

MIAMI COUNTY RECORDER  
JOHN S ALEXANDER

0464570

PRESENTED FOR RECORD  
MIAMI COUNTY, TROY, OHIO  
03/02/2007 03:58:23PM

REFERENCES 1  
RECORDING FEE 72.00  
PAGES: 7

NINTH AMENDMENT

TO THE

DECLARATION OF SUBDIVISION

WHICH ESTABLISHED

COVENANTS, CONDITIONS AND RESTRICTIONS

FOR THE PROJECT KNOWN AS

KENSINGTON/HUNTINGTON SUBDIVISION

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Prepared by:

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NINTH AMENDMENT  
TO THE DECLARATION OF SUBDIVISION  
FOR  
KENSINGTON/HUNTINGTON SUBDIVISION

This Ninth Amendment is made and entered into for the purpose of amending the Declaration of Subdivision for Kensington/Huntington Subdivision.

(A) PREVIOUS RECORDING INFORMATION

The Subdivision documents have been recorded in the Deed and Plat Records of Miami County, Ohio as follows:

	<u>Filed</u>	<u>Recording Information</u>
Declaration of Subdivision	12/19/1997	Deed Book 683, Page 241
First Amendment to Declaration of Subdivision	1/19/1999	Misc. Book 30, Page 278
Second Amendment to Declaration of Subdivision	1/19/2000	Misc. Book 30, Page 508
Third Amendment to Declaration of Subdivision	7/30/2001	Misc. Book 31, Page 154
Fourth Amendment to Declaration of Subdivision	12/7/2000	Deed Book 711, Page 640
Fifth Amendment to Declaration of Subdivision	7/11/2001	Misc. Book 31, Page 141
Sixth Amendment to Declaration of Subdivision	5/8/2002	Deed Book 726, Page 794
Seventh Amendment to Declaration of Subdivision	1/9/2004	Deed Book 745, Page 540

(B) PURPOSE OF THIS AMENDMENT

The purpose of this Ninth Amendment is to provide for erection of solar panels under certain restrictions, and to modify the enforcement provisions of Article IX.

(C) COMPLIANCE WITH REQUIREMENTS OF DECLARATION  
AS TO AMENDMENTS TO THE DECLARATION

This Ninth Amendment complies with the terms, conditions and restrictions of Article XI in that not less than a majority of the Lot Owners have voted to amend this Declaration of Subdivision. Attached hereto as Exhibit 1 and incorporated herein by reference is the Affidavit of the Secretary of the Homeowner's Association certifying the vote thereon.

(D) LANGUAGE OF THE AMENDMENT

Section 7.22 is hereby revoked in its entirety and the following is substituted therefore:

Section 7.22 Solar Panels.

Solar panels are permitted provided that:

- a) All portions of the collection array is mounted on the existing roof of the residence.
- b) They not exceed 64 ft<sup>2</sup> for solar hot water and 50% of the roof area for photovoltaic (those that produce electricity).
- c) They be mounted no higher than an imaginary parallel plane located 9" above the roof surface, the construction of an additional roof surface is not permitted.
- d) All solar panels may be protected by glass panels; plastic sheet covering, whether rigid or flexible, is not permissible.

- e) The design and installation meets with approval from all parties of interest (abutting properties owners and abutters of those properties owners) along with the architectural review committee by the process previously defined for outbuildings (7.16c).

Thirty (30) days prior to placement and/or construction the homeowner shall provide to all "parties of interest" and the Homeowner's Association Architectural Review committee high quality drawings, photographs or other visual design graphics of the proposed structure.

A party of interest is defined as an abutting property owner and abutters of abutters. If the proposed placement allows property owners other than these to view more than 33% of the structure from either front or rear windows of their residence, they shall also be provided the same documentation. It is the responsibility of the homeowner to document that delivery of the above noted notices has been made.

Those parties provided with such information shall have twenty-one (21) days from receipt to request a review by the Architectural Review Committee to insure that the covenants have been met. If no such request(s) is made and the structure meets the covenants and building codes, the structure shall be considered approved for construction/placement.

- f) Photovoltaic panels which are co-existent with roof shingles will be given approval without delay. Additionally these units will have a maximum area equal to the existing roof area. (Currently these type of units are produced by United Solar Systems - Solar Shingle, Atlantis Energy - SunSlates).
- g) All outwardly visible components are maintained in good condition.
- h) All components are installed to the latest National Electrical Code at the time of installation.

ARTICLE IX is also hereby amended and modified by adding thereto the following new paragraph 9.3:



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By: Alexis Schwartz  
ALEXIS SCHWARTZ, Secretary

STATE OF OHIO, COUNTY OF MIAMI, SS:

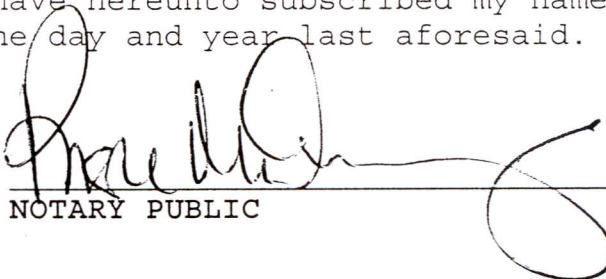
BE IT REMEMBERED, that on this 27 day of February, 2007, before me, the subscriber, a Notary Public in and for the State of Ohio, personally came the above-named **KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION**, an Ohio corporation, not-for-profit by **ROBERT STRAUS**, its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of him personally and as such officer.

FURTHER, the above certificate was sworn to before me and subscribed in my presence on the day and year last aforesaid.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



KRISTI M. DOWNING  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires January 19, 2009

  
NOTARY PUBLIC

STATE OF OHIO, COUNTY OF MIAMI, SS:

BE IT REMEMBERED, that on this 23 day of February, 2007, before me, the subscriber, a Notary Public in and for the State of Ohio, personally came the above-named **KENSINGTON/HUNTINGTON HOMEOWNER'S ASSOCIATION**, an Ohio corporation, not-for-profit by **ALEXIS SCHWARTZ**, its Secretary, who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of her personally and as such officer.

FURTHER, the above certificate was sworn to before me and subscribed in my presence on the day and year last aforesaid.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.



ANITA SCHWARTZ  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires July 8, 2008

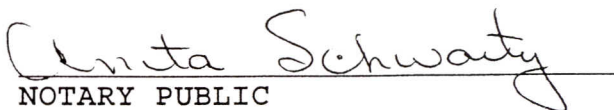
  
NOTARY PUBLIC

EXHIBIT 1

TO THE

NINTH AMENDMENT

TO THE

DECLARATION OF SUBDIVISION

FOR

KENSINGTON/HUNTINGTON SUBDIVISION

STATE OF OHIO, COUNTY OF MIAMI, SS:


The undersigned, being first duly cautioned and sworn according to law, deposes and states as follows:

1. That, the undersigned, **ALEXIS SCHWARTZ** is the Secretary of Kensington/Huntington Homeowner's Association;


2. That the required majority of the voting power of the members of the Association and lot owners within the Subdivision have indicated in writing their approval of this Ninth Amendment to the Declaration of Subdivision as stated herein;

Further, Affiant sayeth not.

  
ALEXIS SCHWARTZ

Sworn, to before me and subscribed in my presence by ~~STEPHANIE MINNICH~~, this 23 day of February, 2007.  


ANITA SCHWARTZ  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires July 8, 2008

  
NOTARY PUBLIC