

GREENWOOD VILLAGE CONDOMINIUM NO. 1

SAGAMORE HILLS TOWNSHIP,

OHIO

SECOND AMENDMENT

TO

DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Second Amendment, together with Drawings, attached hereto as Exhibit B, have been filed in the Office of the County Auditor, Summit County, Ohio.

Date: , 1970

C. L. BOWER
County Auditor

By _____

This instrument prepared by:

Thompson, Hine and Flory
Cleveland, Ohio

SECOND AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OWNERSHIP FOR GREENWOOD
VILLAGE CONDOMINIUM NO. 1

WHEREAS, on August 11, 1970, Greenwood Village, Inc., a Delaware corporation, hereinafter referred to as "Grantor", submitted certain premises in Sagamore Hills Township, Summit County, Ohio to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership by filing with the Summit County Recorder an instrument entitled "Declaration of Condominium Ownership For Greenwood Village Condominium No. 1" (hereinafter referred to as the "Declaration") which was assigned Document No. 579979 by the Summit County Recorder and subsequently on August 18, 1970 recorded in Volume 5061, at Pages 401 to 451, inclusive, of Summit County Records; and

WHEREAS, Grantor also on August 11, 1970 filed with the Summit County Recorder, as Exhibit A to the Declaration, an instrument entitled "Bylaws of Greenwood Village Condominium No. 1 Units Owners' Association" (hereinafter referred to as the "Bylaws") which was assigned Document No. 579979 by the Summit County Recorder and subsequently on August 18, 1970 recorded in Volume 5061, at Pages 373 to 398, inclusive, of Summit County Records; and

WHEREAS, Grantor also on August 11, 1970 filed with the Summit County Recorder, as Exhibit B to the Declaration, drawings (hereinafter referred to as the "Drawings") which were assigned Document No. 579979 by the Summit County Recorder and

subsequently on August 18, 1970 recorded in Plat Book 75 at Pages 44 to 55, inclusive, of Summit County Map Records; and

WHEREAS, Paragraph 15 of the Declaration reserved to Grantor the right to amend the Declaration and the Drawings for the purpose of submitting certain additional premises to the provisions of the Declaration and to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership; and

WHEREAS, on November 13, 1970 Grantor submitted Parcel No. 2, as described and defined in the Declaration, together with the improvements thereon constructed, to the provisions of the Declaration and to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership by filing with the Summit County Recorder an instrument entitled "First Amendment To Declaration Of Condominium Ownership For Greenwood Village Condominium No. 1" (hereinafter referred to as the "First Amendment") which was assigned Document No. 588737 by the Summit County Recorder and recorded in Volume 5074, at Pages 615 to 624, inclusive, of Summit County Records; and

WHEREAS, Grantor also on November 13, 1970 filed with the Summit County Recorder, as Exhibit B to the First Amendment, drawings (hereinafter and in the First Amendment referred to as the "First Amendment Drawings") which were assigned Document No. 588737 by the Summit County Recorder and recorded in Plat Book 76 at Pages 10 to 21, inclusive, of Summit County Map Records; and

WHEREAS, the present owners and mortgagees of each Unit for which provision is made in the Declaration are:

<u>Unit No.</u>	<u>Unit Owner</u>	<u>Mortgagee</u>
101	Grantor	Shaker Savings Association
102	Grantor	Shaker Savings Association
103	Grantor	Shaker Savings Association
104	Grantor	Shaker Savings Association
201	Grantor	First Federal Savings and Loan Association of Cleveland
202	Alida DeF Mixson	Shaker Savings Association
203	James R. Skubovius and Maxine Skubovius	Shaker Savings Association
204	Kathryn A. Gibson	First Federal Savings and Loan Association of Cleveland
205	Ruth M. Carpenter	None
301	Arnold Fernengel and Dorothy Fernengel	None
302	Jeffrey H. Reitzes and Linda K. Reitzes	Shaker Savings Association
303	Malcolm C. MacCluer and Elizabeth S. MacCluer	Shaker Savings Association
304	Samuel H. Troxel and Dorothy S. Troxel	Shaker Savings Association
305	Grantor	First Federal Savings and Loan Association of Cleveland
401	Grantor	Shaker Savings Association
402	Marion F. Trattner	Shaker Savings Association
403	Kenneth D. Blum and Korinna Blum	Shaker Savings Association
404	Dorothy E. Schellhase	Shaker Savings Association
405	Ronald L. Coleman	Shaker Savings Association
501	E. Louise Chaddock	Shaker Savings Association

<u>Unit No.</u>	<u>Unit Owner</u>	<u>Mortgagee</u>
502	James M. Snowden and Lucille L. Snowden	Shaker Savings Association
503	Ngaio T. Lowry	None
504	Ernest William Moritz and Rita E. Moritz	Shaker Savings Association
601	Dorothy G. Stevenson	Shaker Savings Association
602	Grantor	Shaker Savings Association
603	Grantor	Shaker Savings Association
604	Grantor	Shaker Savings Association

The above-named Unit Owners (other than Grantor) are hereinafter referred to as the "Parcel No. 1 and Parcel No. 2 Subsequent Unit Owners" and the above-named mortgagees of said Parcel No. 1 and Parcel No. 2 Subsequent Unit Owners are hereinafter referred to as the "Parcel No. 1 and Parcel No. 2 Subsequent Mortgagees"; and

WHEREAS, Grantor is, pursuant to the provisions of Paragraph 16 of the Declaration, the duly appointed and acting Attorney-in-Fact of each of the Parcel No. 1 and Parcel No. 2 Subsequent Unit Owners and the Parcel No. 1 and Parcel No. 2 Subsequent Mortgagees for the purpose of executing, acknowledging and recording (i) for and in the name of each such Parcel No. 1 and Parcel No. 2 Subsequent Unit Owner such amendment to the Declaration as is contemplated by Paragraph 15 thereof, and (ii) for and in the name of each such Parcel No. 1 and Parcel No. 2 Subsequent Mortgagee, a consent to such amendment; and

WHEREAS, Grantor has determined to submit Parcel No. 3, as described and defined in the Declaration, together with the improvements thereon constructed and hereinafter described, to the provisions of the Declaration and to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership; and

WHEREAS, First Federal Savings and Loan Association

as described and defined in the Declaration, which are owned by Grantor, and Shaker Savings Association which is the Mortgagee of those Units within Parcel No. 2, as described and defined in the Declaration, which are owned by Grantor and is also the Mortgagee of Parcel No. 3, as described and defined in the Declaration, are each willing to consent to this Second Amendment to Declaration of Condominium Ownership.

NOW, THEREFORE, Grantor hereby declares (all terms herein used which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration):

1. Grantor is the owner of Parcel No. 3 which, together with Parcel No. 3 Buildings and all other improvements thereon, all easements, rights, appurtenances belonging thereto and all articles of personal property existing thereon for the common use of the Unit Owners, is hereby submitted to the provisions of Chapter 5311 and the provisions of the Declaration, as amended by the First Amendment, and is hereby included in, and made a part of, the Condominium Property.

2. The Declaration, as amended by the First Amendment, is hereby further amended in accordance with the provisions of Paragraphs 15 and 16 thereof, in the following respects:

- (a) Paragraph 4 of the Declaration is hereby deleted and the following substituted in lieu thereof.

"4. General Description of Condominium Property. The Condominium Property consists of Parcel No. 1, Parcel No. 2 and Parcel No. 3 and the Parcel No. 1 Buildings, the Parcel No. 2 Buildings and the Parcel No. 3 Buildings and other improvements located thereon, including, without limitation, ten (10) residential structures containing side-by-side Units, each having a basement, attached garage and patio, all easements, rights, and appurtenances belonging thereto; and all articles of personal property existing thereon for the common use of the Unit Owners. The first such structure, which is located on Parcel No. 1, contains four (4) Units, one of which is one story in height and designated "101" on the Drawings, and the other three of which are two stories in height and designated, respectively, "102", "103" and "104" on the Drawings. The second such structure, which is located on Parcel No. 1, contains five (5) Units, all of which are two stories in height and designated, respectively, "201", "202", "203", "204" and "205" on the Drawings. The third such structure which is located on Parcel No. 1, contains five (5) Units, all of which are two stories in height and designated, respectively, "301", "302", "303", "304" and "305" on the Drawings. The fourth such structure, which is located on Parcel No. 2, contains five (5) Units, one of which is one story in height and designated "405" on the Drawings, and the other four of which are two stories in height and designated respectively, "401", "402", "403" and "404" on the Drawings. The fifth such structure, which is located on Parcel No. 2, contains four (4) Units, two of which are one story in height and designated, respectively, "502" and "503" on the Drawings, and the other two of which are two stories in height and designated, respectively, "501" and "504" on the Drawings. The sixth such structure, which is located on Parcel No. 2, contains four (4) Units, two of which are one story in height and designated, respectively, "601" and "602" on the Drawings, and the other two of which are two stories in height and designated, respectively, "603" and "604" on the Drawings. The seventh such structure, which is located on Parcel No. 3, contains six (6) Units, one of which is one story in height and designated "705" on the Drawings, and the other five of which are two stories in height and designated, respectively, "701", "702", "703", "704", and "706" on the Drawings. The eighth such structure,

which is located on Parcel No. 3, contains four (4) Units, two of which are one story in height and designated, respectively, "803", and "804" on the Drawings, and the other two of which are two stories in height and designated, respectively, "801" and "802" on the Drawings. The ninth such structure, which is located on Parcel No. 3, contains five (5) Units, two of which are one story in height and designated, respectively, "903" and "904" on the Drawings, and the other three of which are two stories in height and designated, respectively, "901", "902" and "905" on the Drawings. The tenth such structure, which is located on Parcel No. 3, contains seven (7) Units, two of which are one story in height and designated, respectively, "1003" and "1004" on the Drawings, and the other five of which are two stories in height and designated, respectively, "1001", "1002", "1005", "1006" and "1007" on the Drawings. The Parcel No. 1 Buildings and the Parcel No. 2 Buildings and the Parcel No. 3 Buildings are constructed principally of cement block, brick veneer and wood. The location, layout and dimensions of the Units and the Common Areas and Facilities are shown graphically on the Drawings."

(b) Section B of Paragraph 6 of the Declaration is hereby deleted and the following substituted in lieu thereof:

"B. Ownership of Common Areas and Facilities. The Common Areas and Facilities comprise, in the aggregate, a single freehold estate and shall be owned by the Unit Owners, as tenants in common, and ownership thereof shall remain undivided. No action for partition of any part of the Common Areas and Facilities shall be maintainable, except as specifically provided in Section 5311.14 of the Ohio Revised Code, nor may any Unit Owner otherwise waive or release any rights in the Common Areas and Facilities; provided, however, that if any Unit be owned by two or more co-owners as tenants in common or as joint tenants nothing herein contained shall be deemed to prohibit a voluntary or judicial partition of such Unit Ownership as between such co-owners.

The percentage of interest in the Common Areas and Facilities of each Unit, as determined by Grantor in accordance with the provisions of Chapter 5311, shall be as follows:

Unit No.Percentage of Interest

101	1.908
102	1.768
103	2.141
104	2.559
201	1.741
202	1.699
203	1.699
204	1.815
205	2.094
301	2.127
302	1.745
303	1.699
304	1.699
305	1.722
401	1.787
402	1.764
403	2.172
404	2.094
405	2.187
501	2.512
502	1.885
503	1.861
504	2.512
601	2.010
602	1.838
603	1.764
604	1.787
701	2.486
702	2.207
703	1.953
704	2.178
705	2.116
706	2.586
801	1.767
802	2.254
803	2.116
804	2.163
901	2.486
902	1.837
903	2.093
904	2.093
905	2.556
1001	2.348
1002	2.277
1003	2.359
1004	2.140
1005	1.791
1006	1.791
1007	1.814

The undivided percentage of interest of the Unit Owners in the Common Areas and Facilities and the fee title to the respective Units shall not be separated or separately conveyed, encumbered, inherited or divided, and each undivided interest shall be deemed to be conveyed or encumbered with its respective Unit even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to such Unit."

(c) The Drawings, attached as Exhibit B to the Declaration and referred to in Paragraph 1B(x) thereof, as amended by the addition thereto of the First Amendment Drawings, are hereby further amended by adding thereto and making a part thereof, the drawings (hereinafter referred to as the "Second Amendment Drawings") prepared and certified by F. W. Wheeler, Registered Surveyor No. 4151 and by William J. Gabriel, Registered Architect No. 1177 as to Pages 1 and 2 and by said William J. Gabriel and by John E. Dailey Registered Surveyor No. 5151 as to Pages 3 through 18, inclusive, in accordance with Section 5311.07 of the Ohio Revised Code, relating to Parcel No. 2, Parcel No. 2 Buildings and all other improvements thereon, which Second Amendment Drawings are identified as Exhibit B and attached to this Second Amendment.

3. Except as specifically hereinabove amended, all of the provisions of the Declaration, as amended by the First Amendment, and the Bylaws, and the Drawings, as amended by the First Amendment Drawings, shall be and remain in full force and effect.

4. Consent to this Second Amendment to Declaration of Condominium Ownership on behalf of the Parcel No. 1 and Parcel No. 2 Subsequent Unit Owners and on behalf of the Parcel No. 1 and Parcel No. 2 Subsequent Mortgagees is hereby granted by Grantor in its capacity as their Attorney-in-Fact pursuant to the provisions of Paragraph 16 of the Declaration.

IN WITNESS WHEREOF, the said Greenwood Village, Inc., acting in its capacity as Grantor of Parcel No. 3, as owner of certain Parcel No. 1 Units and certain Parcel No. 2 Units and as Attorney-in-Fact for the Parcel No. 1 and Parcel No. 2 Subsequent Unit Owners and for the Parcel No. 1 and Parcel No. 2 Subsequent Mortgagees, has caused this instrument to be executed by its President, and attested by its Secretary this _____ day of _____, 197_.

Signed and Acknowledged in
the Presence of:

GREENWOOD VILLAGE, INC., as
Grantor of Parcel No. 3, as
Owner of certain Parcel No. 1 and
certain Parcel No. 2 Units and
as Attorney-in-Fact for the Parcel
No. 1 and Parcel No. 2 Subsequent
Unit Owners and for the Parcel
No. 1 and Parcel No. 2 Subsequent
Mortgagees

By _____
President

Attest _____
Secretary

STATE OF OHIO

COUNTY OF

)
) SS.
)

BEFORE ME, a Notary Public in and for said County and State, appeared William A. Wargo, President, and Edward H. Crane, Secretary, respectively, of Greenwood Village, Inc., a Delaware corporation, 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 and the free act and deed of said corporation in the several capacities and for the purposes hereinbefore stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at _____, Ohio, this _____ day of _____, 197_.

Notary Public

This instrument prepared by:
Thompson, Hine and Flory
Cleveland, Ohio

A F F I D A V I T

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

William A. Wargo, being first duly sworn on
oath says:

(a) That he is the President of Greenwood
Village, Inc., a Delaware corporation, the Grantor in
the within Second Amendment to Declaration of Condomin-
ium Ownership For Greenwood Village Condominium No. 1
(hereinafter called the "Second Amendment"); and

(b) That a copy of the within Second Amend-
ment has been mailed by certified mail to all Parcel
No. 1 and Parcel No. 2 Subsequent Unit Owners and
all mortgagees having bona fide liens of record against
any Unit to which reference is made in the within Sec-
ond Amendment.

Further affiant saith not.

William A. Wargo

Sworn to before me and subscribed in my presence
this _____ day of _____, 197_.

Notary Public

CONSENT OF MORTGAGEE

The undersigned, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND, is mortgagee of portions of the premises referred to as Parcel No. 1 in the Declaration of Condominium Ownership for Greenwood Village Condominium No. 1 (hereinafter referred to as the "Declaration"), which was recorded in Volume 5061, at Pages 401 to 451, inclusive, of Summit County Records, and in the First Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 1 (hereinafter referred to as the "First Amendment"), which was recorded in Volume 5074, at Pages 615 to 624, inclusive, of Summit County Records, and in the within Second Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 2 (hereinafter referred to as the "Second Amendment") by virtue of a Mortgage Deed executed by Greenwood Village, Inc., dated February 17, 1969, and recorded in Mortgage Records of the Recorder of Summit County in Volume 5013, at Pages 273 to 275, inclusive.

The undersigned hereby consents to the execution and delivery of the foregoing Second Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 1, with the Second Amendment Drawings attached as exhibits thereto, and to the filing thereof in the Office of the County Recorder of Summit County, Ohio, and, further, subjects and subordinates said Mortgage Deed to (i) the Declaration with the Bylaws and Drawings, attached thereto as Exhibits A and B, respectively, as amended by the First Amendment and by the drawings, attached thereto as Exhibit B, and as further amended by the Second Amendment and by the drawings, attached thereto as Exhibit B, and (ii) the provisions of Chapter 5311 of the Ohio Revised Code.

Signed and acknowledged in
the presence of:

FIRST FEDERAL SAVINGS AND
LOAN ASSOCIATION OF CLEVELAND

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County
and State personally appeared _____, the

_____, and _____, the

of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF CLEVELAND, 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
and the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed my official seal at Cleveland, Ohio, this
_____ day of _____, 197__.

Notary Public

CONSENT OF MORTGAGEE

The undersigned, SHAKER SAVINGS ASSOCIATION, is mortgagee of portions of the premises referred to as Parcel No. 2 and mortgagee of the premises referred to as Parcel No. 3 in the Declaration of Condominium Ownership for Greenwood Village Condominium No.1 (hereinafter referred to as the "Declaration"), which was recorded in Volume 5061, at Pages 401 to 451, inclusive, of Summit County Records, and in the First Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 1 (hereinafter referred to as the "First Amendment"), which was recorded in Volume 5074, at Pages 615 to 624, inclusive, of Summit County Records, and in the within Second Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 2 (hereinafter referred to as the "Second Amendment") by virtue of a Mortgage Deed executed by Greenwood Village, Inc., dated May 7, 1970, and recorded in Mortgage Records of the Recorder of Summit County in Volume 5037, at Pages 508 to 512, inclusive, and a Mortgage Deed executed by Greenwood Village, Inc., dated July 17, 1970, and recorded in Mortgage Records of the Recorder of Summit County in Volume 5046, at Pages 304 to 308, inclusive.

The undersigned hereby consents to the execution and delivery of the foregoing Second Amendment to Declaration of Condominium Ownership of Greenwood Village Condominium No. 1, with the Second Amendment Drawings attached as exhibits thereto, and to the filing thereof in the Office of the County Recorder of Summit County, Ohio, and, further, subjects and subordinates said Mortgage Deeds to (i) the Declaration with the Bylaws and Drawings, attached thereto as Exhibits A and B, respectively.

thereto as Exhibit B, and as further amended by the Second Amendment and by the drawings attached thereto as Exhibit B, and (ii) the provisions of Chapter 5311 of the Ohio Revised Code.

Signed and Acknowledged in
the Presence of:

SHAKER SAVINGS ASSOCIATION

By _____

By _____

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State personally appeared _____, the _____, and _____, the _____ of SHAKER SAVINGS ASSOCIATION, 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 and the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Cleveland, Ohio, this _____ day of _____, 197_.

Notary Public