

SHERBROOK PARK SUBDIVISION  
RESTATEMENT AND AMENDMENT OF  
CONDITIONS AND PROTECTIVE COVENANTS

WHEREAS, on or about September 12, 1989, there was filed at Volume 89-4832, Page 35-38 of the records of Cuyahoga County Recorder a Quit Claim Deed from Franz X. Thuringer to Sherbrook, Inc. which transferred the right of enforcement of certain conditions and covenants upon lots within the Sherbrook Park Subdivision situated in the City of Solon, County of Cuyahoga and State of Ohio, and which are further described as follows:

And known as being Sublots Nos. 1 to 39 inclusive, in Sherbrook Park Subdivision No. 1 of part of Original Solon Township Lot Nos. 21, 27 and 28, Tract No. 1, as shown by the recorded plat in Volume 172 of Maps, Page 14 of Cuyahoga County Records, as appears by said plat, except restrictions and reservations of record, zoning ordinances, easements, current taxes and assessments, both *general and special, if any*, be the same more or less, but subject to all legal highways.

Permanent Parcel Nos. 952-28-05 through 952-28-34  
952-30-12 through 952-30-20

WHEREAS, said agreement, by its terms, was binding on the owners of the lots in said Sherbrook Park Subdivision until January 1, 1990, at which time it would automatically extend for a successive period of ten (10) years unless, by agreement of a majority of the then recorded lot owners, it was agreed to change or terminate the said covenants and restrictions in whole or in part; and

WHEREAS, no action was taken by the owners of said lots in accordance with the conditions and protective covenants on or about January 1, 1990, and therefore as a result they were automatically renewed in their entirety until January 1, 2000; and

WHEREAS, it was the desire of a majority of the pertinent recorded lot owners to restate and amend said conditions and covenants. Therefore, on

December 21, 1999, there was caused to be filed with the Cuyahoga County Recorder Document numbered 199912210707, captioned Restatement and Amendment of Conditions and Protective Covenants by which the aforementioned conditions and covenants were restated and amended.

WHEREAS, it is the desire of a majority of the pertinent recorded lot owners of Sherbrook Park Subdivision to restate said conditions and covenants with the following amendment.

NOW, THEREFORE, in consideration of the foregoing, it is agreed by and among the parties hereto for the benefit of themselves and all subsequent lot owners of Sherbrook Park Subdivision to:

Restate and reaffirm the contents of the document filed for record with the Cuyahoga County Recorder at Volume 89-4832, Page 35-38, and Document No. 199912210707 with the following amendment:

Sherbrook, Inc. or its successor, designee, or assignee shall have authority to determine the construction style, color and material to be installed on the roof of any building, dwelling or other structure located on any lot bound by these conditions and covenants. The entire roof of any structure or building shall be of the same construction material.

Prior to commencing any work involving the replacement of the roof material on any building or structure on any lot, the owners shall provide to Sherbrook, Inc. or its designee, the proposed color, style and materials for approval. No such work shall be initiated prior to receiving approval from Sherbrook, Inc. or its designee. Written approval, which shall not be unreasonably withheld, will be required prior to commencement of work. If approval is not received within sixty (60) days of the formal written submission of

the proposal to Sherbrook, Inc., then the same shall be deemed to have been approved.

Except for the foregoing, the conditions and protective covenants in Volume 89-4832, Page 35-38 of the records of the Cuyahoga County Recorder and in Document 199912210707 are incorporated herein in their entirety and shall remain in full force and effect.

The Recorder of Cuyahoga County is requested and directed to note the recording of this Restatement and Amendment of Conditions and Protective Covenants on the margin of the document recorded in Volume 89-4832, Page 35-68 and in Document 199912210707 of its records.

**IN WITNESS WHEREOF**, the President and Vice President of Sherbrook, Inc. have signed this document below reflecting the required consent to its contents.

WITNESS:

SHERBROOK, INC.

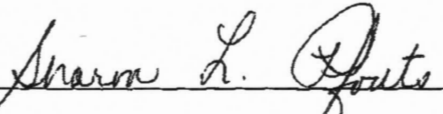
  
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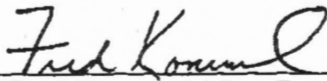
By   
\_\_\_\_\_

Phillip G. Kish, President

CHRISTOPHER HORNER

AND

  
\_\_\_\_\_

By   
\_\_\_\_\_

Fred Koneval, Vice President

SHARON L. PFOUTS

DATED: December 26, 2001



SHERBROOK PARK SUBDIVISION  
RESTATEMENT AND AMENDMENT OF  
CONDITIONS AND PROTECTIVE COVENANTS

WHEREAS, on or about January 3, 1986, there was filed at Volume 86-0019, Page 65-69 of the records of Cuyahoga County Recorder a Quit Claim Deed from Franz X. Thuringer to Sherbrook, Inc. which transferred the right of enforcement of certain conditions and covenants upon lots within the Sherbrook Park Subdivision situated in the City of Solon, County of Cuyahoga and State of Ohio, and which are further described as follows:

And known as being Sublots Nos. 40 to 66 both inclusive, excepting therefrom Block "D" and Block "E" of said subdivision in F.X. Thuringer's Sherbrook Park Subdivision No. 2 of part of Original Solon Township Lot Nos. 21 and 28, Tract No. 1, as shown by the recorded plat in Volume 181 of Maps, Page 77 of Cuyahoga County Records, as appears by said plat, except restrictions and reservations of record, zoning ordinances, easements, current taxes and assessments, both general and special, if any, be the same more or less, but subject to all legal highways.

Permanent Parcel Nos. 952-28-035-045; 952-30-021, 24, 25 & 26;  
952-33-007; and 952-34-047-057.

WHEREAS, said agreement, by its terms, was binding on the owners of the lots in said Sherbrook Park Subdivision until January 1, 1990, as which time it would automatically extend for a successive period of ten (10) years unless, by agreement of a majority of the then recorded lot owners, it was agreed to change or terminate the said covenants and restrictions in whole or in part; and

WHEREAS, no action was taken by the owners of said lots in accordance with the conditions and protective covenants on or about January 1, 1990, and therefore as a result they were automatically renewed in their entirety until January 1, 2000; and

WHEREAS, it was the desire of a majority of the pertinent recorded lot owners to restate and amend said conditions and covenants. Therefore, on December 21, 1999, there was caused to be filed with the Cuyahoga County Recorder Document numbered 199912210708, captioned Restatement and Amendment of Conditions and Protective Covenants by which the aforementioned conditions and covenants were restated and amended.

WHEREAS, it is the desire of a majority of the pertinent recorded lot owners of Sherbrook Park Subdivision to restate said conditions and covenants with the following amendment.

NOW, THEREFORE, in consideration of the foregoing, it is agreed by and among the parties hereto for the benefit of themselves and all subsequent lot owners of Sherbrook Park Subdivision to:

Restate and reaffirm the contents of the document filed for record with the Cuyahoga County Recorder at Volume 86-0019, Page 65-69, and Document No. 199912210708, with the following amendment:

Sherbrook, Inc. or its successor, designee, or assignee shall have authority to determine the construction style, color and material to be installed on the roof of any building, dwelling or other structure located on any lot bound by these conditions and covenants. The entire roof of any structure or building shall be of the same construction material.

Prior to commencing any work involving the replacement of the roof material on any building or structure on any lot, the owners shall provide to Sherbrook, Inc. or its designee, the proposed color, style and materials for approval. No such work shall be initiated prior to receiving approval from Sherbrook, Inc. or its designee. Written approval, which shall not be unreasonably withheld, will be required prior to commencement of work. If

approval is not received within sixty (60) days of the formal written submission of the proposal to Sherbrook, Inc., then the same shall be deemed to have been approved.

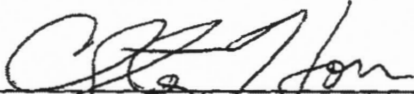
Except for the foregoing, the conditions and protective covenants in Volume 86-0019, Page 65-69 of the records of the Cuyahoga County Recorder and in Document 199912210708 are incorporated herein in their entirety and shall remain in full force and effect.

The Recorder of Cuyahoga County is requested and directed to note the recording of this Restatement and Amendment of Conditions and Protective Covenants on the margin of the document recorded in Volume 86-0019, Page 65-69 and in Document 199912210708 of its records.

**IN WITNESS WHEREOF**, the President and Vice President of Sherbrook, Inc. have signed this document below reflecting the required consent to its contents.

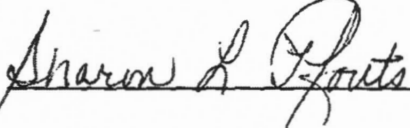
WITNESS:

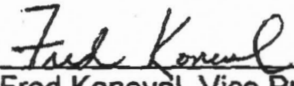
SHERBROOK, INC.

  
CHRISTOPHOR HORN

By   
Phillip G. Kish, President

AND

  
SHARON L. PFOUTS

By   
Fred Koneval, Vice President

DATED: December 26, 2001

STATE OF OHIO )  
 ) ss:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared Phillip G. Kish and Fred Koneval, who acknowledged that they did sign the foregoing instrument, that the same is their free and voluntary act and deed, that they are the President and Vice President of Sherbrook, Inc., and in that capacity have due authority to sign the foregoing, and that they are personally aware that a majority of the pertinent lot owners of record consent to this amendment as so indicated.

  
NOTARY PUBLIC 12-26-01

CHRISTOPHER HORN, Attorney At Law  
Notary Public - State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

**CUYAHOGA COUNTY RECORDER**  
**200112270987 PAGE 4 of 4**

*This Instrument Prepared By:*  
Christopher Horn  
Attorney at Law  
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Chagrin Falls, OH 44022  
(440) 247-4550