

AMENDMENTS TO THE  
DECLARATIONS OF RESTRICTIONS  
AS TO  
SHAWNEE TRACE PLATS 1, 2, AND 3

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATIONS OF RESTRICTIONS AS TO SHAWNEE TRACE PLATS 1, 2, AND 3 RECORDED AT VOLUME 705, PAGE 860 ET SEQ., VOLUME 718, PAGE 544 ET SEQ., AND VOLUME 724, PAGE 684 ET SEQ., RESPECTIVELY, OF THE WOOD COUNTY RECORDS.

AMENDMENTS TO THE  
DECLARATIONS OF RESTRICTIONS AS TO  
SHAWNEE TRACE PLATS 1, 2 AND 3

RECITALS

- A. The Declarations of Restrictions as to Shawnee Trace Plats 1, 2, and 3 (the "Declarations") were recorded at Wood County Records, Volume 705, Page 860 et seq., Volume 718, Page 544 et seq., and Volume 724, Page 684 et seq., respectively.
- B. The Shawnee Trace Plats 1, 2 and 3 Homowners Association (the "Association") is a corporation consisting of all Owners in Shawnee Trace Plats 1, 2 and 3 and as such is the representative of all Owners.
- C. Ohio Revised Code §5312.05(A) authorizes amendments to the Declarations.
- D. Owners representing at least 75% of the Association's current voting power in Plats 1, 2 and 3 have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments").
- E. As of August 30, 2018, Owners representing 78.43% of the Association's voting power in Plats 1, 2 and 3 have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment A and authorizing the Association's officers to execute Amendments A on their behalf.
- F. As of August 30, 2018, Owners representing 77.45% of the Association's voting power in Plats 1, 2 and 3 have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment B and authorizing the Association's officers to execute Amendment B on their behalf.
- G. The Association has complied with the proceedings necessary to amend the Declarations, as required by the Declarations, in all material respects.

AMENDMENT

The Declarations of Restrictions as to Shawnee Trace Plats 1, 2, and 3 are amended by the following:



## AMENDMENT A

INSERT a new DECLARATION PARAGRAPH 31. Said new addition, to be added to Page 13 of the Plat 1 Declaration as recorded Volume 705, Page 860 et seq., the Plat 2 Declaration as recorded at Volume 718, Page 544 et seq., and the Plat 3 Declaration as recorded at Volume 724, Page 684 et seq., at Wood County Records, is as follows:

31. A person who is classified as a Tier II or Tier III sex offender/child-victim offender, or any future equivalent classification under the law, and for whom the County Sheriff or other government entity must provide community notice of the sex offender's residential address, is prohibited from residing in or occupying a residence and from remaining in or on the property for any length of time. The classification of a sex offender/child-victim offender and the determination of whether notice is required is made by a court of law in accordance with the Ohio Sex Offenders Act, or similar statute from another jurisdiction as either may be amended or renamed from time to time. The Association is not liable to any Owner, occupant, or visitor of any Owner, or of the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce any provision of this Occupancy Restriction.

Any conflict between this provision and any other provisions of the Declaration will be interpreted in favor of this restriction on the occupancy of residences. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of this amendment.

## AMENDMENT B

INSERT a new DECLARATION PARAGRAPH 32. Said new addition, to be added to Page 13 of the Plat 1 Declaration as recorded Volume 705, Page 860 et seq., the Plat 2 Declaration as recorded at Volume 718, Page 544 et seq., and the Plat 3



Declaration as recorded at Volume 724, Page 684 et seq., at Wood County Records, is as follows:

32. An Owner who fails to pay any assessment(s) within 10 days after same have become due and payable, is liable for any late charges as established by the Board and for any and all costs and expenses the Association incurs, including reasonable attorneys' fees, recording costs, title reports, and court costs, in connection with the collection of said assessment(s) and any other charges or monies the Owner owes to the Association. An Owner is further liable for all costs and expenses the Association incurs in any action in which the Association is named as a party by any mortgagee or other creditor of the Owner.

INSERT a new DECLARATION PARAGRAPH 33. Said new addition, to be added to Page 13 of the Plat 1 Declaration as recorded Volume 705, Page 860 et seq., the Plat 2 Declaration as recorded at Volume 718, Page 544 et seq., and the Plat 3 Declaration as recorded at Volume 724, Page 684 et seq., at Wood County Records, is as follows:

33. The Board may levy reasonable enforcement assessments against any Owner who, whether by their own conduct, action or inaction or the conduct, action or inaction of any occupant or guest of their residence, violates any provision of the Declaration or rules. The Board may also assess reasonable charges for any damage and for repair of the damage to the Common Elements or any other part of the property that the Association is responsible to maintain that is caused by the conduct, action, or inaction of the Owner, occupant, or guest of an Owner. The Owner must pay to the Association, in addition to any other sums due, any enforcement assessments levied, any charges for damage, and all fees, costs, and expenses the Association incurs, including reasonable attorneys' fees and court costs, in connection with the enforcement of any provision of the Declaration or rules. The enforcement assessments, charges for damage, fees, costs, and expenses will be levied as a special assessment against the Unit, and is the personal obligation of the Owner. The Association, in addition to all other remedies available, has the right to place a lien on the estate or interest in the Unit of the

Owner as further explained and set forth in Declaration Paragraph 28.

Any conflict between these provisions and any other provisions of the Declaration will be interpreted in favor of this amendment regarding the cost of collection and cost of enforcement. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of this amendment.

The Shawnee Trace Plats 1, 2 and 3 Homeowners Association has caused the execution of this instrument this 7<sup>th</sup> day of September, 2018.

SHAWNEE TRACE PLATS 1, 2 AND 3 HOMEOWNERS ASSOCIATION

By: Brian E. Jensen - President  
BRIAN E. JENSEN, President

By: Razan Reed - Secretary  
RAZAN K. REED, Secretary



STATE OF OHIO )  
 )  
COUNTY OF Lucas ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Shawnee Trace Plats 1, 2 and 3 Homeowners Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 of 6, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

7<sup>th</sup> I have set my hand and official seal in Pompano, Ohio, this  
day of September, 2018.

*Rema Borady*  
NOTARY PUBLIC

Place notary stamp/seal here:



REMA BORADY  
Notary Public, State of Ohio  
My Commission Expires

10-26-2020

This instrument prepared by:  
KAMAN & CUSIMANO, LLC, Attorneys at Law  
50 Public Square, Suite 2000  
Cleveland, Ohio 44113  
(216) 696-0650  
ohiohoalaw.com

SHAWNEE TRACE

PLAT 1

BEING A PARCEL OF LAND SITUATED IN PART OF THE EAST 1/2 OF OUTLET 245 OF THE NEW SURVEY OF OUTLETS IN CITY OF PERRYSBURG, WOOD COUNTY, OHIO. COMMENCING AT FOUND IRON PIPE MARKING THE SOUTHWESTERLY CORNER OF LOT 256 OF OAKMONT PLAT 6 AS RECORDED IN PLAT BOOK 17, PAGE 62 OF THE WOOD COUNTY PLAT RECORDS, SAID POINT BEING THE PRINCIPLE POINT OF BEGINNING FOR THIS DESCRIPTION.

THENCE ON AND ALONG THE SOUTH LINE OF SAID LOT 245, SAID SOUTH LINE BEING ALSO THE CENTERLINE OF ECKEL JUNCTION ROAD, N 89DEG 43MIN 30SEC W, 1230.05 FEET TO A POINT, THENCE N 00DEG 16MIN 30SEC E, 240.0 FEET TO A POINT, THENCE S 89DEG 43MIN 30SEC E, 50.31 FEET TO A POINT, THENCE N 04DEG 00MIN 13SEC W, 491.43 FEET TO A POINT, THENCE N 20DEG 05MIN 39SEC W, 80.41 FEET TO A POINT, THENCE 27.76 FEET ON AND ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10DEG 15MIN 38SEC WITH A RADIUS OF 155.00 FEET, HAVING A CHORD BEARING S 75DEG 02MIN 10SEC W, A CHORD DISTANCE OF 27.72 TO A POINT OF TANGENCY, THENCE S 80DEG 09MIN 59SEC W, 17.27 FEET TO A POINT, THENCE N 09DEG 50MIN 01SEC W, 60.00' TO A POINT, THENCE N 43DEG 45MIN 20SEC W, 84.09 FEET TO A POINT, THENCE N 46DEG 14MIN 40SEC E, 140.00 FEET TO A POINT, THENCE N 43DEG 45MIN 20SEC W 0.92 FEET TO A POINT, THENCE N 46DEG 14MIN 40SEC E, 200.00 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 245, THENCE ON AND ALONG SAID EASTERLY LINE SAID LINE BEING ALSO THE WESTERLY LINE OF SAID OAKMONT PLAT 6, S 43DEG 45MIN 20SEC E, 1601.78 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 17.6865 ACRES OF LAND, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS OR EASEMENTS WRITTEN OR RECORDED. THE BEARINGS REFERRED TO HEREIN ARE BASED UPON AN ASSUMED MERIDIAN AND ARE USED ONLY FOR THE PURPOSE OF ANGULAR MEASUREMENT.

PLAT 2

BEING A PARCEL OF LAND SITUATED IN PART OF THE EAST 1/2 OF OUTLET 245 OF THE NEW SURVEY OF OUTLETS IN CITY OF PERRYSBURG, WOOD COUNTY, OHIO. COMMENCING AT A FOUND IRON PIPE MARKING THE SOUTHWESTERLY CORNER OF OUTLOT 245; THENCE ON AND ALONG THE SOUTH LINE OF SAID OUTLET 245, SAID SOUTH LINE BEING THE CENTERLINE OF ECKEL JUNCTION ROAD, NORTH 89DEG 43MIN 30SEC WEST, 1230.05 FEET TO A SET R.R. SPIKE MARKING THE SOUTHWESTERLY CORNER OF SHAWNEE TRACE SUBDIVISION PLAT 1, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION.

THENCE CONTINUING NORTH 89DEG 43MIN 30SEC WEST, 682.33 FEET TO A SET R.R. SPIKE; THENCE NORTH 00DEG 16MIN 30SEC EAST, 240.00 FEET TO A SET CONC. MONUMENT; THENCE SOUTH 89DEG 43MIN 30SEC EAST, 28.77 FEET TO A SET CONC. MONUMENT; THENCE NORTH 00DEG 16MIN 30SEC EAST, 193.10 FEET TO A POINT;



THENCE NORTH 26DEG 38MIN 50SEC WEST, 178.00 FEET TO A SET CONC. MONUMENT;  
THENCE SOUTH 63DEG 21MIN 10SEC WEST, 29.49 FEET TO A SET CONC. MONUMENT;  
THENCE NORTH 26DEG 38MIN 50SEC WEST, 200.00 FEET TO A SET CONC. MONUMENT;  
THENCE NORTH 63DEG 21MIN 10SEC EAST, 236.00 FEET TO A SET CONC. MONUMENT;  
THENCE SOUTH 26DEG 38MIN 50SEC EAST 5.86 FEET TO A SET CONC. MONUMENT;  
THENCE NORTH 63DEG 04MIN 34SEC EAST, 170.00 FEET TO A SET CONC. MONUMENT;  
THENCE NORTH 70DEG 52MIN 21SEC EAST, 268.04 FEET TO A POINT; THENCE SOUTH  
43DEG 45MIN 20SEC EAST, 153.70 FEET TO A FND CONC. MONUMENT MARKING THE  
NORTHWEST CORNER OF THE AFORESAID SHAWNEE TRACE SUBDIVISION PLAT 1;  
THENCE ON AND ALONG THE WEST LINE OF SAID PLAT 1, SOUTH 43DEG 45MIN 20SEC  
EAST, 84.09 FEET TO A FND. CONC. MONUMENT; THENCE SOUTH 09DEG 50MIN 01SEC  
EAST, 60.00 FEET TO A FND. CONC. MONUMENT; THENCE NORTH 80DEG 09MIN 59SEC  
EAST, 17.27 FEET TO A FND. CONC. MONUMENT; THENCE 27.76 FEET ON AND ALONG A  
CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10DEG 15MIN 38SEC. A RADIUS OF  
155.00 FEET, A CHORD BEARING OF NORTH 75DEG 02MIN 10SEC EAST, A CHORD  
DISTANCE OF 27.72 FEET TO A FND. CONC. MONUMENT; THENCE SOUTH 20DEG 05MIN  
39SEC EAST, 80.41 FEET TO A FND. CONC. MONUMENT; THENCE SOUTH 04DEG 00MIN  
13SEC EAST, 491.43 FEET TO A FND. CONC. MONUMENT; THENCE NORTH 89DEG 43MIN  
30SEC WEST, 50.31 FEET TO A FND. CONC. MONUMENT; THENCE SOUTH 00DEG 16MIN  
30SEC WEST, 240.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 15.4335  
ACRES OF LAND, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS AND  
EASEMENTS WRITTEN OR RECORDED. LESS AND EXCEPTING THE SOUTH 40 FEET FOR  
HIGHWAY PURPOSES. THE BEARINGS REFERRED TO HEREIN ARE BASED UPON AN  
ASSUMED MERIDIAN AND ARE USED FOR THE PURPOSE OF ANGULAR MEASUREMENT.

### PLAT 3

BEING A PARCEL OF LAND LOCATED IN PART OF THE EAST ONE-HALF OF OUTLOT 245  
OF THE NEW SURVEY OF OUTLOTS IN THE CITY OF PERRYSBURG, WOOD COUNTY,  
OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIPE MARKING THE SOUTHWEST CORNER OF  
OAKMONT SUBDIVISION PLAT 6 AS SHOWN IN WOOD COUNTY RECORDER'S PLAT  
VOLUME 17 AT PAGE 62, ALSO THE CENTERLINE OF ECKEL JUNCTION ROAD; THENCE  
NORTH 43DEG 45MIN 20SEC WEST 1601.78 FEET, ON AND ALONG THE WESTERLY LINE  
OF SAID SUBDIVISION, TO THE PRINCIPAL POINT OF BEGINNING FOR THIS LEGAL  
DESCRIPTION;

THENCE WITH THE NORTHERLY LINE OF SHAWNEE TRACE PLAT 1 THE FOLLOWING  
THREE COURSES;

1. SOUTH 46DEG 14MIN 40SEC WEST 200.00 FEET TO A POINT
2. SOUTH 43DEG 45MIN 20SEC EAST 0.92 FEET TO A POINT
3. SOUTH 46DEG 14MIN 40SEC WEST 140.00 FEET TO A POINT

THENCE WITH THE EASTERLY AND NORTHERLY LINE OF SHAWNEE TRACE PLAT 2 THE  
FOLLOWING FIVE COURSES;



1. NORTH 43DEG 45MIN 20SEC WEST 153.70 FEET TO A POINT
2. SOUTH 70DEG 52MIN 21SEC WEST 268.04 FEET TO A POINT
3. SOUTH 63DEG 04MIN 34SEC WEST 170.00 FEET TO A POINT
4. NORTH 26DEG 38MIN 50SEC WEST 5.86 FEET TO A POINT
5. SOUTH 63DEG 21MIN 10SEC WEST 177.75 FEET TO A POINT

THENCE NORTH 26DEG 38MIN 50SEC WEST 220.47 FEET TO A POINT; THENCE NORTH 63DEG 21MIN 10SEC EAST 47.56 FEET TO A POINT; THENCE NORTH 26DEG 38MIN 50SEC WEST 154.56 FEET TO A POINT; THENCE NORTH 63DEG 21MIN 10SEC EAST 380.19 FEET TO A POINT; THENCE NORTH 26DEG 38MIN 50SEC WEST 204.56 FEET TO A POINT; THENCE NORTH 63DEG 21MIN 10SEC EAST 8.00 FEET TO A POINT; THENCE NORTH 26DEG 38MIN 50SEC WEST 140.61 FEET TO A POINT IN THE SOUTHERLY LINE OF OUTLOT 246; THENCE NORTH 63DEG 13MIN 56SEC EAST 299.26 FEET, ON AND ALONG SAID SOUTHERLY LINE, TO A FOUND MONUMENT MARKING THE COMMON CORNER OF OUTLOTS 245, 246, 254, AND 255; THENCE SOUTH 43DEG 45MIN 20SEC EAST 844.31 FEET, TO THE PRINCIPAL POINT OF BEGINNING ENCLOSING AN AREA OF 11.6742 ACRES OF LAND, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS WRITTEN OR RECORDED.

THE BEARINGS REFERRED TO HEREIN ARE BASED UPON AN ASSUMED MERIDIAN AND ARE USED SOLELY FOR THE PURPOSE OF ANGULAR MEASUREMENT.