

**FIRST AMENDMENT TO
DECLARATION OF SUBDIVISION**

**ESTABLISHING COVENANTS,
CONDITIONS, AND RESTRICTIONS
FOR THE PROJECT KNOWN AS**

MARION ACRES SUBDIVISION

Prepared by:

Michael A. Staudt
FAULKNER, GARMHAUSEN, KEISTER & SHENK
A Legal Professional Association
Courtview Center - Suite 300
100 South Main Avenue
Sidney, OH 45365
937/492-1271
mstaudt@fgks-law.com

**FIRST AMENDMENT TO DECLARATION
OF
MARION ACRES SUBDIVISION**

This First Amendment to the Declaration of Covenants and Restrictions for Marion Acres Subdivision ("First Amendment") is made and entered into effective the 2nd day of August, 2018, by **MARIA STEIN DEVELOPMENT, LTD.**, an Ohio limited liability company ("Declarant"), and the owners whose names, signatures and Lot number are set forth below (hereinafter collectively "Owners") for the purpose of amending the Marion Acres Subdivision Declaration of Covenants and Restrictions.

RECITALS

- A. On June 16, 2015, certain real property located in Mercer County, Ohio was submitted to the provisions of the Marion Acres Subdivision Declaration of Covenants and Restrictions (the "Declaration"), which Declaration was filed for record as Document No. 201500002812 of the Official Records of Mercer County, Ohio.
- B. Article VIII of the Declaration provides for the submission of additional property to the provisions of the Declaration, so that such additional property will become in all respects part of the Subdivision subject to the Declaration.
- C. Section 8.2 of Article VIII of the Declaration provides that the Declarant reserves the right from time to time to amend the Declaration to include additional property as part of the Subdivision subject to the Declaration. Article X of the Declaration provides that the Declaration may be amended by the sole act of Declarant up to the time Declarant relinquishes control of the Association. The Declarant has not relinquished control of the Association.
- D. The Declarant, with the consent and agreement of the Owners, now desires to amend the Declaration pursuant to the terms and conditions of this First Amendment in order to add additional property to be known as Marion Acres Subdivision Phase 2 to the terms and conditions of the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

- 1. Pursuant to Article VIII and Article X of the Declaration, the Declarant, with the consent and agreement of the Owners, hereby submits all of the property which is known as Marion Acres Subdivision Phase 2, consisting of lots 14 through and including 30 in Marion Township, Mercer County, Ohio, the legal description for which is attached as "Exhibit A" (hereafter the "Additional Property"). Such Additional Property shall be deemed to be a part of and included within the term "Subdivision" as that term is defined and used in the Declaration. All of the Additional Property described in Exhibit A attached hereto,

AS TO LOT NUMBER 26

Mitchell J. Thobe

Mitchell Jay Thobe

Kate E. Thobe

Kate Elizabeth Thobe

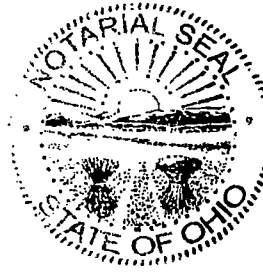
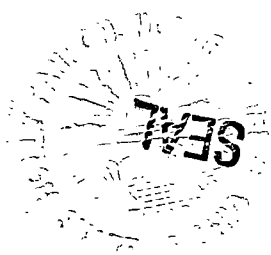
STATE OF OHIO
COUNTY OF MERCER/ ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named MITCHELL JAY THOBE and KATE ELIZABETH THOBE, Husband and Wife, who acknowledged that they did sign the foregoing First Amendment to Declaration of Marion Acres Subdivision and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Sidney, Ohio, this 27 day of July, 2018.

Holly J. Fannon
Notary Public

G:\Marion Acres HOA\Marion Acres SD\1st Amend to Dec 7-27-18



HOLLY J. FANNON
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
3/24/20

and each part thereof, shall be held, sold and conveyed subject to the easements, covenants, conditions and restrictions contained in the Declaration. All of the terms and conditions of the Declaration shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in the Additional Property described in Exhibit A attached hereto or any part thereof, and shall be binding upon such parties' heirs, successors and assigns, and shall inure to the benefit of each owner thereof as though originally subject to the Declaration.

2. Except as provided in this First Amendment, all other terms and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment to the Declaration of Covenants and Restrictions for Marion Acres Subdivision has been executed by Maria Stein Development, Ltd. as the Declarant and each of the undersigned Owners of the Lots which comprise the Additional Property.

MARIA STEIN DEVELOPMENT, LTD.
an Ohio limited liability company

By: Randy K. Bruns
Randy K. Bruns, General Manager

STATE OF OHIO
COUNTY OF MERCER/ ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named MARIA STEIN DEVELOPMENT, LTD., an Ohio limited liability company, by Randy K. Bruns, its General Manager, who acknowledged that he did sign the foregoing First Amendment to Declaration of Marion Acres Subdivision and that the same is his free act and the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at St. Henry,
Ohio, this 2 day of ~~July~~, 2018.

August

Opow M. Gehret
Notary Public



EXHIBIT A

MARION ACRES SUBDIVISION, PHASE 2

Situated in the Northwest Quarter of Section 26, Town 7 South, Range 3 East, Township of Marion, County of Mercer, and State of Ohio:

Being Lot Numbers 14 through and including 30 in Marion Acres Subdivision, Phase 2, pursuant to a record plan filed for record on June 1, 2018 in Plat Instrument No. 201800002573 of the Mercer County, Ohio Plat Records.