

DECLARATION AND AMENDMENT
TO RESTRICTIVE COVENANTS

THIS DECLARATION AND AMENDMENT TO RESTRICTIVE COVENANTS is made on the date hereinafter set forth by WYNSTONE ASSOCIATES, an Ohio joint venture, with offices at 5501 Frantz Road, Dublin, Ohio 43017 (hereinafter referred to as "Grantor").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property situated in the State of Ohio, County of Delaware, City of Columbus, and being more particularly described as follows:

Being Lot Numbers One Hundred Fifty-four (154) through Two Hundred One (201) of WYNSTONE SECTION 2 PHASE 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Cabinet 1, Slides 605, 605A and 605B, Recorder's Office, Delaware County, Ohio.

WHEREAS, restrictive covenants were placed upon lots in Wynstone Section 1, Phase 1, said restrictive covenants being of record at Book 596, page 230, and Book 603, page 636 Recorder's Office, Delaware County, Ohio; and

WHEREAS, Article One, Section 19 of the restrictions provides that, "... So long as Grantor owns one (1) or more lots in the subdivision, Grantor shall have the right to grant variance(s) to these restrictions"; and

WHEREAS, Grantor owns lots within said subdivision as of the date hereof; and

WHEREAS, Article One, Section 14 states that, "Fences or walls shall be constructed of wood, stone or brick only, and in no event shall chain link or other metal or wire fencing be permitted"; and

WHEREAS, Grantor desires to clarify that Article One, Paragraph 14 is not intended to prevent the installation of certain plastic white rail fencing installed by Grantor as part of the entry features of the subdivision.

NOW, THEREFORE, Grantor hereby grants a variance to Article One, Section 14 to provide that plastic fencing installed by Grantor as part of the common improvements at the entry of Wynstone subdivision is permitted notwithstanding the provisions of Article One, Section 14.

Except as modified above, the restrictions shall remain in full force and effect as originally written.

The Recorder is hereby requested to make a marginal notation on the restrictive covenants recorded at Book 596, page 230, and Book 603, page 636 referencing this Amendment to Deed Restrictions.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 16th day of August, 1996.

Signed and acknowledged
in the presence of:

WYNSTONE ASSOCIATES, an Ohio
joint venture

By: BORROR CORPORATION, an Ohio
corporation, managing joint venturer

Sandra L. Shook
Printed: Sandra L. Shook

By: David S. Borrer
David S. Borrer
Executive Vice President

Patty G. Crocker
Printed: Patty G. Crocker

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 16th day of August, 1996, by David S. Borrer, Executive Vice President of Borrer Corporation, an Ohio corporation and managing joint venturer of Wynstone Associates, an Ohio joint venture, on behalf of the corporation and joint venture.

Patty G. Crocker
Notary Public

This instrument prepared by:
Robert A. Meyer, Jr., Esq.
Borrer Corporation
5501 Frantz Road
Dublin, Ohio 43017



PATTY G. CROCKER
NOTARY PUBLIC - STATE OF OHIO
My Commission Expires Feb. 26, 2000

Provisions contained in any deed or other instrument for the conveyance of a dwelling which restrict the sale, rental or use of the property because of race or color are invalid under federal law and are unenforceable.

Cheap title

18180

DELAWARE COUNTY, OHIO	
FILED FOR RECORD	AUG 29 1996
3:04	CLOCK P. M.
RECORDED DATE	Sept 6, 1996
10	RECORD.
VOL. 610	PAGE 131
<u>Kay E. Conklin</u>	
COUNTY RECORDER	
FEE \$ 18.00	<u>pc</u>

2 NOTATIONS