



8 0 7 4 4 6 2

Tx:4042569

MIAMI COUNTY RECORDER

JESSICA A LOPEZ

2017OR-12105

PRESENTED FOR RECORD

MIAMI COUNTY, TROY, OHIO

10/04/2017 2:39:37 PM

REFERENCES 0

RECORDING FEE 72.00

PAGES: 5

Shaneyfelt NC5

TENTH AMENDMENT
TO THE
DECLARATION OF SUBDIVISION
WHICH ESTABLISHED
COVENANTS, CONDITIONS AND RETRICTIONS
FOR THE PROJECT KNOWN AS
KENSINGTON/HUNTINGTON SUBDIVISION

Prepared by:
Paul H. Shaneyfelt
Shaneyfelt & Associates, LLC
315 Public Square, Suite 204
Troy, OH 45373
Tel: 937-216-7727
Email: paulshaneyfeltlaw@gmail.com

TENTH AMENDMENT
TO THE DECLARATION OF SUBDIVISION
FOR
KENSINGTON/HUNTINGTON SUBDIVISION

This Tenth Amendment is made and entered into for the purpose of amending the Declaration of Subdivision for Kensington/Huntington Subdivision.

(A) PREVIOUS RECORDING INFORMATION

The Subdivision documents have been recorded in the Deed and Plat Records of Miami County, Ohio as follows:

	<u>Filed</u>	<u>Recording Information</u>
Declaration of Subdivision	12/19/1997	Deed Book 683, Page 241
First Amendment to Declaration Of Subdivision	1/19/1999	Misc. Book 30, Page 278
Second Amendment to Declaration Of Subdivision	1/19/2000	Misc. Book 30, Page 508
Third Amendment to Declaration Of Subdivision	7/30/2001	Misc. Book 31, Page 154
Fourth Amendment to Declaration Of Subdivision	12/7/2000	Deed Book 711, Page 640
Fifth Amendment to Declaration Of Subdivision	7/11/2001	Misc. Book 31, Page 141
Sixth Amendment to Declaration Of Subdivision	5/8/2002	Deed Book 726, Page 794
Seventh Amendment to Declaration Of Subdivision	1/9/2004	Deed Book 745, Page 540
Eighth Amendment to Declaration Of Subdivision	9/15/2005	Deed Book 765, Page 82

(B) PURPOSE OF THIS AMENDMENT

The purpose of this Tenth Amendment is to amend section 7.12 of the covenants and allow certain ornamental metal fencing.

(C) COMPLIANCE WITH REQUIREMENTS OF DECLARATION
AS TO AMENDMENTS TO THE DECLARATION

This Tenth Amendment complies with the terms, conditions and restrictions of Article XI in that not less than a majority of the Lot Owners have voted to amend this Declaration of Subdivision. Attached hereto as Exhibit 1 and incorporated herein by reference is the Affidavit of the Secretary of the Homeowner's Association certifying the vote thereon.

(D) LANGUAGE OF AMENDMENT

Section 7.12 is hereby revoked in its entirety and the following is substituted therefore:

Section 7.12 Fences. Fences shall not be constructed within any utility easement. Otherwise all fence designs and location shall be in keeping with the architectural character of the structure and shall be approved by the Association. Notwithstanding any provisions herein to the contrary, no chain link fencing or similar fencing shall be permitted however, ornamental metal fencing may be permitted.

(E) EFFECTIVE DATE OF AMENDMENT

This Amendment to the Declarations of Subdivision of Huntington/Kensington Subdivision shall be effective as of August 23, 2017.

(F) NO OTHER CHANGES

No changes or revisions are made in the Declaration of Subdivision with the exception of those set forth above; and with the exception of those changes that Declaration is hereby ratified, confirmed and approved.

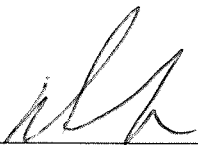
STATE OF OHIO, COUNTY OF MIAMI SS:

Being first duly cautioned and sworn according to law, the undersigned deposes and states as follows:

The undersigned, Kensington/Huntington Homeowner's Association, does hereby consent to, and adopt as its own, the Tenth Amendment to the Declaration of Subdivision which established a plan for Subdivision which established a plan for Subdivision ownership for the project known as Kensington/Huntington Subdivision; said Tenth Amendment was consented to by not less than fifty-one percent of the members of Kensington/Huntington Association; and said Amendment was duly adopted by the members.

IN WITNESS WHEREOF, the undersigned **KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION**, an Ohio Corporation not-for-profit, by **DANIEL DECERBO**, President, and **MONIQUE DECERBO**, Secretary, have executed this instrument this 28th day of September, 2017.

KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION

By: 
Daniel DeCerbo, President

By: 
Monique DeCerbo, Secretary

STATE OF OHIO, COUNTY OF MIAMI, SS:

BE IT REMEMBERED, that on this 28th day of September, 2017 before me, the subscriber, a Notary Public in and for the State of Ohio, personally came the above-named **KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION**, an Ohio Corporation, not-for-profit by **DANIEL DECERBO**, its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of him personally and as such officer.

FURTHER, the above certificate was sworn to before me and subscribed in my presence on the day and year last aforesaid.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



PAUL H. SHANEYFELT, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.
Recorded in Miami County

[Handwritten Signature]
NOTARY PUBLIC

STATE OF OHIO, COUNTY OF MIAMI, SS:

BE IT REMEMBERED, that on this 28th day of September, 2017 before me, the subscriber, a Notary Public in and for the State of Ohio, personally came the above-named **KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION**, an Ohio Corporation, not-for-profit by **MONIQUE DECERBO**, its Secretary, who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of him personally and as such officer.

FURTHER, the above certificate was sworn to before me and subscribed in my presence on the day and year last aforesaid.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



PAUL H. SHANEYFELT, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.
Recorded in Miami County

[Handwritten Signature]
NOTARY PUBLIC