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MARY L. MORRIS  
GREENE CO. RECORDER  
XENIA, OHIO

**AMENDMENT TO  
THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
AND RESERVATION OF EASEMENTS  
FOR HICKORY RIDGE OWNERS ASSOCIATION**

WHEREAS, a Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Hickory Ridge Owners Association ("the Declaration") was filed and recorded in Official Records Volume 2211, Page 21 of the Greene County, Ohio, Recorder's Office, on March 18, 2004 for the benefit of the Hickory Ridge Owners Association, an Ohio nonprofit corporation (the "Association"), and;

WHEREAS, pursuant to Section 12.2 of the Declaration, the Declaration may be amended in whole or in part or terminated by a recorded instrument approved by (i) the members representing 75% of the total votes of the Association and (ii) so long as it is the Owner of at least one Lot, the Developer, and;

WHEREAS, the undersigned Developer currently carries at least 75% of the voting rights of the Association, and;

WHEREAS, the Developer and the Association desire to amend the Declaration in order to establish or clarify certain rights of the Developer, and;

NOW, THEREFORE, the Developer and Association hereby amend the Declaration as follows:

1. The last sentence of Section 8.3 of the Declaration is hereby amended to read as follows:

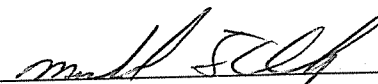
The provisions of this Section 8 do not apply to any construction by Developer or its affiliates, or to persons who acquire Lots directly from Developer or its affiliates, it being understood that Developer will retain the right to approve plans and specifications for the original construction on all such Lots, both before and after the Development Period.

2. Except as amended hereby, the Declaration is ratified and confirmed.

**OWNERS AND DEVELOPER:**

**Hickory Ridge Developers, Ltd.**, an Ohio limited liability company

By: Oberer Land Developers, Ltd., an Ohio limited liability company, its Sole Member

By:   
Michael F. Oberer, Vice President

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**ASSOCIATION:**

**Hickory Ridge Owners Association**, an Ohio nonprofit corporation

By: *George R. Oberer, Jr.*  
Name: GEORGE R. OBERER, JR.  
Title: TRUSTEE

STATE OF OHIO )  
 ) SS:  
COUNTY OF MONTGOMERY )

My Commission Expires Feb. 6, 2010  
In and for the State of Ohio  
BARBARA GAINNEY, Notary Public



The foregoing instrument was acknowledged before me this 1st day of December 2008, by Michael F. Oberer, Vice President on behalf of Oberer Land Developers, Ltd., Sole Member on behalf of Hickory Ridge Developers, Ltd., an Ohio limited liability company.

*Barbara Gainney*  
Notary Public

STATE OF OHIO )  
 ) SS:  
COUNTY OF MONTGOMERY )

The foregoing instrument was acknowledged before me this 1st day of December 2008, by George R. Oberer, Jr., the Trustee of Hickory Ridge Owners Association, an Ohio nonprofit corporation, on behalf of the corporation.

*Barbara Gainney*  
Notary Public

This Instrument Prepared By:  
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552350 1

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BARBARA GAINNEY, Notary Public



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