

**FOURTH SUPPLEMENT TO MASTER DECLARATION  
OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS  
OF MACINTOSH FARMS, A PLANNED RESIDENTIAL COMMUNITY**

THIS FOURTH SUPPLEMENT TO MASTER DECLARATION ("Amendment") made as of the 20th day of February, 2008 by MACINTOSH DEVELOPMENT CORPORATION (the "Declarant"), an Ohio corporation, and the Board of Trustees (the "Board"), of MacINTOSH FARMS COMMUNITY ASSOCIATION, INC. (the "Master Association").

**PREAMBLE**

A. On August 6, 1986, Zaremba MacIntosh Co. (aka Zaremba-MacIntosh Co.), an Ohio corporation (the "Original Declarant") caused a document entitled *Master Declaration of Covenants, Conditions, Easements and Restrictions of Mac Intosh Farms, a Planned Residential Community* (the "Master Declaration"), to be recorded in Volume 86-4890, Page 60, *et seq.*, of Cuyahoga County Records, submitting Property to be governed by the Master Declaration. Unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Master Declaration.

B. On July 7, 1989, the Original Declarant caused a document entitled *First Supplement to the Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, a Planned Residential Community* to be recorded in Volume 89-3325, Page 26, *et seq.*, of Cuyahoga County Records, amending the legal descriptions set forth in *Exhibit "D"* of the Master Declaration.

C. On February 6, 1995, the Original Declarant caused a document entitled *Designation of Successor Declarant* to be recorded in Volume 95-00859, Page 6, of Cuyahoga County Records, designating Declarant as a Successor Declarant with its rights under the Master Declaration.

D. On April 27, 1995 the Declarant caused a document entitled *Second Supplement to Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, a Planned Residential Community* to be recorded in Volume 95-03067, Page 11, *et seq.*, of Cuyahoga County Records, supplementing the Master Declaration with the addition of Section 7.23 entitled "Notice With Respect to Use of North MacIntosh Lane for Construction Traffic".

E. On May 18, 2001 the Declarant caused a document entitled *Subsequent Amendment No. 3 to Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, A Planned Residential Community, Deleting a Parcel of the Real Estate Containing Approximately 310 Acres from the Operation of the Master Declaration* to be recorded as Instrument No. 200105180666 of Cuyahoga County Records, deleting a parcel of real estate containing approximately 310 acres from the operation of the Master Declaration.

WHEREAS, pursuant to Section 15.11(a) of Article XV of the Master Declaration, the Declarant is an Owner of a fee simple interest in the Total Property as defined in the Master Declaration, and the Declarant and the Board desire to amend Section 7.10 of the Master Declaration, entitled "*Storage of Vehicles and Machinery*", and to supplement the Master Declaration with the addition of Section 7.24, entitled "*Swimming Pool Restrictions*", as provided herein. The Declarant and the Board desire to so amend the Master Declaration, as in their judgment, the purposes of the general plan of the development of the Dwelling Units will be better served by such modification, and have determined that such modification will not materially and adversely affect the value of the existing Dwelling Units and will not prevent a Dwelling Unit from being used by the owner in the same manner that said Dwelling Unit was used prior to the adoption of this Amendment.

NOW, THEREFORE, pursuant to Section 15.11(a) of the Master Declaration, the undersigned hereby declares that the Master Declaration be and hereby is amended as follows:

1. The Preamble is incorporated in and made a part of this Amendment.
2. Section 7.10 of the Master Declaration is deleted in its entirety and replaced with the following:

**Section 7.10 - Storage of Vehicles and Machinery**

No commercial truck, nor non-commercial truck with more than two axles and four wheels, camper, camper trailer, recreation vehicle, boat, airplane or other vehicle of any kind, licensed or unlicensed, shall be stored on any driveway or other area in or upon the Development Property, except for in the confines of the garages or parking areas approved by the Board. No machinery of any kind shall be placed or operated upon any portion of the Property except such machinery which is customarily required for the maintenance of the Property, related improvements, lawns and landscaping. Such permitted machinery shall be stored out of sight of adjoining Condominium Buildings or Non-Condominium Residential Building, provided, however, that this provision shall not apply to vehicles and machinery necessary for the construction, reconstruction or repair of any building or other structure.

3. Article VII entitled "Covenants and Restrictions" is amended and supplemented by the addition of the following Section:

**Section 7.24 – Swimming Pool Restrictions.**

No above-ground swimming pools (including wading pools) are permitted on the Property other than such pools existing as of the date of this Amendment (which existing pools may be repaired and replaced with substantially similar pools no larger than the prior pools).

IN WITNESS WHEREOF, MacIntosh Development Corporation and all of the Members of the Board of Trustees of MacIntosh Farms Community Association, Inc. have signed this Fourth Supplement this 20<sup>th</sup> day of February, 2008.

DECLARANT:

MacINTOSH DEVELOPMENT CORPORATION  
an Ohio corporation

By:   
Nathan Zarembo, President

And by:

MEMBERS OF THE BOARD OF  
TRUSTEES OF MacINTOSH FARMS  
COMMUNITY ASSOCIATION, INC.,  
an Ohio non-profit corporation

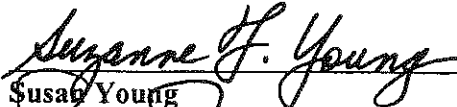
Execution Date: March 6, 2008

  
Joseph Jiamcifello


Execution Date: March 13, 2008

  
~~James Earl~~ Ronald Jewett

Execution Date: March 11, 2008

  
Suzanne F. Young

Execution Date: March 11, 2008

  
Roger Robertson

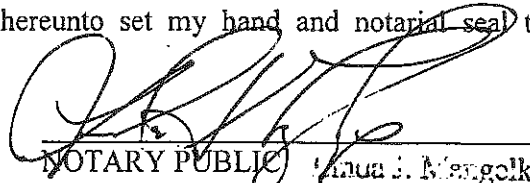
Execution Date: March 13, 2008

  
Mary DePalmo

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named MacIntosh Development Corporation, an Ohio corporation, by NATHAN ZAREMBA, its President, who acknowledged that he did sign the foregoing instrument, and that the same was his free act and deed, both individually and in his capacity as such officer, and the free act and deed of said corporation.


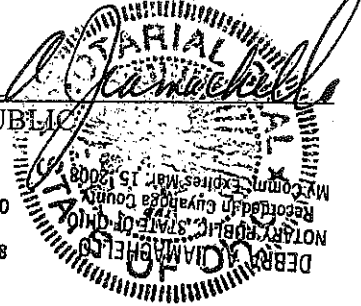
IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal this 20<sup>th</sup> day of February, 2008.

  
NOTARY PUBLIC Anna S. Mengelkamp  
Notary Public State of Ohio  
Recorded In Lake County  
Commission Expires April 19, 2011

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named JOSEPH JIAMACHELLO, a member of the Board of Trustee of MacIntosh Farms Community Association, Inc. (the "Association"), a non-profit Ohio corporation, who acknowledged that he did sign the foregoing instrument, and that the same was his free act and deed, both individually and in his capacity as such Trustee of said Association, and the free act and deed of the Association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal this 6<sup>th</sup> day of March, 2008.

  
NOTARY PUBLIC  
DEBRA A. JIAMACHELLO  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Mar. 15, 2008  


**TRANSFER NOT REQUIRED**

MAR 21 2008

*Frank Russo*  
CUYAHOGA COUNTY AUDITOR

STATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named ~~JAMES GARD~~ <sup>ROBERT STURTEVANT</sup>, a member of the Board of Trustee of MacIntosh Farms Community Association, Inc. (the "Association"), a non-profit Ohio corporation, who acknowledged that he did sign the foregoing instrument, and that the same was his free act and deed, both individually and in his capacity as such trustee of said Association, and the free act and deed of the Association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal this 13 day of MARCH, 2008.

  
NOTARY PUBLIC


DEBRA A. JIAMACHELLO  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Mar. 15, 2008

STATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named SUSAN YOUNG, a member of the Board of Trustee of MacIntosh Farms Community Association, Inc. (the "Association"), a non-profit Ohio corporation, who acknowledged that she did sign the foregoing instrument, and that the same was her free act and deed, both individually and in her capacity as such trustee of said Association, and the free act and deed of the Association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal this 11<sup>th</sup> day of March, 2008.

  
NOTARY PUBLIC

  
DEBRA A. JIAMACHELLO  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Mar. 15, 2008

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named **ROGER ROBERTSON**, a member of the Board of Trustee of MacIntosh Farms Community Association, Inc. (the "Association"), a non-profit Ohio corporation, who acknowledged that he did sign the foregoing instrument, and that the same was his free act and deed, both individually and in his capacity as such trustee of said Association, and the free act and deed of the Association.

16<sup>th</sup> IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal, this March day of March, 2008.

*Roger Robertson*  
NOTARY PUBLIC  
*Debra Jiamachello*  
DEBRA A. JIAMACHELLO  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Mar. 15, 2008

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named **MARY DePALMO**, a member of the Board of Trustee of MacIntosh Farms Community Association, Inc. (the "Association"), a non-profit Ohio corporation, who acknowledged that she did sign the foregoing instrument, and that the same was her free act and deed, both individually and in her capacity as such trustee of said Association, and the free act and deed of the Association.

13 IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal, this March day of March, 2008.

*Debra Jiamachello*  
NOTARY PUBLIC  
DEBRA A. JIAMACHELLO  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Mar. 15, 2008

This Instrument was Prepared By:

Mark J. Stockman, Attorney at Law  
Kahn, Kleinman, a Legal Professional Association  
2600 Erievew Tower  
1301 East Ninth Street  
Cleveland, Ohio 44114-1824  
(216) 696-3311