

For Fourth Supplemental Declaration of Covenants, Easements, etc., See De 392, P. 28

TransOhio Residential Title Box

245275

**FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, EASEMENTS,
CONDITIONS AND RESTRICTIONS FOR WESTBURY SUBDIVISION**

THIS FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS FOR WESTBURY SUBDIVISION (the "First Supplemental Declaration") is made as of the 3 day of ~~September~~^{October}, 2000, by M/I Schottenstein Homes, Inc., an Ohio corporation (hereinafter referred to as "Developer").

WHEREAS, the Westbury Subdivision is located partially in Franklin County, Ohio and partially in Union County, Ohio. Therefore on September 24, 1999 Developer filed that certain Declaration of Covenants, Easements, Conditions and Restrictions for Westbury Subdivision recorded at Instrument No. 199909240241321 in the office of the Recorder, Franklin County, Ohio and on October 19, 1999 recorded at Deed Book 200, page 453 in the office of the Recorder, Union County, Ohio (the "Declaration");

WHEREAS, pursuant to the terms of Paragraph I A of the Declaration, Developer reserved the right to annex additional property and to submit any such property to the covenants, easements, conditions and restrictions, and provisions of the Declaration;

WHEREAS, the Developer is the owner of all the real property located in Franklin County, Ohio, and Union County, Ohio more particularly described in Exhibit A attached hereto and incorporated herein by reference and desires to submit such property to the covenants, easements, conditions and restrictions, and provisions of the Declaration; and

WHEREAS, the real property described in Exhibit A is part of the additional property;

NOW THEREFORE, pursuant to the powers reserved in Paragraph I A of the Declaration, Developer hereby declares that:

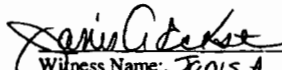
1. Defined Words and Phrases. Unless otherwise defined herein, capitalized words and phrases herein shall have the meaning assigned to such words and phrases in the Declaration.
2. Additional Property. All the real property described in Exhibit A shall be held, sold, conveyed, encumbered, leased, occupied and improved, subject to the covenants, easements, conditions and restrictions, and provisions of the Declaration as the same is supplemented and amended from time to time, which shall run with the real property described in Exhibit A and shall be binding upon, and inure to the benefit of, all parties now or hereafter having any right, title or interest in such property or any part thereof, and their heirs, personal and legal representatives, successors and assigns.
3. Effect of Amendment. In the case of conflict between the Declaration and this First Supplemental Declaration, the terms of this First Supplemental Declaration shall control. Any term or provision of the Declaration not amended by this First Supplemental Declaration shall remain the same and in full force and effect.

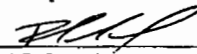
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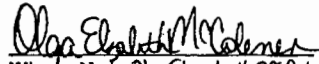
IN WITNESS WHEREOF, the Developer has executed this First Supplemental Declaration as of the date first above written.

Signed in the Presence of:

M/I SCHOTTENSTEIN HOMES, INC.
an Ohio corporation

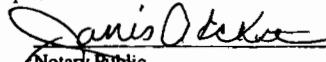

Witness Name: Janis A. Eckstein

By: 
Paul S. Coppel
President Land Operations/General Counsel


Witness Name: Olga Elizabeth Maloney

STATE OF OHIO
COUNTY OF FRANKLIN, ss:


The foregoing instrument was acknowledged before me this 3 day of ^{October} ~~September~~, 2000, by Paul S. Coppel, President Land Operations/General Counsel of M/I Schottenstein Homes, Inc., an Ohio corporation, on behalf of the Developer.


Notary Public



JANIS A. ECKSTEIN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 27, 2002

This instrument prepared by: Developer

TRANSFER NOT
NECESSARY

BY Paul S. Coppel
M/I SCHOTTENSTEIN HOMES, INC.

DR 244 PE 520

