

AMENDMENT NO. 1
TO THE RESTATEMENT AND AMENDMENT OF
THE DEED RESTRICTIONS FOR
THE LAKE LUCERNE SUBDIVISION
GEAUGA COUNTY, OHIO

On or about April 4, 1987, The Lake Lucerne Land Company, assigned to The Lake Lucerne Club Company all of its rights and reservations under the Deed Restrictions of record, which Deed Restrictions have been recorded in the Geauga County Recorder's Office at Volume 787, Page 34 through 39. By virtue of the said Deed Restrictions The Lake Lucerne Club Company has now been vested with, among other things, the power and authority to review and approve architectural plans and designs for construction of all buildings and structures. Thereafter, the Board of Trustees of The Lake Lucerne Club Company established the Architectural Review Board ("ARB") and Architectural Review Standards ("Standards") to govern the ARB. The Board of Trustees has created the ARB to assist The Club Company in carrying out its responsibilities under the Deed Restrictions.

The aforementioned Deed Restrictions specifically reserve to The Lake Lucerne Club Company, its successors and assigns the right to change, add to or modify the Restrictions with the consent of the owners of a majority of all the lots in The Lake Lucerne Subdivision. The purpose of this Amendment is to update the existing Deed Restrictions to put all present and future owners on notice of the existence of the ARB, its duties and authority, and the Standards. At The Lake Lucerne Club Company annual membership meeting on November 20, 1988, at which a quorum was present, a majority of the lot owners of The Lake Lucerne Subdivisions approved this Amendment No. 1 to the aforementioned Deed Restrictions, covenants, conditions, and reservations, which amendments are included in this Restatement of the Deed Restrictions for said subdivisions.

Pursuant to the powers reserved by the Grantor, its successors and assigns, and the deeds of conveyance to all lot owners in The Lake Lucerne Subdivision, The Lake Lucerne Club Company hereby amends and restates the Restrictions, covenants and reservations, all of which are covenants running with the land, on all property within The Lake Lucerne subdivisions, located in Bainbridge Township, Geauga County, Ohio shown on the Plat of The Lake Lucerne Subdivision No. 1 recorded in Volume 2, Pages 21-24 (including Lake Lucerne Subdivision No. 3, which heretofore was incorporated into Subdivision No. 1) the Plat of The Lake Lucerne Subdivision No. 2, recorded in Volume 3, pages 19-20; the Plat of The Lake Lucerne Subdivision No. 4, recorded in Volume 6, pages 15-15(a); and the Plat of The Lake Lucerne Subdivision No. 5, recorded in Volume 11, Page 123, Geauga County Records of Plats, by adding the following new sections:

18. All future single family dwellings constructed on any lot shall contain a minimum of 1,800 square feet of livable enclosed floor area (exclusive of open or screen porches, terraces, garages, decks, etc.), and shall not exceed 35 feet in height from finished grade. Each such dwelling shall have an enclosed garage for not less than two (2) cars.

19. In addition to all other requirements herein, no addition, improvement or other alteration shall be made to the exterior of any building or structure, located on any lot, unless and until the plans, specifications and location of the same shall have been submitted to, and approved in writing by The Lake Lucerne Club Company.

20. The architectural review and control functions of The Lake Lucerne Club Company, hereunder, shall be administered and performed by the Architectural Review Board ("ARB"), which shall consist of no less than five (5) members, all of whom shall be members of The Lake Lucerne Club Company. The Board of Trustees of The Lake Lucerne Club Company shall appoint all of the members of the ARB. A majority of the ARB shall constitute a quorum to transact business at the meeting of the ARB, and the action of a majority present at a meeting, at which a quorum is present, shall constitute the action of the ARB. Any vacancy occurring on the ARB because of death, resignation, or other termination of service of any

member thereof, shall be filled by the Board of Trustees of The Lake Lucerne Company, as soon as reasonably practicable thereafter.

21. All plans and specifications presented to the ARB shall be evaluated as to harmony of external design and location in relation to surrounding structures and topography and as to conformance with the Architectural Review Standards established by The Lake Lucerne Club Company ("Standards"), as the same may from time to time be amended hereafter by the Board of Trustees of The Lake Lucerne Club Company. A copy of the Standards can be obtained from The Lake Lucerne Club Company. No such plans and specifications will be approved if the total lot coverage exceeds 40% of the square footage of said lot including the buildings and structures herein enumerated, as well as any asphalt, concrete or other unnatural surface proposed for construction or installation on said lot.

22. A party aggrieved by a decision of the ARB shall have the right to make a written request to the Board of Trustees of The Lake Lucerne Club Company (P.O. Box 23091, Chagrin Falls, Ohio 44023) within thirty (30) days of such decision, for review thereof. The determination of the Board of Trustees upon reviewing any such decision shall be final and binding upon the parties.

23. The ARB may charge a fee to the property owner or developer for processing any request submitted for ARB approval, provided however, such fee shall not exceed the actual cost incurred by the ARB in processing such request.

In all other respects the existing Deed Restrictions of The Lake Subdivisions are hereby restated and reaffirmed.

IN WITNESS WHEREOF, The Lake Lucerne Club Company has hereunto set its hand and seal the ____ day of 1988

THIS INSTRUMENT PREPARED BY:

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