

conduct of the lessee and/or any damage to property. The Owner(s) must deliver a copy of any lease to the Board prior to the beginning of the lease term.

7. The Board may adopt and enforce rules and/or definitions in furtherance, but not in contradiction of the above provisions, including, without limitation, rules to address and eliminate attempts to circumvent the meaning or intent of this Section and in furtherance of the preservation of Brookside SW as an owner-occupied community and against the leasing of dwellings for investment or other purposes. The Board further has full power and authority to deny the occupancy of any dwelling by any person or family if the Board, in its sole discretion, determines that the Owner of such dwelling is intending or seeking to circumvent the meaning or intent of this Section.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on the leasing of dwellings. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the Licking County Court of Common Pleas within one (1) year of the recording of this amendment.

INSERT a new DECLARATION ARTICLE I, SECTION CC entitled, "OCCUPANCY RESTRICTION," to be added on Page 7 of Declaration 1, Volume No. 801 at p. 20 and Declaration 2, Volume No. 829 at p. 684 and a new ARTICLE I, SECTION EE also entitled "OCCUPANCY RESTRICTION," to be added on Page 7 of Declaration 3, Volume No. 871 at p. 329 and a new DECLARATION ARTICLE I, SECTION FF also entitled "OCCUPANCY RESTRICTION," to be added on Page 7 of Declaration 4 and 5, as recorded at Instrument No. 199711190007631, with all references being to the records of the Recorder of Licking County, Ohio, as follows:

**OCCUPANCY RESTRICTION:** No person who is adjudicated to be a Tier II sex offender/child-victim offender or Tier III sex offender/child-victim offender and required to register with a designated registering agency, thereby requiring notice to be given pursuant to Ohio Sex Offender Registration laws, or a similar statute from another jurisdiction, as the same may from time to time be amended, may reside in or occupy a home for any length of time, provided that such amendment shall not affect an individual that is residing in the community at the time this provision becomes effective.

The Board of the Association may enforce this provision by commencing an action and seeking an Order in any Court of competent jurisdiction to enjoin such person(s) from occupying or residing in a home and from coming onto the association property, or in the name of the Owner as the Owner's agent for this sole purpose, to evict such person residing in, or occupying a home, and shall charge all costs of such injunction, eviction and enforcement, including reasonable attorney fees, to the Owner violating this provision. Any such costs so incurred shall be the subject of a special assessment against the offending Owner and made a lien against the offending home, which lien may be foreclosed in the same manner as provided by Ohio law and as herein set forth. The Board of the Association shall not be liable to any Owner or occupant, or to anyone visiting any Owner or occupant or coming onto the association property, as a result of the Association's alleged failure, whether negligent, intentional or otherwise, to report the presence of such a person or to enforce the provisions of this subsection.