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Fee Amt: \$182.00 Page 1 of 20
Lorain County, Ohio
Mike Doran County Recorder

File 2021-0823451

**FIRST AMENDMENT TO MALLARD'S EDGE DECLARATION OF RESTRICTIONS,
RESERVATIONS AND COVENANTS**

This First Amendment to Mallard's Edge Declaration of Restrictions, Reservations and Covenants (the "First Amendment") is made as of the 16 day of June, 2021 (the "Effective Date") by MALLARDS EDGE LTD., an Ohio limited liability company (hereinafter referred to as the "Developer" or the "Declarant").

W I T N E S S T H

WHEREAS, on September 24, 2012, Declarant filed for record the Mallard's Edge Declaration of Restrictions, Reservations and Covenants, recorded with the Lorain County, Ohio Record's Office as Instrument No. 2012-0429633 (the "Declaration") for property known as the Mallard's Edge Subdivision, as described and depicted in Exhibit A-1 attached hereto;

WHEREAS, the Declaration was made for the purposes of establishing certain restrictions, reservations and covenants on certain land being developed, as described on Exhibit A attached thereto, to provide for the preservation of the value and amenities of such land;

WHEREAS, since the filing of the Declaration, additional phases of development have been completed and the Developer desires to hereby subject such additional land to the original Declaration, as amended herein;

WHEREAS, pursuant to Section 14.02 of the Declaration, the Declaration may be amended for the purpose of adding real property to the Land and subjecting such additional real property to the provisions of the Declaration and for any other purpose not inconsistent with the development of Mallard's Edge Development as a first class residential community by an instrument in writing signed by the Developer;

WHEREAS, pursuant to Section 14.02, the Developer desires to amend the Declaration to subject additional lands to the provisions thereof and the restrictions, reservations and covenants contained therein;

WHEREAS, pursuant to the Declaration, a homeowner's association was to be incorporated under the laws of the State of Ohio as "Mallard's Edge Homeowners' Association Inc.", but was incorporated as Mallards Edge HOA, an Ohio non-profit corporation; and

WHEREAS, pursuant to Section 14.02 of the Declaration, the Developer desires to amend the Declaration to provide for the correct legal name of the homeowner's association, as set forth in the business records of the Ohio Secretary of State.

NOW, THEREFORE, the undersigned hereby declares that the Declaration be and hereby is amended as follows:

1. Recitals/Definitions. The above recitals are hereby incorporated into this First Amendment as if more fully set forth herein. The term "Declaration" as used in the original Declaration shall mean and refer to the Declaration as amended by this First Amendment. Except as otherwise provided herein, the capitalized terms used in this First Amendment shall have the definitions set forth in the Declaration.

2. Amendment to Section 1.01. Association. The Declaration is hereby amended by deleting Section 1.01 in its entirety and substituting the following in lieu thereof:

"1.01 ASSOCIATION. The term "Association" shall mean Mallards Edge HOA, an Ohio non-profit corporation as organized under the laws of the State of Ohio on June 25, 2014 by Declarant to provide for the ownership and maintenance of the Detention Areas, Common Areas, and the Recreation Facilities provided or installed for the benefit of the occupants of all dwellings situated within the Mallard's Edge Development, and for the administration of this Declaration and the enforcement of the Covenants and Restrictions contained in this Declaration, as hereinafter set forth."

As of the Effective Date, all references to the Association in the Declaration shall be deemed to mean and refer to the Association as defined in this First Amendment.

3. Amendment to Section 1.19. Land. The Declaration is hereby amended by deleting Section 1.19 in its entirety and substituting the following language in lieu thereof:

"1.19 LAND. The term "Land" shall mean the real estate from time to time subject to the provisions of this Declaration. The Land shall consist of the real estate described in "Exhibit A," however, specifically excluded from the real estate included as a part of the Land is the real property designated as Lot 27 of the Plat of Mallards Edge Subdivision No. 1, a part of original Eaton Township Lots 15 and 26 as recorded February 10, 2012 in Plat Book 97, Pages 33, 34 and 35 of the Lorain County Records, and any real property currently or hereafter designated as Golf Course Property. Developer shall have the right,

during the Control Period, to amend this Declaration for the purpose of adding additional real property to the Land and/or for the purpose of withdrawing real property from the Land and thereby subject such additional real property to, or withdrawing such real property from, the operation of this Declaration.”

As of the Effective Date, all references to the Land in the Declaration shall be deemed to mean and refer to the Land as defined and depicted in this First Amendment.

4. Amendment to Section 1.24. Plat. The Declaration is hereby amended by deleting Section 1.24 in its entirety and substituting the following language in lieu thereof:

“1.24. PLAT. The term “Plat” shall mean the drawing describing the portion of the Land and the easement encumbering the Land and appurtenant to the Land identified as Mallards Edge Subdivision No. 1, recorded in Plat Book 97, Pages 33, 34 and 35 of the Lorain County Records, as Mallards Edge Subdivision No. 2, recorded in Plat Book 100, Pages 36, 37 and 38 of the Lorain County Records, Mallards Edge Subdivision No. 3, recorded in Plat Book 102, Pages 26 and 27 of the Lorain County Records and Mallards Edge Subdivision No. 4, recorded in Plat Book 106, Pages 49, 50, 51, 52 and 53 of the Lorain County Records, inclusive, as depicted on “Exhibit B-1”; provided, however, in the event any additional real estate is added to the Mallard’s Edge Development by Developer, then the term “Plat” shall include such revised or additional plats as are hereinafter recorded with any revisions or changes, as the same may be amended or supplemented from time to time to reflect additions to, or withdrawals from, the Land, as provided in this Declaration.

As of the Effective Date, all references to the Plat in the Declaration shall be deemed to mean and refer to the Plat as defined and depicted in this First Amendment.

5. Amendment to Section 1.27. Subdivision. The Declaration is hereby amended by deleting the first sentence of Section 1.27 in its entirety and substituting the following language in lieu thereof:

“1.27. SUBDIVISION. The term “Subdivision” shall mean Lots No. 1 through 26, inclusive, of Mallard’s Edge Subdivision No. 1, Lots 28 through 36, inclusive, of Mallard’s Edge Subdivision No. 2, Lots 37 through 65, inclusive, of Mallard’s Edge Subdivision No. 3, Lots 66 through 116, inclusive, of Mallard’s Edge Subdivision No. 4, and any additional Land that may hereafter be made a part of the Mallard’s Edge Development, in Eaton Township, Lorain County, Ohio.”

As of the Effective Date, all references to the Subdivision in the Declaration shall be deemed to mean and refer to the Subdivision as defined in this First Amendment.

6. Amendment to Exhibit A. The Declaration is hereby amended by deleting Exhibit A attached thereto in its entirety and substituting Exhibit A-1, attached hereto and incorporated herein by reference, in lieu thereof. As of the Effective Date set forth above, all references to Exhibit A in the Declaration shall be deemed to mean and refer to Exhibit A-1 attached hereto.

7. Amendment to Exhibit B. The Declaration is hereby amended by deleting Exhibit B attached thereto in its entirety and substituting Exhibit B-1, attached hereto and incorporated herein by reference, in lieu thereof. As of the Effective Date, all references to Exhibit B in the Declaration shall be deemed to mean and refer to Exhibit B-1 attached hereto.

8. Full Force and Effect. The Declaration shall remain unchanged and full force and effect except as modified by this First Amendment.

9. Conflicts. This First Amendment and the original Declaration shall be deemed one instrument and in the event of a conflict between this First Amendment and the original Declaration, the terms and provisions of this First Amendment shall, in all instances and for all purposes, control.

10. Successors and Assigns. This First Amendment shall be binding upon and shall inure to the benefit of the Developer and its respective successors, heirs, personal representatives and assigns.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Declarant has executed or caused to be executed this First Amendment and it shall be effective as of the date and year first above written.

DECLARANT:

MALLARDS EDGE LTD.,
an Ohio limited liability company

By Donald Palmer
Name: Donald Palmer
Title: Managing Director

STATE OF OHIO)
)
) SS:
~~COUNTY OF CUYAHOGA~~)

Lorain County

The foregoing instrument was acknowledged before me this 16th day of JUNE,
2024, by Donald Palmer the Managing Member of Mallards Edge LTD., an Ohio non-profit
corporation, on behalf of the corporation. This is an acknowledgment clause. No oath or
affirmation was administered to the signer.



DAVID E. SUSTAR
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 5/25/2024

(Signature of person taking acknowledgment)

David E. Sustar

NOTARY
(Title or rank)

Prepared by:

Robert Abramovich

200276442v1

EXHIBIT A-1

The real estate included within the term "Land" in Section 1.19 of the Declaration is described as follows:

Lots 1 through 26, inclusive, as shown on the Plat of Mallards Edge Subdivision No. 1, being part of original Eaton Township Lots 15 and 26, as recorded on February 10, 2012 in Plat Book 97, Pages 33, 34 and 35 of the Lorain County Records.

Lots 28 through 36, inclusive, as shown on the Plat of Mallards Edge Subdivision No. 2, being part of original Eaton Township Lots 15 and 26, as recorded on November 10, 2014 in Plat Book 100, Pages 36, 37 and 38 of the Lorain County Records.

Lots 37 through 65, inclusive, as shown on the Plat of Mallards Edge Subdivision No. 3, being part of original Eaton Township Lots 15 and 26, Township 5 North, Range 16 West, Connecticut Western Reserve being a resubdivision of all of Block A in Malls Edge Subdivision No. 2 recorded on November 10, 2014 in Plat Book 100, Pages 36, 37 and 38 of the Lorain County Records, as recorded on June 28, 2016 in Plat Book 102, Pages 26 and 27 of the Lorain County Records.

Lots 66 through 116, inclusive, as shown on the Plat of Mallards Edge Subdivision No. 4, being part of original Eaton Township Lots 15 and 26 being a resubdivision of all of Block B in Malls Edge Subdivision No. 3 recorded on June 28, 2016 in Plat Book 102, Pages 26 and 27 of the Lorain County Records, as recorded on June 28, 2016 in Plat Book 106, Pages 49, 50, 51, 52 and 53 of the Lorain County Records.

EXHIBIT B-1

Reduced Sized Drawings of the Plat

(See Attached)

MALLARDS EDGE SUBDIVISION, NO. 1

SITUATED IN THE TOWNSHIP OF EATON, COUNTY OF LORAIN, STATE OF OHIO

PART OF ORIGINAL EATON TOWNSHIP LOTS 15 & 26

PROJECT BENCHMARKS

ALL DISTANCES ARE IN FEET

± 10'

± 20'

± 30'

± 40'

± 50'

± 60'

± 70'

± 80'

± 90'

± 100'

± 110'

± 120'

± 130'

± 140'

± 150'

± 160'

± 170'

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± 2720'

MALLARDS EDGE SUBDIVISION, NO. 2

SITUATED IN THE TOWNSHIP OF EATON, COUNTY OF LORAIN, STATE OF OHIO

PART OF ORIGINAL TANON, TOWNSHIP LOTS 15 & 26

PLAT BOOK OF PLATINGS, NO. 1
PART BOOK 5, PAGE 33, 34, 425
MAY 20, 2012
SPOHN FOR RECORDED



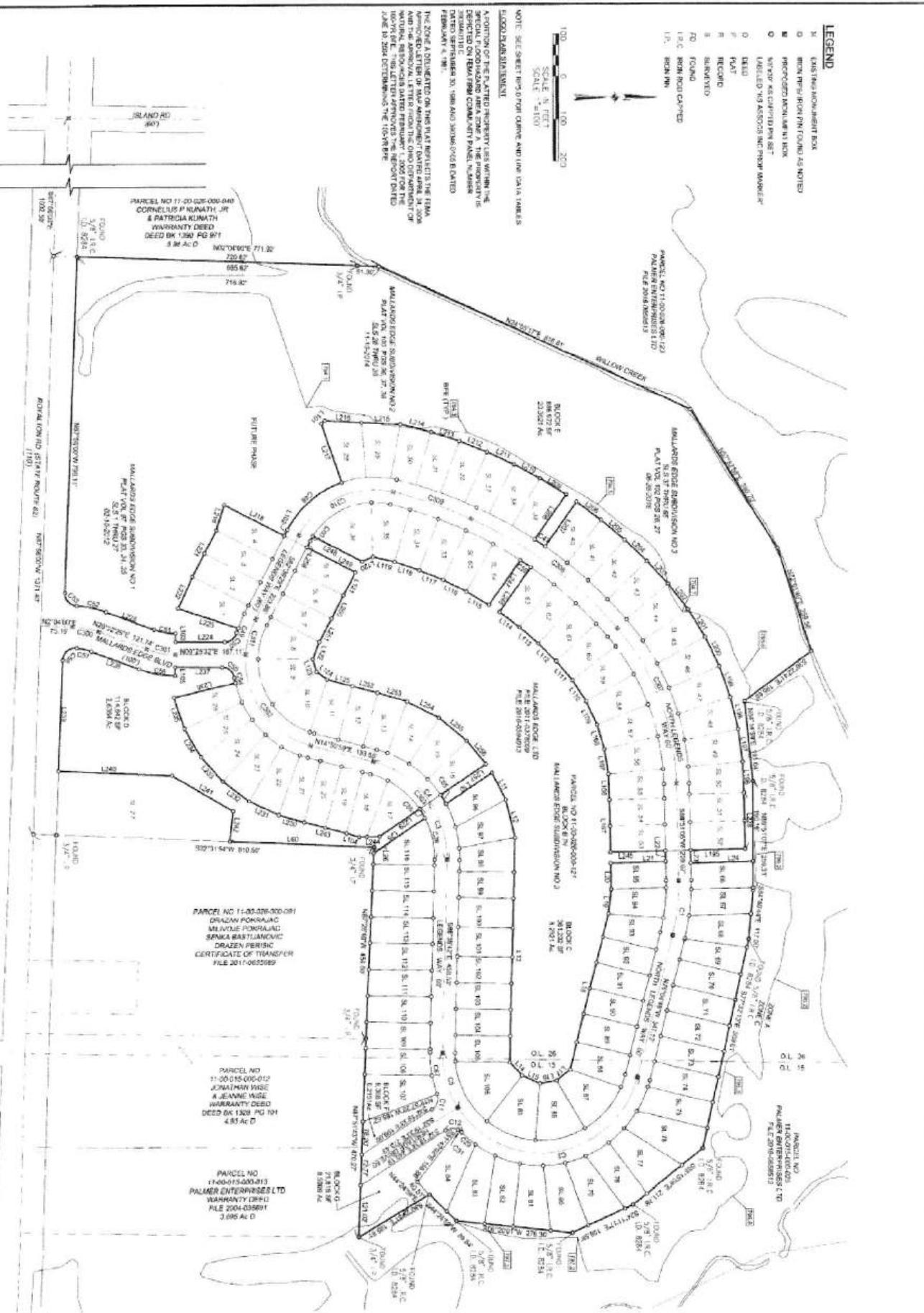


1200

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LEGEND

- DISTRIB MONUMENT BOX
WITH PROPRIETOR PRINTED AS NOTED
IN THIS CASE WITH SET
LABELED 'MS ASSOC INC PROP MARKER'
DUE

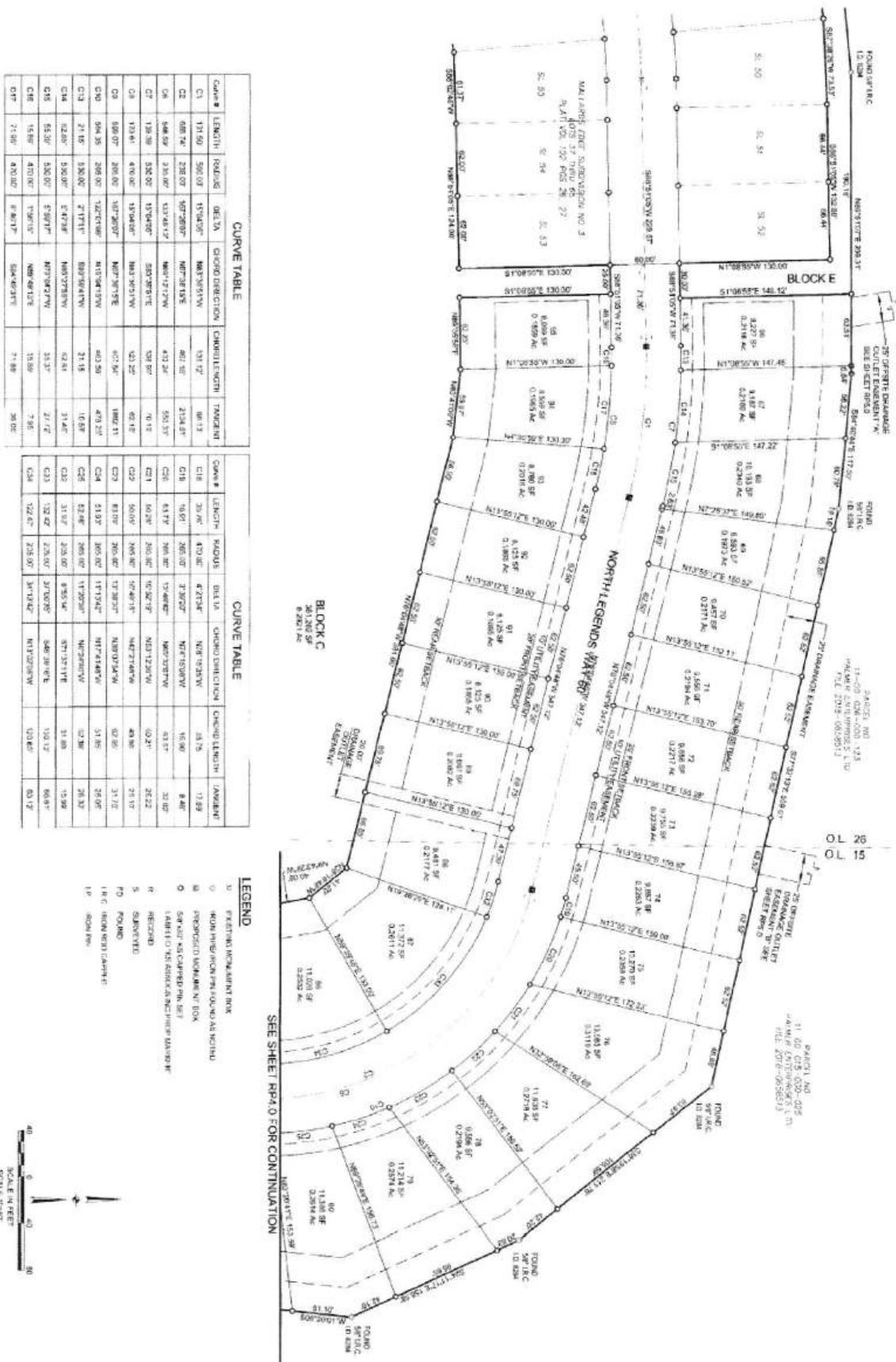


OVERALL SUBDIVISION PLAN
MALLARDS EDGE
SUBDIVISION NO. 4



KS ASSOCIATES
Elyria, OH 44035
P 440 365 4730
F 440 365 4790
www.ksassociates.com

 KS ASSOCIATES	KS Associates, Inc. 260 Burns Road, Suite 100 Elma, OH 44035 P: 440-365-4730 F: 440-365-4790 www.ksassociates.com	<input type="checkbox"/> 100% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 10% <input type="checkbox"/> 5% <input type="checkbox"/> 2% <input type="checkbox"/> 1%	<input type="checkbox"/> 100% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 10% <input type="checkbox"/> 5% <input type="checkbox"/> 2% <input type="checkbox"/> 1%	<input type="checkbox"/> 100% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 10% <input type="checkbox"/> 5% <input type="checkbox"/> 2% <input type="checkbox"/> 1%	<input type="checkbox"/> 100% <input type="checkbox"/> 50% <input type="checkbox"/> 25% <input type="checkbox"/> 10% <input type="checkbox"/> 5% <input type="checkbox"/> 2% <input type="checkbox"/> 1%
OVERALL SUBDIVISION PLAN MALLARDS EDGE SUBDIVISION NO. 4					
<small>PART OF EATON TOWNSHIP LOTS 15 & 26 COUNTY OF LORAIN, STATE OF OHIO</small>					



SEE SHEET FOR CONTINUATION

SEE SHEE | RP-0707.COM/INDIA

LEGEND

CURVE TABLE						
Curve #	Length	Radius	Bearing	Chordal Direction	Chordal Length	Angle
C1	119.50	560.00	N 96° 34'	N 96° 34' W	131.17'	100.13
C2	600.50	238.60	S 26° 28' E	N 62° 53' W	607.81'	66.13
C3	600.50	238.60	N 62° 53' W	N 62° 53' W	607.81'	66.13
C4	600.50	238.60	N 62° 53' W	N 62° 53' W	607.81'	66.13
C5	120.30	520.00	S 15° 46' E	N 74° 13' W	124.00'	70.18
C6	120.30	520.00	S 15° 46' E	N 74° 13' W	124.00'	70.18
C7	120.30	520.00	S 15° 46' E	N 74° 13' W	124.00'	70.18
C8	40.00	18.00	S 19° 45' E	N 70° 51' W	40.22'	42.21
C9	80.00	40.00	S 20° 30' E	N 67° 56' W	82.02'	42.21
C10	960.35	300.00	S 12° 47' E	N 75° 52' W	962.35'	100.13
C11	21.45	18.00	S 17° 11' E	N 69° 56' W	21.55'	10.59
C12	120.30	520.00	S 15° 46' E	N 74° 13' W	124.00'	70.18
C13	55.30	50.00	S 20° 30' E	N 67° 56' W	55.33'	42.21
C14	15.86	10.00	S 19° 45' E	N 70° 51' W	15.99'	4.68
C15	71.98	10.00	S 19° 45' E	N 70° 51' W	72.00'	10.59

CURVE TAB

SUBDIVISION PLAN
MALLARDS EDGE
SUBDIVISION NO. 4

PART OF EATON TOWNSHIP LOTS 15 & 26
COUNTY OF LORAIN STATE OF OHIO



KS ASSOCIATES

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 KS ASSOCIATES <small>KS Associates, Inc. 260 Barn Road, Suite 100 Elmwood Park, IL 60707 (708) 440-4730 (800) 440-3654 www.ksassociates.com</small>		<small>DATE: 10/01/2007 DRAWN BY: GSE REV'D BY: GSE CIV. NAME: GSE PATH: GSE SOURCES: GSE REMARKS: GSE</small>		<small>DATE: _____ DESCRIPTION: _____ BY: _____</small>
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