

008481

FIRST AMENDMENT TO  
DECLARATION OF  
CONDOMINIUM OWNERSHIP

VOL 913 PAGE 207

UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO  
FOR  
EASTWOOD CONDOMINIUM

March 12th, 1990

This is to certify that copies of the First Amendment to the Declaration, By-Laws and Drawings for Eastwood Condominium have been filed this date with the Auditor of Stark County, Ohio.

W. D. Don  
Auditor of Stark County, Ohio

This instrument prepared by:

Randolph L. Snow, Esq.  
Black, McCuskey, Souers & Arbaugh  
1000 United Bank Plaza  
Canton, Ohio 44702  
Telephone: (216) 456-8341

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RECORDED THIS DATE  
JANET WEIR CREIGHTON  
STARK COUNTY RECORDER

90 MAR 15 AM 10:22

FEE  $\frac{40.00}{1.00}$  @ DOR. CP.  
41.00

This First Amendment to the Declaration of Eastwood Condominium made this 5<sup>th</sup> day of March, 1990, by Lemmon-Leach, Inc., (hereinafter referred to as "Declarant") pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio.

WITNESSETH:

WHEREAS, Declarant has heretofore executed a Declaration of Condominium Ownership dated December 11, 1989, known as Eastwood Condominium, which was filed for record with the Stark County, Ohio, Recorder on December 12, 1989, and is recorded in Volume 885, Page 510 of the Stark County Records, and included in said Declaration is a description of the Condominium Property along with a Plot Plan of said property; and

WHEREAS, pursuant to Article XVII of the Declaration,, Declarant has reserved the right to amend the original Declaration for the purpose of expanding and adding additional lands to the Condominium Property; said additional lands being described in "Exhibit G" to the Declaration; and

WHEREAS, Declarant has now determined to add a portion of the additional property to the original development so that said property shall become Condominium Property in all respects and be subject to the same requirements and conditions as the present Condominium Property in Eastwood Condominium; and

WHEREAS, Declarant has determined that additional Amendments may be made to add portions of said land to the Condominium Property.

NOW, THEREFORE, Declarant does hereby submit the following amendments to the Declaration of Condominium Ownership of Eastwood Condominium for the purpose of submitting to Condominium Ownership, pursuant to Chapter 5311 of the Revised Code of Ohio, part of the Additional Property described in "Exhibit G" of the Declaration:

1. Article I, "The Land", is hereby deleted and the following is hereby substituted in lieu thereof:

The Land. A legal description of the land located in Plain Township, Stark County, Ohio, which is hereby submitted to the provisions of the Condominium Law, constituting the Condominium Property is attached hereto as "Exhibit A" of the Declaration and Exhibit A of the First Amendment.

2. Article IV, "Building Descriptions", is hereby deleted and the following is hereby substituted in lieu thereof:

Building Description. There are four residential buildings on the Condominium Property and each building contains two single family dwelling units. The description and composition of the buildings are set forth in Exhibit C and Exhibit C of the First Amendment to the Declaration.

3. Article V "Units" is hereby amended as follows:

Section 1. Unit Designations. Each of the Units is designated by a number on the Drawings where that Unit is located. The Units are designated as "Units 6434, 6436, 6460, 6462, 6470, 6472, 6392 and 6394". Unit locations and designations are shown on the Drawings attached hereto as Exhibit B and Exhibit B of the First Amendment.

Section 2. Description of Units.

(a) Units. For a description of each Unit, see Exhibit D attached hereto and the Drawings attached hereto and Exhibit D to the First Amendment and the Drawings attached thereto.

4. Article VI. Common and Limited Common Areas is hereby amended as follows:

Section 3. Percentage of Ownership. The percentage of interest in the Common Areas of each Unit is shown on Exhibit E to the First Amendment. The remainder of Section 3 remains the same.

5. Exhibit C to the Declaration shall mean Exhibit C as amended from time to time. Exhibit C to the Declaration is hereby amended to include the description contained in Exhibit C to this First Amendment.

6. Exhibit D to the Declaration shall mean Exhibit D as amended from time to time. Exhibit D to the Declaration is hereby amended to include the description contained in Exhibit D to this First Amendment.

7. Exhibit E to the Declaration shall mean Exhibit E as amended and/or replaced from time to time. Exhibit E to the Declaration is hereby deleted and replaced with Exhibit E to this First Amendment.

8. Exhibit F to the Declaration shall mean Exhibit F as amended from time to time.

9. Exhibit G of the Declaration is hereby deleted and Exhibit G of the First Amendment is substituted in lieu thereof.

10. The original Declaration, the By-Laws attached thereto, the original drawings and other Exhibits to the Declaration as each of the forgoing have been amended and are hereby amended

and supplemented shall remain in full force and effect and all reference thereto in the Declaration shall include amendments thereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 5 day of March, 1990.

Signed and acknowledged  
in the presence of:

*Lisa E. Leech*  
*Joyce J. Gray*

LEMMON-LEACH, INC.

By: *Robert P. Leach*  
Robert P. Leach  
President

DECLARANT

STATE OF OHIO:  
SS:  
STARK COUNTY:

This instrument was acknowledged before me by Lemmon-Leach, Inc., by and through its President, Robert P. Leach, having been duly authorized to act in such capacity on behalf of the Corporation, this 5th day of ~~February~~ <sup>March</sup>, 1990.

*Lisa E. Leech*

Lisa E. Leech  
Notary Public, State of Ohio  
My commission expires February 28, 1995.

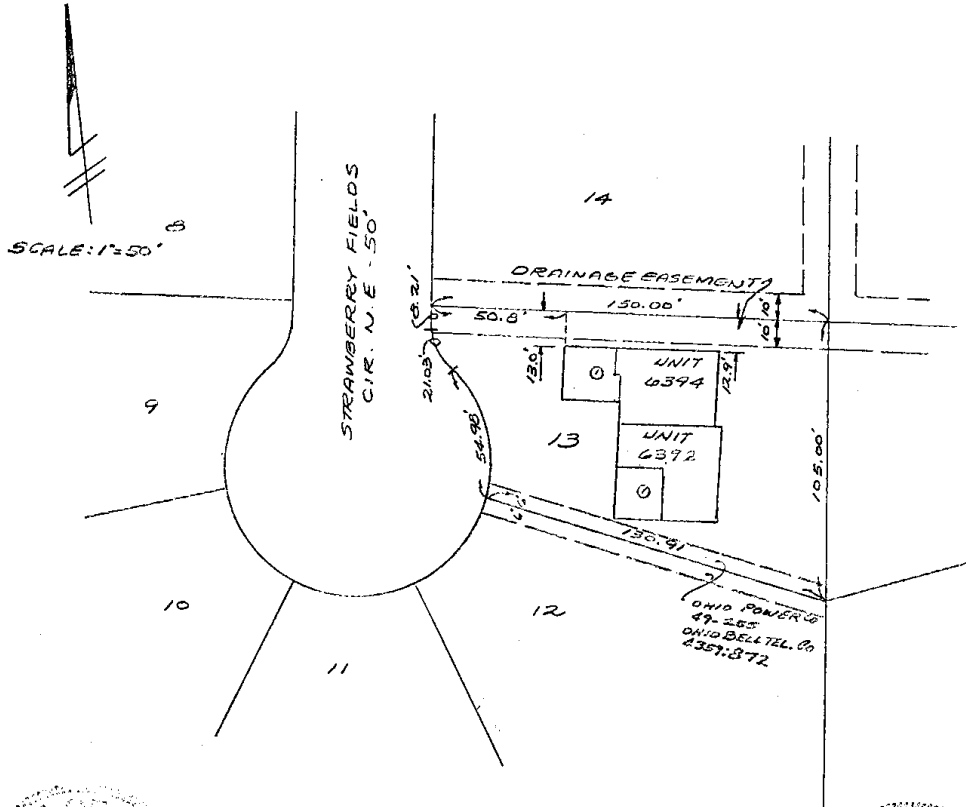
EXHIBIT A

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Description of Land For  
Eastwood Condominium

Known as and being Lot Thirteen (13) in Strawberry Fields, a subdivision in the Northeast Quarter of Section 14 (T-11, R-18), Plain Township, Stark County, Ohio, as the same is recorded in Plat Book 50, Page 118, of the Stark County Plat Records.

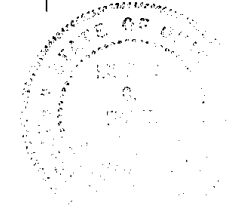
EASTWOOD CONDOMINIUM  
LOT 13 STRAWBERRY FIELDS  
A SUBDIVISION IN THE N.E. QTR. SEC. 14  
PLAIN TOWNSHIP (T-11, R-8) STARK COUNTY, OHIO VOL 913 PAGE 212  
PLAT RECORDED IN P.B. 50, P. 118



① - L.C.A. - SEE DECLARATION FOR ALLOCATION

THIS DRAWING ACCURATELY SHOWS  
THE BUILDING AS CONSTRUCTED, NOT  
YET COMPLETED.

Richard C. Friedl 2-7-90  
RICHARD C. FRIEDL, P.E. 34002 DATE  
REV 3-6-90



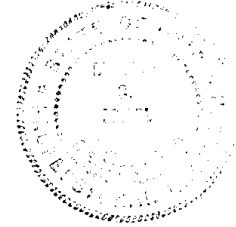
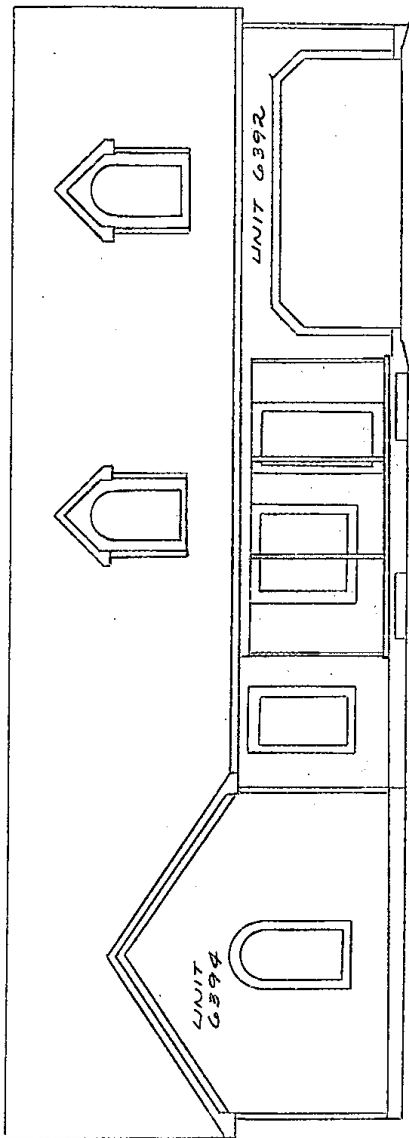
**POGMEYER DESIGN GROUP, INC.**

ENGINEERS ARCHITECTS PLANNERS

3701 WALCIS AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 267/632-9715

EASTWOOD CONDOMINIUM  
 FRONT ELEVATION  
 UNITS 6392 & 6394  
 SCALE 1/8" = 1'-0"

Exhibit B-1



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THIS DRAWING ACCURATELY SHOWS  
 THE BUILDING AS CONSTRUCTED, NOT  
 YET COMPLETED.

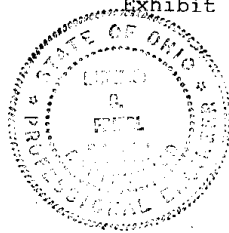
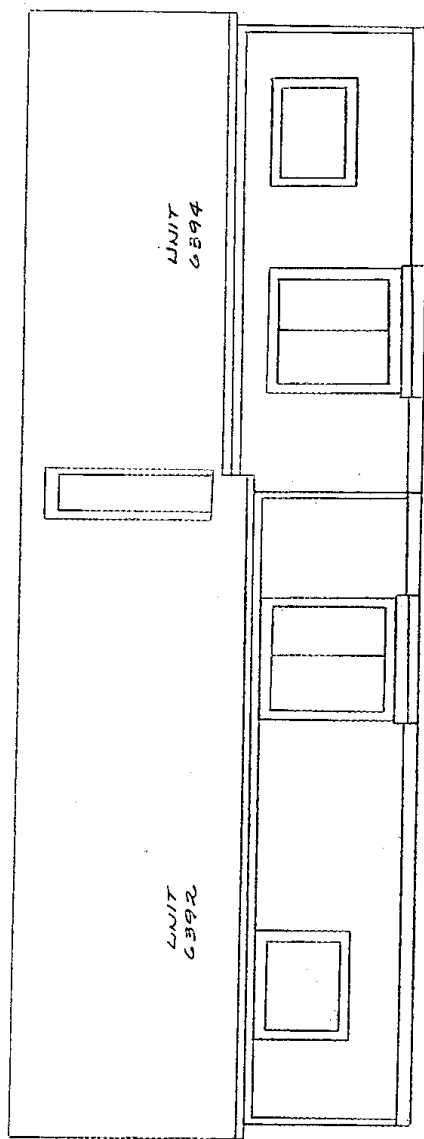
*Richard C. Friedl* 2-7-90  
 RICHARD C. FRIEDL, P.E. 34002 DATE

**POGGEMEYER DESIGN GROUP, INC.**  
 ENGINEERS ARCHITECTS PLANNERS  
 3791 WALES AVENUE N.W., SUITE A MASSILLON, OHIO PHONE 26/032-6725

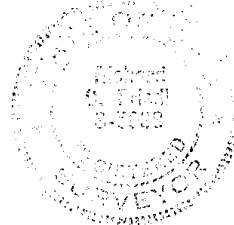


EASTWOOD CONDOMINIUM  
REAR ELEVATION  
UNITS 6392 & 6394  
SCALE 1/8" = 1'-0"

Exhibit B-2



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THIS DRAWING ACCURATELY SHOWS  
THE BUILDING AS CONSTRUCTED, NOT  
YET COMPLETED.

*Richard C. Friedl* 2-7-90 DATE  
RICHARD C. FRIEDL, P.E. 34002

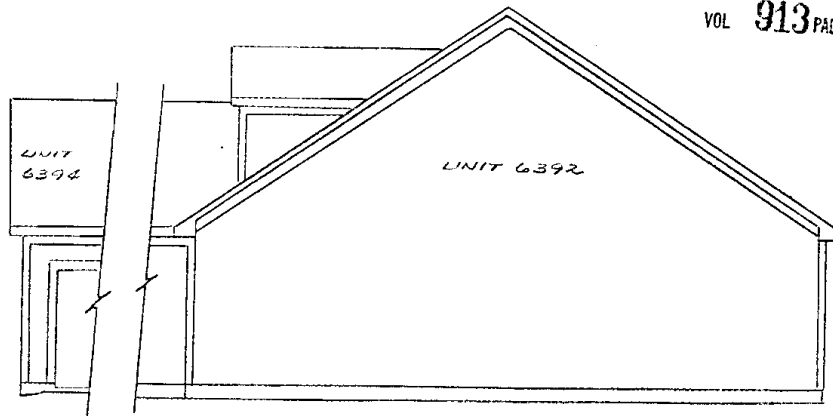
**POGGEMEYER DESIGN GROUP, INC.**  
ENGINEERS ARCHITECTS PLANNERS  
3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 26/632-9715



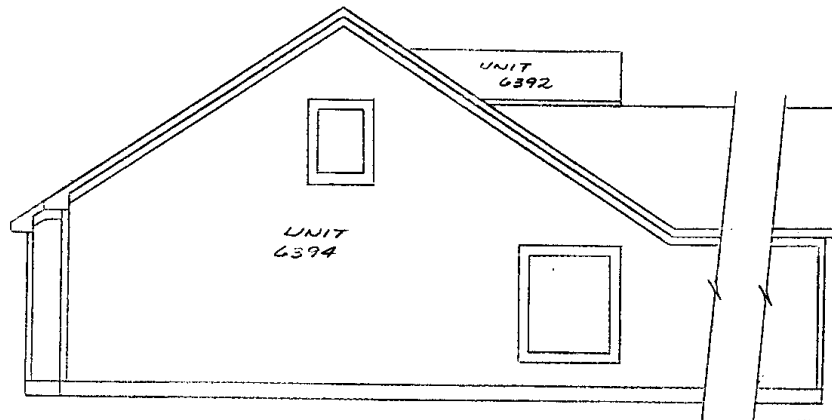
EASTWOOD CONDOMINIUM  
RIGHT & LEFT SIDE ELEVATIONS  
UNITS 6392 & 6394  
SCALE 1/8" = 1'-0"

Exhibit B-3

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RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

THIS DRAWING ACCURATELY SHOWS  
THE BUILDING AS CONSTRUCTED, NOT  
YET COMPLETED.

*Richard C. Friedl* 2-7-90  
RICHARD C. FRIEDL, P.E. 34002 DATE

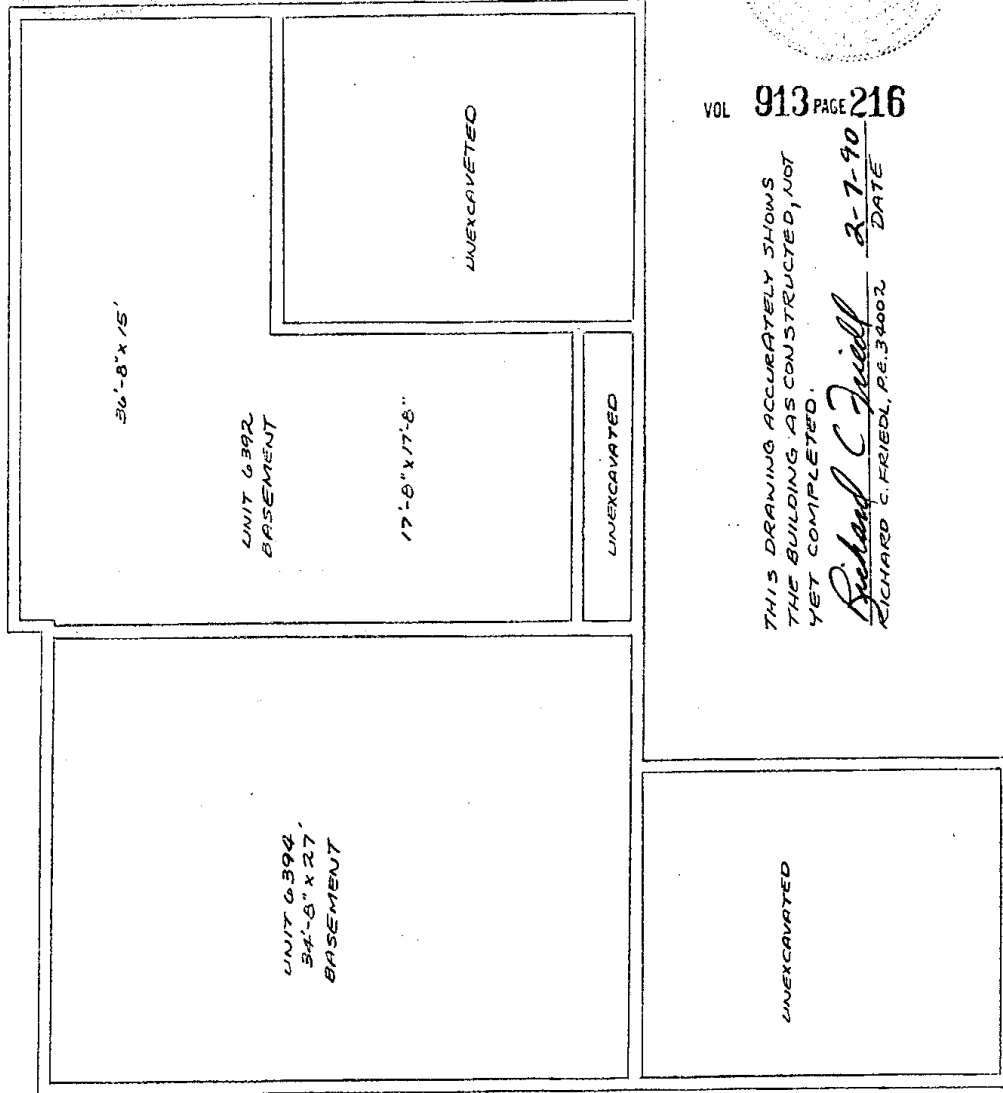
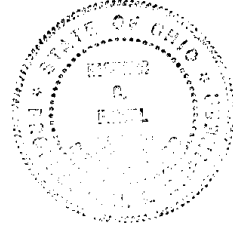


**POGMEYER DESIGN GROUP, INC.**

ENGINEERS ARCHITECTS PLANNERS  
3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 26/822-0715



EASTWOOD CONDOMINIUM  
FOUNDATION PLAN  
UNITS 6392 & 6394  
SCALE 1/8" = 1'-0"



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THIS DRAWING ACCURATELY SHOWS  
THE BUILDING AS CONSTRUCTED, NOT  
YET COMPLETED.

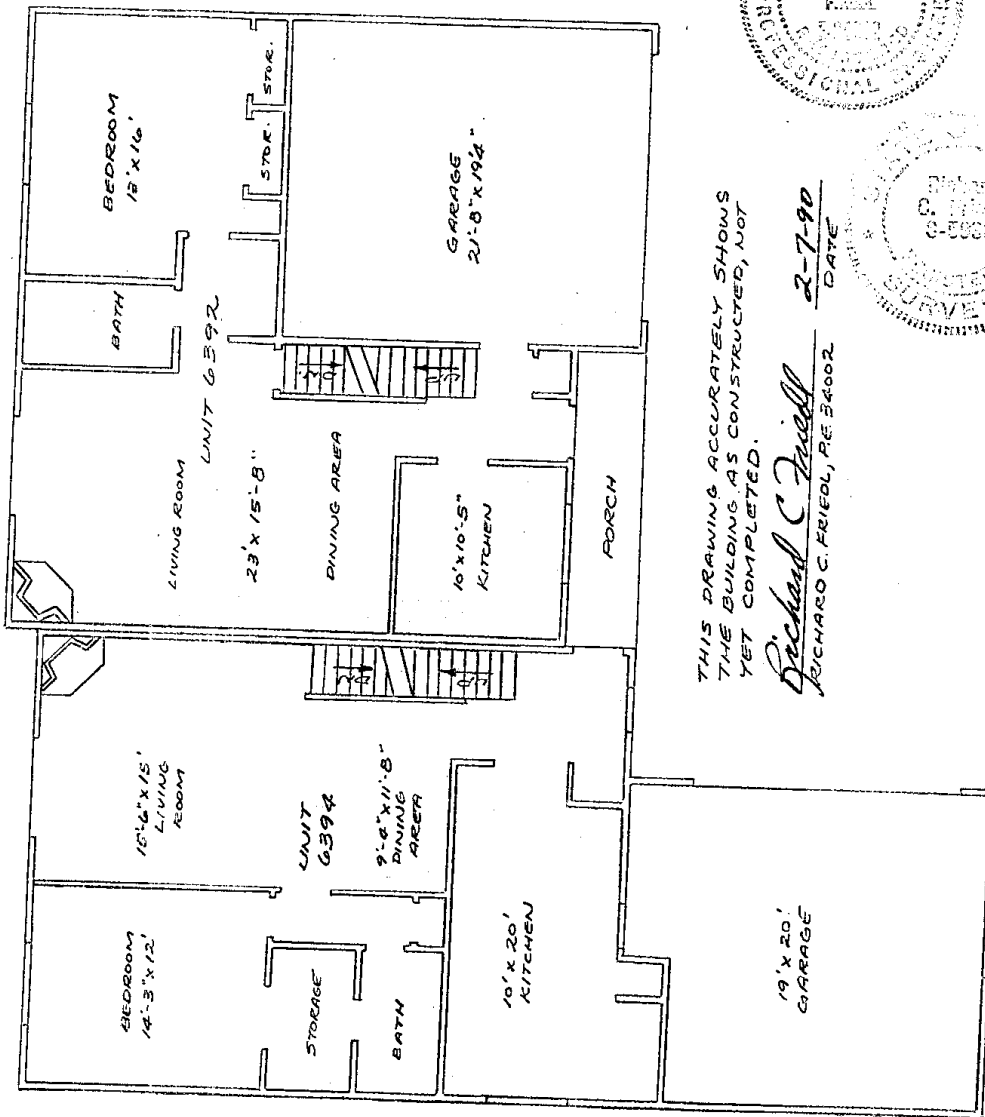
*Richard C. Friedl* 2-7-90  
RICHARD C. FRIEDL, P.E. 34002 DATE

POGGEMEYER DESIGN GROUP, INC.

ENGINEERS ARCHITECTS PLANNERS  
3721 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 204/832-9715



EASTWOOD CONDOMINIUM VOL 913 PAGE 217 Exhibit B-5  
 FIRST FLOOR PLAN  
 UNITS 6392 & 6394  
 SCALE 1/8" = 1'-0"



THIS DRAWING ACCURATELY SHOWS  
 THE BUILDING AS CONSTRUCTED, NOT  
 YET COMPLETED.

*Richard C. Friedl*  
 RICHARD C. FRIEDL, PE 54002

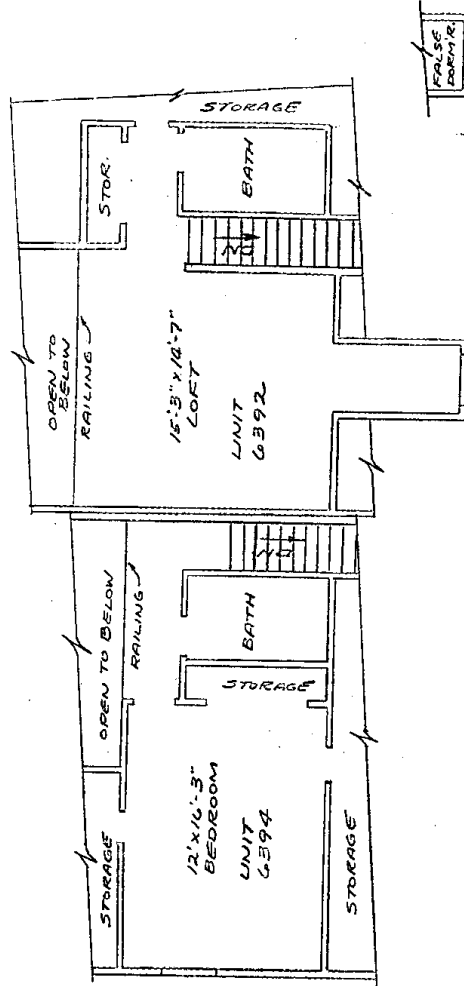
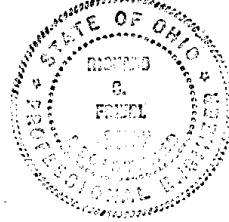
2-7-90 DATE



**POGGEMEYER DESIGN GROUP, INC.**  
 ARCHITECTS ENGINEERS PLANNERS  
 37th WALKER AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/32-9715



EASTWOOD CONDOMINIUM  
SECOND FLOOR PLAN  
UNITS 6392 & 6394  
SCALE 1/8" = 1'-0"



THIS DRAWING ACCURATELY SHOWS  
THE BUILDING AS CONSTRUCTED, NOT  
YET COMPLETED.

*Richard C. Friedl* 2-7-90 DATE  
RICHARD C. FRIEDL, P.E. 34002

**POGGEMEYER DESIGN GROUP, INC.**  
ENGINEERS ARCHITECTS PLANNERS  
3751 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/532-9710



Description of Residential Building

The building is a story and a half design, with two separate attached, two car garages. There is a covered front porch area, which serves both units.

There is a full basement which is divided into the units contained in the building. It is constructed of 8" block.

The building is constructed of wood frame, with vinyl or aluminum exterior siding. The roof is asphalt or fiberglass shingles.

Description of Units

Unit number 6394 is a story and a half unit containing 1388 square feet of finished living area. This unit contains a kitchen, living/dining area, one bedroom and a full bath on the first floor, and a bedroom and a full bath on the second floor. The first floor also contains a large closet with hookups for washer and dryer on the first floor. The unit has a full basement and, as Limited Common Area, a two car garage with direct access to the unit as shown on the drawings.

Unit number 6392 is a story and a half unit containing 1299 square feet of finished living area. The unit contains a kitchen, living/dining area, one bedroom and a full bath on the first floor, and a loft/bedroom and a full bath on the second floor. There is an unfinished storage area on the second floor providing an approximately additional 140 square feet of potential living area. The first floor also contains a large closet with hookups for washer and dryer on the first floor. The unit has a full basement and, as Limited Common Area, a two car garage with direct access to the unit as shown on the drawings.

The kitchen in both units has a range, hood, dishwasher, and garbage disposal. Both units have a gas fireplace in the living room. Adjacent to the back of each unit is an area designated as limited common area and is to be used exclusively by occupants of said unit. This area is 18 feet by 15 feet. There may be a wooden deck in this area.

Percentage of Ownership of Common Area

The revised percentage of interest in the Common Area of each unit owner is as follows:

<u>Unit</u>	<u>Percentage Interest in Common Area</u>
6434	12.5%
6436	12.5%
6460	12.5%
6462	12.5%
6470	12.5%
6472	12.5%
6394	12.5%
6392	12.5%
	-----
	100.0%

## EXHIBIT F

EASEMENTS, RIGHTS OF WAY, LEASES AND MORTGAGES OF RECORD

Oil and Gas Lease to H. P. Nuhlbach, received for record September 30, 1929, recorded in Volume 41, Page 243 of the Stark County, Ohio, Records.

Easement to The Ohio Bell Telephone Company received for record October 5, 1981, recorded in Volume 4359, Page 872, of the Stark County, Ohio, Records.

Easement to Ohio Power Company received for record September 8, 1982, recorded in Volume OR 49, Page 255, of the Stark County, Ohio, Records.

Supplemental Gas Storage Agreement to East Ohio Gas Company, received for record May 7, 1943, and recorded in Volume 1408, Page 100, of the Stark County, Ohio, Records.

All matters set forth on Plat of Strawberry Fields Allotment No. 1, located in Stark County, Ohio, received for record and recorded in Plat Book Volume 50, Page 188 of the Stark County, Ohio Plat Records.



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EXHIBIT G

Description of Additional Property For  
Eastwood Condominium

Known as and being Lot Nos. 1 through 12, and Lot Nos. 14, 15, 19, 20 and 21 in Strawberry Fields, a subdivision in the Northeast Quarter of Section 14 (T-11, R-18), Plain Township, Stark County, Ohio, as the same is recorded in Plat Book 50, Page 118, of the Stark County Plat Records.