder of Lake County without any action by the Association or its members."

WHEREAS, Declarant now desires to add part of the Additional Land to the real property subject to the Declaration ("The Properties").

WHEREAS, The Properties is defined in Article II, Section 1 of the Declaration.

WHEREAS, the land which Declarant desires to add to The Properties is described in Exhibit 1 attached to this Second Amendment and made a part hereof.

NOW THEREFORE, pursuant to Article II, Section 3 of the Declaration, Declarant takes the following action:

The land described in Exhibit 1 is hereby added to The Properties. Accordingly, Article II, Section 1 of the Declaration is hereby amended to add the land described in Exhibit 1 to the definition of The Properties.

WHEREAS, the Declaration also contains the following provision in Article IX, Section 6(a):

"Amendments. The terms and conditions of this Declaration may be amended, annulled or waived by an instrument in writing recorded in the public records of Lake County, Ohio, in the following manner and subject to the following conditions:

Until such time as Declarant, or Declarant's designated successors or assigns, has completed the sale of all the Properties to Builders, Developers and/or Owners, Declarant shall have the sole right and power of granting waivers to provisions of this Declaration and amending this Declaration provided no such amendment shall materially and adversely affect the value of existing Living Units or shall prevent a Living Unit from being used by the Owner in the same manner that it was being used prior to the adoption of such amendment."

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RECORDS OF LAKE COUNTY, OHIO

STANDARD TITLE AGENCY, INC.
Order No. P-2600

Volume: 778

Page: 672

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WHEREAS, Declarant now desires to amend Article I, Section 1(b) of the Declaration, which defines Village.

NOW THEREFORE, pursuant to Article IX, Section 6(a) of the Declaration, Declarant takes the following action:

Article I, Section 1(b) of the Declaration is hereby amended to read as follows:

"'Village' shall mean the Village of Kirtland Hills, a municipal corporation organized and existing under the laws of the State of Ohio. And, since the Additional Land is located in the City of Kirtland, an Ohio municipal corporation, 'Village' also shall mean and include the City of Kirtland where applicable. Accordingly, all references to the 'Village' or to the 'Village of Kirtland Hills' in Article II, Section 4, in Article IV, Sections 4 and 9, and in Article V, Section 2 of this Declaration shall be construed to include the City of Kirtland. It is specifically acknowledged by all parties to this Declaration that the Village of Kirtland Hills and the City of Kirtland are third party beneficiaries to these Covenants and Restrictions and have the same authority to administer and enforce these Covenants and Restrictions as they relate to the improvements, as more fully set out herein, as does the Association or Declarant."

WHEREAS, Declarant also now desires to amend Article VII, Section 2 of the Declaration, which is entitled "Trees."

NOW THEREFORE, pursuant to Article IX, Section 6(a) of the Declaration, Declarant takes the following action:

Article VII, Section 2 of the Declaration is hereby amended to read as follows:

"Trees. A minimum of five (5) healthy, live Hemlock Trees, or such other variety as may be approved by the Declarant or the Architectural Review Committee, no less than three (3) inches in diameter measured at a point four (4) feet from the ground shall be placed by each Owner in the front lawn of each Sublot in the Village of Kirtland Hills upon substantial completion of a Living Unit constructed on such Sublot. Should any tree die, or otherwise not grow satisfactorily, the Owner of such Sublot shall promptly replace such tree with another of the variety permitted herein.

A minimum of three (3) healthy, live Hemlock Trees, or such other variety as may be approved by the Declarant or the Architectural Review Committee, no less than three (3) inches in diameter measured at a point four (4) feet from the ground shall be placed by each Owner in the front lawn of each Sublot in the City of Kirtland upon substantial completion of a Living Unit constructed on such Sublot. Should any tree die, or otherwise not grow satisfactorily, the Owner of such Sublot shall promptly replace such tree with another of the variety permitted herein."

Except as hereby amended, all of the provisions of the Declaration and the First Amendment thereto shall be and remain in full force and effect.

IN WITNESS WHEREOF, Declarant has hereunto set its hand at Cleveland, Ohio on the date first above written.

Signed and acknowledged in presence of:

SUNRISE DEVELOPMENT CO., an Ohio corporation

Deborah Garrie
Deborah Garrie
Rose Ann Foliano
Rose Ann Foliano

By: *Sam H. Miller*
Sam H. Miller, President

STATE OF OHIO }
COUNTY OF CUYAHOGA } SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named SUNRISE DEVELOPMENT CO., an Ohio corporation, by Sam H. Miller, President, who acknowledged that he 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 him personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 22nd day of October, 1992.



Rose Ann Foliano
Notary Public
ROSE ANN FOLIANO, Notary Public
STATE OF OHIO
My Commission Expires July 1, 1996

This Instrument Prepared by:
Sunrise Development Co.
10800 Brookpark Road
Cleveland, Ohio 44130

STANDARD TITLE AGENCY, INC.
Order No. 226617

Volume: 779
Page: 675

EXHIBIT 1

PLANS: 779
PAGE: 126

LEGAL DESCRIPTION OF A
197.012 ACRES PARCEL OF LAND
"THE SANCTUARY SUBDIVISION"
CHILLICOTHE ROAD/BALDWIN ROAD
CITY OF KIRTLAND

Situated in the City of Kirtland, County of Lake and State of Ohio and known as being all of Original Kirtland Township Lot (part of Lot Nos. 33, 34 and 35 in Tract No. 1) being further bounded and described as follows:

Being all of the land now owned by F.C. & I. Land Company by deed dated December 30, 1988 and as recorded in Volume 437, Pages 654 thru 661, as formerly owned by King Land Corporation by deed dated June 27, 1984 and as recorded in Volume 588, Pages 571 thru 574 and by deed dated July 13, 1982 and as recorded in Volume 895, Pages 1149 and 1153 (PP/20A-7-4, 5 & 6 and PP/24A-8-3, 11, 15, 16, 18, 19, 20, 21 & 22) of Lake County Deed Records;

Beginning at a concrete monument at the Northeasterly corner of said original Kirtland Township lot No. 35, said point also being an angle point in the Corporation line between the City of Kirtland and the Village of Kirtland Hills and an angle point in the property line of lands as conveyed to the Central National Bank of Cleveland by deed dated February 16, 1982 and as recorded in Volume 891, Pages 1338-1343 (PP/24A-11-2) of Lake County Deed Records, said point being the Place of Beginning of the premises herein intended to be described;

- Course I Thence South 89°32'05" West, along the Northerly line of said original lot No. 35 and a Southerly line of said Central National Bank of Cleveland lands, a distance of 315.26 feet to a point;
- Course II Thence South 89°32'05" West, along the Northerly line of said original lot No. 35 and a Southerly line of Village of Kirtland Hills original lot No. 22, a distance of 1647.24 feet to a point being the corner of Original Lot Nos. 21 and 22 of the Village of Kirtland Hills' land and Lots 34 and 35 of the City of Kirtland's land;
- Course III Thence South 87°26'40" West, along the Northerly line of said original lot No. 34 and a Southerly line of Village of Kirtland Hills original lot No. 21, a distance of 2012.00 feet to a point being the corner of Original Lot Nos. 20 and 21 of the Village of Kirtland Hills' land and Lots 33 and 34 of the City of Kirtland's land;
- Course IV Thence South 87°51'31" West, along the Northerly line of said original lot No. 33 and a Southerly line of Village of Kirtland Hills original lot No. 20, a distance of 713.46 feet to the Northeasterly corner of the land as conveyed to Regency Woods Limited Partnership by deed dated March 14, 1988 and as recorded in Volume 373, Pages 488 thru 494 (PP/20A-7-8) of Lake County Official Records;
- Course V Thence South 46°42'45" East, along a Northeasterly line of said Regency Woods Partnership's land, a distance of 3488.40 feet to a point in the Southerly line of said Original Lot No. 34;
- Course VI Thence North 88°26'04" East, along said Southerly line of Original Lot No. 34 and a Northerly line of said Regency Woods Limited Partnership's land, a distance of 203.97 feet to an iron pin at the Southeasterly corner of said Original Lot No. 34, said point also being the Southwesterly corner of said Original Lot No. 35;

(Continued)

Course VII

Thence North 89°06'05" East, continuing along said Northerly line of Regency Woods Limited Partnership's land and the Southerly line of said Original Lot No. 35, a distance of 1970.36 feet to an iron pipe at the Southeastly corner of said Original Lot No. 35, said point also being the Southwestly corner of land as conveyed to Selby M. and Charlotte M. Skinner by deed dated August 22, 1972 and as recorded in Volume 762, Page 1231 (PP#24A-11-9) of Lake County Deed Records;

Course VIII

Thence North 0°11'52" West, along the Easterly line of said Original Lot No. 35 and the Westerly line of said Skinner's land and the Westerly line of lands as conveyed to Donald W. and Idale K. Wieland by deed dated May 9, 1988 and as recorded in Volume 383, Page 76 (PP#24A-11-10) and Carlton L. and Nancy T. Darling by deed dated July 15, 1982 and as recorded in Volume 895, Page 1187 and 1161 (PP#24A-11-11) of Lake County Deed Records, a distance of 1239.56 feet to an iron pipe in the centerline of White Road, said point also being the Southwestly corner of land as conveyed to Carol Humphrey Butler by deed dated July 14, 1982 and as recorded in Volume 895, Page 993 and 999 (PP#24A-11-13) of Lake County Deed Records;

Course IX

Thence North 0°21'36" West, along the Westerly line of said Butler's land and the Westerly line of land as conveyed to Susan H. Turben by deed dated August 8, 1984 and as recorded in Volume 89, Page 155 (PP#24A-11-3) of Lake County Official Records, a distance of 651.32 feet to an iron pipe in the Northwestly corner of said Turben's land and the Southwestly corner of said Central National Bank of Cleveland's land, said point being West, a distance of 2.73 feet from the Easterly line of said Original Lot No. 35;

Course X

Thence North 0°08'32" East, along a Westerly line of said Central National Bank of Cleveland's land, a distance of 595.00 feet to the Place of Beginning and containing 197.012 acres of land within the City of Kirtland as surveyed, calculated and described from Lake County Records by William D. Landeg, Ohio Registered Surveyor No. 4594 in August, 1988, be the same, more or less, but subject to all legal highways.

The above described parcel is subject to a 30 foot wide Easement as recorded as 'Annex C' in Volume 1056, Page 904 of Lake County Records.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND:

LEGAL DESCRIPTION OF BLOCK A
RIVER OAKS ESTATES
CITY OF KIRTLAND

Situated in the City of Kirtland, County of Lake and State of Ohio, and known as being part of Original Kirtland Township Lot No. 35, Tract No. 1, further bounded and described as follows:

Beginning at a concrete monument set by L. M. Bobeau, at the northeast corner of said Original Lot No. 35:

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(Continued)

Course No. 1 Thence S. 00 deg. - 03 min. - 51 sec. E., along the easterly line of said Original Lot No. 35, a distance of 1,212.57 feet to the northwesterly sideline of White Road (80 feet wide);

Thence westerly along the northerly sideline of White Oak Road, (proposed 50 feet wide), following the following courses and distances;

Course No. 2 Thence along the arc of a curve, deflecting to the left, a distance of 283.29 feet. Said arc having a radius of 180.00 feet and a chord bearing S. 81 deg. - 33 min. - 47 sec. W., a distance of 240.44 feet to a point of reverse curvature therein;

Course No. 3 Thence along the arc of a curve deflecting to the right, a distance of 143.88 feet. Said arc having a radius of 180.00 feet and a chord bearing S. 62 deg. - 34 min. - 34 sec. W., a distance of 140.18 feet to an angle point therein;

Course No. 4 Thence along the arc of a curve deflecting to the left, a distance of 125.08 feet. Said arc having a radius of 85.00 feet and a chord bearing N. 83 deg. - 30 min. - 38 sec. W., a distance of 108.85 feet to a point of reverse curvature therein;

Course No. 5 Thence along the arc of a curve, deflecting to the right, a distance of 33.64 feet. Said arc having a radius of 40.00 feet and a chord bearing S. 85 deg. - 27 min. - 28.5 sec. W., a distance of 32.88 feet to a point of tangency therein;

Course No. 6 Thence S. 89 deg. - 33 min. - 08 sec. W., continuing along said northerly sideline of Proposed White Oak Road, a distance of 128.54 feet to an iron pin monument set;

Course No. 7 Thence N. 00 deg. - 03 min. 51 sec. W., parallel with the east line of said Original Lot No. 35, a distance of 1310.03 feet to an iron pin monument set in the northerly line thereof;

Course No. 8 Thence N. 89 deg. - 35 min. - 08 sec. E., along said northerly line of Original Lot No. 35 a distance of 825.00 feet to the principal point of beginning, and containing 18.052 acres of land, be the same more or less but subject to all legal highways and easements of record.

The above legal description based upon a survey dated August 1892, by Steven J. Lessman, Ohio Professional Surveyor No. 7078. Bearings shown are to an assumed meridian and are for the sole purpose of describing the relative angular between lines.

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VOL 1117 PAGE 513
GEOFFREY T. KEAT

RECORDED BY 2000
LAKE COUNTY RECORDER

STANDARD TITLE AGENCY, INC.
Order No. 28000

**THIRD AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
THE SANCTUARY COMMUNITY ASSOCIATION, INC.**

WHEREAS, F C & Z LAND CO. ("F C & Z") and THE SANCTUARY COMMUNITY ASSOCIATION, INC. ("SCA") entered into a Declaration of Covenants and Restrictions, dated July 6, 1989, recorded in Volume 485, Pages 135-165 of the records of the Recorder of Lake County, Ohio (the "Declaration"); and

WHEREAS, SUNRISE DEVELOPMENT CO. ("Declarant")⁸⁹⁰⁹³⁷⁶⁶⁴ succeeded to the rights and obligations of F C & Z in and to the Declaration; and

WHEREAS, the Declarant previously amended the Declaration pursuant to First and Second Amendments thereto, dated and recorded respectively, October 4, 1991 and October 22, 1992, in Volume 663, Page 769 and Volume 779, Page 673, of the records of the Lake County Recorder; and

WHEREAS, Declarant and SCA desire to further amend the Declaration.

NOW, THEREFORE, Declarant and SCA hereby agree to amend the Declaration as follows:

1. Section 15 of Article VI is hereby amended by deleting it in its entirety and substituting therefor the following:

"Section 15. No Living Unit constructed on any Sublot shall be occupied for a period longer than eight (8) months after completion unless and until (a) a driveway has been installed and (b) the entire area of each Sublot which has been disturbed during construction and/or which is suitable for development of a lawn, exclusive of the area used for the house, drives and walks, has been seeded for grass or sodded with grass turf or planted with decorative or ornamental flowers and/or shrubs. All landscaped areas, including grass, ornamental flowers and/or shrubs, shall be maintained by each Owner of the Sublot in a clean, crisp manner."

Except as herein amended, the Declaration shall remain in full force and effect.

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IN WITNESS WHEREOF, the Declarant and SCA have executed this Third Amendment to Declaration this 2nd day of May, 1995.

Signed and acknowledged in presence of:

Laura Dulach
LAURA DULACH
Carol A. Moscarino
CAROL A. MOSCARINO

SUNRISE DEVELOPMENT CO.,
an Ohio corporation

By: [Signature]
Sam H. Miller, President

Laura Dulach
LAURA DULACH
Sherril Amato
Sherril AMATO
Laura Dulach
LAURA DULACH
Sherril Amato
Sherril L AMATO

THE SANCTUARY COMMUNITY ASSOCIATION, INC.,
an Ohio corporation.

By: [Signature]
Robert L. Dyer
Title: President
And: Carol A. Moscarino
Carol A. Moscarino
Title: Secretary

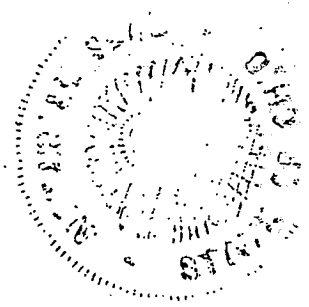
STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named SUNRISE DEVELOPMENT CO., an Ohio corporation, by Sam H. Miller, President, who acknowledged that he 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 him personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 2nd day of May, 1995.

Carol A. Moscarino
Notary Public

CAROL A. MOSCARINO
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 03-23-97



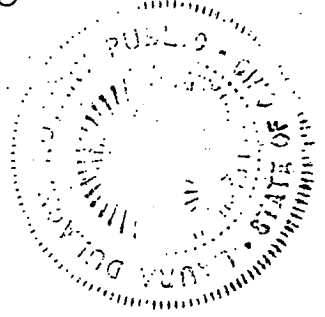
STATE OF OHIO)
COUNTY OF CUYAHOGA)

SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named **THE SANCTUARY COMMUNITY ASSOCIATION, INC.**, an Ohio corporation, by Robert L. Dyer, President, and Carol A. Moscarino, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 2nd day of May, 1995.

Laura Dulach
Notary Public
LAURA DULACH, Notary Public
STATE OF OHIO
My Commission Expires Mar. 19, 2000
(Recorded in Cuyahoga County)



This Instrument Prepared By:
David J. Gordon, Esq.
10800 Brookpark Road
Cleveland, Ohio 44130

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STANDARD TITLE AGENCY, INC.
Order No. 28000