

COPY

**THIRTEENTH AMENDMENT AND SUPPLEMENT TO
THE LEGENDARY RUN DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
AND RESERVATION OF EASEMENTS**

This Thirteenth Amendment and Supplement to the Legendary Run Declaration of Covenants, Conditions and Restrictions and Reservation of Easements ("**Amendment**") is made as of the 2ND day of September, 2003 by **TRADITIONS INVESTMENTS-PIERCE, INC.**, an Ohio corporation ("**Declarant**") as follows:

WHEREAS, Declarant filed the Legendary Run Declaration of Covenants, Conditions and Restrictions and Reservation of Easements on the 12th day of March, 1998, which Declaration is recorded in Official Record Book 1031, Page 762 of the Clermont County, Ohio Records to aid in the development of the property described therein ("**Legendary Run**"), which was modified by the First Amendment and Supplement thereto recorded at Official Record Book Volume 1087, Page 119; by the Third Amendment and Supplement thereto recorded at Official Record Volume 1145, Page 579; by the Fourth Amendment and Supplement thereto recorded at Official Record Volume 1168, Page 1036; by the Fifth (A) Amendment and Supplement thereto recorded at Official Record Volume 1209, Page 1147; by the Sixth Amendment and Supplement thereto recorded at Official Record Volume 1223, Page 1571; by the Seventh Amendment and Supplement thereto recorded at Official Record Volume 1234, Page 827; by the Eighth Amendment and Supplement thereto recorded at Official Record Volume 1249, Page 792; by the Ninth Amendment and Supplement thereto recorded at Official Record Book 1251, Page 2497; and by the Tenth Amendment and Supplement thereto recorded at Official Record Book 1274, Page 293; and by the Eleventh Amendment and Supplement thereto recorded at Official Record Book 1497, Page 373; and by a non-numbered Amendment (twelfth in order) thereto recorded at Official Record Book 1520, Page 1736, all of the Clermont County, Ohio Records (collectively, the Declaration, as so modified is hereinafter referred to as the "Declaration", and it being expressly stated herein that no Second Amendment and Supplement was ever filed);

200300060097
Filed for Record in
CLERMONT COUNTY, OH
CAROLYN GREEN
09-17-2003 At 02:21 pm.
DECLAR 44.00
OR Book 1692 Page 132 - 135

WHEREAS, Declarant desires to provide for the preservation of values and amenities in Legendary Run and to provide for the maintenance of the Common Areas and Community Facilities (as defined in the Declaration) within Legendary Run;

WHEREAS, the Declaration provides, in Article II, that Declarant can annex property to the Development (as defined in the Declaration) and subject property to the terms and conditions of the Declaration.

NOW, THEREFORE, Declarant makes the following Amendment:

The following provisions of the Declaration are amended as provided for in Article XIV of the Declaration:

1.1 Common Areas and Community Facilities.

Article I, Section 1(e) of the Declaration, which sets forth the definition of Common Areas and Community Facilities, is amended to include the property described in Exhibit A attached hereto and made a part hereof.

1.2 Property Subject to Declaration.

Article II, Section 1 of the Declaration, which sets forth the real property that is to be subject to the terms and conditions of the Declaration, is amended to include the real property described in Exhibit B hereto and made a part hereof.

Except as expressly amended by this Amendment, the Declaration remains in full force and effect.

IN WITNESS WHEREOF, James P. Sullivan, Vice President and Treasurer of Traditions Investments-Pierce, Inc., an Ohio corporation, has executed this Amendment on behalf of the corporation as of the date first above written.

Signed and acknowledged
in the presence of:

TRADITIONS INVESTMENTS-PIERCE, INC.
an Ohio corporation

Mary S. Howbert
Print Name: Mary S. Howbert

By: James P. Sullivan
James P. Sullivan,
Vice President & Treasurer

Linda D. Watts
Print Name: LINDA D. WATTS

STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing Amendment was acknowledged before me this 2nd day of September 2003, by James P. Sullivan, Vice President and Treasurer of Traditions Investments-Pierce, Inc., an Ohio corporation, on behalf of such corporation.

Mary S. Howbert
Notary Public



MARY S. HOWBERT
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 29, 2008

This instrument was prepared by:

Steven R. Smith, ESQ.
BARRON, PECK & BENNIE
One West Fourth Street
Suite 1400
Cincinnati, Ohio 45202-3618
513/721-1350

J:JEAN_DMBLEGRUN\13th-amendment.doc

CONSENT OF MORTGAGEE

The undersigned, US BANK, N.A. FKA FIRSTSTAR BANK, N.A. ("Mortgagee") is the holder of a Mortgage on a portion of the real estate described in the foregoing Thirteenth Amendment and Supplement to the Legendary Run Declaration of Covenants, Conditions and Restrictions and Reservation of Easements (the "Declaration") for Legendary Run from Traditions Investments-Pierce, Inc., dated September 25, 1996 and recorded in Official Record Book 0990, Page 280 of the Clermont County, Ohio Records as amended.

Mortgagee hereby consents to the execution and delivery of the Declaration, together with the exhibits thereto, and consents to the filing thereof in the office of the Recorder of Clermont County, Ohio. Mortgagee hereby subjects and subordinates the above-described mortgage and any amendments thereto, to the easements, covenants and restrictions contained in the foregoing Declaration with all exhibits attached thereto; provided however, the mortgage shall not be subordinate in priority to any of the assessments that can be charged under or pursuant to the Declaration.

IN WITNESS WHEREOF, the Mortgagee has caused the execution of this Consent of Mortgagee this 9th day of September, 2003, by its duly authorized officer.

Signed and acknowledged

US BANK, N.A.,
a national banking association.

Carol Neely
Print Name: CAROL NEELY

By: Wendy A. Baumann
Name: Wendy A. Baumann
Its: VP

Annette Higgins
Print Name: Annette Higgins

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 9th day of September, 2003, by Wendy A. Baumann as VP of US Bank, N.A., a national banking association, on behalf of the same.

Carol Neely
Notary Public

AFFIDAVIT OF FACTS RELATED TO TITLE

STATE OF OHIO, COUNTY OF HAMILTON, SS:

Instrument 200400015424 Book Page OR 1763 1277

The undersigned being first duly sworn states as follows:

1. My name is Daniel M. Bennie and I am an attorney at law licensed to practice in the State of Ohio, Attorney Registration No. 0018246.
2. I have reviewed the records concerning the property known as Section Six-A of the Legendary Run Subdivision, Pierce Township, Clermont County, Ohio, also described on Exhibit A attached hereto. (the "Property").
3. On September 2, 2003, Traditions Investments-Pierce, Inc. (the "Declarant"), executed a Thirteenth Amendment and Supplement to the Legendary Run Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the purposes of annexing the Property described in Exhibit A. Said Amendment and Supplement was recorded on September 17, 2003 in Official Record Book 1692, Page 132 of the Clermont County, Ohio Records.
4. Said Amendment and Supplement has a scrivener's error in that the legal descriptions set out in the Thirteenth Amendment and Supplement as Exhibit A and Exhibit B were inadvertently omitted from the original Thirteenth Amendment recorded with the Clermont County Recorder. In addition, the Consent of Mortgagee, Winchester Funding, Ltd., was also inadvertently omitted from the final recording.
5. This Affidavit is given to set forth that the Thirteenth Amendment and Supplement in Official Record Book 1692, Page 132 shall be corrected to include the omitted legal descriptions and the Consent of Mortgagee attached hereto together with the original of the previously recorded Thirteenth Amendment as Exhibit B, and from herein shall be considered one and the same as the Thirteenth Amendment and Supplement as originally recorded on September 17th, 2003.
6. As it relates to Lots 392 through 434 inclusive, described in Exhibit A attached hereto, such Lots were made subject to the Declaration at Official Record Book 1031, Page 762 of the Clermont County, Ohio Records by the various deeds of transfer from the Declarant to Fischer Single Family Homes II, LLC.
7. Affiant is executing this document on behalf of the Declarant in order to rerecord the Amendment with the appropriate legal descriptions and Consent attached.

Further Affiant sayeth naught.

Daniel M. Bennie
 Daniel M. Bennie, Esq.

Sworn to and subscribed in my presence at Cincinnati, Ohio on this 15th day of April 2004 by Daniel M. Bennie, Esq.

Susan L Taylor
 Notary Public - State of Ohio

This instrument prepared by:
 Daniel M. Bennie, Esq.
 Barron Peck Bennie & Schlemmer
 1400 Fourth & Vine Tower
 One W. Fourth Street
 Cincinnati, OH 45202



SUSAN L. TAYLOR
 Notary Public, State of Ohio
 My Commission Expires
 August 19, 2006

EXHIBIT A

Situated in Eddins Military Survey No. 1366, Lucas Military Survey No. 1753, Pierce Township, Clermont County, Ohio and being all of Lots 392 through 434 inclusive of the Legendary Run Subdivision, Section Six-A, as recorded in Plat Cabinet 11, Pages 232 and 233 inclusive, of the Clermont County, Ohio Records.

<u>Lot</u>	<u>Parcel Number</u>	<u>Lot</u>	<u>Parcel Number</u>
392	28-28-13B-226	414	28-28-13B-248
393	28-28-13B-227	415	28-28-13B-249
394	28-28-13B-228	416	28-28-13B-250
395	28-28-13B-229	417	28-28-13B-251
396	28-28-13B-230	418	28-28-13B-252
397	28-28-13B-231	419	28-28-13B-253
398	28-28-13B-232	420	28-28-13B-254
399	28-28-13B-233	421	28-28-13B-255
400	28-28-13B-234	422	28-28-13B-256
401	28-28-13B-235	423	28-28-13B-257
402	28-28-13B-236	424	28-28-13B-258
403	28-28-13B-237	425	28-28-13B-259
404	28-28-13B-238	426	28-28-13B-260
405	28-28-13B-239	427	28-28-13B-261
406	28-28-13B-240	428	28-28-13B-262
407	28-28-13B-241	429	28-28-13B-263
408	28-28-13B-242	430	28-28-13B-264
409	28-28-13B-243	431	28-28-13B-265
410	28-28-13B-244	432	28-28-13B-266
411	28-28-13B-245	433	28-28-13B-267
412	28-28-13B-246	434	28-28-13B-268
413	28-28-13B-247		

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DECLAR 44.00
OR Book 1692 Page 132 - 135

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200400015424 OR 1763 1280

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WHEREAS, the Declaration provides, in Article II, that Declarant can annex property to the Development (as defined in the Declaration) and subject property to the terms and conditions of the Declaration.

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1.2 Property Subject to Declaration.

Article II, Section 1 of the Declaration, which sets forth the real property that is to be subject to the terms and conditions of the Declaration, is amended to include the real property described in Exhibit B hereto and made a part hereof.

Except as expressly amended by this Amendment, the Declaration remains in full force and effect.

(Previously Omitted)

EXHIBIT A

Situated in Eddins Military Survey No. 1366, Lucas Military Survey No. 1753, Pierce Township, Clermont County, Ohio and being all of Lots 431 through 434 inclusive of the Legendary Run Subdivision, Section Six-A, as recorded in Plat Cabinet 11, Pages 232 and 233 inclusive, of the Clermont County, Ohio Records.

<u>Lot</u>	<u>Parcel Number</u>
431	28-28-13B-265
432	28-28-13B-266
433	28-28-13B-267
434	28-28-13B-268

(Previously Omitted)

EXHIBIT B

. Situated in Eddins Military Survey No. 1366, Lucas Military Survey No. 1753, Pierce Township, Clermont County, Ohio and being all of Lots 392 through 434 inclusive of the Legendary Run Subdivision, Section Six-A, as recorded in Plat Cabinet 11, Pages 232 and 233 inclusive, of the Clermont County, Ohio Records.

<u>Lot</u>	<u>Parcel Number</u>	<u>Lot</u>	<u>Parcel Number</u>
392	28-28-13B-226	414	28-28-13B-248
393	28-28-13B-227	415	28-28-13B-249
394	28-28-13B-228	416	28-28-13B-250
395	28-28-13B-229	417	28-28-13B-251
396	28-28-13B-230	418	28-28-13B-252
397	28-28-13B-231	419	28-28-13B-253
398	28-28-13B-232	420	28-28-13B-254
399	28-28-13B-233	421	28-28-13B-255
400	28-28-13B-234	422	28-28-13B-256
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IN WITNESS WHEREOF, James P. Sullivan, Vice President and Treasurer of Traditions Investments-Pierce, Inc., an Ohio corporation, has executed this Amendment on behalf of the corporation as of the date first above written.

Signed and acknowledged
in the presence of:

TRADITIONS INVESTMENTS-PIERCE, INC.
an Ohio corporation

Mary S. Howbert
Print Name: Mary S. Howbert

By: James P. Sullivan
James P. Sullivan,
Vice President & Treasurer

Linda D. Watts
Print Name: LINDA D. WATTS

STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing Amendment was acknowledged before me this 2nd day of September 2003, by James P. Sullivan, Vice President and Treasurer of Traditions Investments-Pierce, Inc., an Ohio corporation, on behalf of such corporation.

Mary S. Howbert
Notary Public



MARY S. HOWBERT
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JUNE 29, 2008

This instrument was prepared by:

Steven R. Smith, ESQ.
BARRON, PECK & BENNIE
One West Fourth Street
Suite 1400
Cincinnati, Ohio 45202-3618
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