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TX:4350912

LINDA ODA

WARREN COUNTY RECORDER

2018-035209

DECLARATION

12/11/2018 09:44:34 AM

REC FEE: 96.00 PGS: 8

PIN:

TRANSFER NOT NECESSARY
MATT NOLAN, AUDITOR
WARREN COUNTY, OHIO

DEC 11 2018

MATT NOLAN
AUDITOR, WARREN CO. OHIO

↓ 896 Cuni

**FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR CROOKED TREE
ESTATES, SECTION III HOME OWNERS ASSOCIATION**

This will certify that a copy of the Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Crooked Tree Estates, Section III Home Owners Association has been filed in the office of the County Auditor, Warren County, Ohio, this 10th day of December, 2018.

WARREN COUNTY AUDITOR

*Matt Nolan*By: *Barbara L. Edwards***Prepared by:**

Cassandra L. Edwards, Esq.
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**FIFTH AMENDMENT
TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENTS FOR
CROOKED TREE ESTATES, SECTION III HOME OWNERS ASSOCIATION**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Crooked Tree Estates, Section III ("Declaration") was recorded on September 29, 1993 at Book 906, Page 24 of the Warren County, Ohio Records; and

WHEREAS, an Amendment to the Declaration was recorded on May 18, 1995 at Book 1109, Page 29 of the Warren County, Ohio Records; and

WHEREAS, an Amendment to the Declaration was recorded on March 4, 1996 at Book 1196, Page 335 of the Warren County, Ohio Records; and

WHEREAS, a Second Amendment to the Declaration was recorded on April 9, 1996 at Book 1212, Page 17 of the Warren County, Ohio Records; and

WHEREAS, an Amendment to the Declaration was filed on March 16, 1999 at Book 1720, Page 729 of the Warren County, Ohio Records; and

WHEREAS, the Declaration and all amendments thereto are binding on the properties described in Exhibit "A" attached hereto; and

WHEREAS, Article VII, Section 7.4 of the Declaration provides that the Declaration may be amended at any time without the vote of the Owners by a written instrument executed by the Declarant, who is defined in the Declaration as Rex Mullen, for the purpose of eliminating or correcting any typographical or other inadvertent error in the Declaration, eliminating or resolving any ambiguity therein, making nominal changes, or clarifying Declarant's original intent, provided that no such amendment shall materially affect any Owner's interest in the Association or the Common Elements; and

WHEREAS, at the inception of Crooked Tree Estates, Declarant installed a paved walking path ("Walking Path") in two platted easement areas: (i) the Ingress Egress Easement located on Lots 132 and 133 and (ii) the Utility, Access, Landscape, and Screening Easement located on Lots 132, 129, and 128, and these Easements are set forth on the Plat of Crooked Tree Estates, Part Four, Block B, which is recorded at Plat Book 36, Page 49-51 of the Warren County, Ohio Plat Records ("Plat"); and

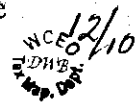

WHEREAS, as indicated herein, Declarant attests that he intended to expressly designate the Walking Path as a Common Area but inadvertently failed to do so in the Declaration; and

WHEREAS, in order to eliminate the inadvertent error, eliminate all ambiguity concerning the Walking Path, and clarify his original intent, Declarant wishes to amend the Declaration as follows;

NOW THEREFORE, in accordance with Article VII, Section 7.4 of the Declaration, Declarant hereby declares the following and amends the Declaration accordingly:

1. Declarant's Affidavit:

After being duly cautioned and sworn, the undersigned, Rex Mullen, states as follows:

- A. Affiant is over the age of eighteen (18), has personal knowledge of the facts set forth herein, and is competent to testify in open court.
- B. I, Rex Mullen, the named Declarant of Crooked Tree Estates, installed the Walking Path in Crooked Tree Estates during the development period of Crooked Tree Estates and marketed it as an amenity of Crooked Tree Estates.
- C. It was my intent for the Walking Path in Crooked Tree Estates to be a Common Area that the Crooked Tree Estates Home Owners Association would administer, regulate, and maintain as an amenity of Crooked Tree Estates.
- D. In accordance with my above-described intent, I placed the Walking Path within two platted easement areas: (1) the Ingress Egress Easement located on Lots 132 and 133 and (2) the Utility, Access, Landscape, and Screening Easement located on Lots 132, 129, and 128. The Plat is recorded at Plat Book 36, Page 49-51 of the Warren County, Ohio Plat Records and is attached hereto as Exhibit "B".
cannot identify 
- E. The Ingress Egress Easement, as depicted on the Plat, is located upon a driveway shared by Lots 132 and 133. The purpose of the Ingress Egress Easement across the driveway was to provide the only access point in Crooked Tree Estates to the Walking Path.
cannot identify 
- F. The Walking Path, which is depicted in the attached Exhibit "C," attaches to and begins at the rear of the driveway shared by Lots 132 and 133. It exists wholly within the portion of the Ingress Egress Easement from the point of connection to the driveway, along the Lot line shared by Lots 132 and 133, and then within the Utility, Access, Landscape, and Screening Easement located on Lots 132, 129, and 128. Thereafter, the Walking Path extends westward into a neighboring community that I also developed, The Fairways of Crooked Tree.

2. Pursuant to the authority in Article VII, Section 7.4 and in accordance with the above attestations, Article I, Section 1.4 of the Declaration is hereby amended to state:

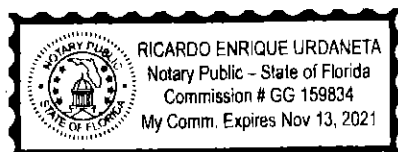
1.4 "Common Area" shall mean all real property, including the improvements thereto, owned by the Association in fee or by easement for the common use and enjoyment of the Owners and specifically includes the paved walking which is contained within the following easement areas: (i) the Ingress Egress Easement located upon Lots 132 and 133, from the point of connection to the driveway shared by Lots 132 and 133, to and within (ii) the Utility, Access, Landscape, and Screening Easement located on Lots 132, 129, and 128 ("Walking Path"). These Easements are depicted on the Plat of Crooked Tree Estates, Part Four, Block B, which is recorded at Plat Book 36, Page 49-51. The portion of the Ingress Egress Easement that exists upon the driveway shared by Lots 132 and 133 is an easement in favor of the Association, its successors and assigns, and the residents of Crooked Tree Estates, for the sole purpose of accessing the Walking Path that connects to that driveway and is not part of the Walking Path itself. The Association may, but shall not be required to, maintain the portion of the shared driveway that is encumbered by the Ingress Egress Easement.

IN WITNESS WHEREOF, the undersigned Declarant of Crooked Tree Estates, Rex Mullen, has hereunto set his signature this 28 day of November, 2018.


Rex Mullen

STATE OF Florida)
COUNTY OF Brevard)
SS:

This Amendment was sworn to and subscribed before me by Rex Mullen, Declarant of Crooked Tree Estates, on the 28 day of November, 2018.




NOTARY PUBLIC

EXHIBIT A

Legal Description of Crooked Tree Estates

Situated in Section 32, Town 4, Range 3, City of Mason, Warren County, Ohio and being more particularly described as follows:

All of Lots 40-90, inclusive, of Crooked Tree Estates Part Three, the plat of which is of record at Plat Book 27, Pages 69-71 of the Warren County, Ohio Plat Records.

All of Lot 91, inclusive, of Crooked Tree Estates Part Three, which is a re-plat of Lot 67, being of record at Plat Book 28, Page 56 of the Warren County, Ohio Plat Records.

All of Lots 92-121, inclusive, of Crooked Tree Estates Part Four, Block A, the plat of which is of record at Plat Book 30, Pages 26-28 of the Warren County, Ohio Plat Records.

All of Lots 122-135, inclusive, of Crooked Tree Estates Part Four, Block B, the plat of which is of record at Plat Book 36, Pages 49-51 of the Warren County, Ohio Plat Records.

Lot Number	Sidwell Number
40	12-32-202-008
41	12-32-226-012
42	12-32-226-013
43	12-32-226-014
44	12-32-226-015
45	12-32-226-016
46	12-32-226-017
47	12-32-226-018
48	12-32-226-019
49	12-32-226-020
50	12-32-226-021
51	12-32-226-022
52	12-32-238-001
53	12-32-238-002
54	12-32-238-003
55	12-32-238-004
56	12-32-238-005
57	12-32-238-006
58	12-32-238-007
59	12-32-238-008
60	12-32-238-009
61	12-32-238-010

Lot Number	Sidwell Number
62	12-32-238-011
63	12-32-238-012
64	12-32-238-013
65	12-32-238-014
66	12-32-238-015
67 re-platted to become Lot 91	
68	12-32-238-017
69	12-32-240-001
70	12-32-240-002
71	12-32-240-003
72	12-32-240-004
73	12-32-240-005
74	12-32-240-006
75	12-32-240-007
76	12-32-240-008
77	12-32-216-001
78	12-32-216-002
79	12-32-216-003
80	12-32-216-004
81	12-32-216-005
82	12-32-214-001
83	12-32-214-002

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DH
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Lot Number	Sidwell Number
84	12-32-214-003
85	12-32-214-004
86	12-32-214-005
87	12-32-214-006
88	12-32-214-007
89	12-32-214-008
90	12-32-214-009
91	12-32-238-018 ✓
92	12-32- 214 -010
93	12-32- 214 -011
94	12-32- 214 -012
95	12-32- 214 -013
96	12-32- 214 -014
97	12-32- 214 -015
98	12-32- 214 -016
99	12-32- 214 -017
100	12-32- 214 -018
101	12-32- 214 -019
102	12-32- 214 -020
103	12-32-276-001
104	12-32-276-002
105	12-32-276-003
106	12-32-276-004
107	12-32-276-005
108	12-32-276-006
109	12-32-276-007
110	12-32-276-008
111	12-32-276-009
112	12-32-276-010
113	12-32-276-011
114	12-32-276-012
115	12-32-276-013
116	12-32-216-006
117	12-32-216-007
118	12-32-216-008
119	12-32-216-009
120	12-32-216-010
121	12-32-240-021 ✓
122	12-32-214-010
123	12-32-214-011
124	12-32-214-012

12-32-240-010
 12-32-240-011
 12-32-240-012
 12-32-240-013
 12-32-240-014
 12-32-240-015
 12-32-240-016
 12-32-240-017
 12-32-240-018
 12-32-240-019
 12-32-240-020

Lot Number	Sidwell Number
125	12-32-214-013
126	12-32-214-014
127	12-32-214-015
128	12-32-216-011
129	12-32-216-012
130	12-32-216-013
131	12-32-216-014
132	12-32-216-015
133	12-32-216-016
134	12-32-216-017
135	12-32-216-018

12/10
 WCE
 2013
 Rep. Dept.

FLUKE-HOLD CORPORATION • PLYMOUTH, CALIFORNIA

B

cannot identify

REC'D 7/10
TODAY
TAX DEPT.

☐ Proposed contract materials

B.I. Building Inc
U.R. Utility Basement
S.S.R. Sanitary Sewer Basement

BASIS OF BEARING

ACHIEVEMENT

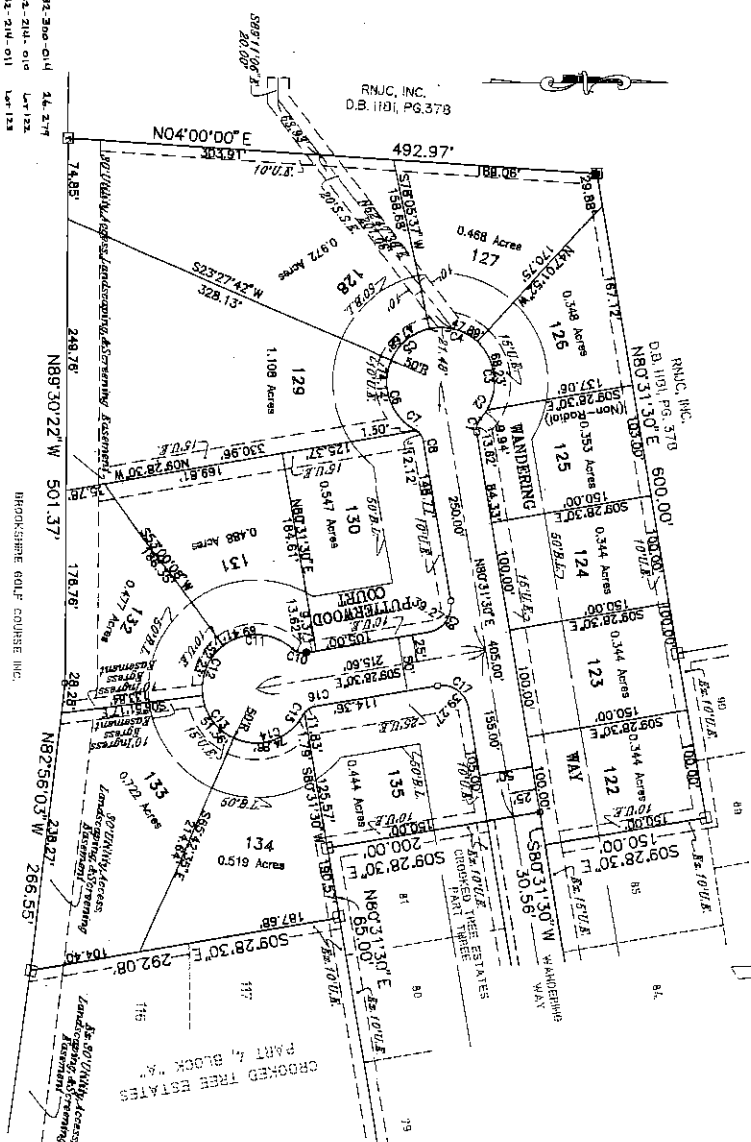
Total =	8.421 Ac.
Lots =	7.478 Ac.
R/W =	0.943 Ac.

Cat.	NAME	LENGTH	DELTA	R.A.U.S.	T.A.M.C.	DIRECTION	CHORD
C1	1	3.62	520°11'	15.00°	7.32°	57.57° S.E.	13.16°
C2	2	9.94	11°23'	50.00°	4.98°	55.30° S.E.	8.97°
C3	3	6.23	50°13'	50.00°	4.98°	55.30° S.E.	8.97°
C4	4	6.23	50°13'	50.00°	4.98°	55.30° S.E.	8.97°
C5	5	47.68	54°37'	50.00°	25.62°	N57°30' W	44.48°
C6	6	71.14	64°57'	60.00°	45.76°	N57°30' W	67.83°
C7	7	12.22	46°16'	50.00°	9.41°	55.30° S.E.	11.39°
C8	8	36.27	90°00'00"	25.00°	25.00°	SS+68°02'	35.36°
C9	9	18.42	50°13'	50.00°	4.72°	55.30° S.E.	8.97°
C10	10	52.23	50°13'	50.00°	4.72°	55.30° S.E.	8.97°
C11	11	52.23	50°13'	50.00°	4.72°	55.30° S.E.	8.97°
C12	12	52.23	50°13'	50.00°	4.72°	55.30° S.E.	8.97°
C13	13	51.36	50°13'	50.00°	28.76°	58°55' S.E.	49.13°
C14	14	51.36	50°13'	50.00°	28.76°	58°55' S.E.	49.13°
C15	15	48.50	50°13'	50.00°	28.76°	58°55' S.E.	49.13°
C16	16	17.88	105°00'00"	15.00°	0.00°	SS60°41' E	1.79°
C17	17	11.83	47°10'49"	15.00°	25.00°	SS60°41' E	11.52°
C18	18	39.27	90°00'00"	25.00°	25.00°	N55°31'00" W	35.36°

CROOKED TREE ESTATES

PART FOUR, BLOCK 37B

SECTION 32, TOWN 4, RANGE 3,
CITY OF MASON, WARREN COUNTY, OHIO



OLD 12-32-2140-014	26-2-77
NEW 12-32-2140-014	Apr 1932
NEW 12-32-2141-014	Apr 1933
NEW 12-32-2141-012	Apr 1934
NEW 12-32-2141-013	Apr 1935
NEW 12-32-2141-014	Apr 1936
NEW 12-32-2141-015	Apr 1937
NEW 12-32-2141-011	Apr 1938
NEW 12-32-2141-012	Apr 1939
NEW 12-32-2141-013	Apr 1940
NEW 12-32-2141-014	Apr 1941
NEW 12-32-2141-015	Apr 1942
NEW 12-32-2141-016	Apr 1943
NEW 12-32-2141-017	Apr 1944
NEW 12-32-2141-018	Apr 1945
NEW 12-32-2141-019	Apr 1946
NEW 12-32-2141-020	Apr 1947
NEW 12-32-2141-021	Apr 1948
NEW 12-32-2141-022	Apr 1949
NEW 12-32-2141-023	Apr 1950
NEW 12-32-2141-024	Apr 1951
NEW 12-32-2141-025	Apr 1952
NEW 12-32-2141-026	Apr 1953
NEW 12-32-2141-027	Apr 1954
NEW 12-32-2141-028	Apr 1955
NEW 12-32-2141-029	Apr 1956
NEW 12-32-2141-030	Apr 1957
NEW 12-32-2141-031	Apr 1958
NEW 12-32-2141-032	Apr 1959
NEW 12-32-2141-033	Apr 1960
NEW 12-32-2141-034	Apr 1961
NEW 12-32-2141-035	Apr 1962
NEW 12-32-2141-036	Apr 1963
NEW 12-32-2141-037	Apr 1964
NEW 12-32-2141-038	Apr 1965
NEW 12-32-2141-039	Apr 1966
NEW 12-32-2141-040	Apr 1967
NEW 12-32-2141-041	Apr 1968
NEW 12-32-2141-042	Apr 1969
NEW 12-32-2141-043	Apr 1970
NEW 12-32-2141-044	Apr 1971
NEW 12-32-2141-045	Apr 1972
NEW 12-32-2141-046	Apr 1973
NEW 12-32-2141-047	Apr 1974
NEW 12-32-2141-048	Apr 1975
NEW 12-32-2141-049	Apr 1976
NEW 12-32-2141-050	Apr 1977
NEW 12-32-2141-051	Apr 1978
NEW 12-32-2141-052	Apr 1979
NEW 12-32-2141-053	Apr 1980
NEW 12-32-2141-054	Apr 1981
NEW 12-32-2141-055	Apr 1982
NEW 12-32-2141-056	Apr 1983
NEW 12-32-2141-057	Apr 1984
NEW 12-32-2141-058	Apr 1985
NEW 12-32-2141-059	Apr 1986
NEW 12-32-2141-060	Apr 1987
NEW 12-32-2141-061	Apr 1988
NEW 12-32-2141-062	Apr 1989
NEW 12-32-2141-063	Apr 1990
NEW 12-32-2141-064	Apr 1991
NEW 12-32-2141-065	Apr 1992
NEW 12-32-2141-066	Apr 1993
NEW 12-32-2141-067	Apr 1994
NEW 12-32-2141-068	Apr 1995
NEW 12-32-2141-069	Apr 1996
NEW 12-32-2141-070	Apr 1997
NEW 12-32-2141-071	Apr 1998
NEW 12-32-2141-072	Apr 1999
NEW 12-32-2141-073	Apr 2000
NEW 12-32-2141-074	Apr 2001
NEW 12-32-2141-075	Apr 2002
NEW 12-32-2141-076	Apr 2003
NEW 12-32-2141-077	Apr 2004
NEW 12-32-2141-078	Apr 2005
NEW 12-32-2141-079	Apr 2006
NEW 12-32-2141-080	Apr 2007
NEW 12-32-2141-081	Apr 2008
NEW 12-32-2141-082	Apr 2009
NEW 12-32-2141-083	Apr 2010
NEW 12-32-2141-084	Apr 2011
NEW 12-32-2141-085	Apr 2012
NEW 12-32-2141-086	Apr 2013
NEW 12-32-2141-087	Apr 2014
NEW 12-32-2141-088	Apr 2015
NEW 12-32-2141-089	Apr 2016
NEW 12-32-2141-090	Apr 2017
NEW 12-32-2141-091	Apr 2018
NEW 12-32-2141-092	Apr 2019
NEW 12-32-2141-093	Apr 2020
NEW 12-32-2141-094	Apr 2021
NEW 12-32-2141-095	Apr 2022
NEW 12-32-2141-096	Apr 2023
NEW 12-32-2141-097	Apr 2024
NEW 12-32-2141-098	Apr 2025
NEW 12-32-2141-099	Apr 2026
NEW 12-32-2141-100	Apr 2027
NEW 12-32-2141-101	Apr 2028
NEW 12-32-2141-102	Apr 2029
NEW 12-32-2141-103	

NOTES:

1. All Monumentation is in Good Condition unless otherwise shown.
2. All listed monuments Not set per request of Owner.
3. Lines of Occupation, wherever they exist, generally agree with the Boundary Lines unless otherwise noted.

**bayern
becker
engineers**



Cannot identify

WCEd2/10
10/11/10
10/11/10