CUYAHOUA COUNTY RECORDER PATRICK J. OMALLEY DECL 11/18/2004 02:26:17 PM 200411181696

FOURTH AMENDMENT TO MASTER DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS OF ABERDEEN COMMUNITY MASTER HOMEOWNERS ASSOCIATION

THIS FOURTH AMENDMENT to Master Declaration ("Fourth Amendment") is entered into as of the 1st day of November, 2004 (the "Effective Date") between Miner Properties, Ltd., an Ohio limited liability company ("Declarant"), and Aberdeen Community Master Homeowners Association, an Ohio not-for-profit corporation (the "Association").

WITNESSETH:

WHEREAS, Declarant and the Association, entered into a Master Declaration of Covenants, Easements and Restrictions of Aberdeen, dated March 17, 1995, recorded in Volume 95-01966, Page 46 of the Cuyahoga County Recorder's Office, Cleveland, Ohio (the "Master Declaration");

WHEREAS, the Master Declaration was amended pursuant to a First Amendment thereto dated July 16, 1998 and recorded on August 18, 1998 in Volume 98-10576, page 19 of the Cuyahoga County Recorder's Office, Cleveland, Ohio;

WHEREAS, the Master Declaration was amended pursuant to a Second Amendment thereto dated March 3, 1999, and recorded on March 11, 1999 as Instrument Number 199903110681 in the Cuyahoga County Recorder's Office, Cleveland, Ohio;

WHEREAS, the Master Declaration was amended pursuant to a Third Amendment thereto dated December 24, 2001, and recorded on January 23, 2002 as Instrument Number 200201231175 in the Cuyahoga County Recorder's Office, Cleveland, Ohio; and

WHEREAS, Declarant desires to further amend the Master Declaration.

NOW, THEREFORE, Declarant hereby amends the Master Declaration pursuant to Article XIV, Section 3 thereof.

1. Article XII, Section 7. shall be amended and shall read as follows:

Section 7. Basketball Hoops and Other Items:

a) Basketball Hoops - Portable.

Portable basketball hoops ("Portable Standards") can be installed only on seasonal basis between April 15th and November 15th of each year within the life of this Master Declaration. Seasonal storage of the Portable Standards between November 15th and April 15th of each year is required. Storage means inside or not visible from any side of the property. Portable Standards are not allowed to block the public sidewalk, may not be located in the street, and may not be located between the sidewalk and the street. Portable Standards must be upright at all times and must be located on or adjacent to the owner's driveway with a minimum of 10 feet



loh Alous Sections Temporary Trigmer Files WIZE WASTER

from the public sidewalk and must not intrude on the neighbor's lot line. Portable Standards should be properly weighted according to manufacturer's guidelines to prevent tip-over. The use of sand bags or other items piled on the base is not permitted. Garage or wall mounted type standards are not permitted. Portable Standards must be properly maintained, and no visible rust, missing or torn nets, or metal mesh nets shall be permitted.

b) Other Items.

"Other Items" means backboards, clotheslines, garbage cans and other similar items. Other Items shall be located or screened so as to be concealed from view of neighboring Residences, streets, and property located adjacent to the Residences. All rubbish, trash, and garbage shall be kept in proper containers in accordance with applicable law and the rules to be adopted by the Neighborhood Board or the Master Board.

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

[The signatures appear on the next pages.]

Yopenery Internet Files Willestontin Fortu

IN WITNESS WHEREOF, the undersigned has hereunto set its hand at Cleveland, Ohio as of the	
Signed and acknowledged in the presence of:	MINER PROPERTIES, LTD.
Michaelene Pilch	By: Sam Miller Administrative Officer
June 4 fl	And By: A Milton Wolf Administrative Officer
STATE OF OHIO)	
COUNTY OF CUYAHOGA) SS:	
Before me, a Notary Public, in and for said County and State, personally appeared Sam Miller, known to me to be the person, who as Administrative Officer of MINER PROPERTIES, LTD., the limited liability company which executed the foregoing instrument, signed the same, and acknowledged to me that he did so sign said instrument in the name and upon behalf of said limited liability company as such officer, respectively; that the same is his free act and deed as such officer, and the free act and deed of said limited liability company. IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal at Cleveland, Ohio this	
	michaelere S. Pilch
	Notary Public
STATE OF OHIO) SS: COUNTY OF CUYAHOGA)	MICHAELENE S. PILCH Motary Public, State of Ohio My Commission Expires Sept. 27, 2005 Recorded in Cuyahoga County
known to me to be the person, who as Admini liability company which executed the foregoin he did so sign said instrument in the name and respectively; that the same is his free act and cliability company.	or said County and State, personally appeared Milton Wolf, strative Officer of MINER PROPERTIES, LTD., the limited g instrument, signed the same, and acknowledged to me that upon behalf of said limited liability company as such officer, leed as such officer, and the free act and deed of said limited hereunto subscribed my name and affixed my official seal at
Tribocuments and Festigans Poption Vicasi fet Anchometr in pallage	Notory Public, State of Chic, Cuy, Cty,

CUYAHOGA COUNTY RECORDER 200411181696 PAGE 3 of 4

The Aberdeen Community Master Homeowners Association joins in the execution of this Fourth Amendment to Master Declaration to express its consent and approval of the terms and provisions hereof, this 15th day of NOVember, 2004. Signed and acknowledged ABERDEEN COMMUNITY MASTER HOMEOWNERS ASSOCIATION in the presence of: President And By: Robert F. Monchein Vice President and Secretary STATE OF OHIO) SS: COUNTY OF CUYAHOGA The foregoing instrument was acknowledged before me, a Notary Public, on the 142 day of October, 2004, by Michael A. Shemo, the President of the ABERDEEN COMMUNITY MASTER HOMEOWNERS ASSOCIATION, an Ohio not-for-profit corporation, on behalf of the corporation. MICHAEL T. HOLOWATY STATE OF OHIO Notary Public, State of Ohio, Cuy. Cty.) SS: My commission expires Feb. 2, 2007 COUNTY OF CUYAHOGA

The foregoing instrument was acknowledged before me, a Notary Public, on the 5th day of Management, 2004, by Robert F. Monchein, the Vice President and Secretary of the ABERDEEN COMMUNITY MASTER HOMEOWNERS ASSOCIATION, an Ohio not-for-profit corporation, on behalf of the corporation.

Notary Public

MICHAELENE S. PILCH Notary Public, State of Ohio My Commission Expires Sept. 27, 2005 Recorded in Cuyahoga County

challene S. Pilch

This Instrument Approved By: Amanda M. Seewald, Esq. Terminal Tower 50 Public Square, Suite 1160 Cleyeland, Ohio 44113-2267