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RICHLAND
SARAH M DAVIS
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DECLARATION 56.00
UR Book 1577 Page 710 - 714

UR 1577 PG. 0710

**FIRST AMENDMENT
TO
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
TOWER LAKES SUBDIVISION
CITY OF MANSFIELD, RICHLAND COUNTY, OHIO**

THIS AMENDMENT TO DECLARATION is made this 20th day of October, 2005 by WALTER W. HUNSINGER and LINDA K. HUNSINGER (the "Declarant").

200500019918
WITNESSETH: MABEE & MILLS
FILE

WHEREAS, by a Declaration of Covenants and Restrictions for Tower Lakes Subdivision dated June 18, 1997 (the "Declaration") and recorded at Official Records Volume 516, Pages 08 thru 25 at the Richland County, Ohio Recorder's Office, the Declarant submitted Lots Numbered 22790 thru 22795 to the provisions of the Declaration. Such Lots are shown at Plat Volume 26, Page 155 of the Richland County Recorder's Office and designated as Tower Lake Phase 1.

WHEREBY, by this Amendment to the Declaration, Declarant desires to document and make additions to property subjected to the Declaration ("The Properties") and provide how future additional property sll be subjected to the Declaration.

NOW, THEREFORE, Declarant, pursuant to Section 13 of the Declaration, modify and amend said Declaration as follows:

1. Section 2, Paragraph 2.1 of the Declaration is hereby amended in its entirety so that as amended it shall read as follows:

"SECTION 2. PROPERTY SUBJECT TO THIS DECLARATION

2.1 The Properties

(A) Situated in the City of Mansfield, County of Richland and State of Ohio and being Lots Numbered 22790 thru 22795 of the consecutively numbered lots in said City as recorded in Plat Book 26, Page 155 in the Office of the Richland County Recorder, and known as Tower Lakes Phase 1.

(B) Situated in the City of Mansfield, County of Richland and State of Ohio and being Lots Numbered 23034 thru 23050

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of the consecutively numbered lots in said City as recorded in Plat Book 27, Page 121 in the Office of the Richland County Recorder and known as Tower Lakes Phase 2.

(C) Situated in the City of Mansfield, County of Richland and State of Ohio and being Lots Numbered 23159 thru 23175 of the consecutively numbered lots in said City as recorded in Plat Book 29, Page 34 in the Office of the Richland County Recorder and known as Tower Lakes Phase 3.

(D) All or such portion of the 88.8249 acres of land, more or less, and being generally such parts of the Southeast and Southwest Quarters of Section 4, Township 20, Range 18 in the City of Mansfield, County of Richland and State of Ohio as are described and delineated by hash marks on Exhibit A attached hereto that may be submitted to the Declaration pursuant to amended Section 13 hereinafter set forth."

2. Section 13 of the Declaration is hereby amended in its entirety so that as amended it shall read as follows:

"SECTION 13. ADDITIONS TO THE PROPERTY BY DECLARANT

13.1 Additional Property. Declarant may at any time and from time to time add all or any part of the Additional Property as described in Exhibit A attached to this Declaration to the Property by recording an amendment to this Declaration containing an accurate and complete description of the real property so added without the necessity of joining any Owners as parties to such amendment. Upon recording any such amendment, (i) all of the provisions of this Declaration shall apply to that part of the Additional Property in the same manner as if such property had been originally covered by this Declaration and (ii) all of the Covenants and Restrictions shall run with such Additional Property and shall be binding upon and inure to the benefit of Declarant, all Owners and their respective successors in interest to any part of that land. This provision shall not be construed to prohibit Declarant from adopting additional or different restrictive covenants that apply only to the Additional Property (or the portion of the Additional Property added to this Declaration) or otherwise modifying the Covenants and Restrictions with respect to the Additional Property (or applicable portion of the same).

13.2 Alternative Additional Property Provisions. As an alternative to Paragraph 13.1 above, Declarant may at any time and from time to time add and submit additional real property to the Declaration without the

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necessity of joining any Owners as parties in the following manner:

(A) By preparing and filing with the Richland County Recorder a plat or plats of future phases of Tower Lakes with specific reference to the fact that all lots so platted are subject to the terms and conditions of the Declaration of Covenants and Restrictions for Tower Lakes Subdivision, City of Mansfield, Richland County, Ohio, recorded in Official Records Volume 516, Pages 08 thru 25 and all amendments and modifications thereto, and,

(B) By making specific reference in any deed or conveyance of a platted lot and any interest therein that the conveyance is subject to the terms and conditions of the Declaration of Covenants and Restrictions for Tower Lakes Subdivision, City of Mansfield, Richland County, Ohio, recorded in Official Records Volume 516, Pages 08 thru 25 and all amendments and modifications thereto.

Upon recording the above documents, all of the additional property and lots so platted and/or conveyed shall be subject to all of the provisions of the Declaration in the same manner as if originally covered by the Declaration and all of the Covenants and Restrictions of the Declaration, including any amendments or modifications thereto shall run with such additional property and shall be binding upon and inure to the benefit of the Declarant, and all Owners and their respective successors, grantees and assigns. This provision shall not be construed to prohibit Declarant from adopting additional or different restrictive covenants that apply only to the additional property or otherwise modifying the Covenants and Restrictions with respect to such additional property."

3. Except as hereinabove expressly provided, all of the provisions of the Declaration are ratified and confirmed.

IN WITNESS WHEREOF, Declarant has executed this Amendment to the Declaration on the day and year set forth above.

Signed in presence of:

Reese F. Mills
Reese F. Mills
Carol A. Fry
Carol A. Fry

Walter W. Hunsinger
WALTER W. HUNSINGER
Linda K. Hunsinger
LINDA K. HUNSINGER

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STATE OF OHIO

SS:

COUNTY OF RICHLAND

The foregoing instrument was acknowledged before me, a Notary Public in and for said County and State, by Walter W. Hunsinger and Linda K. Hunsinger, Husband and Wife, who stated that the signing of this instrument is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Mansfield, Ohio, this 20th day of October, 2005.

Carol A. Fry
Notary Public



CAROL A. FRY
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires
March 29, 2008

This Instrument Prepared by:

Mabee & Mills, Attorneys at Law
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(419) 524-1403

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