

Instr: 200209100224214 09/10/2002
Pages: 3 F: \$26.00 11:13AM
Robert S. Montgomery T20020104218
Franklin County Recorder BKTRANSOH1

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

THIS FOURTH SUPPLEMENTAL DECLARATION OF COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS FOR WESTBURY SUBDIVISION (the "Fourth Supplemental Declaration") is made as of the 9th day of September, 2002, 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, as supplemented by that certain First Supplemental Declaration of Covenants, Easements, Conditions and Restrictions for Westbury Subdivision recorded at Instrument No. 200010110206327 in the office of the Recorder, Franklin County, Ohio and on October 10, 2000 recorded at Deed Book 244, page 519 in the Office of the Recorder, Union County, Ohio, and on July 24, 2001 supplemented by that certain Second Supplemental Declaration of Covenants, Easements, Conditions and Restrictions for Westbury Subdivision recorded at Instrument Number 200107240168007 in the office of the Recorder, Franklin County, Ohio and on October 15, 2001 supplemented by that certain Third Supplemental Declaration of Covenants, Easements, Conditions and Restrictions for Westbury Subdivision recorded at Instrument Number 200110150237118 in the office of the Recorder, Franklin County Ohio (collectively 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

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CONVEYANCE TAX
EXEMPT
M [Signature]
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

TRANSFERRED
NOT NECESSARY
SEP 10 2002
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

TRANSOHIO RESIDENTIAL TITLE BOX
3 EASTON OVAL #230 COLS OH 43219

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 Fourth Supplemental Declaration, the terms of this Fourth Supplemental Declaration shall control. Any term or provision of the Declaration not amended by this Fourth Supplemental Declaration shall remain the same and in full force and effect.

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

M/I SCHOTTENSTEIN HOMES, INC.
an Ohio corporation

By: J. Thomas Mason
J. Thomas Mason
Senior Vice President/General Counsel

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 9th day of September, 2002, by J. Thomas Mason, Senior Vice President/General Counsel of M/I Schottenstein Homes, Inc., an Ohio corporation, on behalf of the Developer.

Kimberly L. McCoy
Notary Public



KIMBERLY L. MCCOY
Notary Public, State of Ohio
My commission expires 9-16-2003

This instrument prepared by: Developer

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