

**FIFTEENTH AMENDMENT
TO THE WETHERINGTON
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS**

This Fifteenth Amendment to the Wetherington Declaration of Covenants, Conditions and Restrictions and Reservation of Easements ("Amendment") is being executed as of the 31ST day of AUGUST, 2001, under the following circumstances:

The Members holding at least 75% of the voting power of the Association as created by that certain Wetherington Declaration of Covenants, Conditions and Restrictions and Reservation of Easements as recorded in Volume 1736, Page 184 of the Butler County, Ohio Records, as previously modified (collectively, the "Declaration") have elected to amend the Declaration in order to provide for the inclusion of certain streets previously designated as public streets to become Common Areas and Community Facilities to be maintained by the Association and also to approve certain actions related to the assessments necessary in order to provide for the maintenance and repair of the private streets.

NOW, THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby agree that the Declaration is modified as follows:

1. Article I, Section 1(e) of the Declaration is hereby amended by adding the following language:

At such time as Developer conveys to the Association the real property previously dedicated as Eagles Wing Drive, Willoughby Court, St. Ives Place, Harbour Town Drive, Avenel Court, Great Waters Lane (but not the portion of Great Water Lane beginning at Tyler's Place and ending at the rear entrance to Wetherington), Wetherington Drive north of Tylers Corner Drive, Clubhouse Court, Country Club Lane, Charter Cup Lane and Legendary Lane, which transfer may be upon such terms and subject to such conditions as the Board of Trustees deems appropriate (which terms and conditions shall include certain easement rights in favor of the Wetherington Golf and Country Club and the Developer and/or its affiliates to benefit the Wetherington Golf Course and Country Club and additional property that may in the future be developed by the Developer and/or its affiliates), such real property and all road and street improvements, storm sewer lines, gates, gatehouses and other road and street-related improvements and facilities located thereon shall be deemed to be "Common Areas" and "Community

TRANSFER NOT NECESSARY

KAY ROGERS

BY O.R. 6673 PAGE 505

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OR Book 6673 Page 505 - 519

Facilities" for all purposes under this Declaration. Driveway aprons, mailboxes, landscaping and other improvements owned by adjacent Lot Owners and located on such real property shall not be "Common Areas" or "Community Facilities". A legal description of the real property to become "Common Areas" and "Community Facilities" as described herein is attached hereto as Exhibit A and made a part hereof.

2. Article IV, Section 2 of the Declaration is hereby amended by adding the following language:

The Annual Assessments may also be charged and used for (a) the purpose of maintaining, repairing and replacing any streets, gates gatehouses and related items which are Common Areas or Community Facilities; (b) and also for paying for the maintenance and repairs of drives, landscaping and other common areas located within the portion of Wetherington which is included in The Fairways at Wetherington Condominium, as the Board of Trustees may determine to be appropriate. The Board of Trustees shall also have the authority to charge those Members who are Owners of condominium units in the Fairways at Wetherington less than amounts charged to other Members for Annual Assessments if and to the extent the Board determines such different charges are appropriate.

3. Subject to the right of the Association, acting through its Board of Trustees, to promulgate rules and regulations regarding use, safety and traffic flow, the Association, by executing this Amendment, hereby reserves, grants, establishes and creates, for the benefit of all Owners in Wetherington, their heirs, successors and assigns, and their tenants, their agents, employees and invitees, and those of their tenants, a perpetual, non-exclusive ingress and egress easement for pedestrian and vehicular access on, over and across the real property to be granted by the Developer to the Association as contemplated by Section 1 of this Amendment.

4. All capitalized terms contained herein that are not typically capitalized, unless otherwise defined herein, shall have the meanings assigned to such terms by the Declaration.

5. Except as specifically modified by the terms of this Amendment, the terms and conditions of the Declaration remain in full force and effect and unmodified.

6. This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the day and year first above written.

Signed and acknowledged
in the presence of:

WETHERINGTON COMMUNITY
ASSOCIATION, INC.,
an Ohio not-for-profit corporation

Sigrid D. Ryan
Print Name SIGRID D. RYAN

By *[Signature]*
Name KEVIN D. PLANK
Its PRESIDENT

Bonnie L. Case
Print Name BONNIE L. CASE

The undersigned, being the Secretary of the Association, hereby certifies that this Amendment has been approved by Members holding seventy-five (75%) percent or more of the total voting power of the Association. The records of such votes are maintained with the permanent records of the Association for examination.

Clifford D. Ryan
Print Name Clifford D. Ryan

Catherine A. Young
Print Name CATHERINE A. YOUNG
Secretary of Wetherington Community
Association, Inc.

Sigrid D. Ryan
Print Name SIGRID D. RYAN