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NINTH AMENDMENT TO AMENDED DECLARATION
OF CONDOMINIUM OWNERSHIP
FOR WINSLOW ESTATES CONDOMINIUMS,
AURORA, OHIO
PHASE NO. IX

BONNIE M. HOWE
PORTAGE CO. RECORDER

20 0601935 5278

RECEIVED FOR RECORD
AT 83605
FEE 112.00

ADDING UNIT NOS. 6, 7, 55 AND 56

AND SETTING FORTH A SPECIAL AMENDMENT TO THE DECLARATION
WITH RESPECT TO THE USE OF DEPOSITS AND DOWN PAYMENTS
PURSUANT TO AMENDED OHIO REVISED CODE SECTION 5311.25(A),
EFFECTIVE JULY 20, 2004

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

INDEXED

AURORA TITLE
City of Aurora

Date: JAN 25 2006, 2006

County Auditor

By: Janet Esposito / up
Deputy Auditor

plat 2006-9

THIS INSTRUMENT PREPARED BY:

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

TRANSFERRED 2.00
Sec. 319.54(F-2)
Sec. 319.202

JAN 27 2006 *J*

Janet Esposito
PORTAGE COUNTY AUDITOR

NINTH AMENDMENT TO AMENDED DECLARATION
OF CONDOMINIUM OWNERSHIP
FOR WINSLOW ESTATES CONDOMINIUMS,
AURORA, OHIO

PHASE NO. IX

ADDING UNIT NOS. 6, 7, 55 AND 56

WHEREAS, Ohio Land Development (Aurora), Inc. ("**Original Declarant**"), an Ohio corporation, filed for record the Declaration of Condominium Ownership ("**Declaration**") with the By-Laws 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 submitted Phase No. I of Winslow Estates Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code (the "**Act**"). (The Condominium Property is referred to in the condominium documents as both Winslow Estates Condominiums and Winslow Estates Condominium. This Ninth Amendment refers to the Condominium Property as Winslow Estates Condominiums which is how it is referred to in the Declaration.); and

WHEREAS, Original Declarant, by Amended Declaration of Condominium Ownership for Winslow Estate Condominiums, Aurora, Ohio ("**Amended Declaration**") recorded 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, corrected the Declaration, and resubmitted Phase No. I and the Additional Property of Winslow Estates Condominiums to the provisions of the Act. The Amended Declaration superseded the Declaration; and

WHEREAS, Original Declarant, by Second Amendment to Amended Declaration 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, submitted Phase No. II of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, Original Declarant, by Special Amendment to Declaration of Condominium Ownership, Winslow Estates Condominiums, recorded on July 31, 2001 with the Portage County Recorder as Instrument No. 200120507 of Portage County Records, corrected and added certain provisions to the Amended Declaration in order to bring the Amended Declaration into compliance with the Act; and

WHEREAS, Original Declarant, by Third Amendment to Amended Declaration of Condominium Ownership, Winslow Estates Condominium, Aurora, Ohio 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, submitted Phase No. III of Winslow Estates Condominiums to the provisions of the Act and

amended the Amended Declaration to add Article XIII (Provisions as to Easements, Units and Common Areas and Facilities); and

WHEREAS, Original Declarant, by Special Amendment No. 2 to Amended Declaration of Condominium Ownership, Winslow Estates Condominium, Aurora, Ohio recorded on September 13, 2001 with the Portage County Recorder at Instrument No. 200125286 of Portage County Records pursuant to Section I. of Article XI of the Amended Declaration, added certain provisions with respect to the rights of first mortgages of Units; and

WHEREAS, Original Declarant, by Special Amendment No. 3 to Amended Declaration of Condominium Ownership, Winslow Estates Condominium, Aurora, Ohio 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, corrected the Second Amendment and resubmitted Phase No. 2 and the Additional Property of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, Original Declarant, by Fourth Amendment to Amended Declaration of Condominium Ownership, Winslow Estates Condominium, Aurora, Ohio 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, submitted Phase No. IV of Winslow Estates Condominiums of the provisions of the Act; and

WHEREAS, Original Declarant, by Fifth Amendment to Amended Declaration of Condominium Ownership, Winslow Estates Condominium, Aurora, Ohio 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, submitted Phase No. V of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, Original Declarant, by Sixth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, Aurora, Ohio, recorded on July 31, 2003 with the Portage County Recorder as Instrument No. 200329188 of Portage County Records and the Drawings in Plat Volume 2003-53 of Portage County Condominium Map Records, submitted Phase No. VI of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, Original Declarant, by Seventh Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, Aurora, Ohio, recorded on December 8, 2003 with the Portage County Recorder as Instrument No. 200346170 of Portage County Records and the Drawings in Plat Volume 2003-107 of Portage County Condominium Map Records, submitted Phase No. VII of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, Hersh Construction, Inc. ("Successor Declarant"), an Ohio corporation, has succeeded the Original Declarant's right, title and interest to the Condominium Property pursuant to Deed recorded on December 23, 2003, with the Portage County Recorder as Instrument No.

200347920, and by Eighth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, Aurora, Ohio, recorded on July 21, 2004 with the Portage County Recorder as Instrument No. 200420530 of Portage County Records and the Drawings in Plat Volume 2004-62 of Portage County Condominium Map Records, submitted Phase No. VIII of Winslow Estates Condominiums to the provisions of the Act; and

WHEREAS, the State of Ohio enacted substantial amendments to the Ohio condominium statute (Chapter 5311 of the Ohio Revised Code) which became effective on July 20, 2004 (the "Amended Statute"). Pursuant to Article XI(I.) of the Amended Declaration, Successor Declarant has reserved the right to amend the Amended Declaration to bring this Amended Declaration in compliance with the Act and more particularly, Successor Declarant desires to add Article XV to the Amended Declaration to bring the same into compliance with the Amended Statute; and

WHEREAS, the right was reserved by Original Declarant and its successors and assigns (which would include Successor Declarant) to add to the Condominium Property phases and improvements thereon, and all easements, rights, and appurtenances thereto, and all articles of personal property located thereon existing for the common use of the Unit Owners; and

WHEREAS, Successor Declarant is the legal title holder of, and desires to add to the Condominium Property and to submit to the Condominium Act, as Additional Property pursuant to Articles X and XI(I.) of the Amended Declaration, the real property designated herein as Phase No. IX of Winslow Estates Condominiums which is improved with four (4) free-standing Buildings, each containing one (1) Unit for a total of four (4) Units.

NOW, THEREFORE, Successor Declarant, pursuant to the authority of Articles X and Section I. of Article XI 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. For sales of Condominium Ownership Interests occurring after July 20, 2004, pursuant to the right of Successor Declarant to effect an amendment pursuant to Section I. of Article XI of the Amended Declaration, the following provisions from the Amended Statute hereby added as Article XV of the Amended Declaration:

ARTICLE XV

INTERESTS ON DEPOSITS

(A) Any deposit or down payment made in connection with the sale of a Condominium Ownership Interest shall be held in trust or escrow until delivered at settlement, returned to or otherwise credited to the Purchaser or forfeited to the Successor Declarant. If a deposit or down payment of more than Two Thousand Dollars (\$2,000) is held for more than ninety (90) days and is not withdrawn pursuant to subparagraph (1) below, interest shall be payable on the amount of the deposit or down-payment that exceeds Two Thousand Dollars (\$2,000) at a rate equal to the prevailing rate payable by

federally insured financial institutions in the county of the Condominium Property on daily interest accounts for any period exceeding ninety (90) days, such interest to be credited to the Purchaser at settlement or upon return or other credit made to the Purchaser, or added to any forfeiture to the Successor Declarant.

(B) Notwithstanding subparagraph (A) of this Article XV above, if a contract for the sale of a Condominium Ownership Interest contains the following legend, conspicuously printed or stamped in boldface type on the contract's first page and immediately above the signature of the Purchaser:

“Purchaser acknowledges that, pursuant to this contract, the Successor Declarant may withdraw and then use for construction and development of the Condominium Property any deposit or down payment that the Purchaser makes prior to closing”;

the Successor Declarant may withdraw a deposit or down payment from trust or escrow upon the commencement of construction of the structure of the Condominium Property in which the Purchaser's Unit will be located and use the monies in the actual construction and development of the Condominium Property. The Successor Declarant shall not use the monies for advertising purposes or for the salaries, commissions or expenses of agents.

(C) Pursuant to Ohio Revised Code Section 5311.25(A)(3) deposits and down payments held in trust or escrow in accordance with subparagraph (A) above are not subject to attachment, garnishment or other legal process by creditors of the Successor Declarant, Agents of the Successor Declarant or the Purchaser of the Condominium Unit.

(D) Subparagraphs (A) and (B) above became effective on July 20, 2004 and will govern sales occurring after that date.

2. The Phase No. IX 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 the Act 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 Phase 1 Parcel set forth in Article III A of the Amended Declaration is amended to include the real property for Phase No. IX of Winslow Estates Condominiums, the legal description for Phase No. IX 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 from twenty-four (24) Units to twenty-eight (28) Units. A narrative description of the Units for Phase No. IX 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 Amended Declaration, as amended, is hereby further 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. IX, including, but not limited to, the boundaries, location, designation, length, width and height of each Unit, the boundaries, location, designation and dimensions of the Common Areas and Facilities and the Limited Common Areas and Facilities and Exclusive Use Areas and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Phase No. IX Drawings incorporated in this Ninth Amendment to Amended Declaration ("Ninth Amendment"), by reference as "Exhibit A", prepared and bearing the certified statements of Hejduk-Cox and Associates, Inc., Registered Surveyors and Licensed Professional Engineers, 32145 Old South Miles Road, Solon, Ohio 44139, as required by the Condominium Act of the State of Ohio. The Phase No. IX 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 Ninth Amendment.

8. Pursuant to the provisions of Chapter 5311.25(E) of the Ohio Revised Code, the two (2) year warranty period for Phase No. IX 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. IX to a Purchaser in good faith for value.

9. No owner of a Unit which was not included in Phase Nos. I, II, III, IV, V, VI, VII and VIII shall: (a) have or obtain any interest in funds collected by the Association from the owners of Units included in Phase Nos. I, II, III, IV, V, VI, VII and VIII prior to the filing of this Ninth 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 Ninth Amendment.

10. Successor Declarant will assume the rights and obligations of a Unit Owner in its capacity as owner of Condominium Ownership Interests 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, the Amended Declaration thereto shall remain in full force and effect.

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

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IN WITNESS WHEREOF, the said Successor Declarant, has caused its name to be signed to these presents as of this 23rd day of November, 2005.

HERSH CONSTRUCTION, INC.,
an Ohio corporation

By: *John P. Hershberger* (signature)

John P. Hershberger, President

STATE OF OHIO)
) SS.
COUNTY OF Stark)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named JOHN P. HERSHBERGER, its President, who acknowledged that he executed the within instrument and that such execution was the free act and deed of said corporation and was his free act and deed both individually and in his capacity as officer of said corporation.

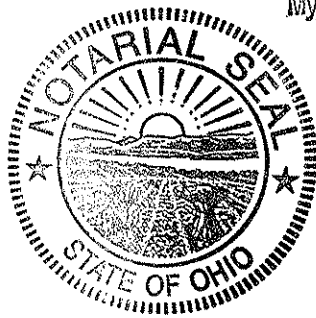
IN TESTIMONY WHEREOF, I have herein set my hand and notarial seal this 23rd day of November, 2005.

Susan Wood

Notary Public

My Commission Expires:

SUSAN WOOD
Notary Public, State of Ohio
My Commission Expires Dec. 4, 2006
Recorded in Stark County



THIS INSTRUMENT PREPARED BY:
RICHARD A. ROSNER, ATTORNEY AT LAW
KAHN KLEINMAN, LLP
2600 ERIEVIEW TOWER
1301 EAST NINTH STREET
CLEVELAND, OHIO 44114-1824
(216) 696-3311

EXHIBIT "A"

**TO NINTH AMENDMENT TO DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS**

REFERENCE TO 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 Drawings incorporated in the Ninth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums by reference as "Exhibit A", prepared and bearing the certified statements of Hejduk-Cox and Associates, Inc., Registered Surveyors and Licensed Professional Engineers, 32145 Old South Miles Road, Solon, Ohio 44139, as required by the Condominium Property Act of the State of Ohio. Such set of Drawings will be filed in the Condominium Map Records of the Office of the Recorder of Portage County, Ohio, simultaneously with the recording of this Ninth Amendment.

EXHIBIT 1

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

LEGAL DESCRIPTION OF PHASE IX

0.6602 ACRE PARCEL

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Original Aurora Township Lot 27 and being further described as follows:

Beginning at a point at the most southeasterly corner of Winslow Estates Condominiums Phase 3, as recorded in Plat 2001, Page 71 of Portage County Records, and the westerly line of Winslow Estates Condominium Amended Phase 2, as recorded in Plat 2002, Page 3 of Portage County Records, Thence South $00^{\circ} 07' 51''$ West, along a westerly line of said Amended Phase 2, a distance of 291.60 feet to an angle point; Thence South $62^{\circ} 23' 07''$ West, along a northerly line of said Amended Phase 2, a distance of 194.26 feet to an angle point; Thence North $76^{\circ} 31' 19''$ West, along a northerly line of said Amended Phase 2, a distance of 49.83 feet to a point, said point being the **Principal Place of Beginning** of the lands herein described;

1. Thence continuing North $76^{\circ} 31' 19''$ West, along a northerly line of said Amended Phase 2, a distance of 17.15 feet to an angle point;
2. Thence North $66^{\circ} 00' 12''$ West, along a northerly line of said Amended Phase 2, a distance of 76.62 feet to an angle point;
3. Thence North $21^{\circ} 34' 06''$ West, along an easterly line of said Amended Phase 2, a distance of 219.84 feet to a point at a southeasterly corner of Winslow Estates Condominiums Phase 4, as recorded in Plat 2002, Page 20 of Portage County Records;
4. Thence North $48^{\circ} 07' 00''$ East, along a southerly line of said Phase 4, a distance of 125.68 feet to an angle point of a non-tangent curve;
5. Thence along the arc of a curve on a westerly line of said Phase 4, deflecting to the right, an arc distance of 146.33 feet to an angle point of a non-tangent curve, said curve having a radius of 320.00 feet, a delta of $26^{\circ} 12' 03''$ and a chord distance of 145.06 feet which bears South $39^{\circ} 26' 46''$ East;
6. Thence along the arc of a curve on a westerly line of said Phase 4, deflecting to the left, an arc distance of 31.87 feet to an angle point at the northeast corner of Winslow Estates Condominiums Phase 7 – Parcel 2, as recorded in Plat 2003, Page 107 of Portage County Records, said curve having a radius of 50.00 feet, a delta of $36^{\circ} 31' 21''$ and a chord distance of 31.34 feet which bears South $12^{\circ} 01' 34''$ West;
7. Thence South $83^{\circ} 45' 54''$ West, along a northerly line of said Phase 7 – Parcel 2, a distance of 55.70 feet to an angle point;

Exhibit 1 Continued

Phase 9-1

Winslow Estates Condominiums Phase 9

8. Thence South $43^{\circ} 52' 01''$ West, along a northerly line of said Phase 7 – Parcel 2, a distance 46.11 feet to an angle point;
9. Thence South $46^{\circ} 15' 02''$ East, along a westerly line of said Phase 7 – Parcel 2, a distance of 83.80 feet a point on a westerly line of aforementioned Winslow Estates Condominiums Phase 4;
10. Thence South $30^{\circ} 46' 33''$ West, along a westerly line of said Phase 4, a distance of 63.55 feet to an angle point;
13. Thence South $59^{\circ} 13' 27''$ East, along a southerly line said Phase 4, a distance of 55.74 feet to an angle point;
14. Thence South $30^{\circ} 46' 33''$ West a distance of 0.57 feet to the Place of Beginning, and containing 0.6602 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Legal description prepared by Kenneth J. Hejduk, Professional Surveyor 6439 of Hejduk-Cox and Associates, Inc., on December 19, 2005.

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Exhibit 1 Continued

**LEGAL DESCRIPTION
PHASE 9-2 - WINSLOW ESTATES CONDOMINIUMS PHASE 9
0.7027 ACRE PARCEL**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Original Aurora Township Lot 27 and being further described as follows:

Beginning at a point at the most southwesterly corner of Winslow Estates Condominiums Amended Phase 2, as recorded in Plat 2002, Page 3 of Portage County records, and the easterly line of lands now or formerly owned by First Baptist Church of Aurora (permanent parcel 03-027-00-00-002.003 of Portage County Records); Thence North $00^{\circ} 07' 51''$ East along the easterly line of said First Baptist Church of Aurora land, a distance of 256.43 feet to a point, said point being the **Principal Place of Beginning** of the lands herein described;

1. Thence continuing North $00^{\circ} 07' 51''$ East, along the easterly line of said First Baptist Church of Aurora land, a distance of 159.09 feet to an angle point;
2. Thence South $84^{\circ} 37' 59''$ East a distance of 152.39 feet to an angle point;
3. Thence North $84^{\circ} 32' 51''$ East a distance of 92.81 feet to an angle point;
4. Thence South $13^{\circ} 31' 23''$ West a distance of 80.52 feet to an angle point;
5. Thence South $55^{\circ} 26' 26''$ West a distance of 133.32 feet to an angle;
6. Thence North $89^{\circ} 52' 09''$ West a distance of 115.85 feet to the Place of Beginning, and containing 0.7027 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Legal description prepared by Kenneth J. Hejduk, Professional Surveyor 6439 of Hejduk-Cox and Associates, Inc., on December 15, 2005.

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EXHIBIT 2

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

LEGAL DESCRIPTION OF REMAINING ADDITIONAL PROPERTY

RESIDUAL NO. 1 - 12.4867 ACRE PARCEL

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Original Aurora Township Lot 27 and being further described as follows:

Beginning at a point at the most northeasterly corner of Winslow Estates Condominiums Amended Phase 2, as recorded in Plat 2002, Page 3 of Portage County records, and the westerly line of the land conveyed to Mary A. Welch, as recorded in Volume 1035, Page 811 of Portage County Deed Records, said point being the **Principal Place of Beginning** of the lands herein described;

1. 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 a point at the most northwesterly corner thereof;
2. Thence South 00° 07' 51" West, along the westerly line of said Amended Phase 2, a distance of 137.74 feet to a point at the northeasterly corner of Winslow Estates Condominiums Phase 3, as recorded in Plat 2001, Page 71 of Portage County Records;
3. Thence North 84° 26' 39" West, along a northerly line of said Phase 3, a distance of 87.47 feet to a point at an angle point on an easterly line of Winslow Estates Condominiums Phase 7 Parcel 1 as recorded in Plat 2003 Page 107 of Portage County Records;
4. Thence North 02° 42' 15" East, along an easterly line of said Phase 7 Parcel 1, a distance of 49.17 feet to an angle point;
5. Thence North 63° 52' 56" West, along a northerly line of said Phase 7 Parcel 1, a distance of 41.67 feet to an angle point;
6. Thence North 88° 05' 05" West, along a northerly line of said Phase 7 Parcel 1, a distance of 50.02 feet to an angle point;
7. Thence North 89° 04' 49" West, along a northerly line of said Phase 7 Parcel 1, a distance of 55.19 feet to an angle point;
8. Thence South 82° 11' 53" West, along a northerly line of said Phase 7 Parcel 1, a distance of 53.46 feet to an angle point on the northerly line of aforementioned Phase 3;
9. Thence South 20° 04' 41" West, along a westerly line of said Phase 3, a distance of 12.81 feet to an angle point;

Exhibit 2 Continued

Residual No. 1

Winslow Estates Condominiums Phase 9

10. Thence South $77^{\circ} 48' 37''$ West, along a northerly line of said Phase 3 and a northerly line of Winslow Estates Condominiums Phase 4 as recorded in Plat 2002 Page 20 of Portage County Records, a distance of 95.61 feet to an angle point;
11. Thence South $08^{\circ} 48' 10''$ West, along a westerly line of said Phase 4, a distance of 41.99 feet to an angle point;
12. Thence South $42^{\circ} 00' 38''$ West, along a westerly line of said Phase 4, a distance of 59.30 feet to an angle point;
13. Thence South $62^{\circ} 47' 29''$ West, along a northerly line of said Phase 4, a distance of 67.29 feet to an angle point;
14. Thence South $78^{\circ} 22' 01''$ West, along a northerly line of said Phase 4, a distance of 49.87 feet to a point at a northeasterly corner of aforementioned Amended Phase 2, and the northwesterly corner of said Phase 4;
15. Thence South $86^{\circ} 44' 30''$ West, along the northerly line of said Amended Phase 2, a distance 84.81 feet to an angle point;
16. Thence North $19^{\circ} 42' 52''$ West a distance of 205.78 feet to an angle point;
17. Thence North $89^{\circ} 52' 09''$ West, a distance of 452.70 feet to a point on the easterly line of lands now or formerly owned by First Baptist Church of Aurora (permanent parcel 03-027-00-00-002.003 of Portage County Records);
18. Thence North $00^{\circ} 07' 51''$ East, along the easterly line of said First Baptist Church of Aurora land, a distance of 417.26 feet to a point on the southerly line of Chatham Estates Subdivision, as recorded in Volume 19, Pages 33 & 34 of Portage County Records;
19. Thence South $89^{\circ} 19' 11''$ East, along the southerly line of said Chatham Estates Subdivision, a distance of 1165.04 feet to the northwesterly corner of land conveyed to aforementioned Mary A. Welch;
20. Thence South $00^{\circ} 07' 51''$ West, along the westerly line of said Mary A. Welch land, a distance of 364.60 feet to the Place of Beginning, and containing 12.4867 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Legal description prepared by Kenneth J. Hejduk, Professional Surveyor 6439 of Hejduk-Cox and Associates, Inc., on December 15, 2005.

Exhibit 2 Continued

**LEGAL DESCRIPTION
RESIDUAL NO. 2 - WINSLOW ESTATES CONDOMINIUMS PHASE 9
0.8257 ACRE PARCEL**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Original Aurora Township Lot 27 and being further described as follows:

Beginning at a point at the most southeasterly corner of Winslow Estates Condominiums Phase 3, as recorded in Plat 2001, Page 71 of Portage County Records, and the westerly line of Winslow Estates Condominium Amended Phase 2, as recorded in Plat 2002, Page 3 of Portage County Records, said point being the **Principal Place of Beginning** of the lands herein described;

1. Thence South 00° 07' 51" West, along a westerly line of said Amended Phase 2, a distance of 291.60 feet to an angle point;
2. Thence South 62° 23' 07" West, along a northerly line of said Amended Phase 2, a distance of 194.26 feet to an angle point;
3. Thence North 76° 31' 19" West, along a northerly line of said Amended Phase 2, a distance of 49.83 feet to an angle point;
4. Thence North 30° 46' 33" East, along an easterly line of Phase 4 as recorded in Plat 2002 Page 20 of Portage County Records, a distance of 66.87 feet to an angle point;
5. Thence North 13° 08' 11" East, along an easterly line of said Phase 4, a distance of 2.52 feet to a point at the southwest corner of Winslow Estates Condominiums Phase 7 – Parcel 3 as recorded in Plat 2003, Page 107 of Portage County Records;
6. Thence South 83° 51' 47" East, along a southerly line of said Phase 7 – Parcel 3, a distance of 75.60 feet to an angle point;
7. Thence North 06° 08' 13" East, along an easterly line of said Phase 7 – Parcel 3, a distance of 45.00 feet to an angle point;
8. Thence North 30° 44' 37" West, along an easterly line of said Phase 7 – Parcel 3, a distance of 54.37 feet to a point on a non-tangent curve on a southerly line of aforementioned Phase 4;
9. Thence along the arc of a curve on an easterly line of said Phase 4, deflecting to the left, an arc distance of 43.38 feet to an angle point, said curve having a radius of 50.00 feet, a delta of 49° 42' 22" and a chord distance of 42.03 feet which bears North 34° 24' 12" East;
10. Thence North 80° 54' 21" East, along a southerly line of said Phase 4, a distance of 109.95 feet to an angle point;

Exhibit 2 Continued

Residual No. 2

Winslow Estates Condominiums Phase 9

11. Thence North $08^{\circ} 44' 16''$ West along an easterly line of said Phase 4, a distance of 57.70 feet to an angle point;
12. Thence South $80^{\circ} 54' 21''$ West, along a northerly line of said Phase 4, a distance of 130.12 feet to a point on a non-tangent curve;
13. Thence along the arc of a curve on a northerly line of said Phase 4, deflecting to the left, an arc distance of 8.90 feet to a point on a non-tangent curve, said curve having a radius of 50.00 feet, a delta of $10^{\circ} 11' 38''$ and a chord distance of 8.88 feet which bears North $70^{\circ} 44' 05''$ West;
14. Thence along the arc of a curve on an easterly line of said Phase 4, deflecting to the left, an arc distance of 71.44 feet to an angle point, said curve having a radius of 380.00 feet a delta of $10^{\circ} 46' 17''$ and a chord distance of 71.33 feet which bears North $31^{\circ} 09' 59''$ West;
15. Thence North $54^{\circ} 26' 00''$ East, along a southerly line of said Phase 4, a distance of 34.27 feet to an angle point;
16. Thence South $88^{\circ} 34' 06''$ East, along a southerly line of said Phase 4, a distance of 66.55 feet to an angle point;
17. Thence North $58^{\circ} 09' 23''$ East, along a southerly line of said Phase 4, a distance of 106.08 feet to the Place of Beginning, and containing 0.8257 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Legal description prepared by Kenneth J. Hejduk, Professional Surveyor 6439 of Hejduk-Cox and Associates, Inc., on July 6, 2004.

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Exhibit 2 Continued

**LEGAL DESCRIPTION
RESIDUAL NO. 3 - WINSLOW ESTATES CONDOMINIUMS PHASE 9
1.4041 ACRE PARCEL**

Situated in the City of Aurora, County of Portage, and State of Ohio, and known as being part of Original Aurora Township Lot 27 and being further described as follows:

Beginning at a point at the most southwesterly corner of Winslow Estates Condominiums Amended Phase 2, as recorded in Plat 2002, Page 3 of Portage County records, and the easterly line of lands now or formerly owned by First Baptist Church of Aurora (permanent parcel 03-027-00-00-002.003 of Portage County Records); Thence North 00° 07' 51" East along the easterly line of said First Baptist Church of Aurora land, a distance of 130.71 feet to a point at a northeasterly corner of said Amended Phase 2, said point being the **Principal Place of Beginning** of the lands herein described;

1. Thence continuing North 00° 07' 51" East, along the easterly line of said First Baptist Church of Aurora land, a distance of 125.72 feet to an angle point;
2. Thence South 89° 52' 09" East a distance of 115.85 feet to an angle point;
3. Thence North 55° 26' 26" East a distance of 133.32 feet to an angle point;
4. Thence North 13° 31' 23" East a distance of 80.52 feet to an angle point;
5. Thence South 64° 46' 47" East a distance of 98.32 feet to an angle point;
6. Thence South 50° 48' 43" East a distance of 46.39 feet to an angle point on a westerly line of aforementioned Amended Phase 2;
7. Thence South 19° 49' 33" West, along a westerly line of said Amended Phase 2, a distance of 141.12 feet to an angle point;
8. Thence South 53° 28' 18" West, along a westerly line of said Amended Phase 2, a distance of 188.16 feet to an angle point;
9. Thence North 81° 24' 59" West, along a northerly line of said Amended Phase 2, a distance of 71.41 feet to an angle point;
10. Thence North 62° 44' 30" West, along a northerly line of said Amended Phase 2, a distance of 55.59 feet to an angle point;
11. Thence North 89° 28' 00" West a distance of 50.58 feet to the Place of Beginning, and containing 1.4041 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Legal description prepared by Kenneth J. Hejduk, Professional Surveyor 6439 of Hejduk-Cox and Associates, Inc., on December 15, 2005.

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1-25-06 TAX MAP DEPT.	03-027-00-00- ^{PART OF}	
LEGAL DESCRIPTION	-002.096	-002.083
<input checked="" type="checkbox"/> SUFFICIENT <input type="checkbox"/> DEFICIENT	0.703A	0.660 A
<input type="checkbox"/> NO DIVISION OF LAND	1.404A	0.826A
	BAL OF	BAL OF
	- 0 -	- 0 -

EXHIBIT 3

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

A NARRATIVE DESCRIPTION OF BUILDINGS AND UNITS AND UNIT TYPES FOR PHASE IX

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 four (4) "free-standing", single-family Condominium Units. The Units are designated as Unit Nos. 6, 7, 55 and 56. Unit Nos. 6 and 7 are situated on Eaton Drive, a private drive, and Unit Nos. 55 and 56 are situated on Avon Drive, a private drive.

The Units are principally of conventional wood frame construction with drywall finish on interior walls, vinyl siding on the exterior walls, and cultured stone fronts. The roofs are fiberglass shingle.

Three (3) Unit types are being submitted by this Ninth Amendment. The Unit types are known as the "Holland A3" type Unit, the "McGinnis A3" type Unit and the "Chaucer A3" type Unit. Unit No. 6 is a "Holland A3" type Unit; Unit Nos. 7 and 55 are a "Chaucer A3" type Unit and Unit No. 56 are a "McGinnis A3" type Unit.

A patio, porch or deck (if any) adjacent to a Unit is limited common area attributable to such Unit.

The "Holland A3(B)" type Unit is a two-story Unit containing approximately 2,014 square feet of living area (exclusive of garage and basement areas, if any). The first floor consists of a foyer, dining room, kitchen and dinette, family room, master bedroom, one and one-half (1 -1/2) baths, laundry room and an attached two (2) car garage. The second floor contains two (2) bedrooms and a full bath.

The "Chaucer A3" type Unit is a one-story ranch Unit containing from approximately 1,670 square feet of living area to approximately 1,843 square feet of living area (exclusive of garage and basement areas). The first floor consists of a foyer, great room, kitchen and dinette, great room, three (3) bedrooms, two (2) full baths, laundry room and an attached two (2) car garage. Unit No. 7 additionally has a sunroom adjacent to the great room.

The "McGinnis A3(B)" type Unit is a two-story Unit containing approximately 2,367 square feet of living area (exclusive of garage and basement areas, if any). The first floor consists of a dining room, kitchen and dinette, great room, living room, master bedroom, one and one-half (1-1/2) baths, laundry room and an attached two (2) car garage. The second floor contains two (2) bedrooms and a full bath.

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

EXHIBIT 4

**TO NINTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS**

UNIT NO.	PHASE NO.	UNIT ADDRESS	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
1	I	660 Winslow Drive	1/28
2	I	656 Winslow Drive	1/28
3	I	652 Winslow Drive	1/28
66	I	657 Winslow Drive	1/28
4	II	648 Winslow Drive	1/28
63	II	649 Winslow Drive	1/28
16	III	625 Eaton Drive	1/28
19	III	613 Eaton Drive	1/28
5	IV	618 Eaton Drive	1/28
9	IV	644 Eaton Drive	1/28
13	IV	637 Eaton Drive	1/28
15	IV	629 Eaton Drive	1/28
64	V	653 Winslow Drive	1/28
65	VI	655 Winslow Drive	1/28
8	VII	621 Eaton Drive	1/28
10	VII	617 Eaton Drive	1/28
17	VII	640 Winslow Drive	1/28
18	VII	648 Winslow Drive	1/28
50	VIII	608 Avon Drive	1/28
51	VIII	612 Avon Drive	1/28
52	VIII	616 Avon Drive	1/28
53	VIII	620 Avon Drive	1/28
54	VIII	624 Avon Drive	1/28
62	VIII	621 Avon Drive	1/28
6	IX	628 Eaton Drive	1/28

UNIT NO.	PHASE NO.	UNIT ADDRESS	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
7	IX	636 Eaton Drive	1/28
55	IX	628 Avon Drive	1/28
56	IX	632 Avon Drive	1/28
			TOTAL: 1

CONSENT OF MORTGAGEE TO NINTH AMENDMENT TO AMENDED DECLARATION OF CONDOMINIUM OWNERSHIP FOR WINSLOW ESTATES CONDOMINIUMS

The undersigned, THE HUNTINGTON NATIONAL BANK, is mortgagee of premises described in the within Ninth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, Aurora, Ohio, by virtue of mortgage recorded on December 23, 2003 as Instrument No. 200347921 in the Portage County Records (the "Mortgage").

The undersigned hereby consents to the execution and delivery of the foregoing Ninth Amendment to Amended Declaration of Condominium Ownership, with the Bylaws, Drawings and other exhibits thereto ("Condominium Documents"), and to the filing thereof in the Office of the County Recorder of Portage County, Ohio, and further subjects and subordinates the Mortgage to the Condominium Documents, and to the provisions of Chapter 5311 of the Ohio Revised Code.

THE HUNTINGTON NATIONAL BANK

AURORA TITLE
City of Aurora

By Monica Nagy
Print Name: MONICA NAGY
Title: VICE PRESIDENT

By Judy W. Murphy
Print Name: Judy W. Murphy
Title: AVP

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named THE HUNTINGTON NATIONAL BANK by Monica Nagy, its Vice President, and by Judy Murphy, its Asst Vice President, who, having been first duly sworn acknowledged that they did execute the foregoing instrument and that the same was their free act and deed individually and as such officers of the corporation and the free act and deed of the said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Cleveland, Ohio, this 23rd day of November, 2005.

MONICA A. BUTKO

Notary Public
My Commission Expires: MONICA A. BUTKO
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 09-25-2010

THIS INSTRUMENT PREPARED BY:
RICHARD A. ROSNER, ATTORNEY AT LAW
KAHN KLEINMAN, LPA
2600 ERIEVIEW TOWER
1301 EAST NINTH STREET
CLEVELAND, OHIO 44114-1824
(216) 696-3311