

TRANSFER NOT NECESSARY  
NICK NELSON, AUDITOR  
WARREN COUNTY, OHIO

SEP 20 2012 ✓

NICK NELSON  
AUDITOR, WARREN CO. OHIO

BETH DECKARD - WARREN COUNTY RECORDER  
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KAHMANN DEVELOPMENT CORP

12/10/08

**AMENDMENT OF DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR CROWN POINT ESTATES AND CROWN POINT MEADOWS**

This **AMENDMENT OF DECLARATION** is made by **KAHMANN DEVELOPMENT CORPORATION** and **D. J. KAHMANN DEVELOPER, INC.** (collectively, "Declarant") as to Crown Point Estates, Sections 1, 2, 3, 4, and 5, and Crown Point Meadows, Sections 1, 2, and 3, for the purpose and intent noted herein.

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 1** (the "Original Declaration"), exists and is recorded in Book 1267, Pages 592 through 619, of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 2**, exists and is recorded in Book 38, Pages 14 through 15, of the Recorder's Office of Warren County; and

**WHEREAS, an AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 1 AND SECTION 2**, exists and is recorded in Book 1696, Pages 783 through 785, of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 3**, exists and is recorded in Book 2290, Pages 874 through 876, of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 4**, exists and is recorded in Book 3240, Pages 159 through 160, of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT ESTATES, SECTION 5**, exists and is recorded in Book 4731, Pages 585 through 587, of the Recorder's Office of Warren County; and



**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT MEADOWS, SECTION 1,** exists and is recorded in Book 1848, Pages 637 through 640 of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT MEADOWS, SECTION 2,** exists and is recorded in Book 2290, Pages 870 through 873, of the Recorder's Office of Warren County; and

**WHEREAS, a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CROWN POINT MEADOWS, SECTION 3,** exists and is recorded in Book 2715, Pages 975 through 978, of the Recorder's Office of Warren County;

**WHEREAS,** Declarant desires to again amend the Declaration to eliminate errors and inconsistencies and improve the manner of development;

The Original Declaration and all amendments and annexations are collectively referred to as the **DECLARATION.**

Pursuant to Article III, section 3.04, of the Original Declaration, the following **AMENDMENTS** are hereby made to the **DECLARATION,** including any other section or annexation property which may, from time to time, be subjected to the **DECLARATION.**

Section 2.09 of the Original Declaration is hereby replaced with the following:

2.09 Common Area: The land, improvements, or facilities controlled and/or owned by the Association, as PROPERTY shown on any recorded plat of all or any portion of the PROPERTY, or designated in any recorded declaration, or both, devoted to the common use and enjoyment of the OWNERS, including without limitation, the lake, the private drive, and the Common Parcel "A" from Crown Point Meadows Section 1, and IMPROVEMENTS now and hereafter constructed or installed within Common Area land or on LOTS or on public land within the property pursuant to any easement or license.

Section 2.11 of the Original Declaration is hereby replaced with the following:

2.11 Declarant: Declarant means Kahmann Development Corporation, D. J. Kahmann Developer, Inc., or any owner of Adjacent Property, that executes and records, along with Kahmann Development Corporation, a Notice of Annexation, or any person or entity acquiring all of Declarant's then remaining interests in the PROPERTY, pursuant to a written assignment from Declarant which is recorded with the County Recorder, Warren County, Ohio. Unless the context otherwise requires or unless an assignment has been made in which an entity assumes all obligations of Declarant, Kahmann Development Corporation and D. J. Kahmann Developer, Inc. are, collectively, the Declarant. Either of these Declarants may make any decision or take



any action required hereunder without the consent of the other.

Section 5.05 of the Original Declaration is hereby replaced with the following:

5.05 Review Fee. Unless specified elsewhere in the Declaration or Design Review Manual, the ASSOCIATION, through the ARB, shall charge and collect review fees whenever plans are submitted for review. The review fee, as established by the ARB, may be amended from time to time upon approval of the board.

Section 5.06 of the Original Declaration is hereby replaced with the following:

5.06 Basis of Approval. Unless specified elsewhere in the Declaration or Design Review Manual, the approval shall be based, among other things, upon conformity and harmony of the proposed plans with the standards set forth in the DESIGN REVIEW MANUAL ("DRM"), other structures on the PROPERTY, the effect of the location and use of IMPROVEMENTS on neighboring property, and conformity of the plans and specifications to the general intent of and the specific provisions of the DECLARATION.

Section 5.07 of the Original Declaration is hereby replaced with the following:

5.07 Failure to Approve. In the event the ARB fails to approve any plans and specifications within seven (7) days after their submission in complete form as may be required by the ARB, said plans and specifications shall be deemed to have been APPROVED by the ARB.

Section 5.14 is hereby added to the Original Declaration:

5.14 DESIGN REVIEW MANUAL FOR NEW HOMES. The following provisions shall be included in the DRM and shall be deemed included in the DRM as it now exists or may hereafter be amended:

a. This DRM has been established by DECLARANT and may be amended from time to time by the Declarant only until the last Lot is sold by Declarant. After the last Lot is sold by Declarant, the ARB may amend the DRM. No building shall be erected or placed on any Lot without written approval of the ARB. All building plans must be reviewed by the ARB. The ARB shall approve or disapprove design plans, etc., within seven days of submission by the Builder. Failure of the ARB to approve plans submitted within seven days shall be deemed an automatic approval by the ARB. There shall be no cost for plan review. In reviewing such plans, the ARB shall take into consideration only the guidelines and standards set forth herein. No additional requirements may be added by the ARB.

b. For every Lot which is required by the county to have and maintain a public sidewalk, that sidewalk shall be installed when the house is constructed or, at Declarant's option, shall be installed by Declarant, and such cost shall be refunded to Declarant by the Lot Owner.

c. Each Lot shall use a mailbox and post approved by Declarant and each Lot Owner shall maintain and replace the same if damaged. The mailbox must be maintained in the same colors and style as the original mailbox.



d. Foundations shall be stepped down to grade such that no more than three feet of a bare concrete or block foundation wall shall be above ground.

e. No television satellite dishes over 36 inches in diameter shall be allowed. No antennae may be erected which are not attached to the house, nor may they be higher than the highest part of the roof of the house. Antennae or satellite dishes shall not be installed on the front half of a house and, if possible, should not be visible from the street.

f. No vegetable garden shall be planted any closer to the street than the building set-back line.

g. No above-ground swimming pools, of any type, shall be constructed on any Lot.

h. Any lighting used to illuminate yard areas shall be equipped with suitable shielding or be designed as to avoid casting direct light on any other Lot.

i. No dock or structure of any kind may be installed on, around, or near any retention ponds without the written consent of Declarant or the Association. No boating, swimming or ice skating shall be permitted.

j. All Lots shall be used only as residential lots. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one detached single family dwelling not to exceed two (2) stories in height above street grade at the front lot line and a private, attached garage for not more than three cars nor less than two cars.

k. No building shall be located nearer to the street line than the Minimum Building Setback Line as shown on the recorded plat for each Lot. A minimum width of ten feet shall be required for each side yard and 40 feet are required for a rear yard, as required by the Clearcreek Township Zoning regulations. All these may be changed by a variance granted by the Board of Zoning Appeals.

l. No fence, wall, or hedge shall be permitted to extend nearer to any street line than the minimum building setback line, unless approved by Declarant, nor shall any chain link fence be permitted on any Lot. No fence shall be higher than six feet tall, and no horizontal supports shall face away from the a Lot unless approved by the ARB. All fences must be kept in good repair.

m. Each Owner of a Lot shall be required to maintain storm water drainage ways in accordance with the drainage easements so that the normal flow of water will have no interference.

n. Natural gas must be utilized on each Lot.

o. All driveways with the exception of the Private Drive for lots 45, 46, and 47 in Crown Point Estates must be constructed of brick or concrete unless approved by the ARB in writing.

p. Roof pitches on all homes are to be 6/12 or greater unless approved by Declarant.

q. Each Lot must have an individual lamp post with electric eye control at the driveway,





five feet behind the sidewalk or equivalent. The lamp post style must be approved by Declarant.

r. Each Lot may have one accessory building. Said building must have a pitched roof of not less than 4/12, occupy no more than 200 square feet, be constructed of the same materials as permitted in the residence, and be painted the same colors. Any door must face in toward the yard that the residence occupies and be at least five feet off all property lines. The identical shingles used on the residence must be used on the accessory building.

s. Standards Applying only to Crown Point Estates:

(i) The total floor area of the main structure, exclusive of open porches and garages, shall not be less than two thousand (2,000) square feet in the case of a tri-level (excluding the lower level); and two thousand (2,000) square feet in the case of a one story structure; and two thousand three hundred (2,300) square feet in the case of one and one half (1 1/2) story or more structures. The exterior of any building shall be fully completed within a period of seven months from the time construction is commenced. Square footage shall be calculated according to American National Standards Institute ANSI Z765-2003.

(ii) No vinyl, aluminum, or plastic siding of any nature may be incorporated into the exterior siding construction. Aluminum/vinyl windows may be used but aluminum must be painted (not mill finished).

t. Standards Applying Only to Crown Point Meadows:

(i) The total floor area of the main structure, exclusive of open porches and garages, shall not be less than fifteen hundred (1,500) square feet in the case of a tri-level (including the lower level), or one story structure; and seventeen hundred (1,700) square feet in the case of one and one half (1/2) story or more structures. The exterior of any building shall be fully completed within a period of seven months from the time construction is commenced. Square footage shall be calculated according to American National Standards Institute ANSI Z765-2003.

(ii) No vinyl, aluminum, or plastic siding of any nature may be incorporated into the exterior siding construction without the approval of the ARB. Aluminum/vinyl windows may be used, but aluminum must be painted (not mill finished).



Section 9.05 of the Original Declaration is hereby replaced with the following:

9.05 Declarant Exemption. Declarants are specifically exempt from application of the assessment portions of this Article IX. Specifically, DECLARANT is exempt from the assessments set forth in Sections 9.03 and 9.04. The DECLARANT in this section refers to the actual Declarant entities, persons, successors, or assigns, not the Declarant membership class in the Association. Until such time as a sufficient number of LOTS are owned by OWNERS, DECLARANT may, at DECLARANT'S discretion, contribute a sum of money in an amount sufficient to subsidize the ASSOCIATION'S shortfall in its budget for that budget year. Any and all such subsidy payments shall be a loan to the ASSOCIATION, accruing interest at the prime lending rate set by Fifth Third Bank at the time of the contribution. The ASSOCIATION shall execute notes and any other writings reasonably required by DECLARANT to evidence the loan by DECLARANT. DECLARANT shall keep all records pertaining to the amount of the loans. DECLARANT reserves the right to restrict, diminish, or discontinue the amount, nature and character of the subsidy provided for in this section 9.05.

IN WITNESS WHEREOF, DECLARANTS have duly signed and acknowledged this Amendment of Declaration this 11<sup>th</sup> day of September, 2012.

KAHMANN DEVELOPMENT CORPORATION, an Ohio corporation

By: Daniel J. Kahmann, President  
Daniel J. Kahmann, President

D. J. KAHMANN DEVELOPER, INC., an Ohio corporation

By: Daniel J. Kahmann, President  
Daniel J. Kahmann, President

STATE OF OHIO :  
: s.s.  
COUNTY OF Montgomery :

The foregoing instrument was acknowledged before me this 11 day of September, 2012, by Daniel J. Kahmann, president of Kahmann Development Corporation, an Ohio corporation, on behalf of the corporation.



KATIE HELLER  
NOTARY PUBLIC STATE OF OHIO  
MY COMMISSION EXPIRES  
MARCH 21, 2014

Katie Heller  
NOTARY PUBLIC



STATE OF OHIO :  
 : s.s.  
COUNTY OF Montgomery :

The foregoing instrument was acknowledged before me this 11 day of September, 2012, by Daniel J. Kahmann, president of D. J. Kahmann Developer, Inc., an Ohio corporation, on behalf of the corporation.

Katie Heller  
NOTARY PUBLIC

This instrument prepared by:  
Kahmann Development Corporation  
10883 Yankee Street  
Dayton, Ohio 45458



KATIE HELLER  
NOTARY PUBLIC STATE OF OHIO  
MY COMMISSION EXPIRES  
MARCH 21, 2014

**FILED**

SEP 11 2012

CLEARCREEK TOWNSHIP  
ZONING DEPT.

JEFF PALMER

[Signature]  
Approved, Doc conforms  
with Clearcreek Township  
Zoning Resolution.

7

BOOK 5643 PAGE 717



**EXHIBIT A**

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE  
AMENDMENT OF DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR CROWN POINT  
ESTATES, Section 1 and Section 2 and Section 3 and Section 4  
and Section 5:

Situate in Section 33, Town 3, Range 5, B.T.M., Warren County, Ohio and being all of Lots 1 through 20 as shown on the record plan entitled, "Crown Point, Section 1" as filed in the Warren County, Ohio Recorder's Office in Plat Book 35 At Pages 25 and 26; and being all of Lots 24 through 44 as shown on the record plan entitled, "Crown Point, Section 2" as filed in the Warren County, Ohio Recorder's Office in Plat Book 38 At Pages 14 and 15; and being all of Lots 45 through 47 including Parcel "A" as shown on the record plan entitled, "Replat of Lots 21, 22, and 23 of Crown Point, Section 1" as filed in the Warren County, Ohio Recorder's Office in Plat Book 38 At Page 16; ; and being all of Lots 48 through 52 as shown on the record plan entitled, "Crown Point, Section 3" as filed in the Warren County, Ohio Recorder's Office in Plat Book 54 At Pages 84 and 85; ; and being all of Lots 53 through 72 as shown on the record plan entitled, "Crown Point, Section 4" as filed in the Warren County, Ohio Recorder's Office in Plat Book 62 At Pages 61 and 62; ; and being all of Lots 73 through 85 as shown on the record plan entitled, "Crown Point, Section 5" as filed in the Warren County, Ohio Recorder's Office in Plat Book 80 At Pages 31 and 32;

Subject to all legal highways, easements, declarations, covenants and restrictions of record.

Lot #	Parcel #	Lot #	Parcel #
1	05-33-160-001 ✓	2	05-33-160-002 ✓
3	05-33-160-003 ✓	4	05-33-160-004 ✓
5	05-33-160-005 ✓	6	05-33-160-006 ✓
7	05-33-168-001 ✓	8	05-33-168-002 ✓
9	05-33-168-003 ✓	10	05-33-168-004 ✓
11	05-33-168-005 ✓	12	05-33-168-006 ✓
13	05-33-168-007 ✓	14	05-33-168-008 ✓
15	05-33-168-009 ✓	16	05-33-166-001 ✓
17	05-33-166-002 ✓	18	05-33-166-003 ✓
19	05-33-166-004 ✓	20	05-33-166-005 ✓

*CC for all*





Lot #	Parcel #	Lot #	Parcel #
		24	05-33-306-001 -
25	05-33-306-002 -	26	05-33-306-003 -
27	05-33-306-004 -	28	05-33-316-001 -
29	05-33-316-002 -	30	05-33-316-003 -
31	05-33-322-001 -	32	05-33-322-002 -
33	05-33-322-003 -	34	05-33-322-004 -
35	05-33-322-005 -	36	05-33-322-006
37	05-33-322-007 -	38	05-33-310-001 -
39	05-33-310-002 -	40	05-33-310-003 -
41	05-33-310-004 -	42	05-33-310-005 -
43	05-33-310-006 -	44	05-33-310-007 -
45	05-33-166-010 -	46	05-33-166-011 -
47	05-33-166-012 -	48	05-33-160-026 -
49	05-33-162-011 -	50	05-33-168-012 -
51	05-33-168-011 -	52	05-33-168-010 -
53	05-33-316-004 -	54	05-33-316-005 -
55	05-33-316-006 -	56	05-33-316-007 -
57	05-33-316-008 -	58	05-33-316-009 -
59	05-33-316-010 -	60	05-33-322-012 -
61	05-33-322-013 -	62	05-33-322-014 -
63	05-33-322-015 -	64	05-33-322-016 -
65	05-33-322-017 -	66	05-33-322-018 -
67	05-33-322-019 -	68	05-33-322-020 -
69	05-33-322-021 -	70	05-33-322-022 -
71	05-33-322-023 -	72	05-33-322-024 -
73	05-33-162-029 -	74	05-33-162-030 -
75	05-33-162-031 -	76	05-33-162-032 -

*GC for all*



Lot #	Parcel #	Lot #	Parcel #
77	05-33-162-033 ✓	78	05-33-162-034 -
79	05-33-162-035 ✓	80	05-33-162-036 -
81	05-33-168-013 ✓	82	05-33-168-014 -
83	05-33-168-015 -	84	05-33-168-016 -
85	05-33-168-017 ✓	Parcel "A"	05-33-166-013 -

*SC for all*



LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE  
 AMENDMENT OF DECLARATION OF COVENANTS,  
 CONDITIONS AND RESTRICTIONS FOR CROWN POINT  
 MEADOWS, Section 1 and Section 2 and Section 3

Situate in Section 33, Town 3, Range 5, B.T.M., Warren County, Ohio and being all of Lots 1 through 35 as shown on the record plan entitled, "Crown Point Meadows, Section 1" as filed in the Warren County, Ohio Recorder's Office in Plat Book 46 At Pages 72 and 73; and being all of Lots 36 through 53 as shown on the record plan entitled, "Crown Point Meadows, Section 2" as filed in the Warren County, Ohio Recorder's Office in Plat Book 54 At Pages 82 and 83; being all of Lots 54 through 84 as shown on the record plan entitled, "Crown Point Meadows, Section 3" as filed in the Warren County, Ohio Recorder's Office in Plat Book 59 At Pages 9 and 10.

Lot #	Parcel #	Lot #	Parcel #
1	05-33-120-001 -	2	05-33-120-002 -
3	05-33-120-003 -	4	05-33-120-004 -
5	05-33-120-005 -	6	05-33-120-006 -
7	05-33-120-007 -	8	05-33-120-008 -
9	05-33-120-009 -	10	05-33-120-010 -
11	05-33-120-011 -	12	05-33-120-012 -
13	05-33-120-013 -	14	05-33-120-014 -
15	05-33-120-015 -	16	05-33-162-001 -
17	05-33-162-002 -	18	05-33-160-007 -
19	05-33-160-008 -	20	05-33-160-009 -
21	05-33-160-010 -	22	05-33-160-011 -
23	05-33-160-012 -	24	05-33-160-013 -
25	05-33-160-014 -	26	05-33-160-015 -
27	05-33-160-016 -	28	05-33-160-017 -
29	05-33-160-018 -	30	05-33-160-019 -
31	05-33-160-020 -	32	05-33-160-021 -
33	05-33-160-022 -	34	05-33-160-023 -
35	05-33-160-024 -	36	05-33-120-017 -
37	05-33-120-018 -	38	05-33-120-019 -
39	05-33-120-020 -	40	05-33-120-021 -
41	05-33-120-022 -	42	05-33-120-023 -
43	05-33-120-024 -	44	05-33-120-025 -
45	05-33-120-026 -	46	05-33-120-027 -
47	05-33-120-028 -	48	05-33-120-029 -
49	05-33-162-010 -	50	05-33-162-009 -

*gc for all*



Lot #	Parcel #	Lot #	Parcel #
51	05-33-162-008 -	52	05-33-162-007 -
53	05-33-162-006 -	54	05-33-120-035 -
55	05-33-120-036 -	56	05-33-120-037 -
57	05-33-120-038 -	58	05-33-120-039 -
59	05-33-120-040 -	60	05-33-120-041 -
61	05-33-120-042 -	62	05-33-120-043 -
63	05-33-120-044 -	64	05-33-120-045 -
65	05-33-120-046 -	66	05-33-120-047 -
67	05-33-120-048 -	68	05-33-162-012 -
69	05-33-162-013 -	70	05-33-162-014 -
71	05-33-162-015 -	72	05-33-162-016 -
73	05-33-162-017 -	74	05-33-162-018 -
75	05-33-162-019 -	76	05-33-162-020 -
77	05-33-162-021 -	78	05-33-062-022 -
79	05-33-162-023 -	80	05-33-162-024 -
81	05-33-162-025 -	82	05-33-162-026 -
83	05-33-162-027 -	84	05-33-162-028 -
Parcel "A"	05-33-160-025 -		

*Sl for all*

