VOL 1060 PAGE 871

#### SIXTH AMENDMENT TO

## DECLARATION OF

## CONDOMINIUM OWNERSHIP

UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO

FOR

EASTWOOD CONDOMINIUM

019536

May 3/st , 1991

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

Auditor of Stark County John

This instrument prepared by:

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

MAY 31 AH 10: 30

INDEX
DESCP
C-REF
COUPD (ALC)

# SIXTH AMENDMENT TO DECLARATION OF EASTWOOD CONDOMINIUM

This Sixth Amendment to the Declaration of Eastwood Condominium made this 2872 day of May, 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 heretofore executed a Fifth Amendment to Declaration of Condominium Ownership, dated April 25, 1991, and recorded in Volume 1050, Page 750 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:

 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, in Exhibit A of the Fifth Amendment to the Declaration and in Exhibit A of the Sixth 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 twelve 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, Exhibit C of the Fifth Amendment to the Declaration and Exhibit C of the Sixth 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, 6485, 6461 and 6463. 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, on the drawings attached to the Fifth Amendment as Exhibit B, and on the drawings attached to the Sixth 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, see Exhibit D to the Fifth Amendment and the drawings attached thereto, and see Exhibit D to the Sixth 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 Sixth 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, Exhibit C to the Fourth Amendment, and Exhibit C to the Fifth Amendment are hereby amended to include the description contained in Exhibit C to this Sixth 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, Exhibit D to the Fourth Amendment, and Exhibit D to the Fifth Amendment are hereby amended to include the description contained in Exhibit D to this Sixth 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, Exhibit E to the Fourth Amendment, and Exhibit E to the Fifth Amendment are hereby deleted and replaced with Exhibit E to this Sixth
- 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, Exhibit G to the Fourth Amendment, and Exhibit G to the Fifth Amendment are hereby deleted and replaced with Exhibit G to this Sixth 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  $2\hbar\omega$  day of May, 1991.

Signed and acknowledged in the presence of  $\gamma$ 

LEMMON-LEACH, INC

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  $\underline{\mathcal{N}} c \nu$  day of May, 1991.

Notary Public

BMS:Regal:Sixth:AD6

LISA E. LEECH Notary Public. Siste of Ohio My Commission Expires (65, 28, 1995 Recorded in Stark County

# Description of Land For Eastwood Condominium

Known as and being Lot Five (5) 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.

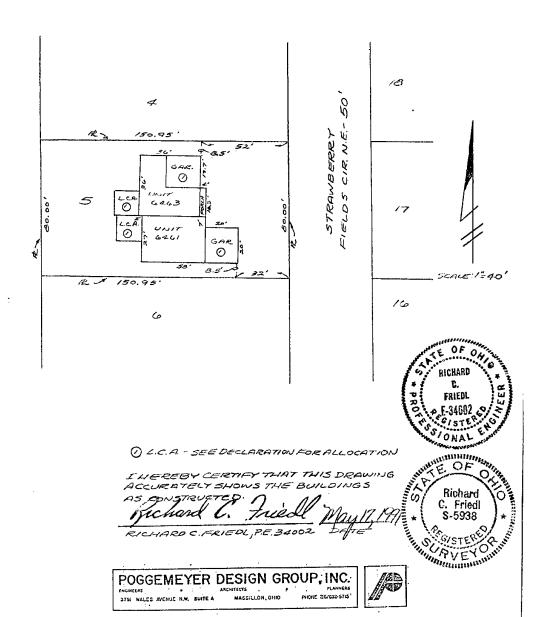
•

-,...--

EXHIBIT B

VOL 1060 PAGE 877

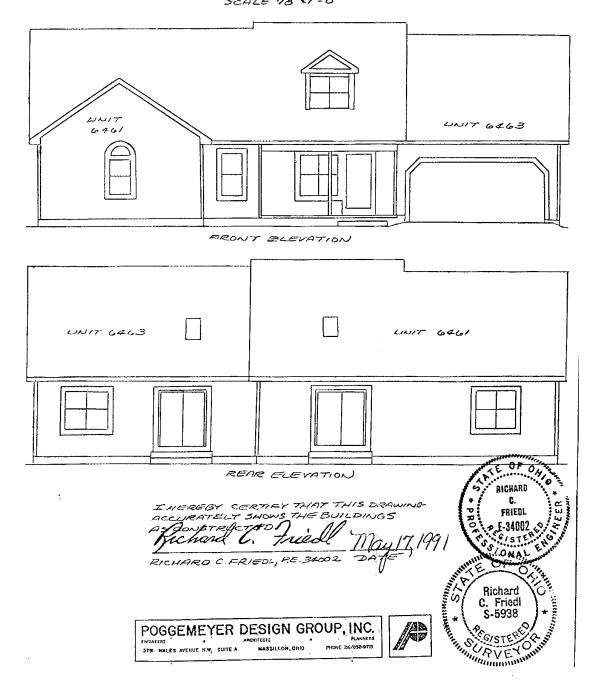
EASTWOOD CONDOMINIUM LOT 5, STRAWBERRY FIELDS VOL 1.
A SUBDIVISION IN THE N.E. QTR. SEC. 14
PLAIN TOWNSHIP (T-11, R-8), STARKCOUNTY, OHIO
PLATRECORDED IN R.B. 50, P. 116



EASTWOOD CONDOMINIUM
FRONT & REAR ELEVATION
UNITS 6461 & 6463
SCALE 1/6" = 1'-0"

EXHIBIT B-1

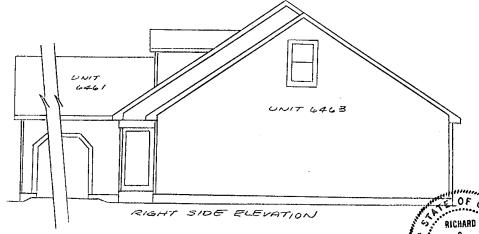
VOL 1060 PAGE 878



EASTWOOD CONDOMINIUM LEFT & RIGHT ELEVATION UNITS 6461 \$ 6463 SCALE "18" = 11-0"

EXHIBIT B-2

VOL 1060 PAGE 879 LEFT SIDE ELEVATION



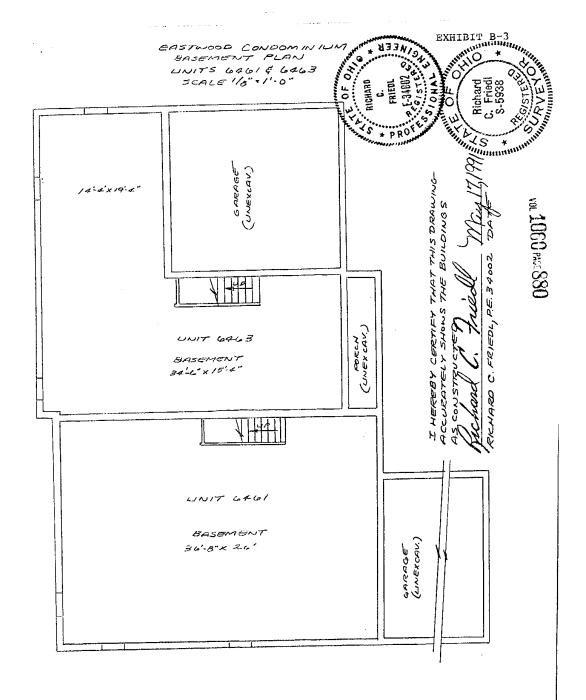
I HEREBY CERTIFY THAT THIS DRAWING ACCURATELY SHOWS THE BUILDINGS

POGGEMEYER DESIGN GROUP, INC.
REGINETED ARCHITECTS ANGULE A MASSILLON, OHIO PICOC 26/032-9715

Richard C. Friedl S-5938

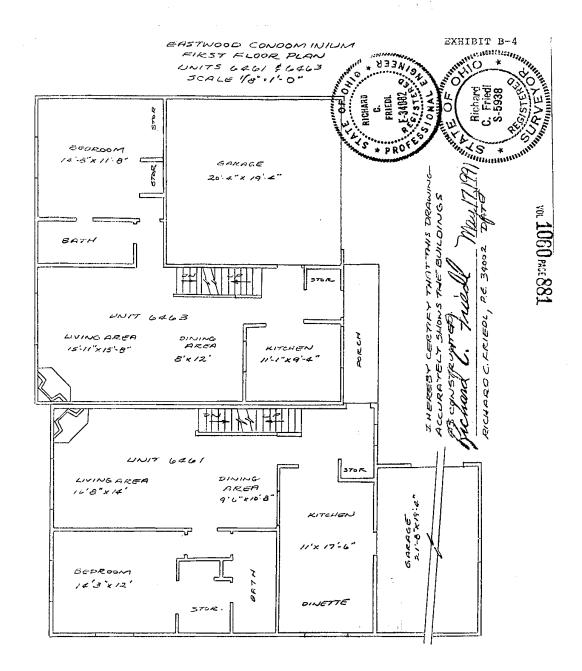
FRIEDL

P. E-34002



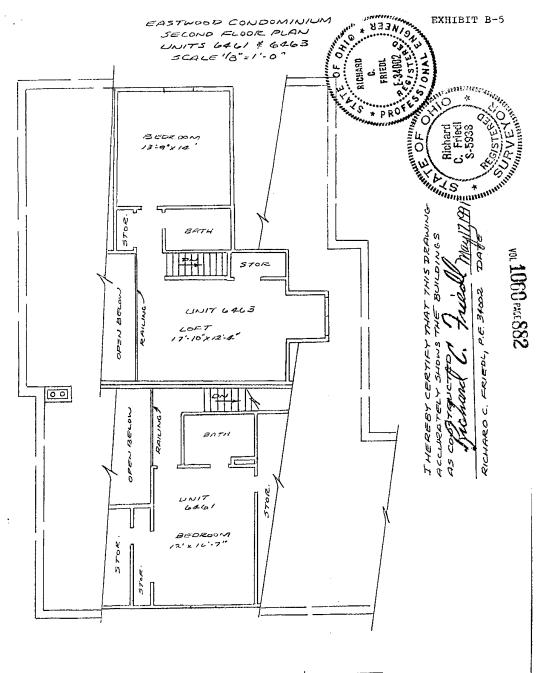
POGGEMEYER DESIGN GROUP, INC.

FAMILITE TO ADELLIES AVENUE N.W. SUITE A MASSILLON, ONIO PHONE 26/432-975



POGGEMEYER DESIGN GROUP, INC.
PRIGNETAR
3791 WALES AVENUE N.W. SUITE A MASSILLON, OHIO PHONE 20/032-9715





POGGEMEYER DESIGN GROUP, INC.

#### EXHIBIT C

# Description of Residential Building

The building consists of two attached story and a half units. 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 building is constructed of wood frame, with vinyl; and aluminum exterior siding. The roofs are asphalt or fiberglas shingles.

# EXHIBIT D

## Description of Units

Unit number 6461 is a story and a half unit, containing 1418 square feet of living area. This unit contains 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. This unit has a two car garage attached to the unit, with direct access to the unit.

Unit number 6463 is a story and a half unit, of a different design than unit 6461. It contains 1512 square feet of living area. There is a kitchen, dining area, living room, bedroom, and a full bath on the first floor and a full bath, bedroom, and a loft on the second floor.

Both units have a full basement.

The kitchens in both units have a range, hood, dishwasher, and garbage disposal. Each unit has a gas fireplace in the living room.

Adjacent to the rear of each unit is an area designed as limited common area to be used exclusively by the occupants of said unit. The area is  $18^{\prime}$  x  $15^{\prime}$ .

These units will share a common driveway.

EXHIBIT E
PERCENTAGE OF OWNERSHIP OF COMMON AREA

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

| owner is as follows | s:             | Percentage Interest |
|---------------------|----------------|---------------------|
| Unit                | Square Footage | in Common Area      |
| 6434                | 1224           | 4.138%              |
| 6436                | 1305           | 4.118%              |
| 6460                | 1305           | 4.118%              |
| 6462                | 1224           | 4.118%              |
| 6470                | 1224           | 4.118%              |
| 6472                | 1305           | 4.118%              |
| 6394                | 1388           | 4.118%              |
| 6392                | 1299           | 4.118%              |
| 6380                | 1350           | 4.118%              |
| 6382                | 1320           | 4.118%              |
| 6386                | 1320           | 4.118%              |
| 6388                | 1350           | 4.118%              |
| 6484                | 1296           | 4.118%              |
| 6482                | 1305           | 4.118%              |
| 6406                | 1316           | 4.118%              |
| 6408                | 1399           | 4.118%              |
| 6420                | 1316           | 4.118%              |
| 6422                | 1399           | 4.118%              |
| 6471                | 1348           | 4.118%              |
| 6473                | 1336           | 4.118%              |
| 6483                | 1336           | 4.118%              |
| 6485                | 1348           | 4.118%              |
| 6461                | 1418           | 4.702%              |
| 6463                | 1512           | 4.702%              |
|                     |                | 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

ıl litt

Known as and being Lot Nos. 1 and 2, Lot Nos. 6 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.