

TRANSFER NOT NECESSARY
ROGER REYNOLDS, CPA
BY 202102182 DEPT.
AUDITOR, BUTLER CO., OHIO

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File # 2021-00009838 Fee Amt: \$106 00
BUTLER County, Ohio DANNY N. CRANK, Recorder
BK **9597** PG **802**

**FOURTH AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR
MONROE CROSSINGS HOMEOWNERS ASSOCIATION, INC.**

This will certify that the Fourth Amendment and Supplement to Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings Homeowners Association, Inc. has been filed in the office of the County Auditor, Butler County, Ohio, this 18th day of Feb, 2021.

BUTLER COUNTY AUDITOR

By K. Spas

Amy Schott Ferguson, Esq.
Cuni, Ferguson & LeVay Co., LPA
10655 Springfield Pike
Cincinnati, Ohio 45215
(513) 771-6768



**FOURTH AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR
MONROE CROSSINGS HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings Homeowners Association, Inc. (the "Declaration") dated December 22, 2003 was recorded on December 30, 2003 at Official Record Book 7286, Page 1098 of the Butler County, Ohio Recorder's Office;

WHEREAS, the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings Homeowners Association, Inc. dated January 7, 2004 was recorded on January 8, 2004 at Official Record Book 7291, Page 598 of the Butler County, Ohio Recorder's Office;

WHEREAS, the Code of Regulations for Monroe Crossings Homeowners Association, Inc. dated January 7, 2004 was recorded on January 8, 2004 at Official Record Book 7291, Page 600 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings Phase 2, Block B dated March 15, 2004 was recorded on March 17, 2004 at Official Record Book 7327, Page 552 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 2, Block C dated August 4, 2004 was recorded on August 5, 2004 at Official Record Book 7415, Page 1488 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block A dated June 29, 2005 was recorded on July 1, 2005 at Official Record Book 7580, Page 2326 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block B dated February 21, 2006 was recorded on February 22, 2006 at Official Record Book 7702, Page 1418 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block C dated February 21, 2006 was recorded on February 22, 2006 at Official Record Book 7702, Page 1421 of the Butler County, Ohio Recorder's Office;



WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block A dated February 28, 2006 was recorded on March 1, 2006 at Official Record Book 7705, Page 895 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block D dated June 5, 2006 was recorded on June 6, 2006 at Official Record Book 7750, Page 438 of the Butler County, Ohio Recorder's Office;

WHEREAS, an Amendment to the Declaration dated May 2008 was recorded on November 17, 2008 at Official Record Book 8062, Page 2305 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block D, Section 2 dated April 5, 2012 was recorded on April 6, 2012 at Official Record Book 8434, page 319 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block B, Section 2 dated May 23, 2012 was recorded on June 1, 2012 at Official Record Book 8452, Page 194 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block E, Section 1 dated June 28, 2013 was recorded on June 28, 2013 at Official Record Book 8601, page 1980 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Third Amendment to the Declaration dated April 2, 2013 was recorded on April 10, 2014 at Official Record Book 8683, page 1062 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Second Amendment to the Declaration dated December 17, 2013 was recorded on December 20, 2013 at Official Record Book 8657, page 1205 of the Butler County, Ohio Recorder's Office;

WHEREAS, the Second Amendment was amended by an Amendment dated April 2, 2014 was recorded on April 10, 2014 at Official Record Book 8683, Page 1055 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block E, Section 2 dated August 28, 2015 was recorded on August 28, 2015 at Official Record Book 8826, Page 971 of the Butler County, Ohio Recorder's Office;



WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block E, Section 3 dated February 10, 2016, was recorded on February 10, 2016 at Official Record Book 8871, page 1319 of the Butler County, Ohio Recorder's Office;

WHEREAS, the Second and Third Amendment was amended by an Amendment dated May 25, 2017 was recorded on June 27, 2017 at Official Record Book 9049, Page 308 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block E, Section 3 dated June 15, 2017 was recorded on July 28, 2017 at Official Record Book 9061, Page 979 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings, Phase 3, Block E, Section 4 dated December 4, 2017 was recorded on December 13, 2017 at Official Record Book 9111, Page 1214 of the Butler County, Ohio Recorder's Office;

WHEREAS, a Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Monroe Crossings establish Phase 4 dated January 30, 2019 was recorded on February 15, 2019 at Official Record Book 9257, Page 1608 of the Butler County, Ohio Recorder's Office;

WHEREAS, Section 13.5 of the Declaration provides that the Declaration may be amended at any time without the vote of Owners by a written instrument executed by the Declarant for the purpose of eliminating or correcting any typographical error; making nominal changes, or clarifying Declarant's original intent;

WHEREAS, Declarant reserved the right in Article XII, Section 12.1 to add Additional Land to the terms and conditions of the Declaration;

WHEREAS, due to typographical errors, certain Lots, now owned by Monroe Crossings Homeowners Association, were not properly annexed;

WHEREAS, the Declarant has executed this recorded instrument amending the Declaration;

WHEREAS, the Declarant desires to amend this Declaration to correct typographical errors, make a nominal change, and clarify its original intent;



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

1. There shall be added to Article I, Section 1 the following definition, which shall be designated as Article I, Section 1.14:

1.14. Landscaped. "Landscaped" shall refer to a standard applicable to all Lots and when the term is used in the Declaration at Article IX, Section 9.2.6 or in any Rules and Regulations adopted by the Board, the term shall mean a minimum requirement of a two (2) foot mulched bed along the front of the house (other acceptable ground cover will be considered), and a minimum of four (4) evergreen bushes (boxwoods, holly, yews, junipers, etc.).

The remainder of the numerical identifiers assigned to the terms defined in Article I, Section 1 of the Declaration shall be reassigned to properly reflect the addition of the new term. This shall in no way materially or substantively affect any other portion of Article I, Section 1 of the Declaration.

2. **Article IX, Section 9.1.7.** is hereby deleted and the following substituted in its place:

9.1.7. Parking; Vehicle Repairs. Except in connection with construction activities, trucks exceeding a three quarter (3/4) ton rating, trailers, campers, recreational vehicles, boats and other large vehicles may be parked on the Property only if in garages. No junk or derelict vehicle or other vehicle on which current registration plates are not displayed shall be kept upon any portion of the Property. Vehicle repairs and storage of vehicles are permitted on the Property only if in garages. Recreational vehicles and boats may be parked in the driveways for a period not to exceed forty-eight (48) hours for the purpose of cleaning, loading or unloading.

NOW THEREFORE, the Declaration is hereby supplemented as follows:

3. **Annexation.** Pursuant to Article XII, Section 12.1, the property described in Exhibit B is hereby annexed to the terms of the Declaration which shall be a covenant running with the land and binding upon the land and all owners thereof.

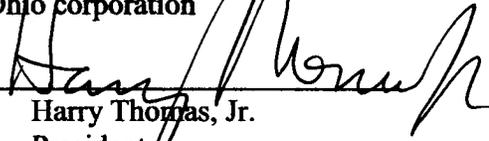
4. The following paragraph shall be removed from Exhibit A, the Legal Description, of the Second Amendment, Amendment to Second Amendment, and Amendment to Second and Third Amendment:

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4592 through 4600, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase One, Plat Envelope 3637, Pages A, B, and C, Butler County Plat Records.



4. Declarant confirms that its intent in First Amendment was to annex Lots 4411 through 4455, inclusive, of Phase 2, Block A to the terms of the Declaration, and Declarant hereby confirms their annexation. Paragraph II of the First Amendment should have referenced Exhibit B, not Exhibit A. These Lots are described in Exhibit A attached hereto.

MONROE CROSSINGS, INC.
An Ohio corporation


By: Harry Thomas, Jr.
Its: President

STATE OF OHIO

COUNTY OF Butler SS:

This instrument was executed and acknowledged before me by Harry Thomas, Jr., the President of Monroe Crossings, Inc., an Ohio corporation, by and on behalf of said corporation this 3rd day of February, 2021.


Notary Public



TINA J. JACKSON
Notary Public, State of Ohio
My Commission Expires Sept. 24, 2022



MONROE CROSSINGS HOMEOWNERS ASSOCIATION, INC.

An Ohio Non-Profit Corporation

Harry Thomas, Jr.
By: Harry Thomas, Jr.
Its: President

STATE OF OHIO

COUNTY OF Butler SS:

This instrument was executed and acknowledged before me by Harry Thomas, Jr., the President of Monroe Crossings Homeowners Association, Inc., an Ohio non-profit corporation, by and on behalf of the Association, this 3rd day of February, 2021.

Tina J. Jackson
Notary Public



TINA J. JACKSON
Notary Public, State of Ohio
My Commission Expires Sept. 24, 2022

This Instrument Prepared by:
Amy Schott Ferguson, Esq.
Cuni, Ferguson & LeVay Co., LPA
10655 Springfield Pike
Cincinnati, Ohio 45215

**EXHIBIT A****LEGAL DESCRIPTION**

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4411 through 4455, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 2, Block A, Plat Envelope 3638, Pages A and B, Butler County Plat Records.

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4456 through 4526, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 2, Block B, Plat Envelope 3662, Pages A and B, Butler County Plat Records.

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4531 through 4583, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 2, Block C, Plat Envelope 3708 A and B, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4796 through 4831, 4834 through 4836, 4874 through 4888, 4891 through 4920, 4922 through 4969 and Lot 4997, all inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block A, Plat Envelope 3844, Pages A, B, C, D and E, Butler County Plat Records.

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being lots replatted from Lot 4832 to Lot 5441, from Lot 4833 to Lot 5442, from Lot 4890 to Lot 5443 and from Lot 4889 to Lot 5444, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block A, Plat Envelope 3934, Page A, Butler County, Ohio Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4998 through 5032, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block B, Plat Envelope 3935, Page A and B, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5033 through 5073, inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block C, Plat Envelope 3937, Page A, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5074 through 5112 and Lots 5210 through 5226, all inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block D, Plat Envelope 3964, Pages A and B, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5228 through 5238 and 5241 through 5253 as shown on the Record Plat for Monroe



Crossings Subdivision, Phase 3, Block D, Section 2, Plat Envelope 8171, Page 1813, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5254 through 5291 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block B, Section 2, Official Record Book 8449, Page 154 Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5753 through 5770 and 5771 through 5783 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block E, Section 1, Official Record Book 8598, Page 1792, 1793, and 1794, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5784, being a replat of Lots 5239 and 5240, as shown on the Consolidation Plat recorded at Official Record Book 8485, Page 1936, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5789 through 5821 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block E, Section 2, Official Record Book 8826, Page 712-713, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5824 through 5870 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block E, Section 3, Official Record Book 8870, Page 815-816, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5964 through 6008 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block E, Section 4, Official Record Book 9108, Page 1011-1012, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 6009 through 6062 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 4, Official Record Book 9252, Page 1552 - 1554, Butler County Plat Records.



EXHIBIT B

Situated in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 4582 and 4583, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 2, Block C, Plat Envelope 3708 A and B, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3 City of Monroe, Butler County, Ohio and being all of Lots 4816 – 4920, 4969, and 4997, all inclusive, as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block A, Plat Envelope 3844, Pages A, B, C, D and E, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lot 5073 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block C, Plat Envelope 3937, Page A, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lots 5074, 5084, and 5227 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block D, Plat Envelope 3964, Pages A and B, Butler County Plat Records.

Situate in Section 35, Town 3, Range 3, City of Monroe, Butler County, Ohio and being all of Lot 5785 as shown on the Record Plat for Monroe Crossings Subdivision, Phase 3, Block E, Section 1, Official Record Book 8598, Page 1792, 1793, and 1794, Butler County Plat Records.

Situated in Section 3, Town 3, Range 3, City of Monroe, Butler County, Ohio and being a 15.732 acre tract of land in part of Lot #2293 as known and designated on the list of lots in said City of Monroe and being further described as follows:

Beginning at the most westerly corner of Lot #4600 of Monroe Crossings, Phase One as recorded in Plat Envelope 3637, Page A-C and as known and designated on the list of lots in said City of Monroe, said point being on the southeasterly right-of-way line of State Route 4; thence along the southwesterly boundary of aforementioned Lot #4600, South 58° 32' 18" East, 26.27 feet to an existing concrete monument; thence along a curve to the left having a radius of 150.00 feet, through a central angle of 46° 14' 04", an arc length of 121.04 feet, a chord bearing of South 81° 39' 19" East, a chord distance of 117.78 feet to an existing concrete monument; thence along a curve to the right having a radius of 331.54 feet, through a central angle of 28° 13' 46", an arc length of 163.35 feet, a chord bearing of North 89° 20' 32" East, a chord distance of 161.70 feet to an existing concrete monument; thence South 76° 32' 35" East, 171.28 feet to an existing concrete monument; thence South 46° 11' 58" East, 236.16 feet; thence leaving said boundary, North 88° 19' 57" West, 333.57 feet; thence South 37° 50' 46" West, 221.35 feet to a point on the extended northwesterly boundary of Monroe Crossings, Section Three, Block "D" as recorded in Plat Envelope 3964, Page A-B of the Butler County, Ohio records; thence along said boundary, South 12° 53' 59" West, 424.18 feet to an existing 1" iron pin; thence South 42° 48' 52" West, 428.51 feet to an existing 1" iron pin on the extended northwesterly boundary of Monroe Crossings, Section Three, Block "C" as recorded in Plat Envelope 3845, Page A-E of the



Butler County, Ohio records; thence along the boundary of said Monroe Crossings, Section Three, Block "C", South 29° 45' 13" West, 596.85 feet to an existing concrete monument; thence leaving said boundary, South 45° 57' 36" West, 60.13 feet; thence South 64° 00' 32" West, 634.47 feet to a point on the easterly right-of-way line of LeSourdsville West Chester Road; thence along said easterly right-of-way line, North 04° 57' 01" East, 316.52 feet to a point on the aforementioned southeasterly right-of-way line of State Route 4; thence leaving said easterly right-of-way line, along said southeasterly right-of-way line, North 66° 58' 01" East, 64.58 feet; thence along a curve to the left having a radius of 1185.92 feet, through a central angle of 47° 36' 28", an arc length of 985.39 feet, a chord bearing of North 43° 08' 14" East, a chord distance of 957.29 feet to an existing 1" iron pin; thence South 70° 21' 54" East, 11.23 feet; thence North 16° 49' 36" East, 109.52 feet to a point on the boundary of the lands of Cincinnati Gas & Electric Company as recorded in Official Record 7280, Page 609 of the Butler County, Ohio records; thence leaving said southeasterly right-of-way line, along said boundary, South 73° 10' 24" East, 200.00 feet; thence North 16° 49' 36" East, 250.00 feet; thence North 73° 10' 24" West, 200.00 feet to a point on the aforementioned southeasterly right-of-way line of State Route 4; thence leaving said boundary, along said southeasterly right-of-way line, North 16° 49' 36" East, 50.00 feet to an existing concrete monument; thence North 21° 30' 19" East, 350.78 feet to an existing concrete monument; thence North 31° 28' 20" East, 245.56 feet to the point of beginning, containing 685,287.65 square feet or 15.732 acres of land, more or less, and being subject to all restrictions, easements and right-of-ways of record.

Subject to twenty four (24.00) foot utility and drainage easement in part of the above described 15.732 acre tract of land and being taken twenty four (24.00) feet adjacent to and to the northeast of the following described line:

Beginning at a point found by measuring from the most northerly corner of Lot #5221 of the above described Monroe Crossings, Section Three, Block "D" and as known and designated on the list of lots in said City of Monroe, said point being on the southeasterly boundary of the above described 15.732 acre tract of land, along said boundary, North 12° 53' 59" East, 198.84 feet to the true point of beginning; thence from the point of beginning thus found, leaving said boundary, North 67° 44' 11" West, 93.68 feet.

The above description was prepared from a survey dated June 8, 2007, made by Todd K. Turner, Registered Surveyor #7684 in the State of Ohio.

The Plat of Survey is recorded in Volume 51, Page 34 of the Butler County Engineer's Records. Prior Instrument Reference: Book 7077, Page 477 of the Official Records of Butler County, Ohio.