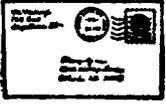


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**COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
03/30/2017 8:40 AM**

**REC FEE: 120.00
PAGES: 14
DOC TYPE: AMEND/RESTR**

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

**(DO NOT REMOVE THIS COVER SHEET.
THIS IS THE FIRST PAGE OF THIS DOCUMENT)**

AMENDMENTS TO THE
COVENANTS AND RESTRICTIONS
FOR
THE TURNBERRY SUBDIVISION

PLEASE CROSS MARGINAL REFERENCE WITH THE COVENANTS AND
RESTRICTIONS FOR THE TURNBERRY SUBDIVISION RECORDED AT
OR1013, PAGE 623 ET SEQ. OF THE MEDINA COUNTY RECORDS

**AMENDMENTS TO THE
COVENANTS AND RESTRICTIONS FOR
THE TURNBERRY SUBDIVISION**

WHEREAS, the Covenants and Restrictions for The Turnberry Subdivision (the “Declaration”) was recorded at Medina County Records, OR1013, Page 623 et seq., and

WHEREAS, The Turnberry Subdivision Homeowners Association (the “Association”) is a corporation consisting of all Owners in Turnberry and as such is the representative of all Owners, and

WHEREAS, Declaration Article VIII, Section 3, as amended, authorizes amendments to the Declaration, and

WHEREAS, a meeting, including any change, adjournment, or continuation of such meeting, of the Association’s Owners was held on or about July 7, 2015, and, at such meeting and any adjournment, Owners representing at least 66 2/3% of the voting power of the Association executed, in person or by proxy, an instrument in writing prepared by the Association’s legal counsel at the time, Foth & Foth Co. LPA, setting forth specifically the matters to be modified (the “Amendments”), and

WHEREAS, the Association has in its records the signed, written consents to the Amendments signed by Owners representing 71% of the Association’s voting power, together with the minutes from said meeting and any continuation thereof, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 71% of the Association’s voting power authorizing the Association’s officers to execute Amendments on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by the Declaration have in all respects been complied with.

NOW THEREFORE, the Covenants and Restrictions for The Turnberry Subdivision are amended by the following:

VEHICLE RESTRICTION AMENDMENT

DELETE DECLARATION ARTICLE VI, SECTION 8 entitled, "Storage and Parking Vehicles," in its entirety. Said deletion to be taken from Pages 15-16 of the Declaration, as recorded at Medina County Records, Volume OR 1013, Page 623 et seq.

INSERT a new DECLARATION ARTICLE VI, SECTION 8 entitled, "Storage and Parking of Vehicles." Said new addition, to be added on Page 15 of the Declaration, as recorded at Geauga County Records, Volume 833, Page 771 et seq., is as follows:

Section 8. Storage and Parking of Vehicles. No truck tractor, mobile home or trailer (either with or without wheels), commercial vehicle or any other transportation device of any kind except as hereinafter provided, shall be parked in a driveway or parking space, when incident to the residential use of the Lot upon which such driveway is situated or to the Living Unit for which such parking space is provided. Commercial Vehicles are defined as follows:

Any motor vehicle, as defined in Ohio Revised Code which:

1. Has commercial plates or tags, or is required by Ohio Law or Ohio Department of Transportation rules and regulations to have commercial plates or tags; or
2. Is a "commercial tractor" or "commercial car" or "truck" as defined under Section 4501.01 of Ohio Revised Code; or
3. Does not satisfy the definition of a "noncommercial motor vehicle" under Section 4501.01 of the Ohio Revised Code, in that motor vehicle in question is designed by the manufacturer to carry a load of more than one ton and is used, at least in part, for the purpose of engaging in business for profit; or
4. Has the business name, trademark, logo, phone number, website, or email address of the vehicle's owner, of the vehicle owner's business or employer, or a family or

household member's business or employer, visible on the exterior of the vehicle.

Commercial Vehicles, Boats and/or Travel Trailers, when incident to the residential use of an Owner or rent of a Living Unit, may be stored in a garage upon the Lot associated with such dwelling. The Commercial Vehicle, Boat and/or Travel Trailer must fit completely in the garage and the garage door must be able to close.

MODIFY DECLARATION ARTICLE VI, SECTION 22 entitled "Individual Insurance." Said modification, to be made on Page 20 of the Declaration, as recorded at Medina County Records, Volume OR 1013, Page 623 et seq. and as amended at Instrument No. 2005OR004911, on February 16, 2005. (deleted language is struck-through; new language is underlined)

Section ~~22~~23. Individual Insurance.

MODIFY DECLARATION ARTICLE VI, SECTION 23 entitled "Wood Storage." Said modification, to be made on Page 20 of the Declaration, as recorded at Medina County Records, Volume OR 1013, Page 623 et seq. and as amended at Instrument No. 2006OR016685 on June 1, 2006. (deleted language is struck-through; new language is underlined)

Section ~~23~~24. Wood Storage.

SHED RESTRICTION AMENDMENT

DELETE DECLARATION ARTICLE VI, SECTION 22 entitled, "Sheds," in its entirety. Said deletion to be taken from Page 20 of the Declaration, as recorded at Medina County Records, Volume OR 1013, Page 623 et seq., and as amended at Instrument No. 2009OR022351, on October 10, 2009.

INSERT a new DECLARATION ARTICLE VI, SECTION 25 entitled, "Sheds." Said new addition, to be added on Page 20 of the Declaration, as recorded at Geauga County Records, Volume 833, Page 771 et seq., is as follows:

Section 25. Sheds. Notwithstanding any other provision in the Covenants and Restrictions, sheds shall be permitted to be constructed upon an Owner's Lot in conformity with the following conditions. The shed is not to exceed dimensions of 10' wide x 12' long, by ten feet (10') tall. The dimensions shall be measured at the interior of the floor for width and length and from the interior floor to the exterior highest point of the roof. All roof overhangs will be a normal maximum of 6 inches to the design. The color of the exterior of the shed shall be the same as the exterior color of the Living Unit on the property, except where the shed will be placed in a wooded tree line in which case the color may be neutral earth tone to blend in with the Natural surroundings. The exterior material of the shed shall be composed of wood or vinyl siding. The roofing shingles of the shed shall match the color and composition of those installed upon the roof of the Living Unit. The shed roof shall be either Gable or Barn style and the shed is to be installed on a concrete or gravel base or other base as prescribed by Township or County Code. Before any shed is commenced or constructed, the Owner of the Living Unit must submit the plans and approved permit from Montville Township and/or Medina County to the Architecture Committee of the Turnberry HOA for approval. All proper permitting is the responsibility of the property owner.

POOL RESTRICTION AMENDMENT

INSERT a new DECLARATION ARTICLE VI, SECTION 26 entitled, "Pools." Said new addition, to be added on Page 20 of the Declaration, as recorded at Geauga County Records, Volume 833, Page 771 et seq., is as follows:

Section 26. Pools. No above ground or in ground pools are permitted except where:

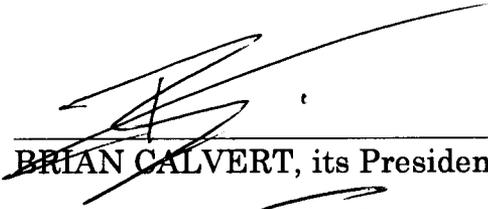
1. The pool is temporary.
2. The pool has side walls that do not exceed 30 inches in height.
3. The water level is less than 24 inches.
4. The total water surface area does not exceed 80 square feet.

5. Sanitary Water conditions must be maintained.

These temporary pools are permitted behind the main dwelling from Memorial Day to Labor Day each year.

The Turnberry Subdivision Homeowners Association has caused the execution of this instrument this 21 day of March, 2017.

THE TURNBERRY SUBDIVISION HOMEOWNERS ASSOCIATION

By: 

BRIAN CALVERT, its President

By: 

BRYAN SCHAEFER, its Member At Large
(Print Name)

STATE OF OHIO)
COUNTY OF Summit) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Turnberry Subdivision Homeowners Association, by its President and its Member At Large, who acknowledged that they did sign the foregoing instrument, on Page 6 of 13, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

21 I have set my hand and official seal in RICHFIELD, Ohio, this day of MARCH, 2017.

Carrie Webb
NOTARY PUBLIC

Place notary stamp/seal here:



CARRIE WEBB
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Summit County
My Comm. Exp. 8/2/2020

This instrument as to form, but not substance of the amendment language, prepared by:
KAMAN & CUSIMANO, LLC, Attorneys at Law
50 Public Square. Suite 2000
Cleveland, Ohio 44113
(216) 696-0650
ohiohoalaw.com

TURNBERRY SUBDIVISION

TURNBERRY SUBDIVISION, SITUATED IN THE TOWNSHIP OF MONTVILLE,
COUNTY OF MEDINA AND STATE OF OHIO AND KNOWN AS BEING THE WHOLE
OF SUBLOTS 1 THROUGH 206 AND BLOCKS A, B, C, F, G, H, I, J, K, AND L IN THE
TURNBERRY SUBDIVISION, A PART OF MONTVILLE TOWNSHIP LOTS NOS 63,
64, 69, AND 70.

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>	
1	030-11B-26-024	I	
2	030-11B-26-025	I	
3	030-11B-26-026	I	
4	030-11B-26-027	I	
5	030-11B-26-028	I	
6	030-11B-26-029	I	
7	030-11B-26-030	I	
8	030-11B-26-031	I	
9	030-11B-26-032	I	
10	030-11B-26-033	I	
12	030-11B-25-011	I	
13	030-11B-25-012	I	
14	030-11B-25-013	I	
15	030-11B-25-014	I	
16	030-11B-25-015	I	
17	030-11B-25-016	I	
18	030-11B-25-017	I	
19	030-11B-25-018	I	
20	030-11B-25-019	I	
21	030-11B-25-020	I	
22	030-11B-25-021	I	
23A	030-11B-25-041	I	Replat
24A	030-11B-25-042	I	Replat
25	030-11B-25-024	I	
26	030-11B-25-025	I	
27	030-11B-25-026	I	
28	030-11B-25-027	I	
29	030-11B-25-028	I	
30	030-11B-25-029	I	
31	030-11B-25-030	I	
32	030-11B-25-031	I	

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>
33	030-11B-25-032	I
34	030-11B-25-033	I
35	030-11B-25-034	I
36	030-11B-25-035	I
37	030-11B-25-036	I
38	030-11B-25-037	I
39	030-11B-25-038	I
40	030-11B-26-034	I
41	030-11B-26-035	I
42	030-11B-26-036	I
43	030-11B-26-037	I
44	030-11B-26-038	I
45	030-11B-26-039	I
46	030-11B-26-040	I
47	030-11B-26-041	I
48	030-11B-25-046	II
49	030-11B-25-047	II
50	030-11B-25-048	II
51	030-11B-25-049	II
52	030-11B-25-051	II
53	030-11B-25-052	II
54	030-11B-25-053	II
55	030-11B-25-054	II
56	030-11B-25-055	II
57	030-11B-25-056	II
58	030-11B-25-057	II
59	030-11B-25-058	II
60	030-11B-25-059	II
61	030-11B-31-002	II
62	030-11B-31-003	II
63	030-11B-31-004	II
64	030-11B-31-005	II
65	030-11B-31-006	II
66	030-11B-31-007	II
67	030-11B-31-008	II
68	030-11B-31-009	II
69	030-11B-31-010	II
70	030-11B-31-011	II
71	030-11B-31-012	II
72	030-11B-31-013	II

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>
73	030-11B-31-014	II
74	030-11B-31-015	II
75	030-11B-25-060	II
76	030-11B-25-061	II
77	030-11B-25-062	II
78	030-11B-25-063	II
79	030-11B-25-064	II
80	030-11B-25-065	II
81	030-11B-25-066	II
82	030-11B-25-067	II
83	030-11B-25-069	II
84	030-11B-25-070	II
85	030-11B-25-071	II
86	030-11B-25-072	II
87	030-11B-25-073	II
88	030-11B-31-088	III
89	030-11B-31-089	III
90	030-11B-31-090	III
91	030-11B-31-091	III
92	030-11B-31-092	III
93	030-11B-31-093	III
94	030-11B-31-094	III
95	030-11B-31-095	III
96	030-11B-31-096	III
97	030-11B-31-097	III
98	030-11B-31-098	III
99	030-11B-31-099	III
100	030-11B-31-100	III
101	030-11B-31-101	III
102	030-11B-31-102	III
103	030-11B-25-076	IV
104	030-11B-25-077	IV
105	030-11B-25-078	IV
106	030-11B-25-079	IV
107	030-11B-25-080	IV
108	030-11B-25-081	IV
109	030-11B-25-082	IV
110	030-11B-25-083	IV
111	030-11B-25-084	IV
112	030-11B-25-085	IV

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>
113	030-11B-25-086	IV
114	030-11B-25-087	IV
115	030-11B-25-088	IV
116	030-11B-25-089	IV
117	030-11B-25-090	IV
118	030-11B-25-091	IV
119	030-11B-25-092	IV
120	030-11B-25-093	IV
121	030-11B-25-094	IV
122	030-11B-25-095	IV
123	030-11B-25-096	IV
124	030-11B-25-097	IV
125	030-11B-25-098	IV
126	030-11B-25-099	IV
127	030-11B-25-100	IV
128	030-11B-25-101	IV
129	030-11B-25-102	IV
130	030-11B-25-103	IV
131	030-11B-25-104	IV
132	030-11B-25-105	IV
133	030-11B-25-106	IV
134	030-11B-25-107	IV
135	030-11B-25-108	IV
136	030-11B-25-109	IV
137	030-11B-25-110	IV
138	030-11B-25-111	IV
139	030-11B-25-112	IV
140	030-11B-25-113	IV
141	030-11B-25-114	IV
142	030-11B-25-115	IV
143	030-11B-25-116	IV
144	030-11B-25-117	IV
145	030-11B-25-118	IV
146	030-11B-25-119	IV
147	030-11B-25-120	IV
148	030-11B-25-121	IV
149	030-11B-25-122	IV
150	030-11B-25-123	IV
151	030-11B-25-124	IV
152	030-11B-25-125	IV

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>
153	030-11B-25-126	IV
154	030-11B-25-127	IV
155	030-11B-25-128	IV
156	030-11B-25-129	IV
157	030-11B-25-130	IV
158	030-11B-25-131	IV
159	030-11B-25-132	IV
160	030-11B-25-133	IV
161	030-11B-25-134	IV
162	030-11B-25-135	IV
163	030-11B-25-136	IV
164	030-11B-25-139	V
165	030-11B-25-140	V
166	030-11B-25-141	V
167	030-11B-25-142	V
168	030-11B-25-143	V
169	030-11B-25-144	V
170	030-11B-25-145	V
171	030-11B-25-146	V
172	030-11B-25-147	V
173	030-11B-25-148	V
174	030-11B-25-149	V
175	030-11B-25-150	V
176	030-11B-25-151	V
177	030-11B-25-152	V
178	030-11B-25-153	V
179	030-11B-25-154	V
180	030-11B-25-155	V
181	030-11B-25-156	V
182	030-11B-25-157	V
183	030-11B-25-158	V
184	030-11B-25-159	V
185	030-11B-25-160	V
186	030-11B-25-161	V
187	030-11B-25-162	V
188	030-11B-25-163	V
189	030-11B-25-164	V
190	030-11B-25-165	V
191	030-11B-25-166	V

<u>Sublot</u>	<u>Permanent Parcel No.</u>	<u>Phase</u>
192	030-11B-25-167	V
193	030-11B-25-168	V
194	030-11B-25-169	V
195	030-11B-31-122	V
196	030-11B-31-123	V
197	030-11B-31-124	V
198	030-11B-31-125	V
199	030-11B-31-126	V
200	030-11B-31-127	V
201	030-11B-31-128	V
202	030-11B-31-129	V
203	030-11B-31-130	V
204	030-11B-31-131	V
205	030-11B-31-132	V
206	030-11B-31-133	V
Block A	030-11B-26-021	I
Block B	030-11B-26-022	I
Block C	030-11B-25-007	I
Block F	030-11B-26-023	I
Block G	030-11B-25-068	II
Block H	030-11B-25-050	II
Block I	030-11B-31-087	III
Block J	030-11B-25-137	IV
Block K	030-11B-25-138	IV
Block L	030-11B-25-070	V