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**SUPPLEMENTAL DECLARATION NO. 4
OF EASEMENTS AND AMENDED AND RESTATED
PROTECTIVE COVENANTS
FOR THE POPLAR HILL SUBDIVISION
(Section 4)**

THIS SUPPLEMENTAL DECLARATION NO. 4 OF EASEMENTS AND AMENDED AND RESTATED PROTECTIVE COVENANTS FOR THE POPLAR HILL SUBDIVISION ("Supplement No. 4") is made this 14th day of March 2005 by **Beazer Homes Investments, LLC**, a Delaware limited liability company (successor by merger to Crossmann Communities of Ohio, Inc.) ("Declarant").

RECITALS

- A. Heathwood Development Corp. was the original declarant (the "Original Declarant") under that certain Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision filed in Official Record Volume 1055, Page 892 of the Warren County, Ohio Records.
- B. The Poplar Hill Section I Homeowners' Association, Inc. (the "Association") executed an Amendment to the Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Volume 1420, Page 647 of the Warren County, Ohio Records.
- C. Subsequently, Todd Group, Inc. ("Todd") became the successor declarant by virtue of its acquisition of all of Original Declarant's remaining right, title, and interest in the subdivision property. Todd executed a Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Volume 1420, Page 650 and Supplemental Declaration No. 2 of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Volume 1707, Page 310 of the Warren County, Ohio Records.
- D. Subsequently, Crossmann Communities of Ohio, Inc., ("Crossmann") became the successor declarant by virtue of its acquisition of all of Todd's remaining right, title, and interest in the subdivision property. Crossmann executed Supplemental Declaration No. 3 of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Volume 3016, Page 34 of the Warren County, Ohio Records. (The original declaration and all such supplemental declarations mentioned above are hereinafter referred to collectively as the "Declaration").
- E. Subsequently, Declarant became the successor declarant by virtue of the corporate merger of Crossmann into Declarant on December 31, 2004.
- F. Declarant has developed and subdivided all such remaining property as set forth on the record plat recorded in Plat Book 69, Page 19 of the Warren County, Ohio Records (the "Plat"). All such platted lots and common area as shown on the Plat are more particularly described on the attached **Exhibit A** (the "Property").
- G. Pursuant to the provisions of the Declaration, which provides for the annexation of additional real property into the Subdivision, Declarant desires to annex the Property to the Declaration.

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AGREEMENT

NOW, THEREFORE in consideration of the premises, the mutual promises set forth herein and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties Declarant hereby states as follows:

1. **Incorporation of Recitals.** The preambles, recitals and defined terms set forth above are hereby incorporated into this Supplement No. 4 and made a part hereof as though fully re-written herein.

2. **Annexation.**

2.1 The Property being known as Section Four of the Subdivision (including a replat of Lot 6081-A of Poplar Hill, Section Three (Plat Book 43, Pages 22-23)) and being further described in **Exhibit A**, attached hereto, is hereby annexed and made subject to the provisions of the Declaration as well as the additional provisions of this Supplement No. 4.

2.2 This Supplement No. 4 is made pursuant to the authority granted by **Section 4** of the Declaration providing for the amendment of the Declaration and the annexation of additional property, common areas and community facilities subject to additional covenants, conditions and restrictions. Except as amended by this Supplement No. 4, all of the provisions of the Declaration shall remain in full force and effect.

3. **Covenants and Restrictions.** The Property shall be held, sold and conveyed subject to the following: (i) the covenants, easements and restrictions set forth in the Declaration; (ii) covenants, easements and restrictions set forth on the Plat; and (iii) the covenants, conditions, and restrictions contained in this Supplement No. 4, all of which shall run with the Property and shall be binding on all parties having any right, title or interest in such Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof.

Declarant has caused this Supplement No. 4 to be executed on the date first written above.

DECLARANT:

BEAZER HOMES INVESTMENTS, LLC,
a Delaware limited liability company

By: 
Mike Hoffmaster, Division President

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me, a notary public in and for said state, this 14th day of March, 2005 by Mike Hoffmaster, the Division President of Beazer Homes Investments, LLC, a Delaware limited liability company, on behalf of the company.

Elizabeth A. Feltner
Notary Public
My Commission Expires 11-3-07



ELIZABETH A. FELTNER
Notary Public, State of Ohio
My Commission Expires 11-3-07
Recorded in Clermont Co. Ohio

This instrument was prepared by:
Matthew C. Steele, Esq.
FINNEY, STAGNARO, SABA & KLUSMEIER CO., L.P.A.
2623 Erie Avenue
Cincinnati, Ohio 45208
(513) 533-2700 (phone)

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EXHIBIT A

Situate in Section 34, Town 5, Range 3, in the City of Lebanon, Warren County, Ohio and more particularly described as follows: Lot Numbers 6934 through 6994 inclusive of the Record Plat for Poplar Hill Subdivision, Section Four (including a replat of Lot 6081-A of Poplar Hill, Section Three (P.B. 43, Page 22-23)), recorded in Plat Book 109, Pages 19

6934	13-34-265-001
6935	13-34-265-002
6936	13-34-265-003
6937	13-34-265-004
6938	13-34-265-005
6939	13-34-265-006
6940	13-34-265-007
6941	13-34-265-008
6942	13-34-265-009
6943	13-34-265-010
6944	13-34-265-011
6945	13-34-265-012
6946	13-34-265-013
6947	13-34-265-014
6948	13-34-408-026
6949	13-34-408-027
6950	13-34-268-001
6951	13-34-268-002
6952	13-34-268-003
6953	13-34-268-004
6954	13-34-268-005
6955	13-34-268-006
6956	13-34-268-007
6957	13-34-268-008
6958	13-34-268-009
6959	13-34-268-010
6960	13-34-268-011
6961	13-34-268-012
6962	13-34-268-013
6963	13-34-268-014
6964	13-34-268-015
6965	13-34-210-024
6966	13-34-210-025
6967	13-34-210-026
6968	13-34-210-027
6969	13-34-210-028
6970	13-34-210-029
6971	13-34-210-030
6972	13-34-210-031
6973	13-34-210-032
6974	13-34-210-033
6975	13-34-210-034
6976	13-34-210-035
6977	13-34-210-036
6978	13-34-210-037
6979	13-34-210-038
6980	13-34-210-039
6981	13-34-210-040
6982	13-34-210-041
6983	13-34-210-042
6984	13-34-210-043
6985	13-34-210-044
6986	13-34-210-045
6987	13-34-210-046
6988	13-34-210-047
6989	13-34-210-048
6990	13-34-210-049
6991	13-34-210-050
6992	13-34-210-051
6993	13-34-210-052
6994	13-34-210-053

RE: 111 DE CORDO - WARREN COUNTY RECORDER
Doc #: 328937 Type: SUPPL. DECLAR
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FIMNEY SPRAWARD SABA & KUSNETZER

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