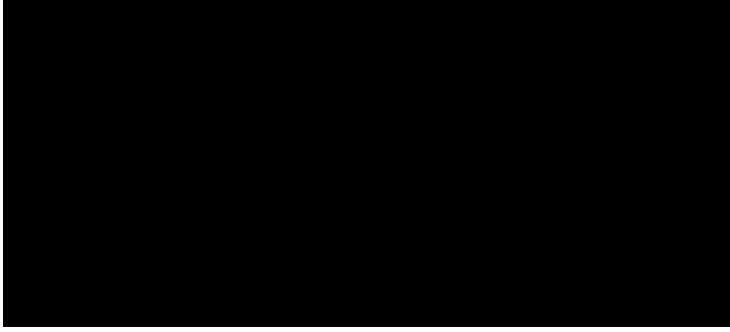


When recorded, return to:

Steuben County Clerk



**FOURTH AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
AURENE SUBDIVISION, ERWIN, NEW YORK**

The first phase of Aurene ("Phase One") is shown on the official plat recorded in the office of the Office of the Steuben County Clerk on August 17, 1999 as Case Map #13656. The second phase of Aurene ("Phase Two") is shown on the official plat recorded in the office of the Office of the Steuben County Clerk on March 7, 2001 as Case Map #14549. The third phase of Aurene ("Phase Three") is shown on the official plat recorded in the office of the Office of the Steuben County Clerk on August 17, 2001 as Case Map #14813. The fourth phase of Aurene ("Phase Four-C") is shown on the official plat recorded in the office of the Office of the Steuben County Clerk on March 6, 2006, as Case Map #17195. The Fifth phase of Aurene ("Phase Four-B") is shown on the official plat recorded in the office of the Office of the Steuben County Clerk on July 18, 2006, as Case Map #17384.

Phases One, Two, Three, Four-C and Four-B are subject to the Declaration of Covenants, Conditions and Restrictions (the "Declaration") recorded in the Office of the Steuben County Clerk on June 22, 1999 in Liber 1617 of Deeds beginning at Page 92, and the relevant Amendments and Supplements thereto.

The Declaration was first amended on December 7, 2000. A copy of such First Amendment was recorded in the Office of the Steuben County Clerk on December 19, 2000 in Liber 1695 of Deeds, beginning at Page 66.

A "Supplement to Declaration of Protective Covenants, Conditions and Restrictions for Aurene, Phase Two" was recorded in the Office of the Steuben County Clerk on February 5, 2001 in Liber 1702 of Deeds, beginning at Page 79.

A further "Supplement to Declaration of Protective Covenants, Conditions and Restrictions for Aurene, Phase Three" was recorded in the Office of the Steuben County Clerk on August 28, 2001 in Liber 1734 of Deeds, beginning at Page 34.

The Declaration was amended for a second time on April 25, 2001. A copy of such second Amendment was recorded in the Office of the Steuben County Clerk on May 2, 2001 in Liber 1715 of Deeds, beginning at Page 338.

The Declaration was amended for a third time on October 4, 2001. A copy of such third Amendment was recorded in the Office of the Steuben County Clerk on October 11, 2001 in Liber 1740 of Deeds, beginning at Page 251.

A further "Supplement to Declaration of Protective Covenants, Conditions and Restrictions for Aurene, Phase Four-C" was recorded in the Office of the Steuben County Clerk on March 6, 2006, in Liber 2004 of Deeds, beginning at Page 235.

A further "Supplement to Declaration of Protective Covenants, Conditions and Restrictions for Aurene, Phase Four-B" was recorded in the Office of the Steuben County Clerk on July 19, 2006 in Liber 2031 of Deeds, beginning at Page 49.

Acting in accordance with paragraph 12.6 of the Declaration, Declarant hereby amends the Declaration as follows:

1. With reference to each official plat at Aurene, including all plat revisions thereto, and pertaining to all townhome and single-family residential lots, and with reference to the June 22, 1999 Declaration, and all amendments and supplements thereto, Exhibit E, Section 1, entitled "Permitted Fencing", add the following language as "d" and "e" thereto.

***"d Picket style fences that satisfy the following specifications:***

- (i) The Veranda Chesapeake scalloped or straight top fence available from Home Depot, or the Freedom Jenee available from Lowes, or another vinyl clad fence of identical appearance, and of equal or better quality and durability.***
- (ii) Posts shall match the fence and be spaced no more than 8 feet apart.***
- (iii) No post, Fence or gate shall exceed 4'-0" above grade.***
- (iv) Gates, braces, post tops, and other usual fence parts and appurtenances shall be constructed of the same materials and match the appearance of the appurtenant fence. All gate hardware shall be of clad, weather resistant, or protected metals.***
- (v) All fences shall be erected on undisturbed natural ground and shall deviate from a straight line to negotiate trees and obstacles. Such deviations must be contained within the installing Owner's Lot unless a Fenceline Agreement exists between the abutting Owners.***
- (vi) All fences shall be shown on the site plan and approved in advance by the Architectural Committee. Once approved,***

*Permitted fences shall be constructed to meet the dimensions, lines and grades, and colors shown on the approved plans.*

*(vii) All fences shall in an Approved Color established by the Declaration.*

*(vii) Once the fence has been installed, the Lot shall be cleaned up to present a natural appearance, and any remaining materials and construction debris shall be removed from the Community."*

*"e. Privacy screens between attached townhomes that satisfy the following specifications:*

*(i) The Veranda Lancaster Privacy Screen available from Home Depot, or the Freedom Privacy Screen available from Lowes, or another vinyl clad privacy screen of identical appearance, and of equal or better quality and durability.*

*(ii) Custom built wood privacy screens, constructed as follows:*

*1. Rails shall be of rectangular, sound cedar or equivalent, free from rot, disease or insects, with a nominal cross sectional area of no less than 8 inches, and treated with a clear, environmentally safe preservative.*

*2. Posts shall be of sound cedar or equivalent, free from rot, disease or insects, and with a nominal cross sectional area of not less than 16 inches, and treated with a clear, environmentally safe preservative. Posts shall be spaced no more 6 feet apart, and shall match the fence.*

*3. No part of a wood privacy screen shall be painted above grade.*

*4. Pickets shall be of sound cedar or equivalent, free from rot, disease or insects, with a nominal cross sectional area of not greater than 4 square inches. Pickets shall be set tight together, or spaced no more than 2" apart. The tops of all pickets shall be cut to a straight line, or to the same scallop between posts.*

*(iii) No privacy screen shall extend more the 12' from the dwelling.*

*(iv) No post, screen, or gate shall exceed 6'-6" above the grade of the terrace or deck being screened.*

- (v) *Gates, braces, post tops, and other usual fence parts and appurtenances shall be constructed of the same materials and match the appearance of the appurtenant screen. All gate hardware shall be of clad, weather resistant, or protected metals.*
- (vi) *All privacy screens shall be shown on the site plan and approved in advance by the Architectural Committee. Once approved, permitted privacy screens shall be constructed to meet the dimensions, lines and grades, and colors shown on the approved plans.*
- (vii) *Every privacy screen must be finished in the same color as the dwelling to which it is attached.*
- (viii) *Once the privacy screen has been installed, the Lot shall be cleaned up to present a natural appearance, and any remaining materials and construction debris shall be removed from the Community."*

2. With reference to the official plats for all phases, including all plat revisions thereto, and with reference to the June 22, 1999 Declaration, and all amendments and supplements thereto, replace the second sentence of Section 5.10 of the Declaration with the following sentence:

*"No satellite dish antenna may have a diameter greater than 39.3 inches. All such antenna shall be located out of the Public View". If Federal regulations increase such maximum diameter, the Federal regulations shall supersede this restriction. "*

3. With reference to the official plats for all phases, including all plat revisions thereto, and with reference to the June 22, 1999 Declaration, and all amendments and supplements thereto, replace all of Section 12.6 of the Declaration with the following language:

*"At any time while this Declaration is in effect, the owners of the Lots subject to this Declaration may amend the provisions of this Declaration by the simple majority vote of those owners who actually tender votes, ballots or proxies, providing that at least thirty-five (35) Lot owners tender their votes, ballots, or proxies. All Lot owners shall be entitled to not less than fifteen (15) days written notice of any proposed Amendment. Any Amendment must be in writing, and be properly recorded in the Office of the Steuben County Clerk to be effective."*

4. The remainder of the Declaration shall remain of full force and effect.

5. The parties signing this Fourth Amendment to the Declaration certify that they have aggregated at least the minimum 70% affirmative vote required to approve this amendment.

6. This Fourth Amendment will take effect upon the recording of this instrument with the Office of the Steuben County Clerk.

By: Kristen L. Myers  
Aurene RAB President

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6/22/18

Dated: 6/22/18

On the 22<sup>nd</sup> day of June 2018 before me, the undersigned, a notary public in and for said state, personally appeared Kristen L. Myers, President of the Aurene RAB personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Alfred J. Howell  
Notary Public  
ALFRED J. HOWELL  
NOTARY PUBLIC #04HO6185533  
State of NY, County of Steuben  
My commission expires Apr. 21, 2020