

CUYAHOGA COUNTY  
OFFICE OF FISCAL OFFICER - 4  
DEED 10/3/2013 2:03:57 PM  
**201310030367**

FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, EASEMENTS AND  
RESTRICTIONS FOR THE VISTAS AT ABERDEEN NEIGHBORHOOD OF THE  
ABERDEEN COMMUNITY (PARCEL A) ("AMENDMENT")  
CUYAHOGA COUNTY, OHIO

WHEREAS, the Declaration of Covenants, Easements and Restrictions for The Vistas at Aberdeen Neighborhood of the Aberdeen Community (Parcel A) (the "Original Declaration") was recorded October 12, 1999, in the Cuyahoga County, Ohio Records as Document No. 199910120100; and

WHEREAS, the Original Declaration was subsequently amended (as amended, the "Declaration") pursuant to (1) that certain First Amendment to Declaration of Covenants, Easements and Restrictions for the Vistas at Aberdeen Neighborhood Association, Inc. of the Aberdeen Community dated as of January 1, 2005, and recorded March 3, 2005, in the Cuyahoga County, Ohio Records as Document No. 200503030753, (2) that certain Second Amendment to Declaration of Covenants, Easements and Restrictions for the Vistas at Aberdeen Neighborhood Association, Inc. of the Aberdeen Community dated as of March 1, 2005, and recorded May 6, 2005, in the Cuyahoga County, Ohio Records as Document No. 200505060275, and (3) that certain Third Amendment to Declaration of Covenants, Easements and Restrictions for the Vistas at Aberdeen Neighborhood Association, Inc. of the Aberdeen Community dated as of May 1, 2006, and recorded June 28, 2006, in the Cuyahoga County, Ohio Records as Document No. 200606280313; and

WHEREAS, the Vistas at Aberdeen Neighborhood Association, Inc. (the "Association") is a non-profit corporation consisting of all Owners in the Neighborhood subject to the Declaration (as defined therein) and as such is the representative of all Owners; and

WHEREAS, three (3) years after the end of the Development Control Period, Article IX, Section 3, of said Declaration authorizes amendments to the Declaration approved by the Class A Members representing of at least 75% of the total Class A voting power; and

WHEREAS, the Declarant Control Period ended December 31, 2007; and

WHEREAS, the Association has in its records the written consents signed by Class A Members representing at least 75% of the total Class A voting power as of June 1, 2013, setting forth specifically the amendment to the Declaration set forth herein ("Amendment") and authorizing

the Association's officers to execute and record this Amendment on their behalf; and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President and Secretary to the effect that Owners representing no less than 75% of the total Class A voting power as of June 1, 2013, affirmatively approved the within Amendment, in writing.

NOW THEREFORE, the Declaration is hereby amended by the following:

1. Article V, Section 1(a)(v) of the Declaration shall be deleted in its entirety and replaced with the following:

“(v) All exterior mailbox facilities (including the boxes themselves), whether servicing one Residence or more than one Residence, and any other Common Area facilities within the Neighborhood intended for use by more than one Owner within the Neighborhood shall be repaired and replaced, if necessary, to keep the same in good working order and repair.”

2. Article V, Section 2(iv) of the Declaration shall be deleted in its entirety.

3. Any conflict between this Amendment and any other provisions of the Declaration and the Code of Regulations for the Vistas at Aberdeen Neighborhood Association, Inc. shall be interpreted in favor of this Amendment to the Declaration.

4. Except as modified by this Amendment, the Declaration shall remain unmodified and in full force and effect.

5. Each reference to the Declaration that is made in the Declaration and in any other document or instrument shall, from and after the date of this Amendment, be deemed to be a reference to the Declaration, as amended by this Amendment.

6. The invalidity or unenforceability of any provisions of this Amendment shall not affect or impair the validity or enforceability of any other provisions of this Amendment.

(no further text on this page/signatures follow on next page)



EXHIBIT A

AFFIDAVIT

STATE OF OHIO )  
 ) SS  
COUNTY OF CUYAHOGA )

JAMES M. BEMER (President) and Bruce Levison  
(Secretary), being first duly sworn, state as follows:

1. They are the duly elected and acting President and Secretary, respectively, of the Vistas at Aberdeen Neighborhood Association, Inc. ("Association").
2. The Association received the signed, written consents of Class A Members representing at least 75% of the total Class A voting power in favor of the Fourth Amendment to the Declaration of Covenants, Easements and Restrictions for the Vistas at Aberdeen Neighborhood of the Aberdeen Community (Parcel A) in accordance with the provisions of the Declaration Article IX, Section 3, and caused such signed, written consents to be filed with the corporate records for the Association.

4. Further affiants sayeth naught.

<u>James M. Bemmer</u>	<u>JAMES M. BEMER</u> , President (Print Name)
<u>Bruce Levison</u>	<u>BRUCE LEVISON</u> , Secretary (Print Name)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named JAMES M. BEMER and BRUCE LEVISON who acknowledges that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have here into set my hand and official seal in HIGHLAND HTS, Ohio, this 24TH day of SEPTEMBER 2013.

Laurie M. Humbert  
NOTARY PUBLIC



LAURIE M. HUMBERT  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
March 15, 2016