

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND ASSESSMENTS, AND RESERVATION OF EASEMENTS FOR
GREEN PASTURES RESIDENTIAL COMMUNITY AND AMENDMENT TO THE BY-
LAWS (CODE OF REGULATIONS) OF GREEN PASTURES OWNERS'
ASSOCIATION**

Auditor's Certificate

This is to certify that a copy of this Amendment to the Declaration of Covenants, Conditions, Restrictions and Assessments, and Reservation of Easements for Green Pastures Residential Community and Amendment to the By-Laws (Code of Regulations) of Green Pastures Owners' Association, has been filed with the Auditor of Union County, Ohio, this ___ day of _____, 202__.

AUDITOR OF UNION COUNTY, OHIO

By

Please Cross-Reference: *Declaration of Covenants, Conditions, Restrictions and Assessments, and Reservation of Easements for Green Pastures Residential Community*, recorded in **Deed Book 338, Page 691**, and *By-Laws (Code of Regulations) of Green Pasture Owners' Association*, recorded in **O.R. 909, Page 404**, Union County, Ohio Records.

This Instrument was recorded by Robin L. Strohm, Esq., Williams & Strohm LLC, Attorneys at Law, Two Miranova Place, Suite 380, Columbus, Ohio 43215-7047.

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND ASSESSMENTS, AND RESERVATION OF EASEMENTS FOR
GREEN PASTURES RESIDENTIAL COMMUNITY AND AMENDMENT TO THE BY-
LAWS (CODE OF REGULATIONS) OF GREEN PASTURES OWNERS’
ASSOCIATION**

This Amendment to the Declaration of Covenants, Conditions, Restrictions and Assessments, and Reservation of Easements for Green Pastures Residential Community and Amendment to the By-Laws (Code of Regulations) of Green Pastures Owners’ Association is made this _____ day of _____, 2023.

RECITAL

A. Green Pastures Subdivision is a subdivision created under the filing of a Declaration of Covenants, Conditions, Restrictions and Assessments and Reservation of Easements for Green Pastures Residential Community (the “Declaration”), recorded in Deed Book 338, Page 691, *et seq.*, and a Code of Regulations (the “By-Laws”) in O.R. 909, Page 404, of the Union County, Ohio Records.

B. The undersigned officers of the Green Pasture Owners’ Association, hereby certify that the following amendment has been promulgated according to the terms of Article 12., Amendments, Period of Duration., of the Declaration and Article XI, Amendments., of the By-Laws (Code of Regulations) that no less than 67% of the Lot Owners in a writing have approved this amendment, along with the consent of the Declarant, Connolly Construction Co. as required in Article 12 of the Declaration.

C. NOW THEREFORE, Article 12 Section 12.01. Amendments, Period of Duration shall be amended to read as follows:

~~“12.01 Amendments. Until Declaration has sold the first Lot in Green Pastures, Declarant may, in its sole discretion, unilaterally amend this Declaration at any time and from time to time. Any such amendment may impose covenants, conditions, restrictions and easement upon Green Pastures in addition to those set forth herein, including without limitation, restrictions on use and covenants to pay additional charges with respect to the maintenance and improvement of Green Pastures. After Declaration sells the first Lot, Declarant may unilaterally amend this Declaration only if such amendment is: a) necessary to bring any provision hereof into compliance with any applicable governmental statute, rule, regulation or judicial order, b) necessary to enable any reputable title insurance company to issue title insurance coverage on a Lot, c) required to conform to the requirements of the Federal National Mortgage Association (“FNMA”), or the Federal Home Loan Mortgage Corporation (“FHLMC”), or any successor of either of them or similar governmental sponsored entity; or d) necessary to correct errors: provided, however, any such amendment shall not materially adversely affect the title to any Lot unless the Owner thereof has consented to such amendment in writing. Any amendment not initiated by Declarant may be made only with the~~

consent of Declarant and the written consent of at least ~~67%~~ **51%** of the Owners. ~~No amendment may remove, revoke, or modify any right or privilege of Declarant without the written consent of Declarant or the assignee of such right or privilege.~~

D. Article 12, Amendments, Period of Duration., Section 12.03. Perpetuities., shall be removed entirely:

~~“12.03., Perpetuities. If any of the covenants, conditions, restrictions, or other provisions of the Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until 21 years after death of the last survivor of the now living descendants of Elizabeth II, Queen of England.”~~

E. Article 2, Land Use Restrictions., Section 2.08 Mailboxes., shall be amended to read as follows:

~~“2.08 Mailboxes: All mailboxes in the subdivisions shall initially be supplied by the Declarant who shall prescribe the location and installation of the mailboxes. Owner shall install and maintain the required mailboxes, *The Association shall maintain and replace when required, the mailboxes and posts, and when replacement is required, Owner shall replace the mailbox with a mailbox and post of substantially identical design and material as initially supplied by the Declarant. All costs of the maintenance, repair, or replacement of the mailbox and post shall be a common expense to the Owners through the Association’s annual budget.*”~~

F. Article 2, Land Use Restrictions., Section 2.13 Screening, Storage Areas, shall be amended to read as follows:

~~“Garbage and refuse shall be placed in containers, which shall be concealed and contained within the Residence, or shall be concealed by means of a screening wall of material similar to and compatible with that of the Residence on the Lot, or shall be concealed by sufficient landscaping to provide a permanent screen at all times of the year (e.g. evergreen vegetation). These elements shall be integrated with the Residence plan, be designed so as not to attract attention, and shall be located in as reasonably inconspicuous manner as possible. Unless specifically approved by the Committee in writing, no materials, supplies or equipment shall be stored on any Lot except inside the Residence *or approved shed* so that they are not visible from neighboring streets or properties. No outdoor buildings (other than detached garages *and approved sheds*), ~~including no outdoor sheds~~, shall be permitted on a Lot. *Sheds must be constructed of wood or other materials but may not be constructed from plastic or resin materials. The size, color, design, and other elements of the shed must be approved in writing by the Architectural Review Committee prior to installation.*”~~

G. Article 2, Land Use Restrictions, Section 2.18 Energy Conservation Equipment, shall be amended to read as follows:

~~“No solar energy *collection devices* ~~collector panels or attendant hardware or other energy conservation equipment~~ shall ~~may~~ be constructed or installed in Green Pastures ~~unless it is an integral or harmonious part of the architectural design of a structure~~ *provided such solar energy collection devices are subject to the Committee’s reasonable regulations and restrictions for the*~~

installation, placement and type of such devices, as determined in the sole discretion of the Committee. The term “solar energy collection devices” shall be defined as any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components, or solar photovoltaic apparatus. Owners are responsible for all costs related to the maintenance, repair, or replacement of solar collection devices. No windmills, wind generators or other apparatus for generating power from the wind shall be erected or installed on any Lot.”

H. Article VI., Architectural Review Committee, of the By-laws, and Article 3, Architectural Review Committee, Section 3.03 of the Declaration, shall be amended to read as follows:

“The Architectural Review Committee (the “Committee”) shall be established according to and for the purposes set forth in the Declaration. There shall be three (3) members of the Committee, one of whom shall be elected by the Committee to serve as Chairperson. The Declarant’s officers or employees may serve as members of the Committee. ~~Until such time as Declarant or its successor or assign has sold all of the land within the Master Site, unless earlier delegated by Declarant to the Board, the Declarant shall appoint all three (3) members of the Committee. Thereafter,~~ The Board shall appoint all three (3) members of the Committee. One member of the Committee shall be an architect licensed under the laws of the State of Ohio, or the Committee shall employ the services of such a licensed architect as a consultant to the Committee. The Committee shall act as an advisory counsel to the Board, and shall be entitled to notice, to be present in person, to present matters for consideration and to take part in the consideration of any business by the Board at any meeting of the Board, but the Committee’s members shall not be counted for purposes of a quorum nor for purposes of voting or otherwise in any way for purposes of authorizing any act or transaction of business by the Board.”

I. Article 5 of the Declaration, Section 5.05 Proxies., and Article IV of the By-Laws, Section 4.09 Voting., shall be amended to read as follows:

“5.05 Proxies: Votes may be cast in person or by proxy *or as otherwise determined by the Board. If a proxy is to be used for casting a vote*, proxies must be filed with the Secretary of the Board before the appointed time for each meeting. The proxy shall also identify the person or persons authorized to exercise the proxy.”

“Section 4.09 Voting. Votes may be cast in person or by proxy *or as otherwise determined by the Board. If a proxy is to be used for casting a vote*, proxies must be filed with the Secretary of the Board before the appointed time for each meeting. The proxy shall also identify the person or persons authorized to exercise the proxy. In the event more than one person or entity owns a Lot, then each person or an authorized representative of each entity or combination thereof, representing the total ownership of any Lot shall join in signing the proxy. Every proxy shall be revocable and shall automatically cease upon conveyance by an Owner of his, her or its Lot.”

J. Article 5 of the Declaration, Section 5.03 Voting., shall be amended to read as follows:

“5.03 Voting: Those Members appearing in the official records of the Association as a record of Owners of Lots shall be entitled to notice of any meeting of Members. *Voting shall be based on the classes of membership outlined in Section 5.02.* In the event of any dispute as to the entitlement of any Member to vote or the results thereof, the Board shall act as arbitrators and a decision of the Board shall, if rendered in writing, be final and binding upon the Members; provided, however, that the Board shall have no jurisdiction to determine any matters relating to the entitlement of Declarant to vote or the manner of the exercise of its vote.

The Board of Directors may adopt procedures and guidelines for the orderly operation of a meeting and voting, and any and all other actions as set forth in Chapters 1702 and 5312 of the Revised Code of Ohio. By way of example and not limitation, this may include the ability of the Board of Directors to enact procedures for Members to cast a vote by written ballots, mailed ballots, general or directed proxies, and/or Authorized Communications Equipment (electronic), even if any such method is not specified in the other provisions of the Revised Code of Ohio.”

K. A new paragraph shall be added to Article IV of the By-Laws, Section 4.09 Voting., which shall read as follows:

“(d) The Board of Directors may adopt procedures and guidelines for the orderly operation of a meeting and voting, and any and all other actions as set forth in Chapters 1702 and 5312 of the Revised Code of Ohio. By way of example and not limitation, this may include the ability of the Board of Directors to enact procedures for Members to cast a vote by written ballots, mailed ballots, general or directed proxies, and/or Authorized Communications Equipment (electronic), even if any such method is not specified in the other provisions of the Revised Code of Ohio.”

L. A new paragraph shall be added to Article IV of the By-Laws, Section 4.04 Meetings., which shall read as follows:

“(c) Notwithstanding any provision contained in the Ohio Revised Code to the contrary, the Board of Directors in its reasonable discretion, shall be authorized to call and/or conduct any annual, special, or other meeting of the Members including, but not limited to, a meeting called for the purpose of electing a director or directors, whereby Members may be permitted and/or exclusively allowed to attend the meeting “in person” by the use of “Authorized Communications Equipment”. “Authorized Communications Equipment” shall be defined as any communications equipment that provides a transmission by telephone, video, telecopy, or any electronic means, from which it can be determined that the transmission was authorized by, and accurately reflects the intention of, the Member or director involved and, with respect to meetings, affords all persons participating in the meeting an opportunity to contemporaneously communicate with each other.

For purposes of providing notice of the meeting, and any other requirements regarding a meeting of the Members, the “place” of the meeting may be a designated physical location or a virtual address or number reached solely by means of Authorized Communications Equipment, in the Board of Directors’ sole and absolute discretion. Any Member who uses Authorized Communications Equipment is deemed to be present in person at the meeting whether the meeting is held at a designated place or solely by means of Authorized Communications Equipment. In the

event a purpose of a meeting of the Members is to elect one or more directors to the Association, the Board of Directors may forego taking nominations from the floor of the meeting, provided that the membership has been afforded a reasonable opportunity, as determined by the Board of Directors, to submit a nomination(s) prior to the election.”

M. All other provisions of the Code of Regulations not modified herein, shall remain in full force and effect. To the extent that this Amendment conflicts with any prior amendment, this Amendment shall control.

N. The effective date of this Amendment shall be the date of recording with the Franklin County, Ohio Recorder.

IN WITNESS WHEREOF, the President and Secretary of the Green Pastures Owners’ Association, have hereunto set their hands this ____ day of _____, 2023.

President

Printed

Secretary

Printed

ACKNOWLEDGMENT

STATE OF OHIO
COUNTY OF UNION ss:

Before me, a Notary Public, personally appeared the above-named _____ and _____ President and Secretary of the Green Pastures Owners’ Association respectively and swore the signing hereof to be of their own free and voluntary act and that the same is true this _____ day of _____, 2023.

NOTARY PUBLIC