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CLERMONT COUNTY, OH  
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DECLAR 44.00  
OR Book 2440 Page 316 - 319



BK: 2440 PG: 316

**FIRST AMENDMENT TO THE DECLARATION OF  
COVENANTS AND RESTRICTIONS OF  
HEATHERSTONE HOMEOWNERS' ASSOCIATION, INC.**

This will certify that a copy of the First Amendment to the Declaration of Covenants and Restrictions of Heatherstone Homeowners' Association, Inc. has been filed in the office of the County Auditor, Clermont County, Ohio, this 18 day of March, 2013.

**CLERMONT COUNTY AUDITOR**

By: Linda L Fraky SM  
Printed: Linda L Fraky SM

Prepared by:  
**Amy Schott Ferguson, Esq.**  
*Cuni, Ferguson, & LeVay Co., L.P.A.*  
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BK: 2440 PG: 317

**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS AND RESTRICTIONS OF  
HEATHERSTONE HOMEOWNERS' ASSOCIATION, INC.**

*WHEREAS*, the Declaration of Covenants and Restrictions of Heatherstone Homeowners' Association, Inc. ("Declaration") was recorded on March 29, 2012 at Official Record Book 2365, Page 367-418 of the Clermont County, Ohio Recorder's Office;

*WHEREAS*, the Declaration recited that Exhibit "B", the By-Laws, had been approved by the Owners;

*WHEREAS*, the By-Laws were not submitted to and approved by the Owners because of a clerical error, but the By-Laws have subsequently been submitted to and approved by the Owners by a vote;

*WHEREAS*, on October 23, 2012, the Association properly called and noticed a meeting of the Owners at which at least 51% of the Owners were present as a quorum, a motion was made to ratify the recorded By-Laws, and a majority of the owners voting in person or by proxy voted in favor of ratification of the By-Laws attached as Exhibit B to the Declaration;

*WHEREAS*, this action was taken pursuant to Ohio Revised Code Section 1702.10 which provides that if the incorporator fails to adopt regulations as authorized by Section 1702.10 within ninety (90) days after the date of incorporation, regulations may be adopted at a meeting of voting members by the affirmative vote of a majority of the voting members;

*NOW, THEREFORE*, the purpose of this First Amendment is to confirm that the By-Laws attached as Exhibit B to the Declaration are in fact ratified and approved by the Owners and shall be binding upon the corporation.

*IN WITNESS WHEREOF*, the undersigned Association has hereunto set its signature on the day and year first above written.

**HEATHERSTONE HOMEOWNERS'  
ASSOCIATION, INC.,**  
An Ohio Non-Profit Corporation

By:   
Stephen Mills, President



STATE OF OHIO )  
COUNTY OF ~~CLERMONT~~ <sup>HAMILTON</sup> ) :SS

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of February, 2013, by Stephen Mills, President of Heatherstone Homeowners' Association, Inc., an Ohio non-profit corporation, by and on behalf of the corporation.

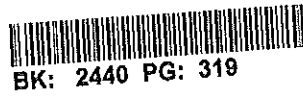
Notary Public

My Commission expires: 1-17-2016

This instrument was prepared by:  
**Amy Schott Ferguson, Esq.**  
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Patricia Heinkeamp  
Notary Public, State of Ohio  
My Commission Expires 01-17-2016



**EXHIBIT A**

Situated in Mabones Military Survey 998, and in Batavia Township, Clermont County, Ohio.

Being more particularly described as Lots 1-48, inclusive, of the Heatherstone Subdivision, Section I, Phase I, Deed out 13.857 acres more or less as recorded in Plat Book R, Pages 54 - 56 of the records of the Recorder of Clermont County, Ohio.