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Recorded: 10/23/2014 at 11:31:20 AM
Fee Amt: \$156.00 Page 1 of 18
Workflow# 0000230537-0001
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2014-00040921

BK 8739 PG 1656

**SECOND AMENDMENT TO SECOND AMENDED AND RESTATED
DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WINDING CREEK (AKA CARRIAGE HILL) SUBDIVISION**

THIS SECOND AMENDMENT TO SECOND AMENDED AND RESTATED DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR WINDING CREEK (AKA CARRIAGE HILL) SUBDIVISION (this "Second Amendment") is made as of the date set forth below by LIBERTY LAND COMPANY, LLC, an Ohio limited liability company ("Developer"), having an office at 6306 Princeton Glendale Road, Liberty Township, Ohio 45011.

A. Developer executed that certain Second Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions for Winding Creek (aka Carriage Hill) Subdivision (the "Declaration") dated December 10, 2013 and recorded December 10, 2013 at O.R. Book 8654, Page 1886 of the Butler County, Ohio real estate records, as amended by that certain First Amendment to Second Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions for Winding Creek (aka Carriage Hill) Subdivision dated December 31, 2013 and recorded December 31, 2013 at O.R. Book 8659, Page 1965 of the Butler County, Ohio real estate records.

B. Developer wishes to exercise its rights under Article II, Paragraph A of the Declaration to annex the real property described on Exhibit A attached hereto (the "Section Eight Subdivision Property") and the real property described on Exhibit B attached hereto (the "Section Nine Subdivision Property") to the Subdivision (as defined in the Declaration) and to subject the Section Eight Subdivision Property and the Section Nine Subdivision Property to the terms and conditions of the Declaration.

C. Developer wishes to amend certain provisions of the Declaration to reflect the addition of the Section Eight Subdivision Property and the Section Nine Subdivision Property to the Subdivision and to amend other provisions of the Declaration.

NOW, THEREFORE, Developer hereby amends the Declaration as follows:

1. All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Declaration.

2. Pursuant to Article II, Paragraph A of the Declaration, the Section Eight Subdivision Property is hereby annexed to the Subdivision and brought within the provisions of the Declaration, as part of the "Traditional Single-Family Property" (as defined in the Declaration) and is hereby made subject to all of the covenants, conditions, restrictions and easements of the Declaration.

3. Pursuant to Article II, Paragraph A of the Declaration, the Section Nine Subdivision Property is hereby annexed to the Subdivision and brought within the provisions of the Declaration, as part of the "Traditional Single-Family Property" (as defined in the Declaration) and is hereby made subject to all of the covenants, conditions, restrictions and easements of the Declaration.

4. Various easements have been established on the recorded plat of the Section Eight Subdivision Property and the Section Nine Subdivision Property. These easements are descriptive of their respective purposes. Unless indicated otherwise on the Site Plan, these easement areas are No-Build Zones.

5. The following definition is hereby added to Article I of the Declaration:

"Private Road" means the private road serving Lot 278, Lot 279, Lot 280, Lot 281, Lot 282 and Lot 289 that runs from the cul-de-sac off Carriage House Boulevard further eastward to the Carriage House and appurtenant community facilities and parking located on Lot 289, located within the Private Road Easements (described below).

6. The definition of "Common Expenses" set forth in Article I of the Declaration is hereby amended and restated in its entirety to read as follows:

"Common Expenses" means expenses incurred in maintaining, repairing and managing the Common Property and the Private Road and maintaining insurance with respect to the Common Property.

7. A new Article VI, Paragraph K is hereby added to the Declaration as follows:

K. Private Road Easements. As shown on the plat for Winding Creek (aka Carriage Hill) Subdivision, Section Nine, being recorded at O.R. Book 8738, Page 77 of the Butler County, Ohio Recorder's records, a 60' ingress/egress & utility easement for vehicular and pedestrian access and utility purposes on and across the Private Road and otherwise within the easement area has been provided extending eastwardly from Carriage House Boulevard to Lot 278, Lot 279, Lot 280, Lot 281, Lot 282 and Lot 289. Such easement rights shall be appurtenant to, and shall pass with the title to, each such Owner's Lot, subject to the terms and conditions of this Declaration,

and subject to the Rules. An Owner may delegate such Owner's rights of access to family members, occupants, guests and invitees. The Association, its agents, employees and contractors are hereby granted an easement on, over, in, under and through the Private Road to perform its obligations pursuant to this Declaration, and to access the Carriage House on Lot 289. The Private Road is a No-Build Zone. Neither the Association nor any Owner shall permit any obstruction of any kind to exist on the Private Road which will in any way prevent or obstruct free use of the Private Road for its intended purpose, except for temporary obstructions which are reasonably necessary in connection with the maintenance, repair and/or replacement of the Private Road in accordance with this Declaration.

8. A new Article VIII, Paragraph K is hereby added to the Declaration as follows:

K. Private Road. In as much as the Private Road provides access to the Carriage House and appurtenant facilities on Lot 289, the Association shall be responsible for all maintenance, repair and replacement of the Private Road. The Association shall maintain and keep the Private Road in good condition and repair. This maintenance shall include, without limitation, snow and ice removal and any necessary resealing, restriping, patching and repaving of the Private Road.

9. A new Article X, Paragraph G is hereby added to the Declaration as follows:

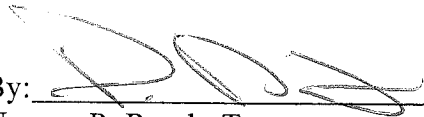
G. Maintenance of Private Road. The Association shall maintain the Private Road in good condition and repair. This maintenance shall include, without limitation, snow and ice removal and any necessary resealing, restriping, patching and repaving of the Private Road. The cost of such maintenance, repair and/or replacement shall be included in Common Expenses and shall be charged to the Owners as part of the Annual Assessment in accordance with Article IX, Paragraph D above. In the event such repair, maintenance and/or replacement results from the willful act, omission, neglect or destruction by an Owner or the guest of such Owner, the Board shall have the right to charge the cost of such repair, maintenance and/or replacement to such Owner by a Lot Assessment in accordance with Article IX, Paragraph F above. Determination of whether the repair or maintenance is necessary shall rest solely with the Board, which will have the sole responsibility for determining the kind and type of materials used in such repair and maintenance.

10. Exhibit C of the Declaration is hereby deleted and replaced in its entirety with Exhibit C attached hereto.

11. Except as expressly amended herein, all other terms and conditions of the Declaration shall remain in full force and effect.


IN WITNESS WHEREOF, Developer has caused the execution of this Second Amendment as of the date set forth below.

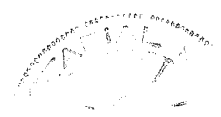
LIBERTY LAND COMPANY, LLC

By: 
Name: P. Randy Terry
Title: Manager
Date: October 23, 2014

STATE OF OHIO)
) ss:
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me this 23rd day of October, 2014, by P. Randy Terry, the Manager of Liberty Land Company, LLC, an Ohio limited liability company, on behalf of the company.


Notary Public



NOTARY PUBLIC
STATE OF OHIO
COMMISSION EXPIRES
ON 12/31/2015

This instrument was prepared in its unexecuted form and without benefit of title exam by:
Jennifer P. Patsy, Esq. and
Richard T. La Jeunesse, Esq.
Graydon Head & Ritchey LLP
511 Walnut Street, Suite 1900
Cincinnati, Ohio 45202

EXHIBIT "A"
SECTION EIGHT SUBDIVISION PROPERTY

Situated in Section 2, Town 2, Range 3, Liberty Township, Butler County, Ohio and being more particularly described as follows:

Being all of lots numbered two hundred twenty-seven (227) through two hundred fifty-six (256) of Winding Creek (aka Carriage Hill) Subdivision, Section Eight, as shown on the plat being recorded at O.R. Book 8738, Page 73 of the Butler County, Ohio Recorder's records.

EXHIBIT "B"
SECTION NINE SUBDIVISION PROPERTY

Situated in Section 2, Town 2, Range 3 and Section 32, Town 3, Range 3, Liberty Township, Butler County, Ohio and being more particularly described as follows:

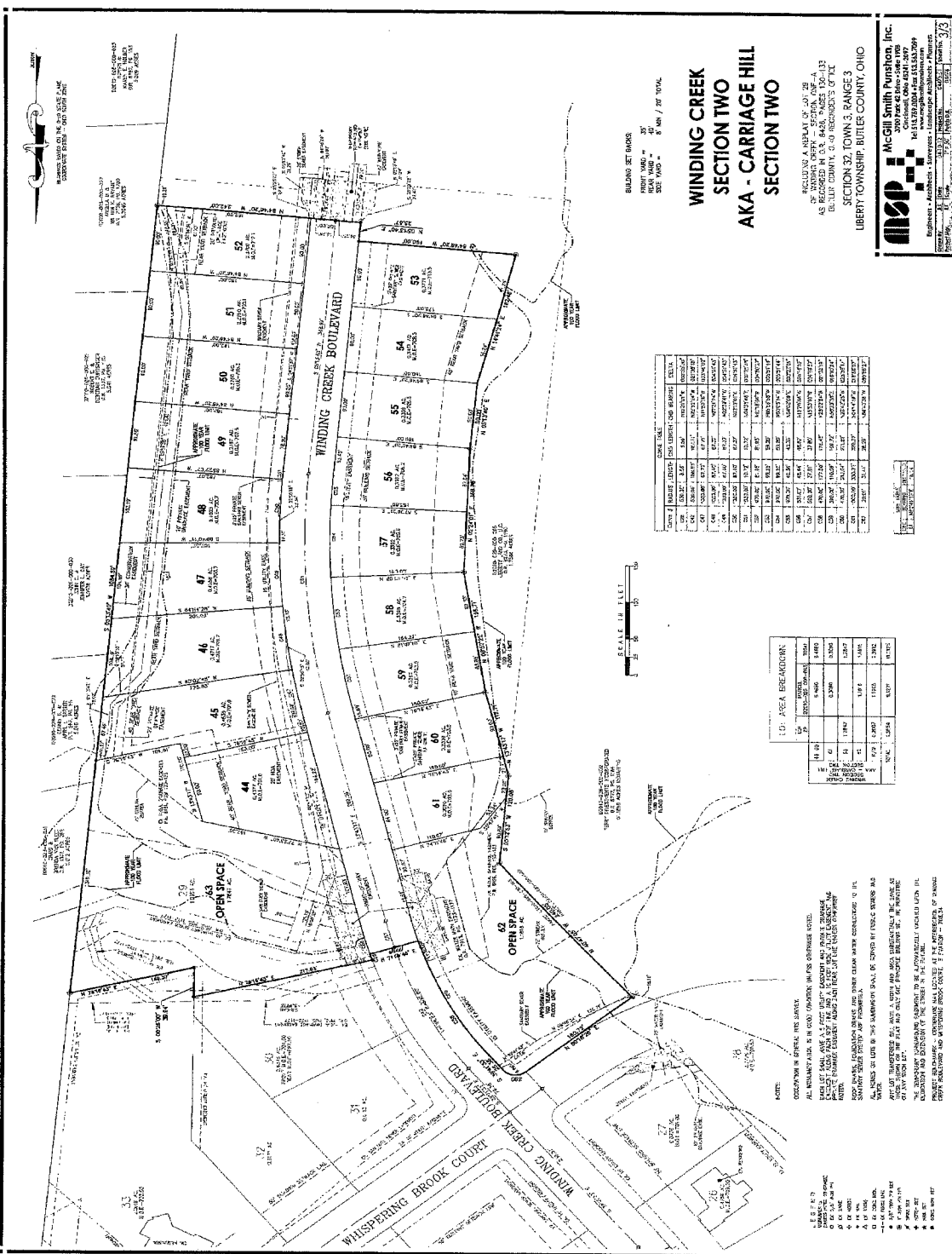
Being all of lots numbered two hundred fifty-seven (257) through two hundred eighty-nine (289) of Winding Creek (aka Carriage Hill) Subdivision, Section Nine, as shown on the plat being recorded at O.R. Book 8738, Page 77 of the Butler County, Ohio Recorder's records.

EXHIBIT "C"
SITE PLAN

Please see attached Exhibit "C-1" which shows the site plan of Winding Creek (aka Carriage Hill) Section One-A, Exhibit "C-2" which shows the site plan of Winding Creek (aka Carriage Hill) Section Two, Exhibit "C-3" which shows the site plan of Winding Creek (aka Carriage Hill) Section Three, Exhibit "C-4" which shows the site plan of Winding Creek (aka Carriage Hill) Section Four-A, Exhibit "C-5" which shows the site plan of Winding Creek (aka Carriage Hill) Section Five, Block A, Exhibit "C-6" which shows the site plan of Winding Creek (aka Carriage Hill) Section Five, Block B, Exhibit "C-7" which shows the site plan of Winding Creek (aka Carriage Hill) Section 6, Exhibit "C-8" which shows the site plan of Winding Creek (aka Carriage Hill) Section 7, Exhibit "C-9" which shows the site plan of Winding Creek (aka Carriage Hill) Section Five, Block C, Exhibit "C-10" which shows the site plan of Winding Creek (aka Carriage Hill) Section Eight and Exhibit "C-11" which shows the site plan of Winding Creek (aka Carriage Hill) Section Nine. Future expansion areas will include additional parcels adjacent to the Property, in proximity to the Property and/or part of an overall development plan including real estate which is currently owned by others but subsequently acquired by Developer

5152099.2

EXHIBIT "C-2"

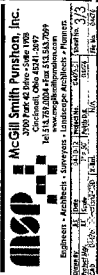


BUILDING SET BACKS

FRONT YARD - 30'
REAR YARD - 30'
SIDE YARD - 6 feet / 8' or TOTAL

**WINDING CREEK SECTION TWO
AKA - CARRIAGE HILL SECTION TWO**

INCLUDING A REBATE OF 50% ON
IF WINDING CREEK - SECTION ONE-A
IS BOUNDARY TO ADJACENT SECTION 13
BUILDING COUNTY OF RESIDENTS OF T.I.L.
SECTION 32, TOWN 13, RANGE 3
LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO



Lot #	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
37	10,200	10,200	10,200
38	10,200	10,200	10,200
39	10,200	10,200	10,200
40	10,200	10,200	10,200
41	10,200	10,200	10,200
42	10,200	10,200	10,200
43	10,200	10,200	10,200
44	10,200	10,200	10,200
45	10,200	10,200	10,200
46	10,200	10,200	10,200
47	10,200	10,200	10,200
48	10,200	10,200	10,200
49	10,200	10,200	10,200
50	10,200	10,200	10,200
51	10,200	10,200	10,200
52	10,200	10,200	10,200
53	10,200	10,200	10,200
54	10,200	10,200	10,200
55	10,200	10,200	10,200
56	10,200	10,200	10,200
57	10,200	10,200	10,200
58	10,200	10,200	10,200
59	10,200	10,200	10,200
60	10,200	10,200	10,200
61	10,200	10,200	10,200
62	10,200	10,200	10,200

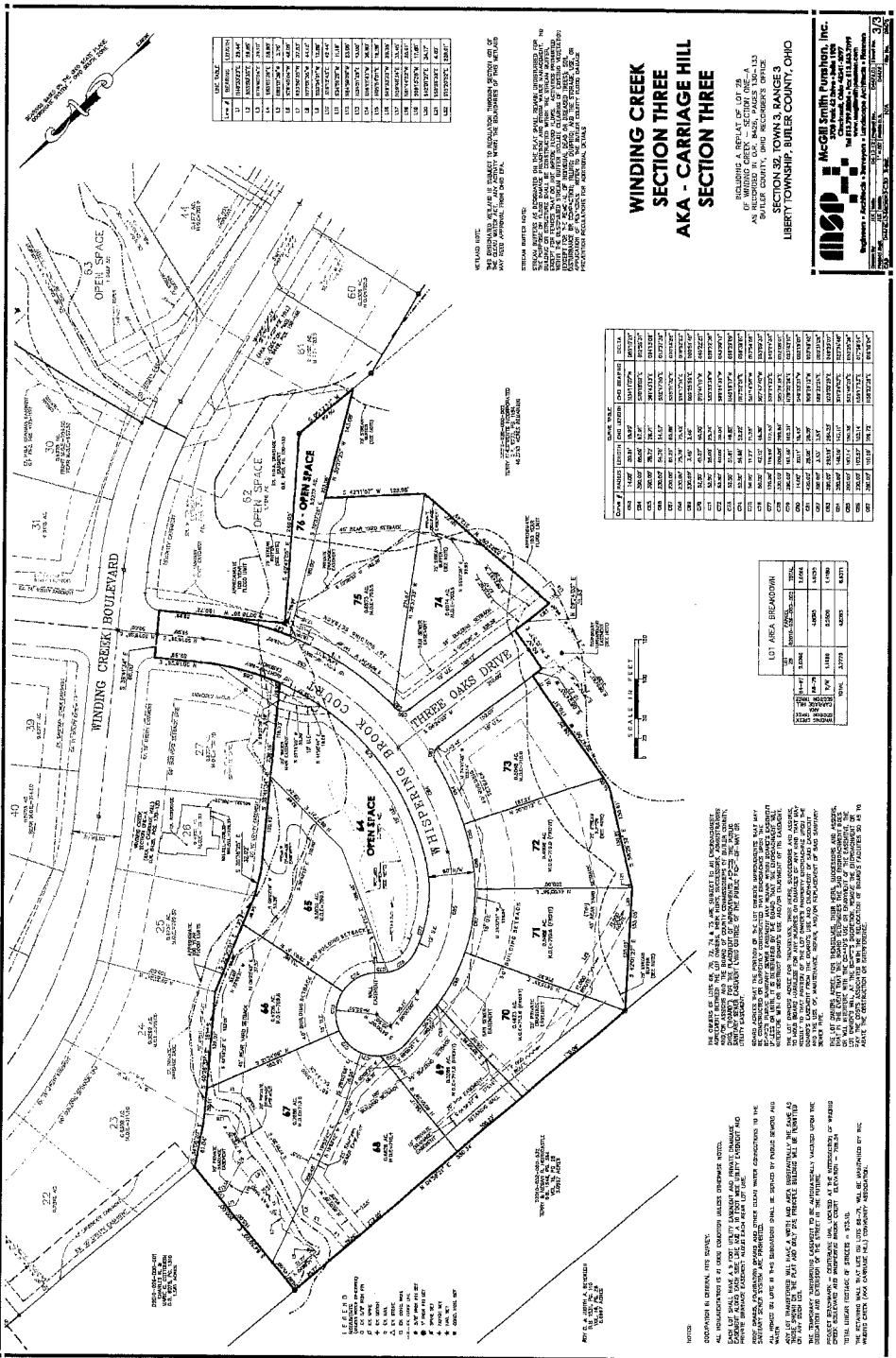
LOT AREA ELEGANT

Lot #	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
37	10,200	10,200	10,200
38	10,200	10,200	10,200
39	10,200	10,200	10,200
40	10,200	10,200	10,200
41	10,200	10,200	10,200
42	10,200	10,200	10,200
43	10,200	10,200	10,200
44	10,200	10,200	10,200
45	10,200	10,200	10,200
46	10,200	10,200	10,200
47	10,200	10,200	10,200
48	10,200	10,200	10,200
49	10,200	10,200	10,200
50	10,200	10,200	10,200
51	10,200	10,200	10,200
52	10,200	10,200	10,200
53	10,200	10,200	10,200
54	10,200	10,200	10,200
55	10,200	10,200	10,200
56	10,200	10,200	10,200
57	10,200	10,200	10,200
58	10,200	10,200	10,200
59	10,200	10,200	10,200
60	10,200	10,200	10,200
61	10,200	10,200	10,200
62	10,200	10,200	10,200

NOTES:

1. CONVEYANCE IN GENERAL, THE SURVEY...
2. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED...
3. EASEMENTS ARE SHOWN AS DOTTED LINES...
4. THE SURVEY IS BASED ON THE SURVEY OF THE CARRIAGE HILL...
5. THE SURVEY IS BASED ON THE SURVEY OF THE WINDING CREEK...
6. THE SURVEY IS BASED ON THE SURVEY OF THE WHISPERING BROOK COURT...
7. THE SURVEY IS BASED ON THE SURVEY OF THE WINDING CREEK...
8. THE SURVEY IS BASED ON THE SURVEY OF THE WHISPERING BROOK COURT...
9. THE SURVEY IS BASED ON THE SURVEY OF THE WINDING CREEK...
10. THE SURVEY IS BASED ON THE SURVEY OF THE WHISPERING BROOK COURT...
11. THE SURVEY IS BASED ON THE SURVEY OF THE WINDING CREEK...

EXHIBIT "C-3"



WINDING CREEK SECTION THREE AKA - CARRIAGE HILL SECTION THREE

INCLUDING A REPEAT OF LOT 28 AS INCORPORATED IN O.C. MAPS 1304-133 BUTLER COUNTY, OHIO RECORDERS OFFICE SECTION 32, TOWNSHIP 3 RANGE 13 LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO

msp McGILL Smith Partners Inc.
 10000 McGILL SMITH DRIVE
 COLUMBUS, OHIO 43240-1000
 TEL: 614.291.1000 FAX: 614.291.1001
 WWW.MSPGROUP.COM

EXHIBIT "C-4"

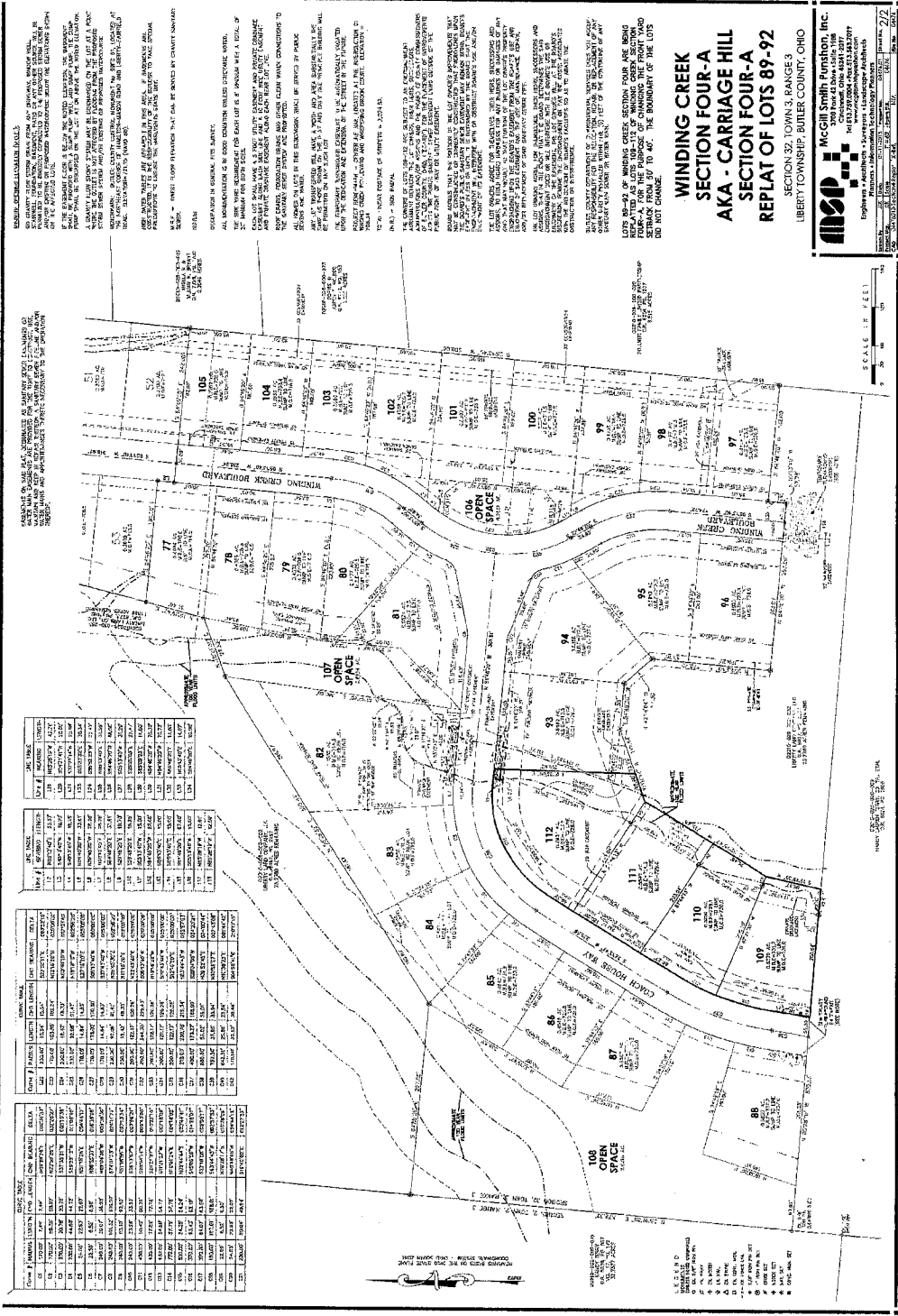
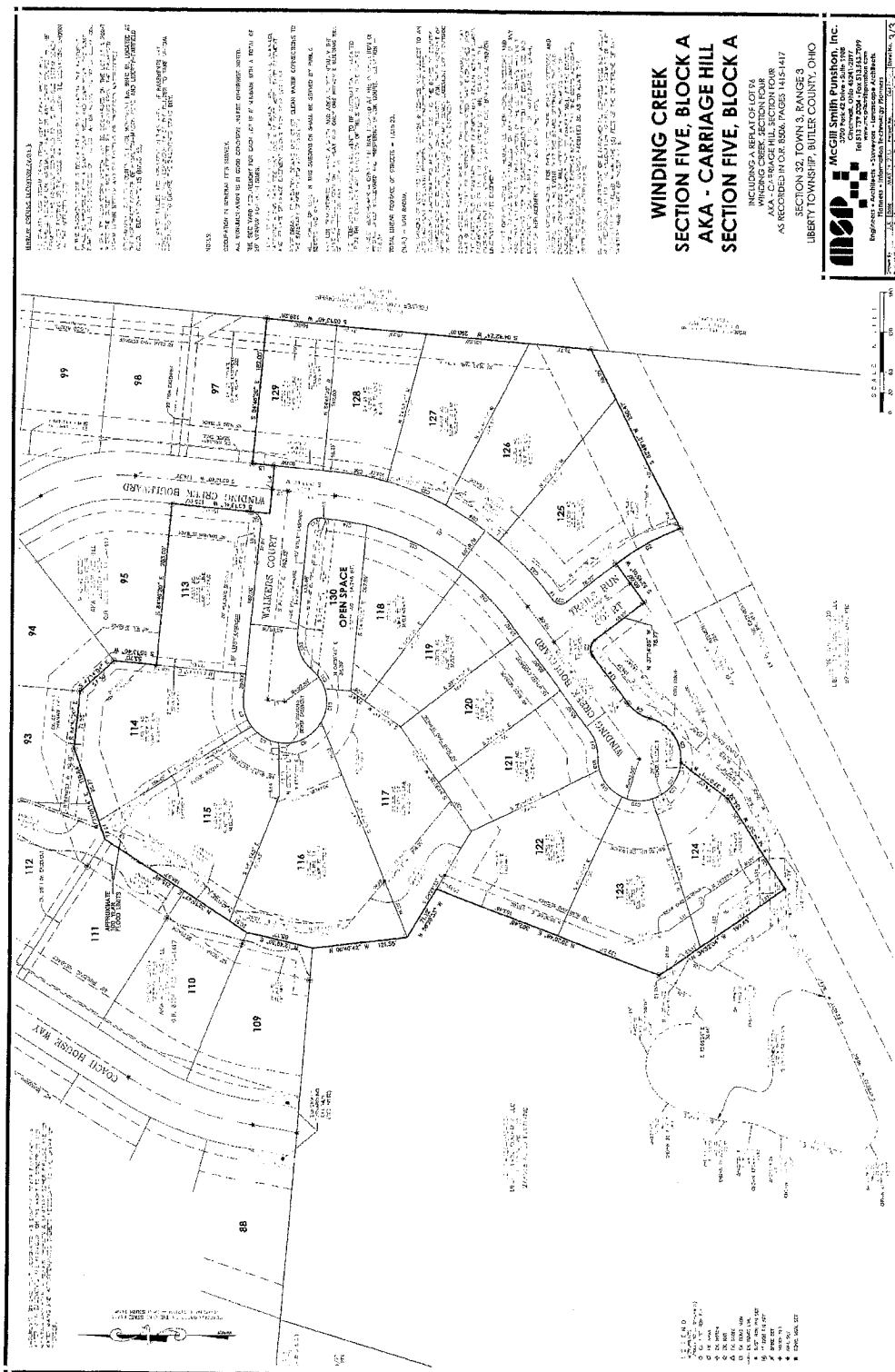


EXHIBIT "C-5"



GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE DISTANCE FROM THE CENTERLINE OF WINDING CREEK BOULEVARD TO THE CENTERLINE OF WALKER'S COURT IS 100.00 FEET.
3. THE DISTANCE FROM THE CENTERLINE OF WINDING CREEK BOULEVARD TO THE CENTERLINE OF WALKER'S COURT IS 100.00 FEET.
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**WINDING CREEK
SECTION FIVE, BLOCK A
AKA - CARRIAGE HILL
SECTION FIVE, BLOCK A**

LIBERTY TOWNSHIP, BUTLER COUNTY, OHIO

McGill Smith Punston, Inc.
 3070 West Chester Pike
 West Chester, OH 45381
 (614) 333-2000
 (614) 333-2001
 (614) 333-2002
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 (614) 333-2004
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 (614) 333-2006
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 (614) 333-2030

EXHIBIT "C-6"

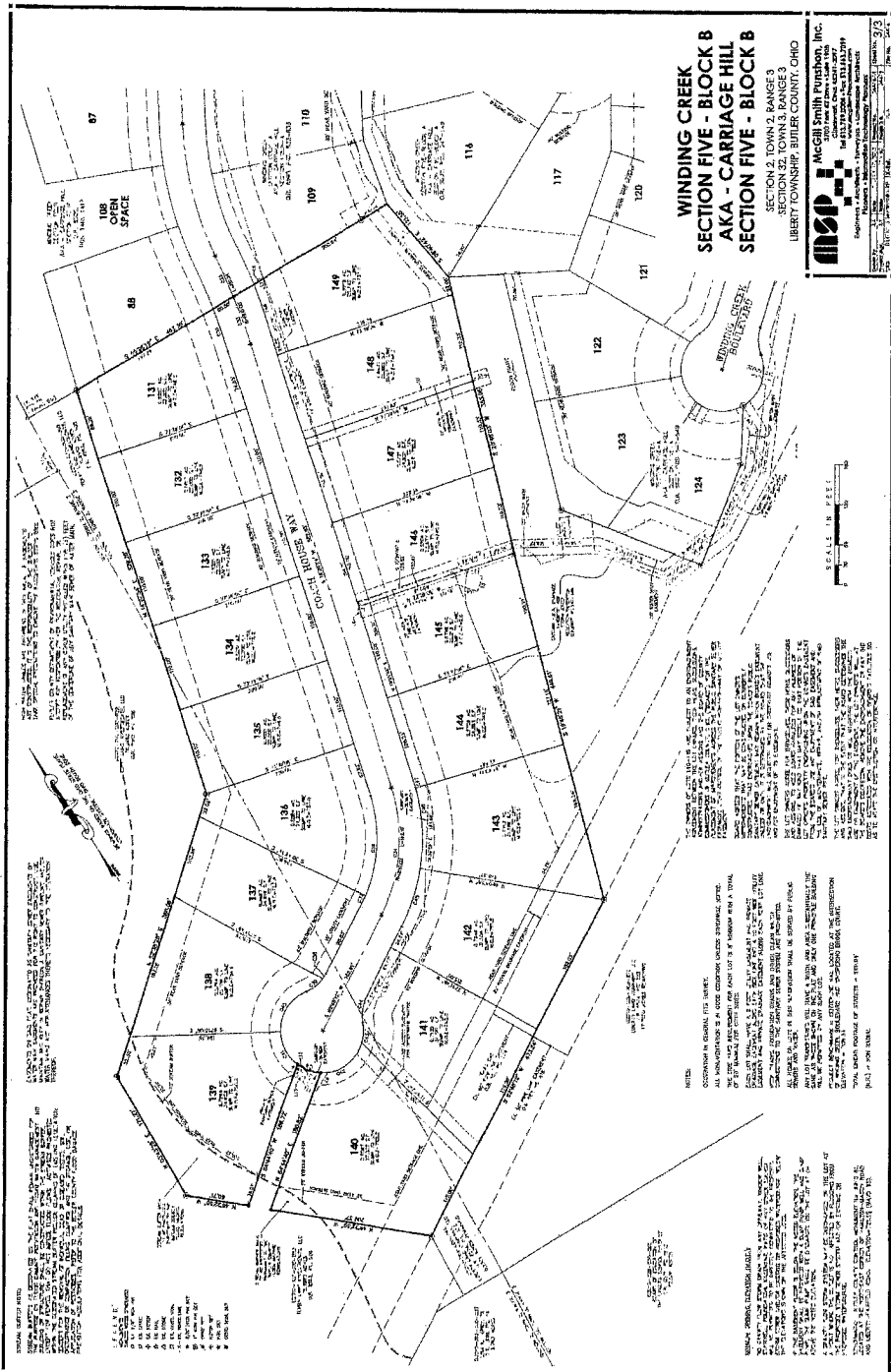
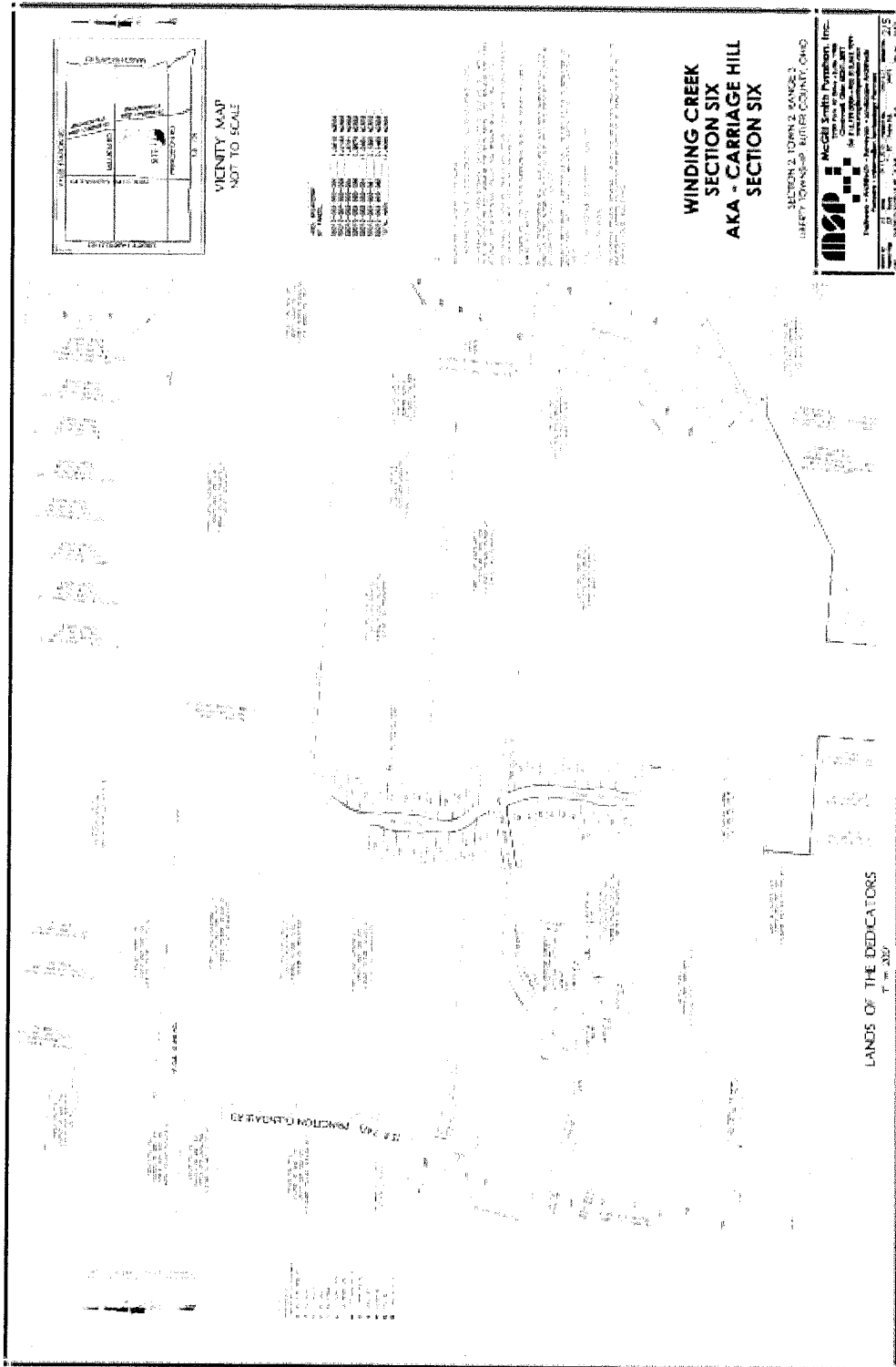


EXHIBIT "C-7"



VICINITY MAP
NOT TO SCALE

**WINDING CREEK
SECTION SIX
AKA - CARRIAGE HILL
SECTION SIX**

SECTION 6, TOWN & RANGE 2
WINDING CREEK, WILSON COUNTY, OHIO
MSP McGill Smith Partnership, Inc.
Prepared for the
County Auditor
Wilson County, Ohio

LANDS OF THE DEDICATORS
T. 2N. R. 2E.

EXHIBIT "C-8"

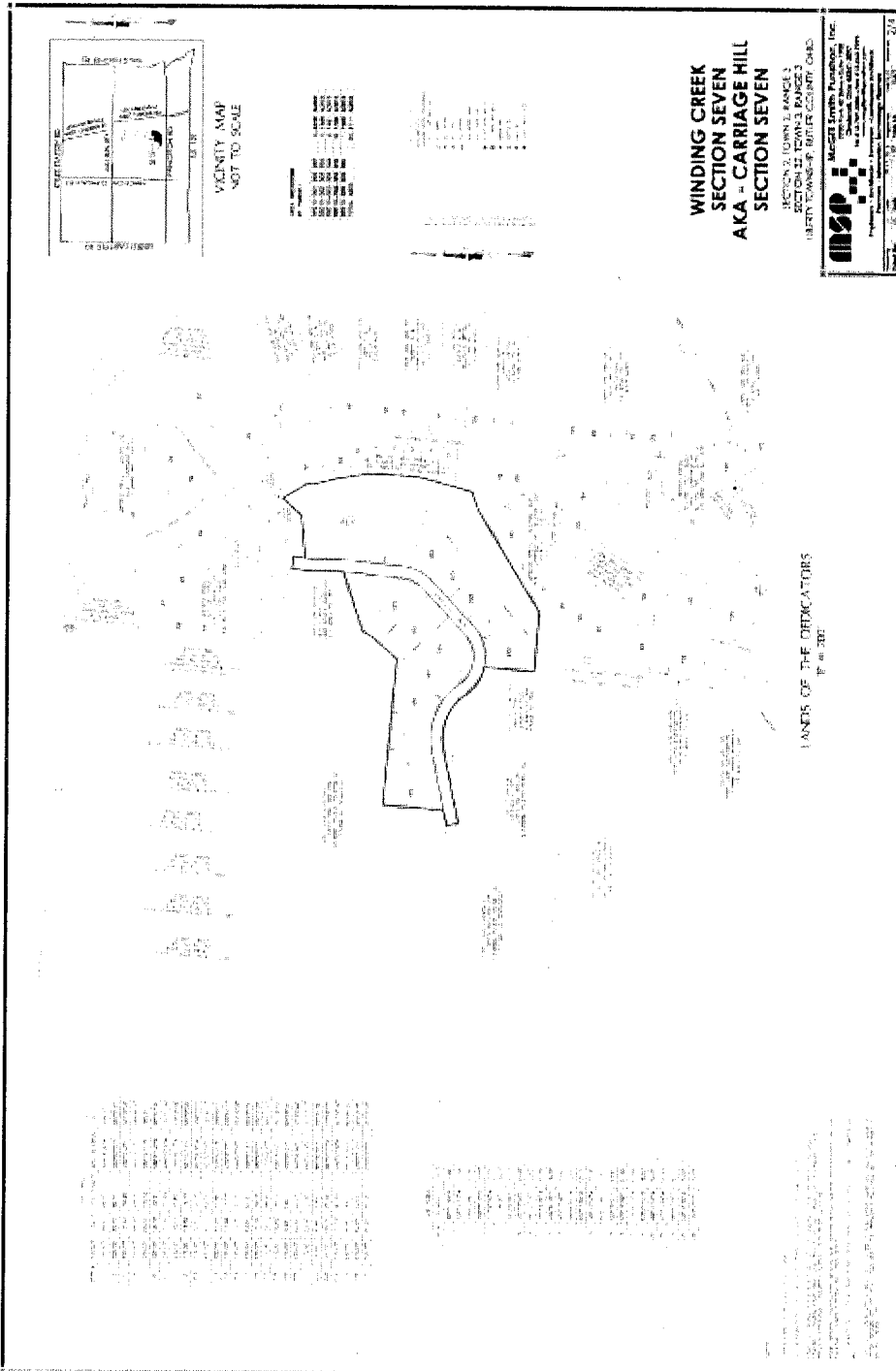
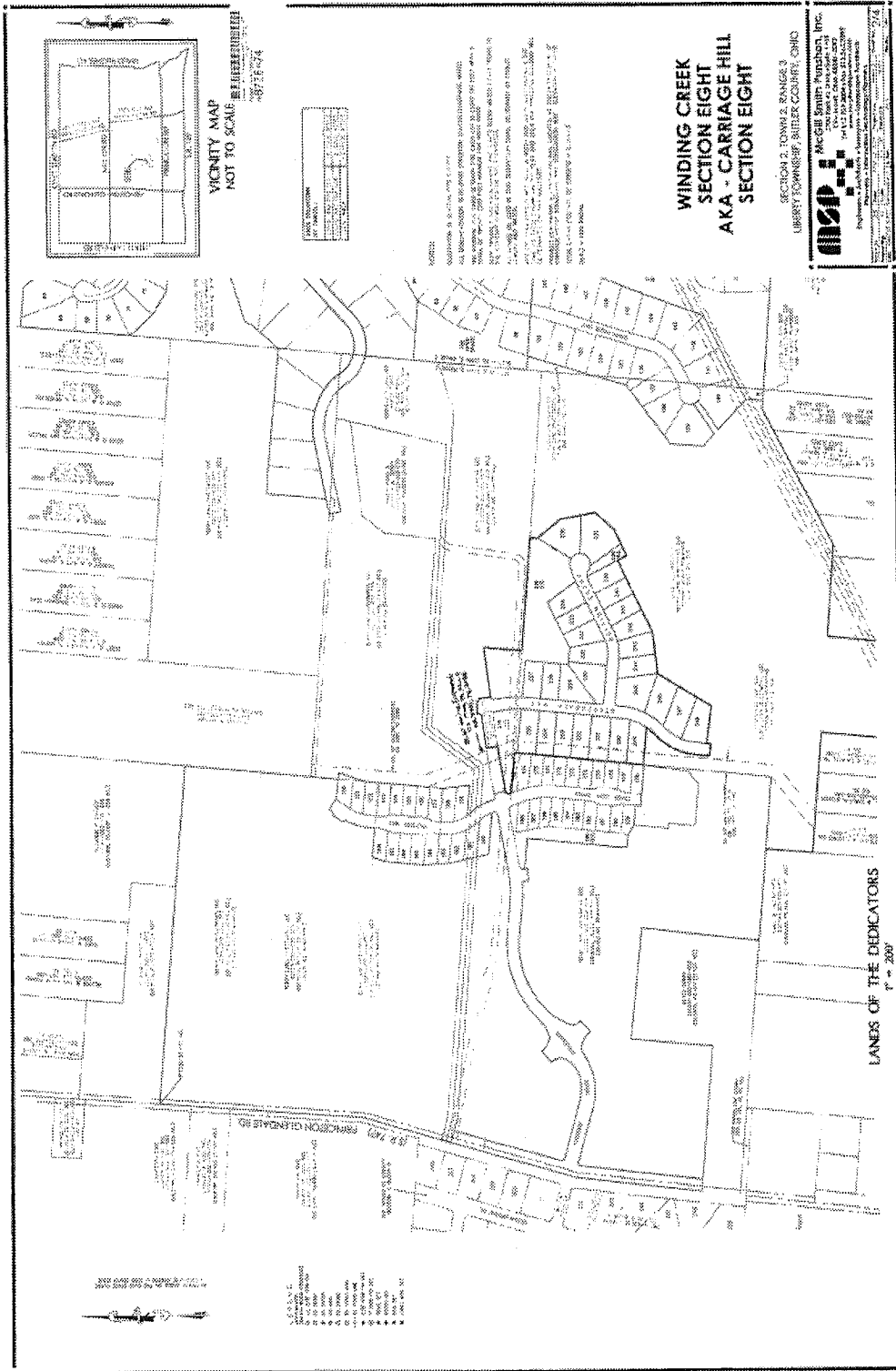


EXHIBIT "C-10"



8738-29

EXHIBIT "C-11"

