

239

015728

FIFTH AMENDMENT TO

VOL 1050 PAGE 750

DECLARATION OF

CONDOMINIUM OWNERSHIP

UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO

FOR

EASTWOOD CONDOMINIUM

May 5th, 1991

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

Janet Weir Croughton
Auditor of Stark County, Ohio

This instrument prepared by:

Bruce M. Soares, Esq.
Black, McCuskey, Souers & Arbaugh
1000 United Bank Plaza
Canton, Ohio 44702
Telephone: (216) 456-8341

INDEX	2
DESCR	2
C-REF	
CLASS	WD

RECORDED THIS DATE
JANE VIENOS
STARK COUNTY RECORDER
91 MAY -7 PH 2:21
FEE 50.00

FIFTH AMENDMENT TO DECLARATION OF EASTWOOD CONDOMINIUM VOL 1050 PAGE 751

This Fifth Amendment to the Declaration of Eastwood Condominium made this 25TH day of April, 1991, 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 heretofore executed a First Amendment to Declaration of Condominium Ownership, dated March 5, 1990, and recorded in Volume 913, Page 207 of the Stark County Records; and

WHEREAS, Declarant has heretofore executed a Second Amendment to Declaration of Condominium Ownership, dated May 14, 1990, and recorded in Volume 933, Page 883 of the Stark County Records; and

WHEREAS, Declarant has heretofore executed a Third Amendment to Declaration of Condominium Ownership, dated July 25, 1990, and recorded in Volume 963, Page 47 of the Stark County Records; and

WHEREAS, Declarant has heretofore executed a Fourth Amendment to Declaration of Condominium Ownership, dated September 25, 1990, and recorded in Volume 979, Page 694 of the Stark County Records; and

WHEREAS, Declarant has now determined to add another 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" and also includes the parcels described in Exhibit A of the First Amendment to the Declaration, in Exhibit A of the Second Amendment to the Declaration, in Exhibit A of the Third Amendment to the Declaration, in Exhibit A of the Fourth Amendment to the Declaration and in Exhibit A of the Fifth Amendment to the Declaration.

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

Building Description. There are eleven 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 of the Declaration, Exhibit C of the First Amendment to the Declaration, Exhibit C of the Second Amendment to the Declaration, Exhibit C of the Third Amendment to the Declaration, Exhibit C of the Fourth Amendment to the Declaration and Exhibit C of the Fifth 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 6380, 6382, 6386, 6388, 6392, 6394, 6406, 6408, 6420, 6422, 6434, 6436, 6460, 6462, 6470, 6472, 6482, 6484, 6471, 6473, 6483 and 6485". Unit locations and designations are shown on the Drawings attached hereto as Exhibit B, on the drawings attached to the First Amendment as Exhibit B, on the drawings attached to the Second Amendment as Exhibit B, on the drawings attached to the Third Amendment as Exhibit B, on the drawings attached to the Fourth Amendment as Exhibit B and on the drawings attached to the Fifth Amendment as Exhibit B.

Section 2. Description of Units.

(a) Units. For a description of each Unit, see Exhibit D attached hereto and the drawings attached hereto, see Exhibit D to the First Amendment and the drawings attached thereto, see Exhibit D to the Second Amendment and the drawings attached thereto, see Exhibit D to the Third Amendment and the drawings attached thereto, see Exhibit D to the Fourth Amendment and the drawings attached thereto and see Exhibit D to the Fifth Amendment and the drawings attached thereto.

4. Article VI. Common and Limited Common Areas is hereby amended by replacing the first sentence in Section 3 thereof with the following:

Section 3. Percentage of Ownership. The percentage of interest in the Common Areas of each Unit is shown on Exhibit E of the Fifth Amendment to the Declaration.

The remainder of Section 3 is unchanged hereby.

5. Exhibit C to the Declaration shall mean Exhibit C as amended from time to time. Exhibit C to the Declaration, Exhibit C to the First Amendment, Exhibit C to the Second Amendment, Exhibit C to the Third Amendment, and Exhibit C to the Fourth Amendment are hereby amended to include the description contained in Exhibit C to this Fifth Amendment.

6. Exhibit D to the Declaration shall mean Exhibit D as amended from time to time. Exhibit D to the Declaration, Exhibit D to the First Amendment, Exhibit D to the Second Amendment, Exhibit D to the Third Amendment and Exhibit D to the Fourth Amendment are hereby amended to include the description contained in Exhibit D to this Fifth 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, Exhibit E to the First Amendment, Exhibit E to the Second Amendment, Exhibit E to the Third Amendment and Exhibit E to the Fourth Amendment are hereby deleted and replaced with Exhibit E to this Fifth Amendment.

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

9. Exhibit G of the Declaration, Exhibit G to the First Amendment, Exhibit G to the Second Amendment, Exhibit G to the Third Amendment and Exhibit G to the Fourth Amendment are hereby deleted and replaced with Exhibit G to this Fifth Amendment.

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 25 day of April, 1991.

Signed and acknowledged in the presence of:

[Signature]
[Signature]

LEMMON-LEACH, INC.

By: [Signature]
Robert P. Leach, President
DECLARANT

STATE OF OHIO, STARK COUNTY, SS:

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 25TH day of April, 1991.

[Signature]
Notary Public

BMS:Regal:fifth:AD3

LISA E. LEECH
Notary Public, State of Ohio
My Commission Expires 09/30/1995
Recorded in Stark County

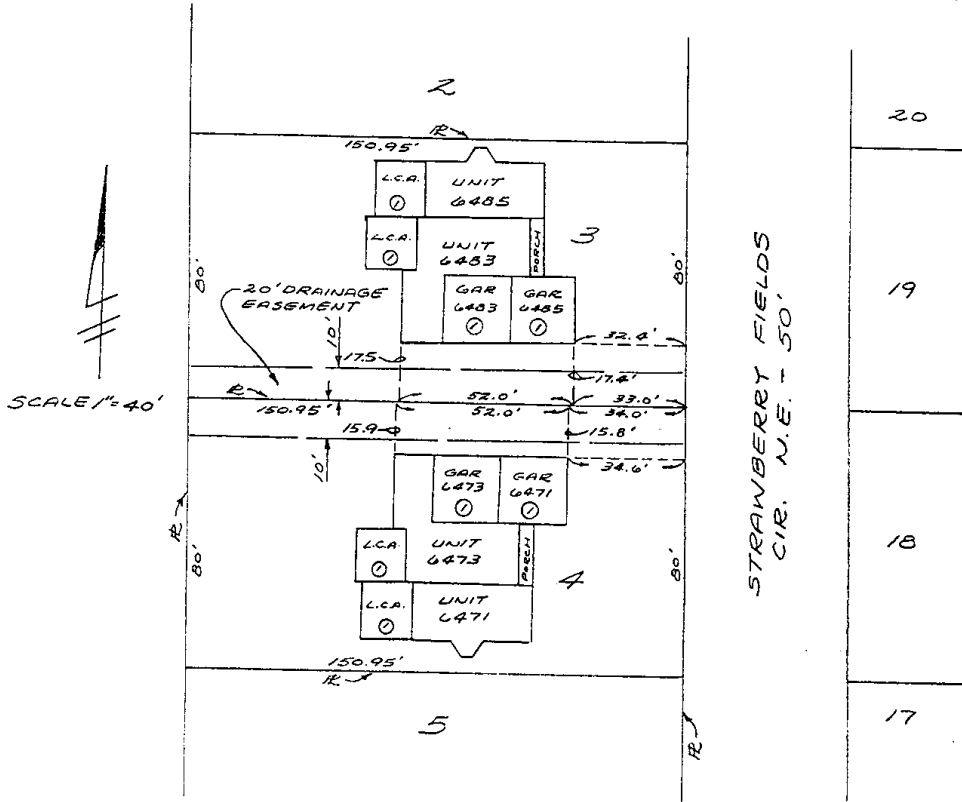
EXHIBIT A

Description of Land For
Eastwood Condominium

Known as and being Lots Three (3) and Four (4) 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
 LOTS 3 AND 4, STRAWBERRY FIELDS
 A SUBDIVISION IN THE N.E. QTR. SEC. 14
 PLAIN TOWNSHIP (T-11, R-8), STARK COUNTY, OHIO
 PLAT RECORDED IN R.B. 50, P. 118

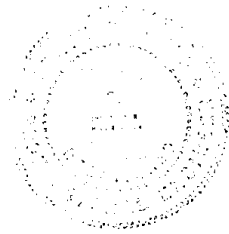
VOL 1050 PAGE 756



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

I HEREBY CERTIFY THAT THIS DRAWING
 ACCURATELY SHOWS THE BUILDINGS
 AS CONSTRUCTED.

Richard C Friedl 1-18-91
 RICHARD C. FRIEDL, P.E. 34002 DATE

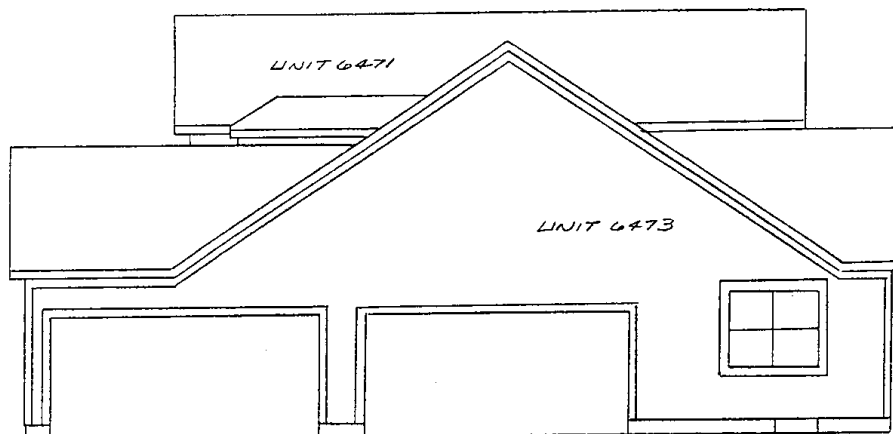


POGEMEYER DESIGN GROUP, INC.		
ENGINEERS	ARCHITECTS	PLANNERS
3751 WALES AVENUE N.W., SUITE A	MASSILLON, OHIO	PHONE 26/832-9715

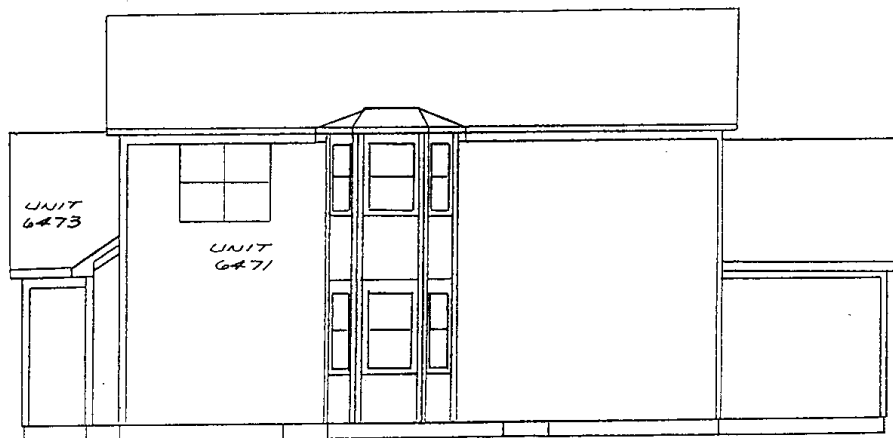


EASTWOOD CONDOMINIUM
RIGHT & LEFT SIDE ELEVATION
UNITS 6471 & 6473
SCALE 1/8"=1'-0"

EXHIBIT B-2
VOL. 1050 PAGE 758



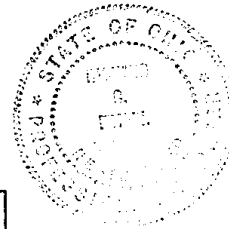
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

I HEREBY CERTIFY THAT THIS DRAWING
ACCURATELY SHOWS THE BUILDINGS
AS CONSTRUCTED.

Richard C. Friedl 1-18-91
RICHARD C. FRIEDL, P.E. 34602 DATE

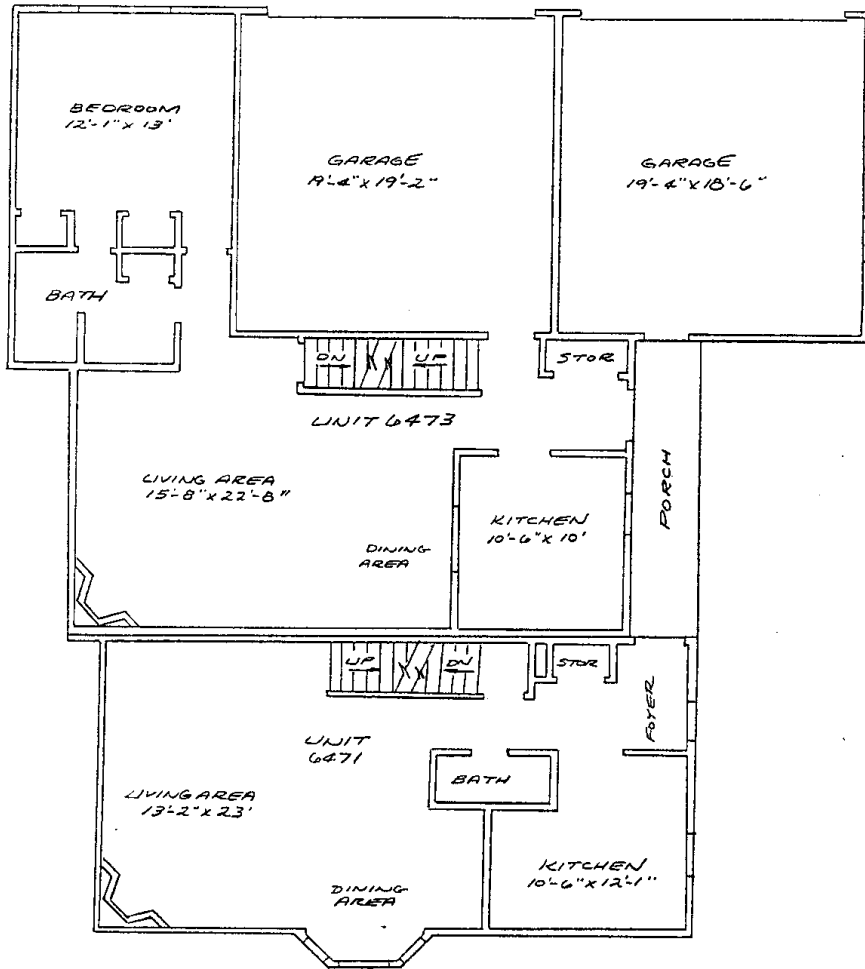


POGMEYER DESIGN GROUP, INC.		
ENGINEERS	ARCHITECTS	PLANNERS
3791 WALKER AVENUE N.W. SUITE A	MASSILLON, OHIO	PHONE 268/32-9715



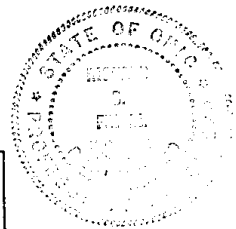
EASTWOOD CONDOMINIUM
 FIRST FLOOR ELEVATION
 UNITS 6471 & 6473
 SCALE 1/8" = 1'-0"

EXHIBIT B-3
 VOL 1050 PAGE 759



I HEREBY CERTIFY THAT THIS DRAWING
 ACCURATELY SHOWS THE BUILDINGS
 AS CONSTRUCTED.

Richard C. Friedl 1-18-91
 RICHARD C. FRIEDL, P.E. 34002 DATE



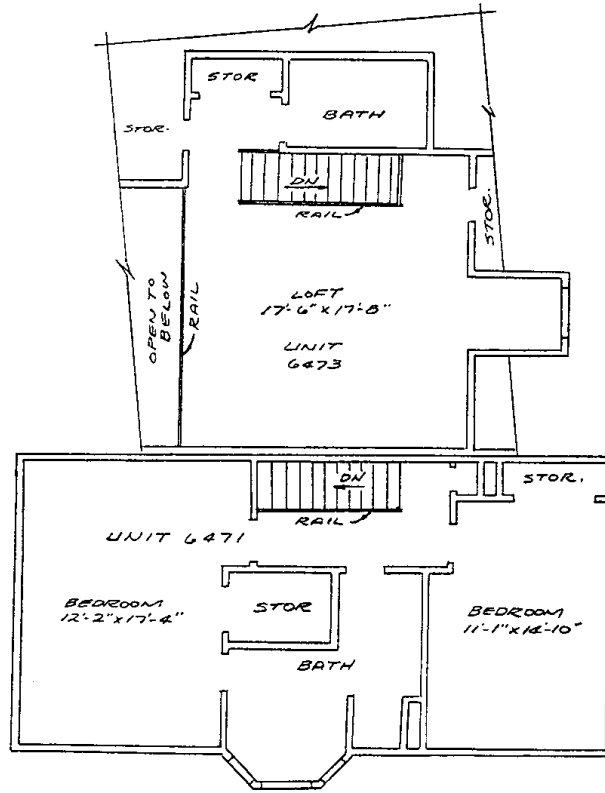
POGGMAYER DESIGN GROUP, INC.
 ENGINEERS ARCHITECTS PLANNERS
 3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/332-9715



EASTWOOD CONDOMINIUM
 SECOND FLOOR PLAN
 UNITS 6471 & 6473
 SCALE 1/8" = 1'-0"

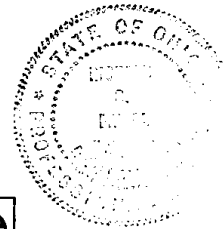
EXHIBIT B-4

VOL 1050 PAGE 760



I HEREBY CERTIFY THAT THIS DRAWING
 ACCURATELY SHOWS THE BUILDINGS
 AS CONSTRUCTED.

Richard C. Friedl 1-18-91
 RICHARD C. FRIEDL, P.E. 34002 DATE

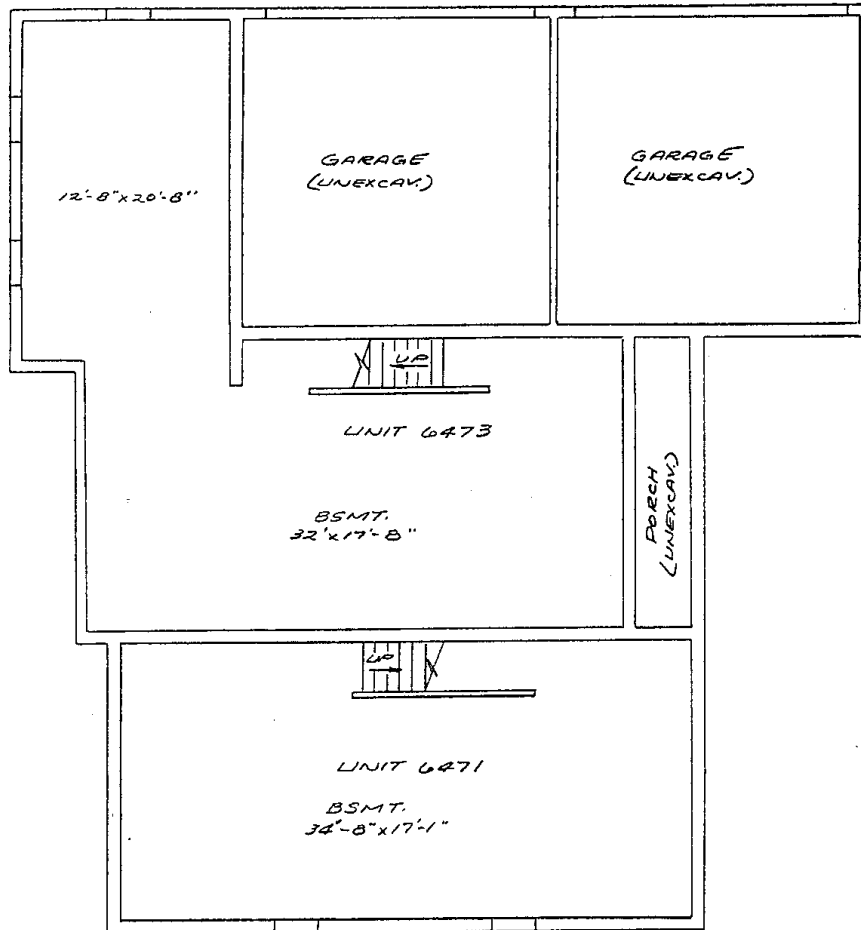


POGGEMEYER DESIGN GROUP, INC.
 ENGINEERS ARCHITECTS PLANNERS
 3791 WALES AVENUE N.W., SUITE A MASSILLON, OHIO PHONE 266/832-9710



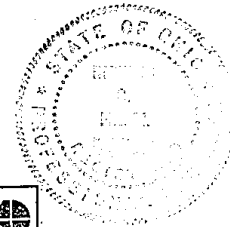
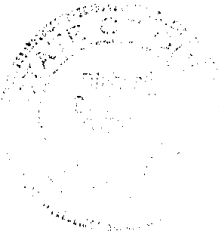
EASTWOOD CONDOMINIUM
 BASEMENT PLAN
 UNITS 6471 & 6473
 SCALE 1/8" = 1'-0"

EXHIBIT B-5
 VOL 1050 PAGE 761



I HEREBY CERTIFY THAT THIS DRAWING
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Richard C. Friedl 1-18-91
 RICHARD C. FRIEDL, P.E. 34602 DATE

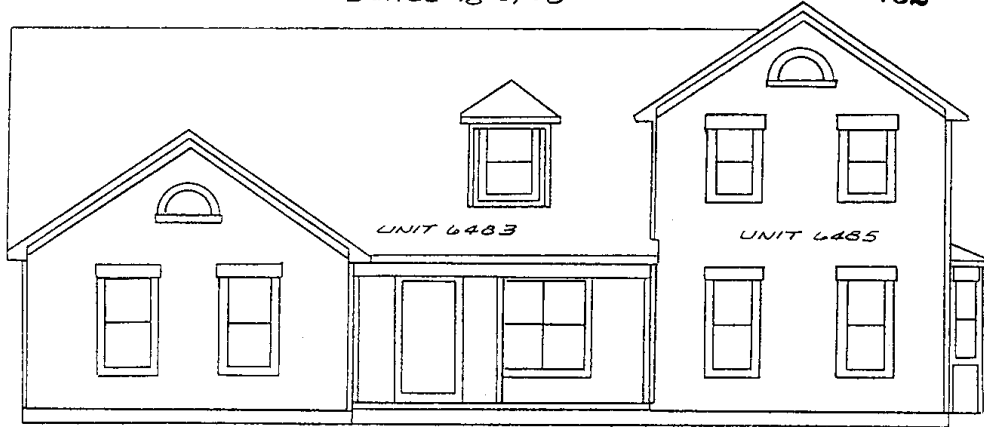


POGGEMEYER DESIGN GROUP, INC.
 ENGINEERS ARCHITECTS PLANNERS
 3791 WALKER AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/832-9715

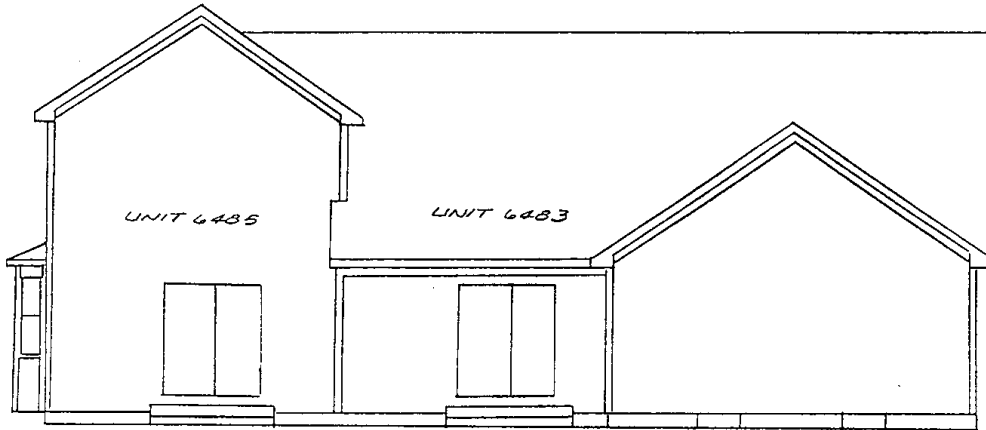


EASTWOOD CONDOMINIUM
FRONT & REAR ELEVATION
UNITS 6483 & 6485
SCALE 1/8" = 1'-0"

EXHIBIT B-6
VOL 1050 PAGE 762



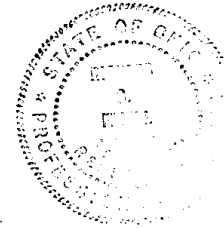
FRONT ELEVATION



REAR ELEVATION

I HEREBY CERTIFY THAT THIS DRAWING
ACCURATELY SHOWS THE BUILDINGS
AS CONSTRUCTED.

Richard C. Friedl 1-18-91
RICHARD C. FRIEDL, P.E. 34002 DATE



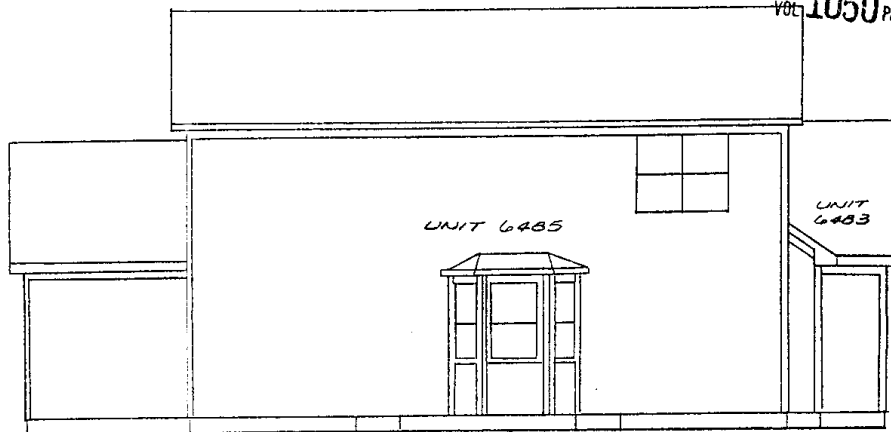
POGGEMEYER DESIGN GROUP, INC.
ENGINEERS ARCHITECTS PLANNERS
3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 26/832-9715



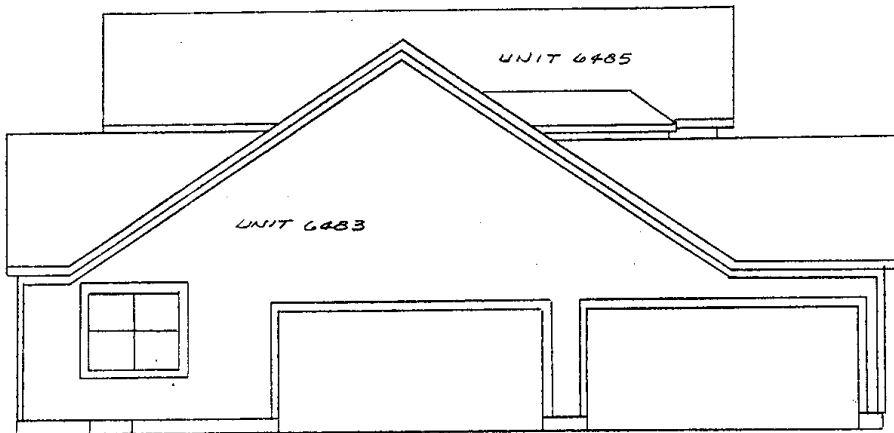
EASTWOOD CONDOMINIUM
RIGHT & LEFT SIDE ELEVATION
UNITS 6483 & 6485
SCALE 1/8" = 1'-0"

EXHIBIT B-7

VOL. 1050 PAGE 763



RIGHT SIDE ELEVATION

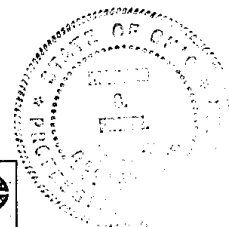


LEFT SIDE ELEVATION

I HEREBY CERTIFY THAT THIS DRAWING
ACCURATELY SHOWS THE BUILDINGS
AS CONSTRUCTED.

Richard C. Friedl 1-18-91
RICHARD C. FRIEDL, P.E. 34002 DATE

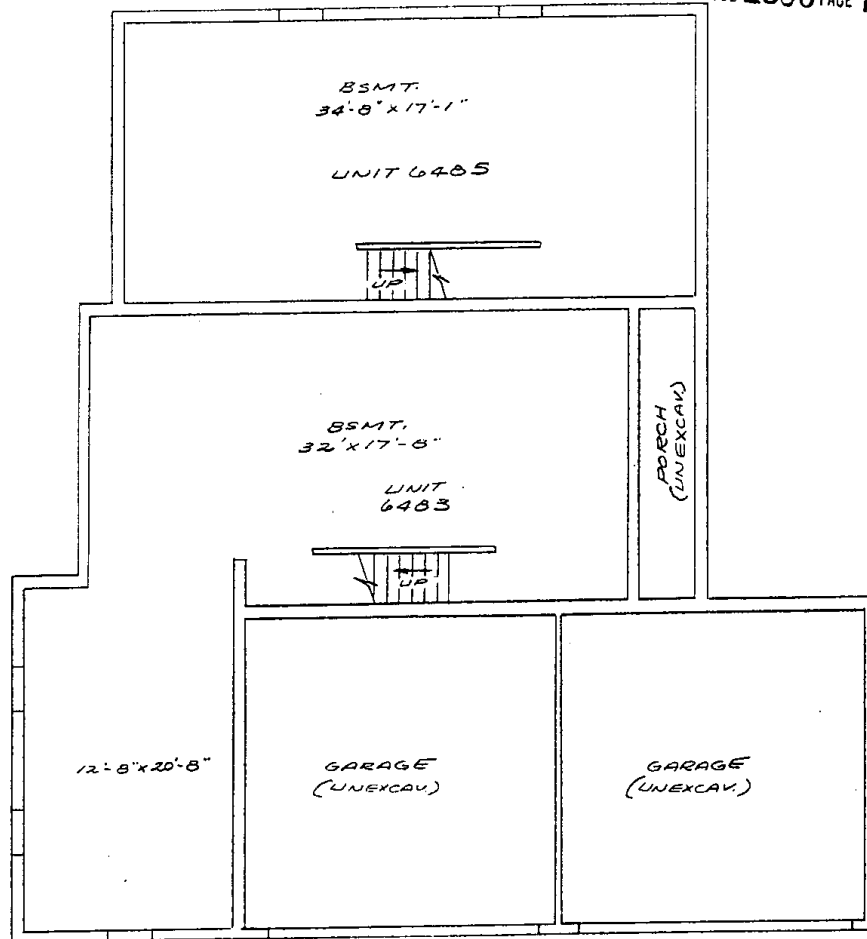
POGGEMEYER DESIGN GROUP, INC.
ENGINEERS ARCHITECTS PLANNERS
3791 WALS AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/832-9710



EASTWOOD CONDOMINIUM
BASEMENT PLAN
UNITS 6483 & 6485
SCALE 1/8" = 1'-0"

EXHIBIT B-8

VOL 1050 PAGE 764



I HEREBY CERTIFY THAT THIS DRAWING
ACCURATELY SHOWS THE BUILDINGS
AS CONSTRUCTED.

Richard C. Friedl 1-18-91
RICHARD C. FRIEDL, P.E. 34002 DATE

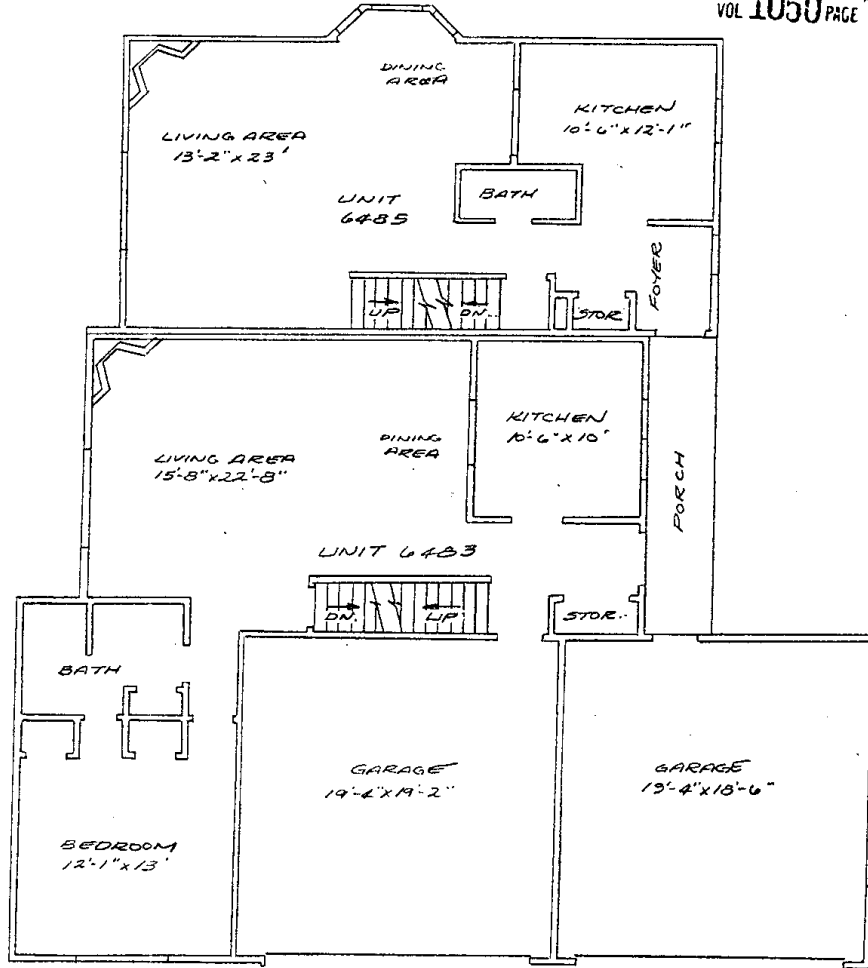
POGGEMEYER DESIGN GROUP, INC.
ENGINEERS ARCHITECTS PLANNERS
3791 WALE'S AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/832-9715



EASTWOOD CONDOMINIUM
 FIRST FLOOR PLAN
 UNITS 6483 & 6485
 SCALE 1/8" = 1'-0"

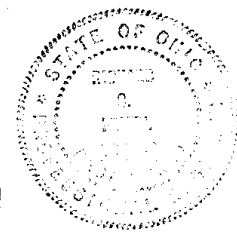
EXHIBIT B-9

VOL 1050 PAGE 765



I HEREBY CERTIFY THAT THIS DRAWING
 ACCURATELY SHOWS THE BUILDINGS
 AS CONSTRUCTED.

Richard C. Friedl 1-18-91
 RICHARD C. FRIEDL, P.E. 34002 DATE



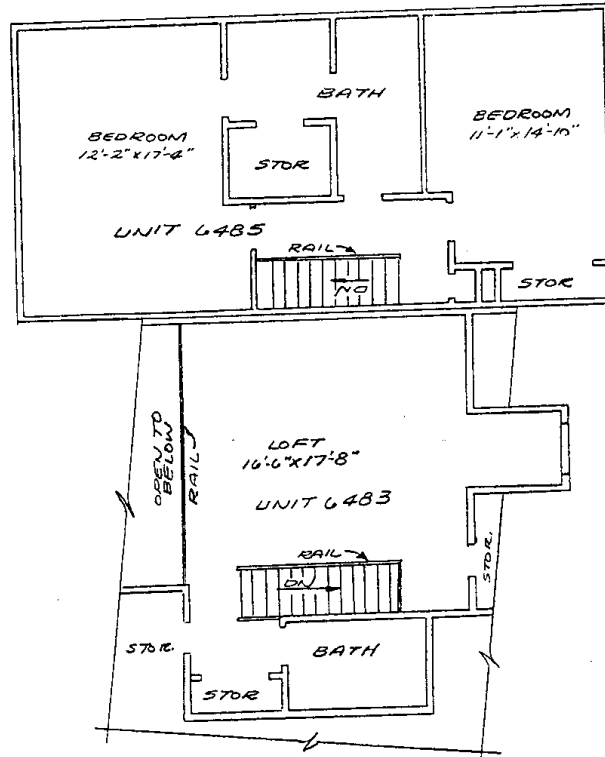
POGGEMEYER DESIGN GROUP, INC.
 ENGINEERS ARCHITECTS PLANNERS
 3791 WALES AVENUE N.W., SUITE A MASSILLON, OHIO PHONE 261/832-9715



EASTWOOD CONDOMINIUM
SECOND FLOOR PLAN
UNITS 6483 & 6485
SCALE 1/8" = 1'-0"

EXHIBIT B-10

VOL 1050 PAGE 766



I HEREBY CERTIFY THAT THIS DRAWING
ACCURATELY SHOWS THE BUILDINGS
AS CONSTRUCTED.

Richard C. Friedl 1-18-91
RICHARD C. FRIEDL, P.E. 34002 DATE



POGGEMEYER DESIGN GROUP, INC.
ENGINEERS ARCHITECTS PLANNERS
3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 261/832-8715



EXHIBIT C

Description of Residential Building

The buildings each have a two story unit attached to a story and a half unit. There is a separate two-car garage for each unit. The garages will be serviced by a concrete party driveway.

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

The buildings are constructed of wood frame, with vinyl and aluminum exterior siding. The roofs are asphalt or fiberglass shingles.

Description of Units

Unit numbers 6483 and 6473 are story and a half units, each containing 1336 square feet of living area. These units contain a kitchen, dining area, living room, bedroom and a full bath on the first floor, and a full bath and bedroom on the second floor. These units have a two car garage attached to the unit, with direct access to the unit.

Unit numbers 6485 and 6471 are two story units containing 1348 square feet of living area. These units contain a kitchen, dining area, living room, and a 1/2 bath on the first floor and two bedrooms and full bath on the second floor. These units have a two car attached garage, with access to the units via the covered front porch area.

All units have a full basement.

The kitchens in all units have a range, hood, dishwasher, and garbage disposal. Each unit has a gas fireplace in the living room. Unit number 6471 has a whirlpool tub in the second floor bath.

Adjacent to the rear of each unit is an area designated as limited common area to be used exclusively by the occupants of said unit. This area is 18 feet by 15 feet.

These units will share a common driveway

EXHIBIT E

VOL 1050 PAGE 769

PERCENTAGE OF OWNERSHIP OF COMMON AREA

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

<u>Unit</u>	<u>Square Footage</u>	<u>Percentage Interest in Common Area</u>
6434	1224	4.545%
6436	1305	4.545%
6460	1305	4.545%
6462	1224	4.545%
6470	1224	4.545%
6472	1305	4.545%
6394	1388	4.545%
6392	1299	4.545%
6380	1350	4.545%
6382	1320	4.545%
6386	1320	4.545%
6388	1350	4.545%
6484	1296	4.545%
6482	1305	4.545%
6406	1316	4.545%
6408	1399	4.55%
6420	1316	4.545%
6422	1399	4.55%
6471	1348	4.545%
6473	1336	4.545%
6483	1336	4.545%
6485	1348	4.545%
		<hr/> 100%

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.

Sanitary Sewer Easement to Stark County, Ohio, received for record March 17, 1981, and recorded in Plat Book Volume 50, Page 104, 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.

Joint driveway easement covering a portion of Lot No. 14 and a part of Lot No. 15 of 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. This joint driveway easement is described on Exhibit A hereof.

Drainage easement, twenty (20) feet in width located along the common lot line between Lots 3 and 4 of Strawberry Fields Subdivision.

EXHIBIT G

Description of Additional Property For
Eastwood Condominium

Known as and being Lot Nos. 1 and 2, Lot Nos. 5 through 10, and Lot Nos. 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.