239

001794

EIGHTH AMENDMENT TO

DECLARATION OF

#### CONDOMINIUM OWNERSHIP

#### UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO

FOR

EASTWOOD CONDOMINIUM

January 15th, 1992

This is to certify that copies of the Eighth 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 Creichton Miditor 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



92 JAN 16 AT 8: 44

# EIGHTH AMENDMENT TO DECLARATION OF EASTWOOD CONDOMINIUM

This Eighth Amendment to the Declaration of Eastwood Condominium made this @ day of January, 1992, 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 heretofore executed a Sixth Amendment to Declaration of Condominium Ownership, dated May 31, 1991, and recorded in Volume 1060, Page 871 of the Stark County Records; and

WHEREAS, Declarant has heretofore executed a Seventh Amendment to Declaration of Condominium Ownership, dated September 16, 1991, and recorded in Volume 1110, Page 314 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 Sixth Amendment to the Declaration, in Exhibit A of the Sixth Amendment to the Declaration, in Exhibit A of the Seventh Amendment to the Declaration, and in Exhibit A of the Seventh Amendment to the Declaration, and in Exhibit A of the Eighth 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 fourteen 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, Exhibit C of the Sixth Amendment to the Declaration, Exhibit C of the Seventh Amendment to the Declaration, and Exhibit C of the Eighth Amendment to the Declaration, and Exhibit C of the Eighth Amendment to the

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, 6463, 6433, 6435, 6419 and 6421. 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 Fourth 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, on the drawings attached to the Sixth Amendment as Exhibit B, on the drawings attached to the Sixth Amendment as Exhibit B, and on the drawings attached to the Eighth Amendment as Exhibit B, and on the drawings attached to the Eighth Amendment as Exhibit B, and on the drawings attached to the Eighth Amendment as Exhibit B.

#### Section 2. Description of Units.

(a)  $\underline{\text{Units.}}$  For a description of each Unit, see the following:

Exhibit D attached to the Declaration and the drawings attached thereto, Exhibit D to the First Amendment and the drawings attached thereto, Exhibit D to the Second Amendment and the drawings attached thereto, Exhibit D to the Third Amendment and the drawings attached thereto, Exhibit D to the Fourth Amendment and the drawings attached thereto, Exhibit D to the Fifth Amendment and the drawings attached thereto, Exhibit D to the Sixth Amendment and the drawings attached thereto, Exhibit D to the Seventh Amendment and the drawings attached thereto, and Exhibit D to the Eighth 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 Eighth 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, Exhibit C to the Fifth Amendment and Exhibit C to the Sixth Amendment and Exhibit C to the Seventh Amendment are hereby amended to include the description contained in Exhibit C to this Eighth 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, Exhibit D to the Fifth Amendment, Exhibit D to the Sixth Amendment and Exhibit D to the Seventh Amendment are hereby amended to include the description contained in Exhibit D to this Eighth 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, Exhibit E to the Fifth Amendment, Exhibit E to the Sixth Amendment and Exhibit E to the Seventh Amendment are hereby deleted and replaced with Exhibit E to this Eighth 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, Exhibit G to the Fourth Amendment, Exhibit G to the Fifth Amendment, Exhibit G to the Sixth Amendment and Exhibit G to the Seventh Amendment are hereby deleted and replaced with Exhibit G to this Eighth 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  $\cancel{90}$  day of January, 1992.

Signed and acknowledged in the presence of:

UDOUG Bose

LEMMON-LEACH, INC.

Leach,

President

Robert P.

DECLARANT

VOL 1152 PAGE 521

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 <a href="#">910</a> day of January, 1992.

Notary Public

BMS:Regal:Seventh:AEO

💛 TOSA E. LEECH Rollery Public, State of Ohlo
My Commission Expires Jefs, 18, 1995
Recorded in Stark County

#### EXHIBIT A

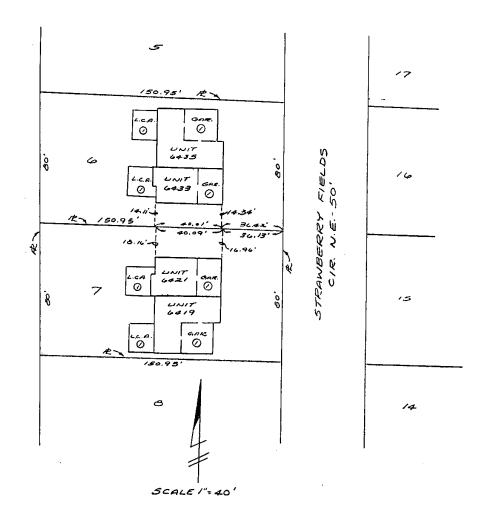
## Description of Land For Eastwood Condominium

Known as and being Lot Seven (7) 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.

VOL 1152 PAGE 523

EXHIBIT B

EASTWOOD CONDOMINIUM LOTS 6 \$7, 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. 59 R.118





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

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

Buchord (Fried) 12-30-91 EW.
RICHARD C. FRIEDL, PE. 34002 DATE





EASTWOOD CONDOMINIUM
FRONT & REAR ELEVATION
UNITS 6419 & 642/
SCALE '/8"=1'-0"

 $\text{vol } 1152 \, \text{page} \, 524$ 

EXHIBIT B-1







THE REBY CERTIFY THAT THIS DRAWING ALCURATELY SHOWS THE BUILDINGS

Geboral Priedle 12-30-91
RICHARD C. FRIEDL, P.E. 34002 DATE



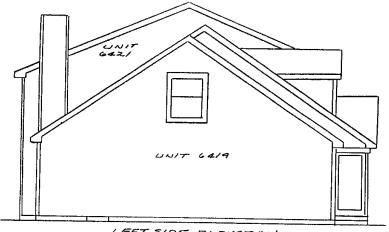
POGGEMEYER DESIGN GROUP, INC.
ARCHITECTS PLANNERS PLANNERS
5440 FULTON DR. N.W. SUITE 211 CANTON, OHIO 44718 (2161966-8808

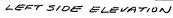


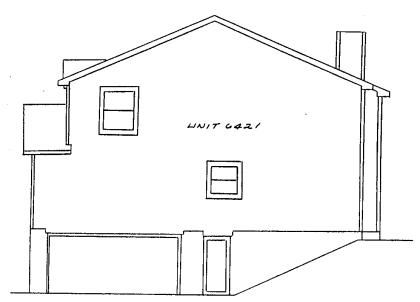
EASTWOOD CONDOMINIUM FRONT & REAR ELEVATION UNITS 6419 & 6421 SCALE 1/8"=1'-0"

VOL 1152 PAGE 525

EXHIBIT B-2







RIGHT SIDE ELEVATION



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

fried 12-30-91 DATE RICHARO C. FRIEDL, P.E. 34002

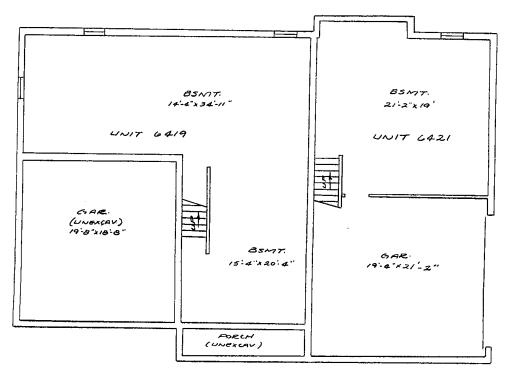


POGGEMEYER DESIGN GROUP, INC.
ARCHITECTS ENGINEERS PLANNERS
5440 FULTON OR. N.W. SUITE 211 CANTON, OHIO 44718 (2)61966-8806



EASTWOOD CONDOMINIUM
FOUNDATION PLAN
UNITS 6419 £ 642,1
SCALE '/8'=1'-0"

VOL **1152** PAGE **526**EXHIBIT B-3



FOUNDATION PLAN



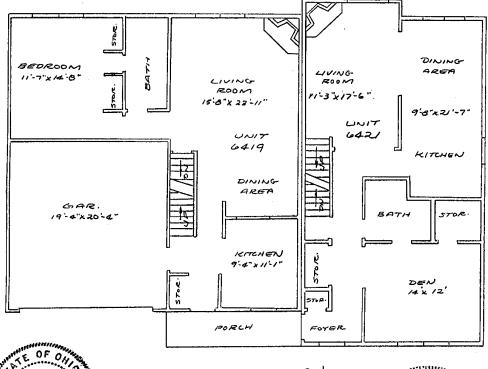
I HEREBY CERTIFY THAT THIS DRAWING-ACCURATELY SHOWS THE BUILDINGS AS CONSTRUCTED, NOT YET COMPLETED.

Fichard ( Triell 12-30-91



POGGEMEYER DESIGN GROUP, INC.
ARCHITECTS . ENGINEERS . PLANNERS
5440 FULTON DR. N.W. SUITE 211 CANTON, OHIO 44718 (216)966-8808







FIRST FLOOR PLAN



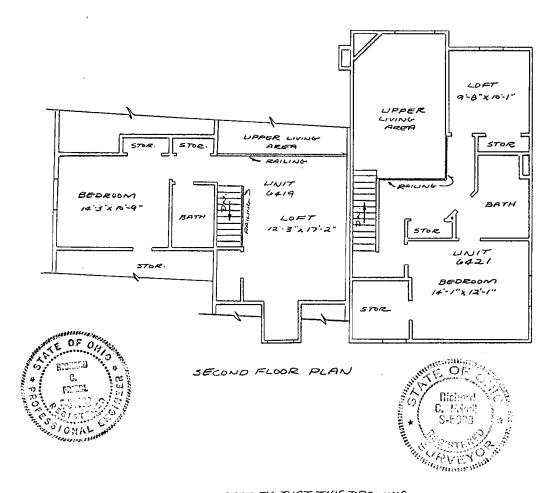
I HEREBY CERTIFY THAT THIS DRAWING ACCURATELY SHOWS THE BUILDINGS AS CONSTRUCTED.

Butano C. FRIEDL, P.E. 34002

12-30-91



EXHIBIT B-5



I HEREBY CERTIFY THAT THIS DRAWING ACCURATELY SHOWS THE BUILDINGS ASCONSTRUCTED.

Sichael ( Fried) 12-30-71
SICHARD C FRIEDL, PE 34002 DATE

POGGEMEYER DESIGN GROUP, INC.
ARCHITECTS ENGINEERS PLANNERS
5440 FULTON DR. N.W. SUITE 211 CANTON; OHIO 44718 12161966-8808



#### EXHIBIT C

#### Description of Residential Building

One residential building is being added to the Condominium. The building has two units, one of which is a story and a half design with an attached two car garage and the other is a two story unit, with a basement garage.

The story and a half designed unit has a full basement. The two story unit has a full basement part of which is a garage. The basements are separated by a wall of 8" block.

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

#### Description of Units

Unit 6419 is a story and a half unit, containing 1481 square feet of living area. The unit contains a kitchen, dining area, living room, bedroom and a full bath on the first floor, and a bedroom, full bath and loft on the second floor. This unit has a full basement with laundry hookups. The unit has a two car garage with direct access to the unit.

Unit 6421 is a two story unit, containing 1515 square feet of living area. This unit contains a kitchen/dining area, living room, bedroom, full bath, and laundry hookups on the first floor, and a bedroom, full bath, and loft on the second floor.

The garage is located in the basement of this unit, with direct access to the unit. There is also a utility area or a potential recreation room on the basement level.

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

Adjacent to the back of each unit is an area designated as limited common area and is used exclusively by occupants of said unit. This area is approximately 18' by 15'. There may be a wooden deck in this area.

Units 6419 and 6421 have a common front porch.

Unit 6419 will have a private driveway. Unit 6421 will have a common driveway with Unit 6433.

EXHIBIT E

# PERCENTAGE OF OWNERSHIP OF COMMON AREA

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

wner is as follows:		
		Percentage Interest
<u>Unit</u>	Square Footage	in Common Area
6434	1224	3.466%
6436	1305	3.466%
6460	1305	3.466%
6462	1224	3.466%
6470	1224	3.466%
6472	1305	3.466%
6394	1388	3.466%
6392	1388	3.466%
6380	1350	3.466%
6382	1320	3.466%
6386	1320	3.466%
6388		
	1350	3.466%
6484	1296	3.466%
6482	1305	3.466%
6406	1316	3.466%
6408	1399	3.466%
6420	1316	3.466%
6422	1399	3.466%
6471	1348	3.466%
6473	1336	3.466%
6483	1336	3.466%
6485	1348	3.466%
6461	1418	3.958%
6463	1512	3.958%
6433	1515	3.958%
6435	1481	3.958%
6419	1481	3.958%
6421	1515	3.958%
		1009

100%

# 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.

Joint driveway easement covering a portion of Lot 6 and a part of Lot 7 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 easement is appurtenant to Unit No. 6433 and Unit No. 6421.

VOL 1152 PAGE 533

### EXHIBIT G

# Description of Additional Property For Eastwood Condominium

Known as and being Lot Nos. 1 and 2, Lot Nos. 8 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.