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COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
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MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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THIS IS THE FIRST PAGE OF THIS DOCUMENT)

AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
OF
FOX MEADOW SUBDIVISION PHASE 4

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF FOX MEADOW SUBDIVISION PHASE 4 RECORDED AT INSTRUMENT NO. 1999OR022106 AND THE BYLAWS OF FOX MEADOW SUBDIVISION PHASE 4 RECORDED AT MEDINA COUNTY RECORDS, INSTRUMENT NO. 1999OR022107 OF THE MEDINA COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS OF FOX MEADOW SUBDIVISION PHASE 4**

WHEREAS, the EVERGREEN LAND DEVELOPMENT, LTD, an Ohio domestic limited liability company (hereinafter referred to as “Builder”) and Fox Meadow Subdivision Phase 4, an Ohio not-for-profit corporation (the “Association”), entered into a Declaration of Covenants, Conditions, Easements and Restrictions, recorded on June 25, 1999, at Instrument No. 1999OR022106 of the Medina County records, as amended by an Amendment recorded on May 26, 2006, at Instrument No. 2006OR016153 of the Medina County records, and by Amendments recorded on September 15, 2016, at Instrument No. 2016OR020534 (collectively, the “Declaration”) and the Bylaws of Fox Meadow Subdivision Phase 4 recorded on June 25, 1999, at Instrument No. 1999OR022107 of the Medina County records (the “Bylaws”); and

WHEREAS, the Builder desires to further amend the Declaration.

NOW THEREFORE, the Builder amends the Declaration pursuant to Declaration Article XIV, Section 14.12(a), as follows:

DELETE DECLARATION ARTICLE VI, SECTION 6.1(f) entitled, “Drainage System.” Said deletion, to be taken from Page 18 of the Declaration, as recorded at Medina County Records, Instrument No. 1999OR022106.

INSERT a new DECLARATION ARTICLE VI, SECTION 6.1(f) entitled, “Drainage System.” Said new addition, to be added on Page 18 of the Declaration, as recorded at Medina County Records, Instrument No. 1999OR022106, is as follows:

(f) **Drainage System**. To reasonably maintain all lakes, ponds, canals, piping, culverts, drains and other facilities now or hereafter situated upon any portion of Fox Meadow Subdivision Phase 4 which are intended for the collection, retention, detention, transmittal, or disposal of storm water (other than gutters, downspouts, and other facilities attached to buildings and any portion of the sanitary sewer/storm water lines, piping, or drains serving only one Owner’s Living Unit Lot up to the point of disconnection or

connection to the main line, pipe, or drain serving more than one Living Unit Lot). The Golf Club Property Owner will be responsible for maintenance of the portion of drainage facilities situated within the Golf Course Property and "wetland" areas (if any) that are situated in whole or in part within the Golf Club Property.

INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE VII, SECTION 7.1 entitled, "Covenant of Good Maintenance." Said new addition, to be added on Page 26 of the Declaration, as recorded at Medina County Records, Instrument No. 1999OR022106, is as follows:

Each Owner will be responsible to maintain, repair, and replace any portion of any sanitary sewer lines, water main lines or drains, gas lines, electric lines, and any other utility service lines, except for the utility lines the Association is responsible for in accordance with Declaration Article VI, Section 6.1(f). Each Owner's obligation to maintain, repair, and replace includes all drains, pipes, wires, and any related component or meter serving only their Living Unit Lot up to the point of disconnection or connection to the main line, pipe, or drain serving more than one Living Unit Lot.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment clarifying the Association's and individual Owners' utility line maintenance, repair, and replacement responsibilities. 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, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of this amendment.

FOX MEADOW SUBDIVISION PHASE 4

Situated in the State of Ohio, County of Medina and Township of Montville and being known as the whole of sublots 187 through 234 and blocks II through UU in Fox Meadow Subdivision Phase 4 per Document No. 1999PL000085 of Medina County Recorder records in original township Lots 41 and 52.

PPN	Lot	PPN	Lot
030-11A-22-152	187A	030-11A-22-128	217
030-11A-22-113	189	030-11A-22-129	218
030-11A-22-114	190	030-11A-22-130	219
030-11A-22-115	191	030-11A-22-131	220
030-11A-22-116	192	030-11A-22-132	221
030-11A-22-117	193	030-11A-22-133	222
030-11A-22-118	194	030-11A-22-134	223
030-11A-22-119	195	030-11A-22-135	224
030-11A-22-120	196	030-11A-22-136	225
030-11A-22-121	197	030-11A-21-010	226
030-11A-22-122	198	030-11A-21-011	227
030-11A-22-123	199	030-11A-21-012	228
030-11A-22-124	200	030-11A-22-137	229
030-11A-22-125	201	030-11A-22-138	230
030-11A-22-126	202	030-11A-22-139	231
030-11A-18-091	203	030-11A-22-140	232
030-11A-17-055	204	030-11A-22-141	233
030-11A-17-056	205	030-11A-22-142	234
030-11A-17-057	206		
030-11A-17-058	207		
030-11A-17-059	208		
030-11A-17-060	209		
030-11A-21-004	210		
030-11A-21-005	211		
030-11A-21-006	212		
030-11A-21-007	213		
030-11A-21-008	214		
030-11A-21-009	215		
030-11A-22-127	216		