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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 3rd day of November 2005 by **Beazer Homes Investments, LLC**, a Delaware limited liability company (successor by merger to Crossmann Communities of Ohio, Inc.) (hereafter sometimes referred to as "Beazer" or "Developer").

**RECITALS**

- A. Heathwood Development Corp. was the original Developer under that certain Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision (the "Subdivision") filed in Official Record Book 1055, Page 892 of the Warren County, Ohio Records (the "Original Declaration").
- B. The Poplar Hill Section 1 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 Book 1420, Page 647 of the Warren County, Ohio Records.
- C. Subsequently, Todd Group, Inc. ("Todd") became the successor Developer by virtue of its acquisition of all of the original Developer's remaining right, title, and interest in the Subdivision property. Todd executed: (i) a Supplemental Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Book 1420, Page 650 of the Warren County, Ohio Records; (ii) Supplemental Declaration No. 2 of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Book 1707, Page 310 of the Warren County, Ohio Records; and (iii) Supplemental Declaration No. 3 of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision, which was recorded in Official Record Book 2219, Page 841 of the Warren County, Ohio Records (which was re-recorded at Official Record Book 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").

- D. Subsequently, Crossmann Communities of Ohio, Inc., ("Crossmann") became the successor Developer by virtue of its acquisition of all of Todd's remaining right, title, and interest in the Subdivision property.

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Such assignment of Todd's rights is recorded at Official Record Book 2245, Page 147 of the Warren County, Ohio Records. Beazer is now the successor Developer by virtue of the corporate merger of Crossmann into Beazer on or about December 31, 2004.

- E. Beazer has developed and subdivided all such remaining property as set forth on the record plat for Section 4, Block A of the Subdivision, which is recorded in Plat Book 69, Pages 19-21 of the Warren County, Ohio Records (the "Plat"). All such platted lots and common areas as shown on the Plat are more particularly described on the attached Exhibit A (the "Property").
- F. Pursuant to the provisions of the Declaration, which provides for the annexation of additional real property into the Subdivision, Developer desires to annex the Property into the Subdivision and make the same subject to the Declaration.

### DECLARATION

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, Developer 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 & Authority.**

2.1 The Property being known and designated as Section Four of the Subdivision by the Plat and being further described on the attached Exhibit A 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 Original Declaration providing for the amendment of the Declaration and the annexation of additional lots and common 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. **Landscaping & Irrigation Easement.** Developer hereby declares, creates, and reserves for itself and on behalf of the Association an easement for the purpose of installing, maintaining, repairing, improving, replacing and otherwise dealing with landscaping and irrigation within the ten foot (10') wide easement area as shown on the attached Exhibit B over the rear portion of Lots 6959, 6960, 6961, 6962, 6963, 6964, 6965, 6966, 6967, 6968, 6969, 6970, 6989, 6990, and 6991 (the "Landscaping and Irrigation Easement").

4. **Additional Common Facilities.** In accordance with the Declaration, the Association shall be responsible for maintaining the common areas and common facilities in the Subdivision. In addition to the Landscaping and Irrigation Easement, such other common facilities and common areas including, without limitation, Lots 6980, 6995 and 6996 are shown and designated on the Plat.

5. **Additional Lot Owners.** Pursuant to the powers set forth in the Declaration and the Articles of Incorporation and By-Laws, and now by this Supplement No. 4, all future owners of the lots that are described in **Exhibit A** and **Exhibit B** shall become Members of the Association. Such future Members of the Association shall have the same rights and responsibilities as all other lot owners who are Members of the Association, subject to Developer's rights, in accordance with the Articles of Incorporation, the Declaration, the By-Laws, and rules and regulations as promulgated by the Association.

6. **Restrictions and Covenants.** 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.

7. **Notice to the Association.** Beazer certifies that a copy of this Supplement No. 4 has been sent to the Poplar Hill Section 1 Homeowners' association by certified mail as of even date herewith.

(signature page to follow)

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

**DEVELOPER:**

BEAZER HOMES INVESTMENTS, LLC,  
a Delaware limited liability company

By: Ann Parker  
Ann Parker, Division President

STATE OF OHIO           )  
                                  )  
COUNTY OF BUTLER    )       SS:

17<sup>th</sup> The foregoing instrument was acknowledged before me, a notary public in and for said state, this day of November 2005 by Ann Parker, the Division President of Beazer Homes Investments, LLC, a Delaware limited liability company, on behalf of the company.

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



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 6996 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 69, Pages 19-21 of the Warren County, Ohio records.

KW  
ALL

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
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6988	13-34-210-047
6989	13-34-210-048
6990	13-34-210-049
6991	13-34-265-015

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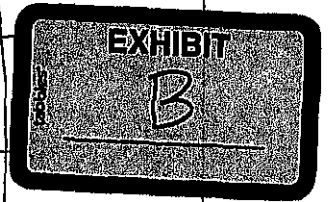
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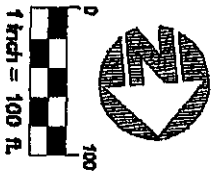
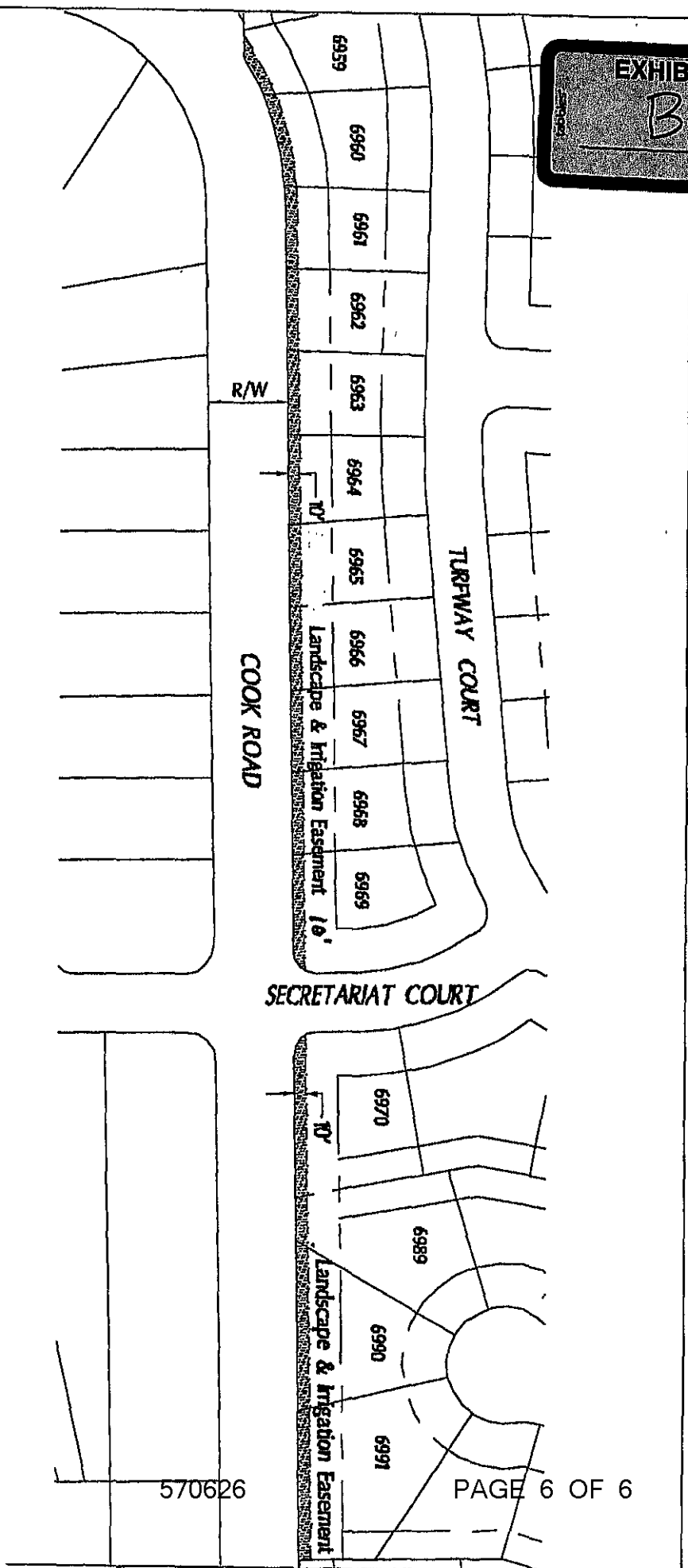
TRANSFER NOT NECESSARY  
NICK NELSON, AUDITOR  
WARREN COUNTY, OHIO

NOV 28 2005

NICK NELSON  
AUDITOR, WARREN CO. OHIO



BETH DECKARD - WARREN COUNTY RECORDER  
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Filed: 11/29/2005 9:09:06 \$ 60.00  
OR Volume: 4054 Page: 411 Return: M  
Rec#: 25115 Pages: 6  
MATTHEW C STEELE



INDICATES PROPOSED PEDESTRIAN,  
LANDSCAPE AND IRRIGATION EASEMENT

Drawing: 05A021A EX-01  
Scale: 1" = 100'  
Drawn by: JAL  
Checked By:  
Issue Date: 9-23-05

POPLAR HILL SUBDIVISION  
SECTION 34, TOWN 5, RANGE 3  
CITY OF LEBANON  
WARREN COUNTY, OHIO  
EASEMENT EXHIBIT

6900 Tylersville Road, Suite A  
Mason, OH 45040 - 513.335.6800

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