

SIXTH AMENDMENT TO AMENDED DECLARATION
OF CONDOMINIUM OWNERSHIP

FOR WINSLOW ESTATES CONDOMINIUMS

AURORA, OHIO ✓

PHASE NO. VI

ADDING UNIT NO. 65

AND CORRECTING THE UNIT ADDRESS
OF UNIT NO. 66

This will certify that copies of this Sixth Amendment to the Amended Declaration of Condominium Ownership for Winslow Estates Condominiums and the Drawings referred to therein, have been filed in the office of the County Auditor, Portage County, Ohio.

Date: JUL 31 2003, 2003

Portage County Auditor

By: Janet Esposito 
Deputy Auditor

Plat 2003-53

THIS INSTRUMENT PREPARED BY:

RICHARD A. ROSNER, ATTORNEY AT LAW
KAHN KLEINMAN, A LEGAL PROFESSIONAL ASSOCIATION
2600 ERIEVIEW TOWER
1301 EAST NINTH STREET
CLEVELAND, OHIO 44114-1824
TEL: (216) 696-3311

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CLEVELAND, OHIO 44114-1824
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SIXTH AMENDMENT TO
THE AMENDED DECLARATION OF CONDOMINIUM OWNERSHIP
FOR WINSLOW ESTATES CONDOMINIUMS

AURORA, OHIO

(PHASE NO. VI)

WHEREAS, Ohio Land Development (Aurora), Inc., an Ohio corporation, hereinafter referred as "Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") with the Bylaws attached thereto, and Drawings incorporated by reference therein, on April 28, 1997 with the Portage County Recorder, the Declaration being recorded as Recorder's Instrument Number 9708618, O.R. Volume 192, Page 979, et seq. of Portage County Records and the Drawings being recorded in Plat Volume 97-29 of Portage County Condominium Map Records and thereby submitted Phase No. I of Winslow Estates Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code (the Condominium Property Act); and

WHEREAS, Declarant, recorded Amended Declaration of Condominium Ownership ("Amended Declaration") on February 20, 1998 with the Portage County Recorder in O.R. Volume 272, Page 108, et seq. of Portage County Records and the amended Drawings in Plat Volume 98-10 of Portage County Condominium Map Records for the purpose of correcting the Declaration and thereby resubmitted Phase No. I and the Additional Property of Winslow Estates Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code. The Amended Declaration superseded the Declaration; and

WHEREAS, Declarant, by Second Amendment to the Amended Declaration ("Second Amendment") recorded on December 21, 2000 with the Portage County Recorder in O.R. Book 593, Page 132, et seq. of Portage County Records and the Drawings in Plat Volume 2000-93 of Portage County Condominium Map Records and thereby submitted Phase No. II of Winslow Estates Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Special Amendment to the Amended Declaration ("Special Amendment") recorded on July 31, 2001 with the Portage County Recorder as Instrument No. 200120507 of Portage County Records thereby corrected and added certain provisions to the Amended Declaration in order to bring the Amended Declaration into compliance with Chapter 5311 of the Ohio Revised Code (the Ohio Condominium Act); and

WHEREAS, Declarant, by Third Amendment to the Amended Declaration ("Third Amendment") recorded on July 31, 2001 with the Portage County Recorder at Instrument No. 200120508 of Portage County Records and the Drawings in Plat Volume 2001-71 of Portage County Condominium Map Records thereby submitted Phase No. III of Winslow Estates

Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code and amended the Declaration to add Article XIII (Provisions as to Easements, Units and Common Areas and Facilities); and

WHEREAS, Declarant, by Special Amendment No. 2 to the Amended Declaration ("Special Amendment No. 2") recorded on September 13, 2001 with the Portage County Recorder at Instrument No. 200125286 of Portage County Records pursuant to Article XI(I) of the Amended Declaration added certain provisions with respect to the rights of first mortgages of Units; and

WHEREAS, Declarant, by Special Amendment No. 3 to the Amended Declaration ("Special Amendment No. 3") recorded on January 11, 2002 with the Portage County Recorder at Instrument No. 200201096 of Portage County Records and the Drawings in Plat Volume 2002-3 of Portage County Condominium Map Records, thereby corrected the Second Amendment and resubmitted Phase No. 2 and the Additional Property of Winslow Estates Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Fourth Amendment to the Amended Declaration ("Fourth Amendment") recorded on March 14, 2002 with the Portage County Recorder at Instrument No. 2002 08134 of Portage County Records and the Drawings in Plat Volume 2002-20 of Portage County Condominium Map Records and thereby submitted Phase No. IV of Winslow Estates Condominiums of the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Fifth Amendment to Amended Declaration ("Fifth Amendment") recorded on November 27, 2002 with the Portage County Recorder as Instrument No. 200237209 of Portage County Records and the Drawings in Plat Volume 2002-94 of Portage County Condominium Map Records thereby submitted Phase No. V of Winslow Estates Condominiums to the provisions of the Condominium Property Act; and

WHEREAS, under the Amended Declaration the right was reserved by Declarant to add to the Condominium Property phases and the improvements thereon and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners; and

WHEREAS, under Article XI I. of the Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, the right was reserved by the Declarant to amend the Declaration (including any Exhibit thereto) at any time, and from time to time, to correct clerical or typographical errors and obvious factual errors and inconsistencies in the Declaration or any Exhibit thereto or any supplement or amendment thereto; and

WHEREAS, pursuant to the rights reserved by the Declarant under Article XI I. of the Amended Declaration, the Declarant desires to amend Exhibit "4" of the Sixth Amendment to correct the Unit Address of Unit 66 declared by the Declaration of Condominium Ownership; and

WHEREAS, Declarant is the legal title holder of and desires to add to the Condominium Property and to submit to said Chapter 5311 of the Ohio Revised Code, as Additional Property pursuant to Articles X and XII of the Amended Declaration, the real property designated herein as Phase No. VI of Winslow Estates Condominiums which is improved with one (1) "free-standing," single-family Condominium Unit.

NOW, THEREFORE, Declarant, pursuant to the authority of Articles X and XII of the Amended Declaration hereby declares that the Amended Declaration be and hereby is amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Amended Declaration).

1. Unit 66 declared by the Declaration set forth the Unit Address as 655 Winslow Drive is hereby corrected to be 657 Winslow Drive and Exhibit "4" attached hereto is amended to reflect such Unit Address correction.

2. The Phase No. VI property and the improvements thereon, and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners, are hereby added to the Condominium Property as defined in Article X of the Amended Declaration, and are also hereby submitted to Chapter 5311 of the Ohio Revised Code as a part of the Condominium Property in accordance with and to be governed in all respects by the terms and provisions of the Amended Declaration as hereby and hereinafter amended.

3. The legal description of Parcel No. 1 Parcel set forth in Article III A of the Amended Declaration is amended to include the real property for Phase No. VI of Winslow Estates Condominiums, the legal description for Phase No. VI being described in Exhibit "1" attached hereto and made a part hereof.

4. The legal description of the Entire Property set forth in Article III B of the Amended Declaration is amended by the deletion therefrom of the real property described in Exhibit "1" hereof, the residue of the Entire Property (the residue being referred as the "Additional Property") being described in Exhibit "2" attached hereto and made a part hereof.

5. The number of Units referred to in the first paragraph of Article VI of the Amended Declaration is increased to fourteen (14) Units. A narrative description of the Units for Phase No. VI is set forth in Exhibit "3" attached hereto and made a part hereof.

6. The percentage or fractional interest of each Unit in the Common Areas and Facilities as set forth in Exhibit "C" of the Declaration is hereby amended to be as set forth in Exhibit "4" attached hereto and made a part hereof.

7. The particulars of the land, Units and other improvements for Phase No. VI, including, but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and the dimensions of all appurtenant easements or encroachments are shown graphically on the set of Phase No. VI Allotted Drawings incorporated in this Sixth Amendment to Amended Declaration

of Condominium Ownership for Winslow Estates Condominium, by reference as Exhibit "A", prepared and bearing the certified statements of Adache Ciuni Lynn Associates, Inc., Registered Engineers and Surveyors, 5595 Transportation Boulevard, Cleveland, Ohio 44125, as required by the Condominium Act of the State of Ohio. The Phase No. VI Allotted Drawings will be filed in the Condominium Map Records of the Office of the Recorder of Portage County, Ohio, simultaneously with the filing of this Sixth Amendment to the Amended Declaration.

8. Pursuant to the provisions of Chapter 5311.25(E) of the Ohio Revised Code, the two (2) year warranty period for Phase No. VI shall commence on the date the deed or other evidence of ownership is filed for record following the first sale of a Condominium Ownership Interest in Phase No. VI to a Purchaser in good faith for value.

9. No owner of a Unit which was not included in Phase No. I, II, III, IV and V shall: (a) have or obtain any interest in funds collected by the Association from the owners of Units included in Phase No. I, II, III, IV and V prior to the filing of this Sixth Amendment (except replacement reserve funds), nor (b) have or be subjected to any liability for expenses arising with respect to the Condominium Property prior to the filing of this Sixth Amendment.

10. Declarant will assume the rights and obligations of a Unit Owner in its capacity as owner of Condominium Units that have been declared but are not yet sold and conveyed to a Purchaser in good faith for value, including, without limitation, the obligation to pay Common Expenses attaching to such interests from the date the amendment to the Amended Declaration creating such interests is filed for record.

11. Except as amended herein, and as previously amended, the Amended Declaration thereto shall remain in full force and effect.

12. Consent to this Sixth Amendment to the Amended Declaration is hereby exercised by Declarant on behalf of the Unit Owners and their mortgagees pursuant to Articles X and XII of the Amended Declaration.

IN WITNESS WHEREOF, the said Ohio Land Development (Aurora), Inc., as Declarant, as aforesaid, has caused its name to be signed to these presents as of this 22nd day of July, 2003.

OHIO LAND DEVELOPMENT (AURORA), INC.,
an Ohio corporation

By: Robert P. Thomas, III

Robert P. Thomas, III
Vice-President

STATE OF OHIO)
) SS.
COUNTY OF PORTAGE)

Before me, a Notary Public in and for said County and State, personally appeared the above named OHIO LAND DEVELOPMENT (AURORA), INC., an Ohio corporation, by Robert P. Thomas, III, its Vice President, who acknowledged that he executed the within instrument and further acknowledged that he did examine and read the same, that such execution was his free act and deed individually and as such officer and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have herein set my hand and notarial seal this 22nd day of July, 2003.

Christine Ann Peskar
NOTARY PUBLIC CHRISTINE ANN PESKAR
My Commission Expires: _____ Notary Public, State of Ohio
My Commission Expires Oct. 28, 2007

THIS INSTRUMENT PREPARED BY:
RICHARD A. ROSNER, ATTORNEY AT LAW
KAHN, KLEINMAN, YANOWITZ & ARNSON CO., L.P.A.
THE TOWER AT ERIEVIEW, SUITE 2600
1301 EAST NINTH STREET
CLEVELAND, OHIO 44114-1824
TEL.: (216) 696-3311

EXHIBIT "A"

TO THE SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

REFERENCE TO ALLOTTED DRAWINGS

The particulars of the land, Buildings and other improvements, including, but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Allotted Drawings incorporated in the Sixth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, by reference as Exhibit "A", prepared and bearing the certified statements of Adache-Ciuni-Lynn Associates, 5595 Transportation Boulevard, Cleveland, Ohio 44125, Registered Engineers and Surveyors, as required by the Condominium Act of the State of Ohio. Such set of Allotted Drawings will be filed in the Condominium Map Records of the Office of the Recorder of Portage County, Ohio, simultaneously with the recording of the Sixth Amendment.

EXHIBIT "1"

TO SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

**LEGAL DESCRIPTION
OF 0.2815 ACRE
PHASE 6 WINSLOW ESTATES**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Aurora Township Lot No. 27, and bounded and described as follows:

Beginning at a 5/8" iron pin found with cap, #7394 (Ciuni & Lynn), at the northwesterly corner of Winslow Estates Condominium Phase 1, as recorded in Volume 98, Page 10 of Portage County Plat Records;

Thence South 19° 40' 30" West along said westerly line of Winslow Estates Condominium Phase 1, a distance of 83.87 feet to a 5/8" iron pin found with cap, #7394 (Ciuni & Lynn), and the Principle Place of Beginning;

Thence South 19° 40' 30" West continuing along said westerly line, a distance of 76.32 feet to a 5/8" iron pin found with cap, #7394 (Ciuni & Lynn), at an angle point;

Thence North 69° 09' 29" West along the northerly line of Winslow Estates Condominium Phase 1, and its northwesterly prolongation, a distance of 168.59 feet to a 5/8" iron pin found with cap, #7394 (Ciuni & Lynn);

Thence North 19° 49' 33" East, a distance of 69.24 feet to a 5/8" iron pin found with cap, #7394 (Ciuni & Lynn);

Thence South 71° 33' 50" East, a distance of 168.41 feet to the Principle Place of Beginning, and containing 0.2815 acre of land, be the same more or less, but subject to all legal highways and easements of record.

Prepared By:
Adache Ciuni Lynn Associates, Inc.
Project No.: 95060CD6
July 22, 2003

EXHIBIT "2"

TO SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

**LEGAL DESCRIPTION
OF A 1.7340 ACRE PARCEL
FOR RESIDUAL NO. 2
FOR PHASE 6
IN WINSLOW ESTATES**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Lot 27 in Aurora Township;

Beginning at an iron pin found at the most southeasterly corner of land conveyed to Winslow Estates Condominiums Phase 3, as recorded in Plat Cabinet 2001, Page 71 of Portage County Plat Records, at its intersection with the westerly line of Winslow Estates Condominium amended Phase 2, as recorded in Plat Cabinet 2002, Page 03 of Portage County Plat Records;

Thence South $00^{\circ} 07' 51''$ West along said westerly line, a distance of 291.60 feet to an iron pin found at an angle point;

Thence South $62^{\circ} 23' 07''$ West along the northerly line of Winslow Estates Condominiums Amended Phase 2, a distance of 194.26 feet to an iron pin found at an angle point;

Thence North $76^{\circ} 31' 19''$ West continuing along said northerly line, a distance of 66.98 feet to an iron pin found at an angle point;

Thence North $66^{\circ} 00' 12''$ West continuing along said northerly line, a distance of 76.62 feet to an iron pin found at an angle point;

Thence North $21^{\circ} 34' 06''$ West continuing along said northerly line, a distance of 219.84 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn);

Thence North $48^{\circ} 07' 00''$ East, a distance of 125.68 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn), at a point on a curve;

Thence along the arc of a curve deflecting to the right, and having a radius of 320.00 feet, a central angle of $26^{\circ} 12' 03''$, a tangent of 74.47 feet, a chord of 145.06 which bears South $39^{\circ} 26' 46''$ East, a distance of 146.33 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn), at a point on a curve;

Thence along the arc of a curve, deflecting to the left, and having a radius of 50.00 feet, a central angle of $74^{\circ} 12' 59''$, a tangent of 37.83 feet, a chord of 60.33 feet which bears South $06^{\circ} 49' 14''$ East, a distance of 64.77 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn);

Thence South $30^{\circ} 46' 33''$ West, a distance of 142.67 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn), at an angle point;

**CONTINUED
EXHIBIT "2"**

**TO SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATE CONDOMINIUMS**

**LEGAL DESCRIPTION
OF A 17.6193 ACRE PARCEL FOR RESIDUAL NO. 1
FOR PHASE 6 IN WINSLOW ESTATE CONDOMINIUMS**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Lot 27 in Aurora Township;

Beginning at an iron pin found at the most northeasterly corner of Winslow Estates Condominiums Amended Phase 2, as recorded in Volume 2002, Page 03 of Portage County Plat Records, at its intersection with the westerly line of land conveyed to Mary A. Welch, as recorded in Volume 1035, Page 811 of Portage County Deed Records;

Thence South 81° 41' 25" West along the northerly line of said Winslow Estates Condominiums Amended Phase 2, a distance of 25.27 feet to an iron pin found;

Thence South 00° 07' 51" West along the westerly line of Winslow Estates Condominiums Amended Phase 2, a distance of 137.74 feet to an iron pin found at the northeasterly corner of Winslow Estates Condominiums Phase 3, as recorded in Plat Cabinet 2001, Page 71 of Portage County Plat Records;

Thence North 84° 26' 39" West along said northerly line, a distance of 87.47 feet to an iron pin found at an angle point;

Thence South 59° 35' 44" West continuing along said northerly line, a distance of 41.34 feet to an iron pin found at an angle point;

Thence North 83° 19' 05" West continuing along said northerly line, a distance of 46.56 feet to an iron pin found at a point of curvature;

Thence continuing along said northerly line, and along the arc of a curve deflecting to the left, and having a radius of 90.00 feet, a central angle of 33° 38' 26", a tangent of 27.21 feet, a chord of 52.09 feet which bears South 80° 18' 15" West, a distance of 52.84 feet to an iron pin found;

Thence North 26° 30' 58" West continuing along said northerly line, a distance of 45.75 feet to an iron pin found at an angle point;

Thence North 20° 04' 41" East continuing along said northerly line, a distance of 29.72 feet to an iron pin found at an angle point;

Thence North 69° 55' 19" West continuing along said northerly line, a distance of 53.00 feet to an iron pin found at an angle point;

EXHIBIT "3"

TO SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

A NARRATIVE DESCRIPTION OF BUILDINGS AND UNITS

The Condominium Development (including the Additional Property) is situated on a parcel of real estate containing approximately 29.1210 acres located on the north side of Mennonite Road, a duly dedicated public street, in the City of Aurora, Portage County, Ohio. Phase VI of the Condominium Development consists of one (1) "free-standing," single-family Condominium Unit. The Unit is designated as Unit No. 65 and is situated on Winslow Drive, a private drive.

The Unit is principally of conventional wood frame construction with drywall finish on the interior walls, vinyl siding on the exterior walls and cultured stone fronts. The roof is fiberglass shingle. The Unit is constructed with a basement.

The Unit type being submitted by this Sixth Amendment is known as the "Colonial" type Unit. The "Colonial" type Unit is a two-story Unit containing approximately 2,000 square feet of living area, exclusive of the garage and basement areas. The first floor contains an entry, great room, dining room, kitchen, dinette, a one-half (1/2) bath, concrete patio and an attached two (2) car garage. The second floor contains four (4) bedrooms and two (2) full baths.

Any inconsistencies between the narrative descriptions of the Units and/or Common Areas on the one hand and the "as built" Drawings on the other hand shall be resolved in favor of the "as built" Drawings.

EXHIBIT "4"

THE SIXTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

<u>UNIT NO.</u>	<u>PHASE NO.</u>	<u>UNIT ADDRESS</u>	<u>PERCENTAGE OR FRACTIONAL INTEREST IN COMMON AREAS AND FACILITIES AND PERCENTAGE OR FRACTIONAL INTEREST IN COMMON EXPENSES, COMMON ASSESSMENTS, COMMON SURPLUS, COMMON PROFITS AND COMMON LOSSES</u>
1	I	660 Winslow Drive	1/14
2	I	656 Winslow Drive	1/14
3	I	652 Winslow Drive	1/14
66	I	657 Winslow Drive	1/14
4	II	648 Winslow Drive	1/14
63	II	649 Winslow Drive	1/14
16	III	625 Eaton Drive	1/14
19	III	613 Eaton Drive	1/14
5	IV	618 Eaton Drive	1/14
9	IV	644 Eaton Drive	1/14
X13	IV	637 Eaton Drive	1/14
15	IV	629 Eaton Drive	1/14
64	V	653 Winslow Drive	1/14
65	VI	655 Winslow Drive	1/14
			TOTAL: 1