

Montgomery County  
Recorder's Office  
Record Date 7-23-01  
Record Time 16:01:36  
Instrument I.D. # Plat-01-083861

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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR FOREST WALK**

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FOR PLAT SEE:

BOOK 182 PAGE(S) 747A  
72 - 72A

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU *Pick-up*  
Attorney at Law  
6776 Loop Road  
Centerville, Ohio 45459

**FIRST AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
FOREST WALK**

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**THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FOREST WALK**, hereinafter referred to as the "First Amendment" is made on the date hereinafter set forth by Charles V. Simms Development Corporation, an Ohio corporation, hereinafter referred to as "Declarant".

**RECITALS**

A. Declarant has submitted certain real property to a Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as the "Declaration", said Declaration being recorded at Microfiche No. 99-575-A01 of the Deed Records of Montgomery County, Ohio.

B. The present owners and mortgagees of each Lot for which provisions are made in the Declaration are hereinafter respectively referred to as "Parcel A Owners" and "Parcel A Mortgagees", with Parcel A being the property described in Recital A of the Declaration.

C. Declarant has determined to submit the Additional Property as referenced in the Declaration to the provisions of the Declaration; said Additional Property being hereinafter referred to as "Parcel B" and hereinafter described as follows:

Situate in the City of Centerville, County of Montgomery, State of Ohio and being Lots Numbered 23 through 47, inclusive, and Reserve Areas E, F and G of Forest Walk, Section Two, as recorded in Plat Book 182, Page(s) 172 - 172A of the Plat Records of Montgomery County, Ohio.

D. Declarant is, pursuant to the provisions of Section 13.05 of the Declaration, the duly appointed and acting attorney-in-fact of each of the Parcel A Owners and their respective mortgagees for the purpose of executing, acknowledging and recording for and in the name of each Parcel A Owner, such amendments to the Declaration as are contemplated by Article XIII of the Declaration, and in the name of each Parcel A Mortgagee, a consent to such amendment.

E. Declarant has obtained the necessary consents for the filing of this instrument.

DEED      01-0502      A04

## DECLARATIONS

**NOW, THEREFORE,** Declarant hereby declares that:

1. All of the terms used herein which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration, unless specifically herein amended.

2. Declarant hereby submits Parcel B, together with all improvements thereon, all easements, rights and appurtenances belonging thereto to the Declaration.

3. The Declaration is hereby amended in accordance with the provisions of Article XIII of the Declaration in the following respects:

A. The legal description in the Declaration is hereby amended by adding thereto the legal description of Parcel B as hereinbefore set forth.

B. Section 2.02 of the Declaration is hereby amended by adding to the legal description therein the following:

Situate in the City of Centerville, County of Montgomery, State of Ohio and being Lots Numbered 23 through 47, inclusive, of Forest Walk, Section Two, as recorded in Plat Book 182, Page(s) 172-172A of the Plat Records of Montgomery County, Ohio.

C. Section 2.02 of the Declaration is hereby amended by adding to the legal description therein the following:

Situate in the City of Centerville, County of Montgomery, State of Ohio and being Reserve Areas E, F and G of Forest Walk, Section Two, as recorded in Plat Book 182, Page(s) 172-172A of the Plat Records of Montgomery County, Ohio.

4. Except as specifically hereinabove amended, all of the provisions of the Declaration shall be and hereby are declared to remain in full force and effect.

IN WITNESS WHEREOF, Charles V. Simms Development Corporation, an Ohio corporation, acting in its capacity as Declarant, as the owner of property and as attorney-in-fact for all other owners and mortgagees within the property, has caused the execution of this instrument this 23<sup>rd</sup> day of JULY, 2001.

Signed and acknowledged  
In the Presence of:

CHARLES V. SIMMS  
DEVELOPMENT CORPORATION

Cynthia L. Larkins

By: Hans H. Soltau  
Hans H. Soltau  
Vice President

Jennifer H. Soltau

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of JULY, 2001 by Charles V. Simms Development Corporation, an Ohio corporation, on behalf of the corporation.

Cynthia L. Larkins  
Notary Public

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU  
Attorney at Law  
6776 Loop Road  
Centerville, Ohio 45459

CYNTHIA L. LARKINS, Notary Public  
In and For the State of Ohio  
My Commission Expires Nov. 6, 2001

DEED 01-0502 A06



\$72.00 05/06/10 10:41:26  
SP-1-10-026046 0005  
Montgomery County  
Willis E. Blackshear Recorder

NO TRANSFER NEEDED  
MAY -6 AM 10:58  
KARL L. KEITH  
AUDITOR

**SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
FOREST WALK**

**THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FOREST WALK**, hereinafter referred to as the "Second Amendment" is made on the date(s) hereinafter set forth by the Board of Trustees of Forest Walk Homeowners' Association, Inc., an Ohio not-for-profit corporation, hereinafter referred to as the "Association", with the consent of the owners in Forest Walk exercising not less than seventy-five percent (75%) of the voting power of the Association, hereinafter referred to as the "Consenting Owners", under the circumstances summarized in the following Recitals.

**RECITALS**

A. The Declaration of Covenants, Conditions and Restrictions for Forest Walk, hereinafter referred to as the "Declaration", dated August 4, 1999 and filed for record August 24, 2009 at Microfiche 99-575-A01 of the Deed Records of Montgomery County, Ohio submitted the following property to the provisions of the Declaration:

Situate in the City of Centerville, County of Montgomery, State of Ohio and being Lots Numbered 1 through 21, inclusive, together with Reserve Areas A, B, C and D of Forest Walk, Section One, as recorded in Plat Book 176, Page 27 of the Plat Records of Montgomery County, Ohio.

B. The First Amendment to Declaration of Covenants, Conditions and Restrictions for Forest Walk, hereinafter referred to as the "First Amendment", dated July 23, 2001 and filed for record on July 23, 2001 at Microfiche 01-502-A03 of the Deed Records of Montgomery County, Ohio added the following property to the provisions of the Declaration:

Situate in the City of Centerville, County of Montgomery, State of Ohio and being Lots Numbered 23 through 47, inclusive, together with Reserve Areas E, F and G of Forest Walk, Section Two, as recorded in Plat Book 182, Page 172 of the Plat Records of Montgomery County, Ohio.

C. For purposes hereof, the term Declaration shall mean the Declaration, as amended by the First Amendment, and the Consenting Owners shall mean the owners identified in Exhibit "A" attached hereto.

D. The Consenting Owners do hereby desire to amend the provisions of the Declaration pursuant to Section 11.01 thereof.

NOW, THEREFORE, the Consenting Owners do hereby desire to amend the Declaration as follows:

1. Section 12.01 is hereby amended by deleting any references to fences.
2. The Design Standards which are attached as Exhibit "B" to the Declaration are hereby amended by deleting Section 14.1 and 14.2 and substituting therefor:

14.1 With the exception of the fences presently erected on Lot 21, Section One, and Lots 26, 35, 36 and 37 of Section Two and the fence approved as to Lot 11, Section One, no fences shall be permitted on the Property.

3. Unless herein specifically amended or modified all provisions of the Declaration shall remain in full force and effect.

**EXECUTED** by the Board of Trustees of the Association, pursuant to the consent and authorization of the Consenting Owners, on the date(s) set forth in the acknowledgements of the signatures below.

**FOREST WALK  
HOMEOWNERS' ASSOCIATION, INC.**

By: Juegen Machowsky  
Trustee

By: Joan D. Raine  
Trustee

By: Jeni L. Kraft  
Trustee

**STATE OF OHIO, COUNTY OF MONTGOMERY, SS:**

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> day of APRIL, 2010 by JUERGEN KLACHOWSKY, Trustee of Forest Walk Homeowners' Association, Inc., on behalf of such association.



DENNIS GRAF, Notary Public  
In and for the State of Ohio  
My Commission Expires Dec. 23, 2011

Dennis Graf  
Notary Public

**STATE OF OHIO, COUNTY OF MONTGOMERY, SS:**

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2010 by Joan Raine, Trustee of Forest Walk Homeowners' Association, Inc., on behalf of such association.



DENNIS GRAF, Notary Public  
In and for the State of Ohio  
My Commission Expires Dec. 23, 2011

Dennis Graf  
Notary Public

**STATE OF OHIO, COUNTY OF MONTGOMERY, SS:**

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2010 by Terri L. Kraft, Trustee of Forest Walk Homeowners' Association, Inc., on behalf of such association.



DENNIS GRAF, Notary Public  
In and for the State of Ohio  
My Commission Expires Dec. 23, 2011

Dennis Graf  
Notary Public

**THIS INSTRUMENT PREPARED BY:**

**HANS H. SOLTAU**  
Attorney at Law  
6776 Loop Road  
Centerville, Ohio 45459

## EXHIBIT "A"

<u>Lot No.</u> <sup>(1)</sup>	<u>Owner(s)</u>
1	Mualla F. Yavuz
2	Bette V. Idle & Judith A. Marten
3	Tomie G. Shinlever & Ethel Lee Shinlever
4	Cornelius R. Will & Madge B. Staley-Will
5	Marilyn M. Johnston
6	William L. Haffner & Mary N. Haffner
7	John V. Batista & Suzanne D. Batista
8	Jeanne R. Nathan, Trustee
9	Ruth D. Scharf, Trustee
10	Mary Lou Schaefer
12	Charles E. LeBouef & Sandra S. LeBouef
13	Thomas J. Leen
14	Ronald H. Nelson
15	Juergen Machowsky
17	Dennis B. Graf, Trustee
18	Michael D. George
19	Charles E. Raine & Joan D. Raine
20	Nella M. Dovel
23	Robert F. Feldmann
24	Roger O. Wurtzbacher & Elizabeth A. Wurtzbacher



<b><u>Lot No.</u></b> <sup>(1)</sup>	<b><u>Owner(s)</u></b>
27	Dwight H. Perrin
28	Sylvia T. Cale & Willard K. Cale
29	Louise L. Doorley, Trustee
30	D. W. Tilton & Patricia H. Tilton
34	Patricia A. Burns
36	Cay L. Nefzer
38	Richard G. Tapia, Trustee
39	Sharon Griffin, Trustee
40	Terri L. Kraft
41	Thomas H. Edwards
42	Richard L. Robinson & Cynthia N. Robinson
44	Janice J. Owens, Trustee
45	Harold L. Gegel
46	Michael W. Kline and Sandra L. Kline
47	Ruthye R. Robinette

<sup>(1)</sup> Lot Numbers are as to Forest Walk, Section One and Section Two