This information is taken from public records filed with the Lucas County Recorder’s Office. Port Lawrence Title and Trust Company assumes no liability for the accuracy or completeness of the information contained herein.
FIRST AMENDMENT TO DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

This amendment is made effective as of January 9, 2001.

RECITALS:

A. By Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions dated June 15, 2000, and recorded on June 15, 2000 in Microfiche 00-1990C01, Records of Lucas County, Ohio ("Declaration"), Orchard Centre Associates, LLC, an Ohio limited liability company ("Developer"), subjected Lots 1 through 9 in The Orchard, a subdivision in the Village of Holland, Lucas County, Ohio, more particularly described on Schedule 1 attached hereto, to the easements, covenants and restrictions contained in the Declaration for the purpose of enhancing the value of the property and to afford purchasers protection in the use and occupancy thereof and to provide a general plan for the operation and improvement of the property as a first class, high quality commercial, retail, residential and office complex.

B. Article 8, Section 8.5 of the Declaration reserves the right to the Developer to amend the Declaration with the consent of the Tenant under the Farmer Jack Lease (as defined in the Declaration) if the Developer owns 51% or more of the Building Area (as defined in the Declaration). The Developer now owns Lots 1 through 7, and Lots B and C, in The Orchard and owns more than 51% of the Building Area (as defined in the Declaration).

C. Developer desires to amend the Declaration to correct Exhibit A by replacing the Exhibit A attached and recorded with the Declaration with the Site Plan attached hereto as Exhibit A and to further define the location and terms and conditions of the sign easements set forth in Section 2.4.3.

Now, therefore, the Declaration is amended as follows:

1. Definitions. All terms that are used in this Amendment that are defined in the Declaration shall have the meanings given in the Declaration.

2. Correction of Exhibit A. Exhibit A which was originally attached and recorded with the Declaration is deleted and hereby replaced with the Site Plan which is attached hereto as Exhibit A and which shall become Exhibit A to the Declaration. All references in the Declaration to the Site Plan shall be to the Site Plan which is attached as Exhibit A to this First Amendment to the Declaration.
3. **Amendment to Section 2.4.3.** Section 2.4.3 is hereby amended in its entirety to read as follows:

2.4.3 There is hereby granted, declared and reserved for the mutual and reciprocal benefit of the Development and any and all parts thereof, the Owners of the Lots and any and all portions thereof, their respective successors, assignees, mortgagees, tenants (including the Tenant under the Farmer Jack Lease), occupants, employees, agents, lessees and sublessees, an easement for a Monument sign and a Pylon sign at the locations shown on the Site Plan attached hereto as Exhibit A. The easement for the monument sign is more particularly described and shown on Exhibit C which is attached hereto and made a part hereof. The easement for the pylon sign is more particularly described and shown on Exhibit D which is attached hereto and made a part hereof. Exhibits C and D shall become Exhibits C and D to the Declaration. An approximate six foot high masonry Monument sign ("Monument Sign") that matches the materials used in the construction of the buildings located on Lot 1 and otherwise in compliance with the attached drawing shown hereto as Exhibit B is hereby permitted. An approximate 47 foot high Pylon sign ("Pylon Sign") that matches the materials used in the construction of the buildings located on Lot 1 and otherwise in compliance with the attached drawings shown hereto as Exhibit B is hereby permitted. The Monument Sign and the Pylon Sign shall be for the exclusive use of the Development, the Owners of the Lots and any and all portions thereof, their respective successors, assignees, mortgagees, tenants (including the Tenant under the Farmer Jack Lease), occupants, employees, agents, lessees and sublessees. The Tenant under the Farmer Jack Lease shall have the right, at its sole cost and expense, to place its sign panels on the aforementioned signs, and shall be entitled to fifty percent (50%) of the signage area available thereon for individual tenants of the Development, in the most prominent location available to an individual tenant and with the largest lettering, and with no other tenant having lettering exceeding seventy-five percent (75%) the size of its lettering, all as shown on Exhibit B.”

4. **Ratification.** Except as specifically hereinafter amended, all of the provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer and the Tenant under the Farmer Jack Lease have executed or caused this instrument to be executed, as of the 9th day of January, 2001.
Signed and acknowledged in the presence of:

ORCHARD CENTRE ASSOCIATES, LLC, an Ohio limited liability company
By: BOSTLEMAN CORP., Its: Manager

Sign here → Gina E. Cataldo
Print here → Gina E. Cataldo

Sign here → Constance L. Bostleman
Print here → Constance L. Bostleman

STATE OF OHIO )
) SS:
COUNTY OF LUCAS )

The foregoing instrument was acknowledged before me this 8th day of January, 2001 by Gary A. Yunker, the Vice President of Bostleman Corp., an Ohio corporation, on behalf of the corporation, as the Manager of Orchard Centre Associates, LLC, an Ohio limited liability company, on behalf of the company.

Gina E. Cataldo
Notary Public

GINA E. CATALDO
Notary Public — State of Ohio
My Commission Expires: 4-10-2005
CONSENT TO FIRST AMENDMENT TO
DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS

The undersigned, being the Tenant under the Farmer Jack Lease as defined in
Section 1.2.28 of the Declaration referred to above, which is being amended, hereby
consents to this First Amendment to Declaration of Reciprocal Easements, Covenants,
Conditions and restrictions.

Sign here → Jackie Saudeda
Print here → Jackie Saudeda
Sign here → Mary Ann Noble
Print here → Mary Ann Noble

STATE OF MICHIGAN  )
SS.
COUNTY OF WAYNE  )

The foregoing instrument was acknowledged before this 4th day of December,
2009 by Thomas Litzler, the Vice President of Real Estate
Inc., a Delaware corporation, on behalf of said corporation.

By: Thomas Litzler
Its: Vice President of Real Estate

By: Jacqueline Saudeda
Notary Public

This instrument prepared by:
Gregory S. Shumaker
Shumaker, Loop & Kendrick, L.L.P
1000 Jackson
Toledo, Ohio 43624
CONSENT TO FIRST AMENDMENT TO DECLARATION
OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS
AND RESTRICTIONS BY MORTGAGEE

The undersigned, being the mortgagee of the Developer of the Lots as defined in the Declaration hereby consents to this First Amendment to Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions.

Signed and acknowledged in the presence of:

[Signatures and prints]

CAPITAL BANK, N.A.

By: Lawrence C. Boyer
Name: Lawrence C. Boyer
Its: Vice President

STATE OF OHIO

COUNTY OF LUCAS

The foregoing instrument was acknowledged before this 9th day of January, 2001 by Lawrence C. Boyer, the Vice President of Capital Bank, N.A., a national association, on behalf of the association.

Gina E. Cataldo
Notary Public

This instrument prepared by:
Gregory S. Shumaker, Esq.
Shumaker, Loop & Kendrick, LLP
1000 Jackson Street
Toledo, Ohio 43624-1573
EXHIBIT C

G.M. BARTON SURVEY COMPANY
Land Surveyors
Box 148 - Maumee, Ohio 43537
Phone: (419) 893-3327
Fax: 419-893-1551

September 21, 2000

DESCRIPTION FOR BOSTLEMAN CORP.
OF
LOW PROFILE SIGN EASEMENT AREA

The South 20.00 feet of the West 40.00 feet of Lot 5 in The Orchard, a subdivision in the Village of Holland as recorded in Volume 148 of Plats, pages 19 thru 24, Lucas County, Ohio Records.

G. M. BARTON SURVEY COMPANY

Leonard Mason Jr.
Ohio L.S. #8416

Sur. No. 885-00
THE SOUTH 20 FEET OF THE WEST 40 FEET OF LOT 5, THE ORCHARD VILLAGE OF HOLLAND LUCAS COUNTY OHIO

September 21, 2000 Scale: 1" = 60' Sur. No. 885-00
Revised Drawing: September 26, 2000

G. M. BARTON SURVEY COMPANY
2001 River Road, P.O. Box 148
Maumee, OH 43537
Ph (419) 893-3327
G.M. BARTON SURVEY COMPANY
Land Surveyors
Box 148 - Maumee, Ohio 43537
Phone: (419) 893-3327
Fax: 419-893-1551

September 21, 2000
DESCRIPTION FOR BOSTLEMAN CORP
OF
PYLON SIGN & LANDSCAPE EASEMENT AREA

That part of Lot 2 in The Orchard, a subdivision in the Village of Holland, Lucas County, Ohio, which is bounded and described as follows:

Commencing at the Northeast corner of Lot 3 in the said subdivision of The Orchard, in the Village of Holland, as recorded in Volume 148 of Plats, pages 19 through 24, Lucas County, Ohio Records;

thence South 89°-43'-50" East along the Northerly line of said Lot 2, also being the Southerly right-of-way line of Airport Highway (State Route 2), a distance of 10.22 feet to the point of BEGINNING;

thence North 49°-54'-32" East along the Northwesterly line of said Lot 2 and also being along the Southerly right-of-way line of Airport Highway (State Route 2), a distance of 92.63 feet to a point;

thence North 74°-43'-10" East along the Northwesterly line of said Lot 2 and also being along the Southerly right-of-way line of Airport Highway (State Route 2), a distance of 11.14 feet to its intersection with the Westerly right-of-way line of Spring Meadows West Drive;

thence South 17°-18'-17" East along the Easterly line of said Lot 2 and also being along the Westerly right-of-way line Spring Meadows West Drive, a distance of 66.06 feet to a point;

thence North 89°-43'-50" West, a distance of 101.26 feet to the point of BEGINNING.

The bearings referred to hereon are based upon the record plat of The Orchard and are shown only for the purpose of determining angular measurements.

G. M. BARTON SURVEY COMPANY

[Signature]

Leonard Mason Jr.
Ohio L.S. #5416

Sur. No. 885-00
SCHEDULE 1

LEGAL DESCRIPTION

Lots No. 1 through 9, inclusive, in The Orchard, a subdivision in the Village of Holland, Lucas County, Ohio, as recorded in Volume 148 of Plats, Pages 19 through 24, Lucas County, Ohio Records.

RECEIVED & RECORDED

JAN 11 2001

SUZ RIOUX
RECORDED, LUCAS COUNTY, OHIO