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Aur Title*

BONNIE M. HOWE  
PORTAGE CO. RECORDER

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

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PHASE NO. X ✓

ADDING UNIT NOS. 57, 58, 59, 60 AND 61

**INDEXED**

This will certify that copies of this Tenth 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.

AURORA TITLE  
*By: [Signature]*

Date: JUN 02 2006, 2005

County Auditor

By: Janet Esposito  
Deputy Auditor

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

*Plat 2006-49*

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

PHASE NO. X

ADDING UNIT NOS. 57, 58, 59, 60 AND 61

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 Tenth 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, Successor Declarant, by Ninth Amendment to Amended Declaration of Condominium Ownership for Winslow Estates Condominiums, Aurora, Ohio, recorded on January 27, 2006 with the Portage County Recorder as Instrument No. 200601935 of Portage County Records (the “**Ninth Amendment**”) and the Drawings in Plat Volume 2006-9 of Portage County Condominium Map Records, submitted Phase No. IX of Winslow Estates Condominiums to the provisions of the Act. The Ninth Amendment also contained a Special Amendment authorizing the Successor Declarant to use deposits and down payments for construction purposes pursuant to the provisions of paragraph 1 of the Ninth Amendment and pursuant to Ohio Revised Code Section 5311.25(A) that became effective on July 20, 2004, 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. X of Winslow Estates Condominiums which is improved with five (5) free-standing Buildings, each containing one (1) Unit for a total of five (5) Units.

NOW, THEREFORE, Successor Declarant, pursuant to the authority of Articles X and Section 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. The Phase No. X 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.

2. 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. X of Winslow Estates Condominiums, the legal description for Phase No. X being described in “**Exhibit 1**” attached hereto and made a part hereof.

3. 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-eight (28) Units to thirty-three (33) Units. A narrative description of the Units for Phase No. X 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. X, 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. X Drawings incorporated in this Tenth Amendment to Amended Declaration (**“Tenth 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 and attached hereto as **“Exhibit A-1”** and made a part hereof. The Phase No. X 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 Tenth 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. X 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. X 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, VIII and IX 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, VIII and IX prior to the filing of this Tenth 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 Tenth 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 Tenth 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the said Successor Declarant has caused its name to be signed to these presents as of this \_\_\_\_ day of \_\_\_\_\_, 2006.

**HERSH CONSTRUCTION, INC.,**  
an Ohio corporation

By: \_\_\_\_\_ (signature)  
John P. Hershberger, President

STATE OF OHIO                    )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

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 \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

*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 TENTH 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 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 Drawings incorporated in the Tenth 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 Tenth Amendment.



**EXHIBIT A-1**

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

PHASE X AS-BUILT ARCHITECTURAL DRAWINGS ARE ATTACHED HERETO

**EXHIBIT 1**

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

LEGAL DESCRIPTION OF PHASE X ATTACHED HERETO

**EXHIBIT 2**

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

LEGAL DESCRIPTION OF REMAINING ADDITIONAL PROPERTY ATTACHED HERETO

**EXHIBIT 3**

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

**A NARRATIVE DESCRIPTION OF BUILDINGS AND UNITS  
AND UNIT TYPES FOR PHASE X**

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 five (5) "free-standing", single-family Condominium Units. The Units are designated as Unit Nos. 57, 58, 59, 60 and 61, and they are all 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 Tenth Amendment. The Unit types are known as the "Holland A3" type Unit, the "Chaucer A3S" type Unit and the "Chaucer A3" type Unit. Unit Nos. 57, 58 and 59 are a "Chaucer A3" type Unit; Unit No. 61 is a "Chaucer A3S" type Unit and Unit No. 60 is a "Holland 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" type Unit is a two-story Unit containing approximately 1,898 square feet of living area (exclusive of the garage and the basement area). 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 approximately from 1,650 to 1,787 square feet of living area (exclusive of the garage and the basement area). The first floor consists of a foyer, family room, kitchen and dinette, three (3) bedrooms, two (2) full baths, laundry room and an attached two (2) car garage.

The "Chaucer A3S" type Unit is a one-story ranch Unit containing approximately 1,843 square feet of living area (exclusive of the garage and the basement area). The first floor consists of a foyer, family room, kitchen and dinette, three (3) bedrooms, two (2) full baths, laundry room, a sun room and an attached two (2) car garage.

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 TENTH 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	1/33
2	I	656 Winslow Drive	1/33
3	I	652 Winslow Drive	1/33
66	I	657 Winslow Drive	1/33
4	II	648 Winslow Drive	1/33
63	II	649 Winslow Drive	1/33
16	III	625 Eaton Drive	1/33
19	III	613 Eaton Drive	1/33
5	IV	618 Eaton Drive	1/33
9	IV	644 Eaton Drive	1/33
13	IV	637 Eaton Drive	1/33
15	IV	629 Eaton Drive	1/33
64	V	653 Winslow Drive	1/33
65	VI	655 Winslow Drive	1/33
8	VII	621 Eaton Drive	1/33
10	VII	617 Eaton Drive	1/33
17	VII	640 Winslow Drive	1/33
18	VII	648 Winslow Drive	1/33
50	VIII	608 Avon Drive	1/33
51	VIII	612 Avon Drive	1/33
52	VIII	616 Avon Drive	1/33
53	VIII	620 Avon Drive	1/33
54	VIII	624 Avon Drive	1/33
62	VIII	621 Avon Drive	1/33
6	IX	628 Eaton Drive	1/33

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	1/33
55	IX	628 Avon Drive	1/33
56	IX	632 Avon Drive	1/33
57	X	641 Avon Drive	1/33
58	X	637 Avon Drive	1/33
59	X	633 Avon Drive	1/33
60	X	629 Avon Drive	1/33
61	X	625 Avon Drive	1/33
			<b>TOTAL: 1</b>