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**FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS AND
RESERVATION OF EASEMENTS FOR
GARDENS AT HIGHLAND SUBDIVISION**

This Amendment is made as of the date herein, set forth by The Drees Company, a Kentucky corporation d/b/a Drees Homes ("Declarant").

WHEREAS Declarant filed for record the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Gardens at Highland Subdivision, Macedonia, Summit County, Ohio on October 1, 2007, with the Summit County Recorder. The Declaration was recorded as Recorder's Instrument 55484463 of Summit County Records; and

WHEREAS, pursuant to Paragraph 10.4 of Article X of the Declaration, Declarant desires to amend the Declaration.

NOW, THEREFORE, the undersigned, pursuant to Paragraph 10.4 of Article X of the Declaration, hereby declares that the Declaration be and hereby is amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration).

1. Paragraph 7.1.15 of Article VI shall be replaced in its entirety and now read:
 - (a) No fence or railing, including hedge or shrubbery fence, the height of which exceeds 3' 6", shall be built or permitted on said Property in the front or side yards of any dwelling; no such fence the height of which exceeds 6' shall be built or permitted in the rear yard of any dwelling. No fence shall be of wire or chain link construction.
 - (b) The term "fence" as used herein shall be liberally construed as to accomplish the purpose of these restrictions, and shall specifically include, but not be limited to, contrived barriers of any type including those of shrubs, hedges or walls.
 - (c) This Section shall not apply to: (i) underground invisible dog-type fences; or (ii) decorative fences or retaining walls installed by a Declarant or a Builder in connection with the development of the Property or original construction of a Living Unit.
2. Except as amended hereby, the Declaration shall remain in full force and effect.

[Document Continued on Next Page]



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Pg: 1 of 2
11/24/2008 09:48A
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IN WITNESS WHEREOF, the undersigned Declarant, as aforesaid, has hereunto set its signature on the 29 day of October, 2008.

THE DREES COMPANY

By: [Signature]
Steve Tuckerman, Division President
Cleveland Division

STATE OF OHIO)
COUNTY OF Cuyahoga) SS:

The foregoing instrument was acknowledged before me this 29 day of October, 2008, by **Steve Tuckerman, Division President, Cleveland Division** of The Drees Company, a Kentucky corporation, on behalf of said corporation.

[Signature]
Notary Public



MARY M. BOHUS
Notary Public, State of Ohio
My Commission Expires 12.16.12

JW This Instrument Prepared By:
Attorney James W. Moennich
WICKENS, HERZER, PANZA, COOK & BATISTA CO.
35765 Chester Road
Avon, OH 44011-1262



55586014
Pg: 2 of 2
11/24/2008 09:48A
MISC 28.00

John A Donofrio, Summit Fiscal Officer