

AMENDMENT TO THE
PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS
FOR
RIVER OAKS, PHASE VIII

PLEASE CROSS MARGINAL REFERENCE WITH THE PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS FOR RIVER OAKS, PHASE VIII RECORDED AT INSTRUMENT NO. 200408090028826 OF THE LICKING COUNTY RECORDS.

AMENDMENT TO THE
PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS FOR
RIVER OAKS, PHASE VIII

RECITALS

- A. The Protective Covenants and Building Restrictions for River Oaks, Phase VIII (the "Declaration"), were recorded at Licking County Records, Instrument No. 200408090028826.
- B. The River Oaks Association, Inc. (the "Association") is a corporation consisting of all Owners in River Oaks HOA and as such is the representative of all Owners.
- C. Declaration Paragraph 32 authorizes amendments to the Declaration.
- D. Owners representing at least a majority of the Association's Phase VIII current voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").
- E. As of October 18, 2019, Owners representing 51 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.
- F. The Association has complied with the proceedings necessary to amend the Declaration, as required by the Declaration, in all material respects.

AMENDMENT

The Protective Covenants and Building Restrictions for River Oaks, Phase VIII is amended by the following:

DELETE DECLARATION ARTICLE 28(c) entitled, "Above Ground Pools," in its entirety. Said deletion to be taken from Page 6 of the Declaration, as recorded at Instrument No. 200408090028826 of the Licking County Records.

INSERT a NEW DECLARATION ARTICLE 28(c) entitled, "Above Ground Pools." Said addition to be added to Page 6 of the Declaration, as recorded at Instrument No. 200408090028826 of the Licking County Records.

c. Above Ground Pools. In addition to the above requirements, all proposed plans to install an Above Ground Swimming Pool must be submitted to the Board for approval and must meet the following requirements:

1. Above ground pools shall only be installed where existing elevation differences on a lot make the installation of an in-ground pool impractical.

2. Decking, or other materials, shall be used in such a manner as to screen the side of the pool, from view from neighboring lots.

3. The installation of an above ground pool must not alter the grade level of the rear yard so that access to the pool will require additional stairs or decking above the first floor grade level of the dwelling.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above modifying the restrictions on above ground swimming pools. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any contest or other legal challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

[SIGNATURES TO FOLLOW]

