

TERWILLIGER'S RUN GREEN AREAS FUND AGREEMENT

The undersigned, being a purchaser of the real estate described as Lot _____ of Terwilliger's Run of Montgomery, hereby agrees to participate in the Terwilliger's Run Green Areas Fund. This agreement shall become part of the deed and shall be binding on their respective heirs, representatives, successors and assigns as follows:

1. On or before that date which is May 1, 1997, each of the Owners (as hereinafter defined in paragraph 5) shall pay the sum of \$160.00 to a Maintenance Fund, the purpose of which shall be to pay the costs of performing items of necessary maintenance and repair of the common landscape areas. Included in this agreement as common landscape areas are: entrance islands, center island, cul-de-sacs on all streets and private drives, corner pedestrian plazas and all common landscape areas and any other so designated by the developer. This shall include any areas designated as scenic or conservation easements to the city of Montgomery and shall apply to all sections of Terwilliger's Run including those additional parcels of land that may be added at a later time. Among items included under this agreement are all of the plantings, decorative stone walls and walkways, and entry and street signage serving Terwilliger's Run, and required to be maintained by the Owners in accordance with the Terwilliger's Run Covenants and Restrictions recorded in Mortgage Book _____, page _____ of the Hamilton County, Ohio records.

2. The Maintenance Fund shall be placed on deposit in an interest bearing account, the authorized signature of which shall be no fewer than two (2) of the Owners. These two owners shall be elected from the seven member Green Areas Committee.

3. The Green Areas Fund shall be administered by a Green Areas Committee composed of not less than seven homeowners, one of whom shall be elected as chairman. Expenditures from the Maintenance Fund shall be made only pursuant to written contract between the Fund signators (to be elected by the Green Areas Committee) as and only as trustees for all of the Owners, and the provider(s) of the maintenance and/or repair service(s) described in paragraph 1. Each such contract shall be approved by not less than a simple majority of the Green Areas Committee, which approval may be given to the trustee-Owners or any one of them without necessity of a meeting.

4. Additional contributions of \$160.00 (or such greater sum as a seventy-five (75%) percent majority of all the Owners may from time to time agree upon in a meeting of Owners called for that purpose) shall be made to the Maintenance Fund annually by each of the Owners. Failure to pay the annual assessment may result in the placement of a lien on the property until paid in full. Resident may be liable for all legal fees associated with the placement of the lien.

5. As used herein, "Owners" shall mean each person or persons who owns a fee simple interest in any one or more of the lots in Terwilliger's Run, and their successor owners as the same may from time to time be; provided, however, that for purposes of selecting Fund signators, making contributions, and voting under this Agreement, multiple Owners of a single lot shall be considered to be one Owner with one vote between or among them.

VOID APPEARS ACROSS FACE OF ENTIRE DOCUMENT WHEN PHOTOCOPIED - LIQUID BLEACH TURNS OFFICIAL PAPER BROWN

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6. This Agreement shall continue in force in perpetuity, and shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, I hereby agree to the above Agreement as of this date.

Date

Purchaser

Witness

Lot #

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