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VOL. 84-5763 PAGE 27

VILLAGE COMMONS CONDOMINIUM

CHAGRIN FALLS, OHIO

PHASE NO. 3

ADDING UNIT NOS. 8 THROUGH 11, INCLUSIVE
AND UNIT NOS. 29 AND 30

*Chicory Title
#5185*

*44.00
561.60
DEED
605.60*

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Second Amendment to Declaration of Condominium Ownership for Village Commons Condominium and the Drawings attached thereto, have been filed in the office of the County Auditor, Cuyahoga County, Ohio

RECORDED THIS DATE
BY BENNY ROMANO
CUYAHOGA COUNTY AUDITOR
DEC 4 3 45 PM '84

Date: December 4, 1984

Cuyahoga County Auditor

By: *Darlene A. Palumbo*
Deputy Auditor

pp. 932-9-6.7.89

This instrument prepared by:
Richard A. Rosner, Attorney at Law
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.
1300 Bond Court Building
Cleveland, Ohio 44114

DEC 4, 1984

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR VILLAGE COMMONS CONDOMINIUM
CHAGRIN FALLS, OHIO
(PHASE NO. 3)

WHEREAS, Village Venture, Inc., an Ohio corporation hereinafter referred to as "Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") with the Bylaws attached thereto, and Drawings incorporated by reference therein, on June 22, 1984, with the Cuyahoga County Recorder, the Declaration being recorded in Volume 2786, Page 52 of Cuyahoga County Deed Records and the Drawings being recorded in Volume 50, Page 70 of Cuyahoga County Condominium Map Records and thereby submitted Phase No. 1 of the Village Commons Condominium to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, by First Amendment to the Declaration recorded on September 5, 1984, with the Cuyahoga County Recorder in OR Volume 84-4122, Page 23, of Cuyahoga County Records, and Condominium Map Volume 51, Page 46, of Cuyahoga County Records, Phase No. 2 was submitted to the Condominium Development and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, under the 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, 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 XI and XII of the Declaration, (a) the real property designated herein as Phase No. 3 of Village Commons Condominium which is improved with two (2) Buildings, one Building containing four (4) Units and the other Building containing two (2) Units.

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

1. The Phase No. 3 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 I(O) of the 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 Declaration as hereinbefore and hereby amended.

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2. The legal description of Parcel No. 1 set forth in Exhibit No. "1" of the Declaration is amended to include the real property for Phase No. 3 of Village Commons Condominium, the amended Parcel No. 1 being described in Exhibit No. "A" attached hereto and made a part hereof.

3. The legal description of the Additional Property set forth in Exhibit No. "2" of the First Amendment is hereby deleted for the reason that all of the same has been added to Parcel No. 1.

4. In the first paragraph of Article II of the Declaration and in Article II(A) of the Declaration the number of Units referred to therein is increased from twenty-five (25) Units to thirty-one (31) Units. The model type of each of the thirty-one (31) Units is set forth in Exhibit "B" attached hereto and made a part hereof.

5. An amended narrative description of the Parcel No. 1 Buildings and the Units contained therein is attached hereto and made a part hereof as Exhibit "C".

6. The percentage interest of each Unit in the Common Areas and Facilities as set forth in Exhibit "E" of the First Amendment is hereby amended to be as set forth in Exhibit "D" attached hereto and made a part hereof.

7. The particulars of the land, buildings and other improvements for Phase No. 3, 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 Phase No. 3 Amendment Allotted Drawings incorporated in this Second Amendment to Declaration of Condominium Ownership for Village Commons Condominium, by reference as Exhibit "C", prepared and bearing the certified statements of Lake, Inc., Engineers and Surveyors, 30575 Euclid Avenue, Wickliffe, Ohio 44092, and Total Design Enterprise, Registered Architects, 34910 Ridge Road, Willoughby, Ohio 44094, as required by the Condominium Act of the State of Ohio. The Phase No. 3 Amendment to the Allotted Drawings will be filed in the Condominium Map Records of the Office of the Recorder of Cuyahoga County, Ohio, simultaneously with the filing of this Second Amendment to the Declaration.

8. Article XVIII of the Declaration is amended to provide that the two (2) year warranty period for Phase No. 3 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. 3 to a Purchaser in good faith for value.

9. No owner of a Unit which was not included in Phase Nos. 1 and 2 shall: (a) have or obtain any interest in funds collected by the Association from the owners of units included in Phase Nos. 1 and 2 prior to the filing of this Second 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 Second Amendment.

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EXHIBIT "A"LEGAL DESCRIPTION OF
PARCEL "A" (2.3524 ACRES)
VILLAGE COMMONS CONDOMINIUMS
VILLAGE OF CHAGRIN FALLS, OHIO

Situated in the Village of Chagrin Falls, County of Cuyahoga, and State of Ohio and being part of a parcel of land known as Village Commons Condominiums (formerly known as being Sublot No. 21 and part of Sublot No.'s 19, 20, 24, and 45 in Gardner and Hallock's Allotment of Part of Original Chagrin Falls Township Lots No.'s 17 and 18, as shown by the recorded plat in Volume 2, Page 37 of Cuyahoga County Map Records, and part of Original Chagrin Falls Township Lots No.'s 17 and 18, in the Champion Tract, and together with unallotted lands and collectively forming said Village Commons Condominiums), further bounded and described as follows:

Beginning at the intersection of the Southwesterly sideline of Bell Street (60 feet wide) with the Easterly line of second parcel of land now or formerly owned by Geroge H. Ober by deed dated December 19, 1881 and as recorded in Volume 348, Page 61 of Cuyahoga County Deed Records;

Thence South 69° 32' 54" East along said Southwesterly sideline of Bell Street, a distance of 124.05 feet to a point of intersection with the Southwesterly sideline of Cleveland Street (60 feet wide);

Thence South 26° 54' 54" East along said Southwesterly sideline of Cleveland Street, a distance of 226.03 feet to a point of intersection with the Easterly curved turnout of a 20 feet wide access easement and the Principle Place of beginning of the premises herein intended to be described;

- Course I Thence along the arc of said Easterly curved turnout of access easement, deflecting to the left, 13.76 feet, said curve having a radius of 30.00 feet and a chord which bears South 85° 17' 58" West, a distance of 13.64 feet to its point of tangency;
- Course II Thence South 72° 09' 36" West, continuing along said sideline of access easement, a distance of 50.81 feet to a point of curve;
- Course III Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 77.18 feet, said curve having a radius of 134.00 feet and a chord which bears South 55° 39' 36" West, a distance of 76.12 feet to a point of reverse curve;

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- Course IV Thence continuing along the arc of said curved sideline of access easement, defelcting to the right, 111.04 feet, said curve having a radius of 137.00 feet and a chord which bears South 62' 22' 43" West, a distance of 108.02 feet to its point of tangency;
- Course V Thence South 85' 35' 50" West, continuing along said sideline of access easement, a distance of 73.50 feet to a point of curve;
- Course VI Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 87.57 feet, said curve having a radius of 52.70 feet and a chord which bears North 46' 48' 05" West, a distance of 77.83 feet to a point;
- Course VII Thence North 89' 12' 00" West, a distance of 90.36 feet to a point;
- Course VIII Thence North 47' 54' 10" West, a distance of 36.01 feet to an angle point in the Southeasterly line of land now or formerly owned by C. H. Giles and others, as trustees for the Chagrin Falls Banking Company by deed dated February 5, 1935, and as recorded in Volume 4449, Page 575 of Cuyahoga County Deed Records;
- Course IX Thence South 41' 50' 16" West, continuing along said Southeasterly line of C. H. Giles and others' land, a distance of 35.35 feet to an angle point therein;
- Course X Thence South 78' 17' 31" West, continuing along said Southeasterly line of C. H. Giles and others' land, a distance of 60.06 feet to a point;
- Course XI Thence South 3° 40' 12" East, a distance of 85.54 feet to a point, said point also being on a Northerly line of land now or formerly owned by Cleveland Electric Illuminating Company by deed dated July 12, 1927 and as recorded in Volume 3463, Page 563 of Cuyahoga County Deed Records;
- Course XII Thence North 86' 19' 48" East along said Northerly line of C.E.I.'s land, a distance of 61.00 feet to the Northeasterly corner thereof.
- Course XIII Thence South 3' 24' 00" East along the Easterly line of said C.E.I.'s land, a distance of 60.00 feet to a point in the Northerly line of Sublot No. 27 in said Gardner and Hallock's Allotment;
- Course XIV Thence North 86' 19' 48" East, along the Northerly line of said Sublot No. 27 and the Northerly lines of Sublot No.'s 26, 25, and 24 in said Gardner and Hallock's Allotment, a distance of 179.09 feet to the Northeasterly corner of land now or formerly owned by Frank Wass by deed dated March 21, 1913 and as recorded in Volume 1454, Page 335 of Cuyahoga County Deed Records;
- Course XV Thence South 3' 40' 12" East along the Easterly line of said Wass' land, a distance of 317.17 feet to a point in the Northerly sideline of East Washington Street, (60 feet wide);

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- Course XVI Thence North 86° 19' 48" East along said Northerly sideline of East Washington Street, a distance of 19.00 feet to a point;
- Course XVII Thence North 3° 40' 12" West, a distance of 317.17 feet to a point on said Northerly line of Sublot No. 24;
- Course XVIII Thence North 86° 19' 48" East along said Northerly line of Sublot No. 24 and the Northerly line of Sublot No. 23 in said Gardner and Hallock's Allotment, a distance of 95.00 feet to an angle point in said Northerly line of Sublot No. 23;
- Course XIX Thence South 62° 37' 50" East, continuing along said Northerly line of Sublot No. 23, a distance of 5.43 feet to the Northeasterly corner thereof;
- Course XX Thence North 3° 59' 30" West, a distance of 35.62 feet to the centerline of State Street (now vacated);
- Course XXI Thence South 60° 40' 33" East, along the centerline of State Street (now vacated), a distance of 175.86 feet to a point in the Westerly line of land now or formerly owned by Glen J. Hollis by deed dated June 18, 1912 and as recorded in Volume 1410, Page 204 of Cuyahoga County Deed Records;
- Course XXII Thence South 68° 25' 00" East, a distance of 214.36 feet to a point in said Southwesterly sideline of Cleveland Street;
- Course XXIII Thence North 26° 54' 54" West, along said Southwesterly sideline of Cleveland Street, a distance of 369.77 feet to the Principle Place of beginning and containing 2.3524 acres of land as described by Lake, Inc., Engineers and Surveyors, be the same, more or less, but subject to all legal highways.

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LEGAL DESCRIPTION OF
PARCEL "B" (20' WIDE ACCESS EASEMENT - 0.3683 ACRES)
VILLAGE COMMONS CONDOMINIUMS
VILLAGE OF CHAGRIN FALLS, OHIO

Situated in the Village of Chagrin Falls, County of Cuyahoga, and State of Ohio and being a 20 foot wide access easement thru a parcel of land known as Village Commons Condominiums (formerly known as being Sublot No. 21 and part of Sublot No.'s 19, 20, 24, and 45 in Gardner and Hallock's Allotment of Part of Original Chagrin Falls Township Lots No.'s 17 and 18, as shown by the recorded plat in Volume 2, Page 37 of Cuyahoga County Map Records, and part of Original Chagrin Falls Township Lots No.'s 17 and 18, in the Champion Tract, and together with unallotted lands and collectively forming said Village Commons Condominiums) further bounded and described as follows:

Beginning at the intersection of the Southwesterly sideline of Bell Street (60 feet wide) with the Easterly line of second parcel of land now or formerly owned by George H. Ober by deed dated December 19, 1881 and as recorded in Volume 348, Page 61 of Cuyahoga County Deed Records;

Thence South 69° 32' 54" East along said Southwesterly sideline of Bell Street, a distance of 124.05 feet to a point of intersection with the Southwesterly sideline of Cleveland Street (60 feet wide);

Thence South 26° 54' 54" East along said Southwesterly sideline of Cleveland Street, a distance of 196.38 feet to a point of intersection with the Westerly curved turnout of a 20 foot wide access easement and the Principle Place of beginning of the premises herein intended to be described;

- Course I Thence along the arc of said Westerly curved turnout of access easement, deflecting to the right, 19.60 feet, said curve having a radius of 30.00 feet and a chord which bears South 53° 26' 34" West, a distance of 19.25 feet to its point of tangency;
- Course II Thence South 72° 09' 36" West, continuing along said sideline of access easement, a distance of 41.18 feet to a point of curve;
- Course III Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 56.20 feet, said curve having a radius of 39.79 feet and a chord which bears South 67° 22' 39" West, a distance of 51.64 feet to its point of tangency;

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- Course IV Thence North 26° 54' 54" West, continuing along said sideline of access easement, a distance of 55.46 feet to a point of curve;
- Course V Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 166.53 feet, said curve having a radius of 74.00 feet and a chord which bears South 88° 36' 54" West, a distance of 133.55 feet to a point of reverse curve;
- Course VI Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 114.99 feet, said curve having a radius of 367.00 feet and a chord which bears South 33° 07' 16" West, a distance of 114.52 feet to a point of reverse curve;
- Course VIII Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 125.55 feet, said curve having a radius of 52.70 feet and a chord which bears South 26° 09' 10" East, a distance of 97.90 feet to its point of tangency;
- Course VIII Thence North 85° 35' 50" East, continuing along said sideline of access easement, a distance of 73.50 feet to a point of curve;
- Course IX Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 111.04 feet, said curve having a radius of 137.00 feet and a chord which bears North 62° 22' 43" East, a distance of 108.02 feet to a point of reverse curve;
- Course X Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 77.18 feet, said curve having a radius of 134.00 feet and a chord which bears North 55° 39' 36" East, a distance of 76.12 feet to its point of tangency;
- Course XI Thence North 72° 09' 36" East, continuing along said sideline of access easement, a distance of 50.81 feet to a point of a Easterly curved turnout;
- Course XII Thence continuing along the arc of said Easterly curved turnout of access easement, deflecting to the right, 13.76 feet, said curve having a radius of 30.00 feet and a chord which bears North 85° 17' 58" East, a distance of 13.64 feet to a point on said Southwesterly sideline of Cleveland Street;
- Course XIII Thence North 26° 54' 54" West along said Southwesterly sideline of Cleveland Street, a distance of 29.65 feet to the Principle Place of beginning and containing 0.9574 acres of land as described by Lake, Inc., Engineers and Surveyors, be the same, more or less, but subject to all legal highways;

INCLUDED IN THE ABOVE LEGAL DESCRIPTION OF PARCEL "B" IS A LEGAL DESCRIPTION OF PARCEL "D" (ISLAND AREA - 0.5891 ACRES).

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LEGAL DESCRIPTION OF
PARCEL "C" (1.1701 ACRES)
VILLAGE COMMONS CONDOMINIUMS
VILLAGE OF CHAGRIN FALLS, OHIO

Situated in the Village of Chagrin Falls, County of Cuyahoga, and State of Ohio and being Phase I of a parcel of land known as Village Commons Condominiums (formerly known as being Sublot No. 21 and part of Sublot No.'s 19, 20, 24, and 45 in Gardner and Hallock's Allotment of Part of Original Chagrin Falls Township Lots No.'s 17 and 18, as shown by the recorded plat in Volume 2, Page 37 of Cuyahoga County Map records, and part of original Chagrin Falls Township Lots No.'s 17 and 18, in the Champion Tract, and together with unallotted lands and collectively forming said Village Commons Condominiums) further bounded and described as follows:

Beginning at the intersection of the Southwesterly sideline of Bell Street (60 feet wide) with the Easterly line of second parcel of land now or formerly owned by George H. Ober by deed dated December 19, 1881 and as recorded in Volume 348, Page 61 of Cuyahoga County Deed Records;

- Course I Thence South 13° 44' 52" West along said Easterly line of second parcel of Ober's land, a distance of 104.64 feet to the Southeasterly corner thereof;
- Course II Thence North 76° 15' 08" West along the Southerly line of said second parcel of Ober's land, a distance of 88.00 feet to a point in the Southeasterly line of land now or formerly owned by C. H. Giles and others, as trustees for the Chagrin Falls Banking Company by deed dated February 5, 1935 and as recorded in Volume 4449, Page 575 of Cuyahoga County Deed Records;
- Course III Thence South 13° 49' 44" West along said Southwesterly line of C. H. Giles and others' land, a distance of 66.93 feet to an angle point therein;
- Course IV Thence South 42° 05' 50" West, continuing along said Southeasterly line of C. H. Giles and others' land, a distance of 183.06 feet to an angle point therein;
- Course V Thence South 47° 54' 10" East, a distance of 36.01 feet to a point;
- Course VI Thence South 89° 12' 00" East, a distance of 90.36 feet to a point on a Southwesterly sideline of a 20 foot wide access easement;

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- Course VII Thence along the arc of said curved sideline of access easement, deflecting to the right, 37.98 feet, said curve having a radius of 52.70 feet and a chord which bears North 21' 26' 55" East, a distance of 37.17 feet to a point of reverse curve;
- Course VIII Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 114.99 feet, said curve having a radius of 367.00 feet and a chord which bears North 33' 07' 16" East, a distance of 114.52 feet to a point of reverse curve;
- Course IX Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 166.53 feet, said curve having a radius of 74.00 feet and a chord which bears North 88' 36' 54" East, a distance of 133.55 feet to its point of tangency;
- Course X Thence South 26' 54' 54" East, continuing along said sideline of access easement, a distance of 55.46 feet to a point of curve;
- Course XI Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 56.20 feet, said curve having a radius of 39.79 feet and a chord which bears North 67' 22' 39" East, a distance of 51.64 feet to its point of tangency;
- Course XII Thence North 72' 09' 36" East, continuing along said sideline of access easement, a distance of 41.18 feet to a point of a Westerly curved turnout;
- Course XIII Thence continuing along the arc of said Westerly curved turnout of access easement, deflecting to the left, 19.60 feet, said curve having a radius of 30.00 feet and a chord which bears North 53' 26' 34" East, a distance of 19.25 feet to a point on the Southwesterly sideline of Cleveland Street (60 feet wide);
- Course XIV Thence North 26' 54' 54" West along said Southwesterly sideline of Cleveland Street, a distance of 196.38 feet to a point of intersection with said Southwesterly sideline of Bell Street;
- Course XV Thence North 69' 32' 54" West along said Southwesterly sideline of Bell Street, a distance of 124.05 feet to the Place of beginning and containing 1.1701 acres of land as described by Lake, Inc., Engineers and Surveyors, be the same, more or less, but subject to all legal highways.

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LEGAL DESCRIPTION OF
PARCEL "D" (ISLAND AREA - 0.5891 ACRES)
VILLAGE COMMONS CONDOMINIUMS
VILLAGE OF CHAGRIN FALLS, OHIO

Situated in the Village of Chagrin Falls, County of Cuyahoga, and State of Ohio and being the island area of an access easement of parcel of land known as Village Commons Condominiums (formerly known as being Sublot No. 21 and part of Sublot No.'s 19, 20, 24, and 45 in Gardner and Hallock's Allotment of Part of Original Chagrin Falls Township Lots No.'s 17 and 18, as shown by the recorded plat in Volume 2, Page 37 of Cuyahoga County Map Records, and part of Original Chagrin Falls Township Lots No.'s 17 and 18, in the Champion Tract, and together with unallotted lands and collectively forming said Village Commons Condominiums, further bounded and described as follows:

Beginning at the intersection of the Southwesterly sideline of Bell Street (60 feet wide) with the Easterly line of second parcel of land now or formerly owned by George H. Ober by deed dated December 19, 1881 and as recorded in Volume 348, Page 61 of Cuyahoga County Deed Records;

Thence South $69^{\circ} 32' 54''$ East along said Southwesterly sideline of Bell Street, a distance of 124.05 feet to a point of intersection with the Southwesterly sideline of Cleveland Street (60 Feet wide);

Thence South $26^{\circ} 54' 54''$ East along said Southwesterly sideline of Cleveland Street, a distance of 196.38 feet to a point of intersection with the Westerly curved turnout of a 20 foot wide access easement;

Thence along the arc of said Westerly curved turnout of access easement, deflecting to the right, 19.60 feet, said curve having a radius of 30.00 feet and a chord which bears South $53^{\circ} 26' 34''$ West, a distance of 19.25 feet to its point of tangency;

Thence South $72^{\circ} 09' 36''$ West, continuing along said sideline of access easement, a distance of 41.18 feet to a point of curve;

Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 56.20 feet, said curve having a radius of 39.79 feet and a chord which bears South $67^{\circ} 22' 39''$ West, a distance of 51.64 feet to its point of tangency;

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Thence North $26^{\circ} 54' 54''$ West, continuing along said sideline of access easement, a distance of 55.46 feet to a point of curve;

Thence South $63^{\circ} 05' 06''$ West, perpendicular to said tangent line, a distance of 20.00 feet to a point of curve on the inner sideline of said access easement and the Principle Place of beginning of the premises herein intended to be described;

- Course I Thence along the arc of said curved sideline of access easement, deflecting to the left, 121.52 feet, said curve having a radius of 54.00 feet and a chord which bears South $88^{\circ} 36' 54''$ West, a distance of 97.45 feet to a point of reverse curve;
- Course II Thence continuing along the arc of said curved sideline of access easement, deflecting to the right, 121.26 feet, said curve having a radius of 387.00 feet and a chord which bears South $33^{\circ} 07' 16''$ West, a distance of 120.76 feet to a point of reverse curve;
- Course III Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 77.90 feet, said curve having a radius of 32.70 feet and a chord which bears South $26^{\circ} 09' 10''$ East, a distance of 60.74 feet to its point of tangency;
- Course IV Thence North $85^{\circ} 35' 50''$ East, continuing along said sideline of access easement, a distance of 73.50 feet to a point of curve;
- Course V Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 94.83 feet, said curve having a radius of 117.00 feet, and a chord which bears North $62^{\circ} 22' 43''$ East, a distance of 92.25 feet to its point of tangency;
- Course VI Thence North $39^{\circ} 09' 36''$ East, continuing along said sideline of access easement, a distance of 14.89 feet to a point of curve;
- Course VII Thence continuing along the arc of said curved sideline of access easement, deflecting to the left, 38.06 feet, said curve having a radius of 33.00 feet and a chord which bears north $6^{\circ} 07' 21''$ East, a distance of 35.98 feet to its point of tangency;
- Course VIII Thence North $26^{\circ} 54' 54''$ West, continuing along said sideline of access easement, a distance of 69.86 feet to the Principle Place of beginning and containing 0.5891 acres of land as described by Lake, Inc., Engineers and Surveyors, be the same, more or less, but subject to all legal highways;

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EXHIBIT "B"

SECOND AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VILLAGE COMMONS CONDOMINIUM

<u>UNIT NO.</u>	<u>UNIT TYPE</u>
1	W
2	Y
3	Y
4	Z
5	X-R
6	Y-Loft
7	X
8	Y
9	X
10	Exp. Y
11	X
12	C
13	C
14	C
15	X
16	Y
17	Y
18	X
19	X
20	Y
21	Y
22	X
23	X
24	Y
25	X
26	Y
27	X
28	Y
29	Exp. Y
30	Exp. X
31	X

Exp. = Expandable

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EXHIBIT "C"

To Second Amendment to Declaration of Condominium Ownership
Village Commons Condominiums
Chagrin Falls, Ohio

Narrative Description of Units

The thirty-one (31) Units are contained in eleven (11) buildings. Unit Nos. 1 through 7 are townhouse Units contained in one building; Unit No. 12 is contained in a single family detached building; Units Nos. 13 and 14, 15 and 16, 17 and 18, 26 and 27, 28 and 31, and 29 and 30 are contained in duplex buildings; Units Nos. 8 through 11 and Unit Nos. 19 through 22 are contained in four Unit buildings and Units 23 through 25 are contained in a three Unit building.

The buildings containing Units Nos. 12, 13 and 14 are constructed on concrete slabs and are principally wood frame with drywall finish on the interior walls with aluminum siding and asphalt shingle roofs. The remaining buildings are constructed over block foundations with the first and second floors principally wood frame with drywall finish on the interior walls with aluminum siding and asphalt shingle roofs. The Development is served by private concrete paved roadways and by private concrete driveways.

Unit No. 1 is a "W" type Unit; Unit Nos. 2, 3, 8, 16, 17, 20, 21, 24, 26, and 28 are "Y" type Units; Unit Nos. 10 and 29 are "Expanded Y" type Units; Unit No. 4 is a "Z" type Unit; Unit No. 5 is an "X-R" type Unit; Unit No. 6 is a "Y-Loft" type Unit; Units Nos. 7, 9, 11, 15, 18, 19, 22, 23, 25, 27 and 31 are "X" type Units; Unit No. 30 is an "Expanded X" type Unit; and Units Nos. 12, 13 and 14 are "C" type Units.

The "W" type Unit contains approximately 1,826 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, storage area, utility/furnace room, entry, and finished stairway area. The first floor contains a combination living room/dining room, kitchen, den (can be used as utility room) and a half bath. The second floor contains two (2) bedrooms and two (2) full bathrooms.

The "X" type Units contain approximately 1,775 to 1,951 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, storage area, utility/furnace room, entry, and finished stairway area. The first floor contains a combination living room/dining room, kitchen, den (can be used as utility room) and a half bath. The second floor contains two (2) bedrooms and a full bathroom, except Unit No. 9 which contains two (2) full bathrooms. The larger "X" type Units have a portion of the ground floor storage area finished as a living area. A portion of the ground floor of Unit No. 11 contains a porch area.

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The "Y" and "Y-Loft" type Units contain approximately 1,800 to 1,935 square feet (or 1,650 square feet for the "Y-Loft") of living area situated on three (3) levels. The ground floor contains a two (2) car garage, entry, utility/furnace room, storage area and stairway area. The first floor contains a living room, dining room/kitchen, bedroom/den and a half bath. The second floor of the "Y" Unit contains two (2) bedrooms and two (2) full bathrooms (one (1) bedroom, a full bath and a loft area for the "Y-Loft" Unit). The larger "Y" type Units have a portion of the ground floor storage area finished as a living area.

The "X-R" type Unit contains approximately 1,775 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, storage area and utility/furnace room. The first floor contains a combination living room/dining room, kitchen, den (can be used as a utility room) and a half bath. The second floor contains two (2) bedrooms and two (2) full bathrooms.

The "Z" type Unit contains approximately 2,150 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, storage area and utility/furnace room. The first floor contains a combination living room/dining room, kitchen, bedroom, full bath and den. The second floor contains two (2) bedrooms and two (2) full bathrooms.

The "C" type Unit contains approximately 1,600 square feet of living area on two (2) levels. The first floor contains a two (2) car garage, living room, dining room/kitchen, utility room, full bath and bedroom/den. The second floor contains two (2) bedrooms, full bath and an unfinished area above the garage (except for a closet); except all of the unfinished area over the garage of Unit No. 14 has been finished as a third bedroom, thereby increasing the square footage of Unit No. 14 to 1,910 square feet.

The "Expanded X" type Unit contains approximately 2,203 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, den, utility room, entry and porch area. The first floor contains a combination living/dining room, kitchen, den and a half bath. The second floor contains two (2) bedrooms and two (2) full bathrooms.

The "Expanded Y" type Units contain approximately 1,993 to 2,075 square feet of living area situated on three (3) levels. The ground floor contains a two (2) car garage, storage area, utility/furnace room, entry and stairway area. The first floor contains a living room, dining room/kitchen, bedroom/den and a half bath. The second floor of the "Expanded Y" Unit contains three (3) bedrooms and two (2) full bathrooms. A portion of the ground floor area of Unit No. 29 is finished as a den.

Garages and unfinished areas are not computed in determining total square footages of living areas.

Each Unit has a Limited Common Area that is referred to as a "private area" by the Ordinances of the Village of Chagrin Falls. Such "private area" is situated adjacent to each Unit, is rectangular in shape,

Dec 4, 1984

extends a distance of twelve feet (12') perpendicular to the common wall separating two (2) Units, and extends parallel to each Unit a distance equal to the width of such Unit. Each "private area" contains at least two hundred forty (240) square feet. Each "private area" is shown on the Drawings.

Any inconsistencies between the narrative description of Units and the Drawings shall be resolved in favor of the Drawings.

DEC 4, 1984

EXHIBIT "D"

SECOND AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VILLAGE COMMONS CONDOMINIUM

<u>UNIT NO.</u>	<u>ADDRESS</u>	<u>UNIT TYPE</u>	<u>APPROXIMATE SQUARE FOOTAGE OF LIVING AREA</u>	<u>PERCENTAGE OF INTEREST IN COMMON AREAS AND FACILITIES AND PERCENTAGE INTEREST IN COMMON EXPENSES, COMMON ASSESSMENTS, COMMON SURPLUS COMMON PROFITS AND COMMON LOSSES</u>
1	70 Commons Court	W	1,826	3.18%
2	60 Commons Court	Y	1,800	3.14%
3	50 Commons Court	Y	1,800	3.14%
4	40 Commons Court	Z	2 150	3.75%
5	30 Commons Court	X-R	1,775	3.10%
6	20 Commons Court	Y-Loft	1,650	2.88%
7	10 Commons Court	X	1,775	3.10%
8	15 Commons Court	Y	1,854	3.23%
9	25 Commons Court	X	1,928	3.36%
10	35 Commons Court	Exp. Y	1,993	3.47%
11	45 Commons Court	X	1,861	3.25%
12	80 Commons Court	C	1,600	2.80%
13	90 Commons Court	C	1,600	2.80%
14	100 Commons Court	C	1,910	3.33%
15	110 Commons Court	X	1,825	3.18%
16	120 Commons Court	Y	1,822	3.18%
17	130 Commons Court	Y	1,822	3.18%
18	140 Commons Court	X	1,951	3.40%
19	150 Commons Court	X	1,825	3.18%
20	160 Commons Court	Y	1,815	3.17%
21	170 Commons Court	Y	1,822	3.18%
22	180 Commons Court	X	1,809	3.15%
23	190 Commons Court	X	1,825	3.18%
24	200 Commons Court	Y	1,935	3.37%
25	210 Commons Court	X	1,809	3.15%
26	220 Commons Court	Y	1,822	3.18%
27	230 Commons Court	X	1,825	3.18%
28	49 Cleveland St.	Y	1,822	3.18%
29	51 Cleveland St.	Exp. Y	2,075	3.62%
30	53 Cleveland St.	Exp. X	2,203	3.84%
31	47 Cleveland St.	X	1,809	3.15%
	TOTAL		57,338	100.00%

Dec 4, 1984

CONSENT OF MORTGAGEE

The undersigned, THE PEOPLES SAVINGS AND LOAN COMPANY OF ASHTABULA, OHIO, is mortgagee of premises described in the within Second Amendment to Declaration of Condominium Ownership for Village Commons Condominium, Chagrin Falls, Ohio, by virtue of a mortgage recorded on August 17, 1983 in Volume 247, Page 213 of Cuyahoga County Records.

The undersigned hereby consents to the execution and delivery of the Second Amendment to Declaration of Condominium Ownership, and to the filing thereof in the Office of the County Recorder of Cuyahoga County, Ohio, and further, subjects and subordinates said Mortgage Deed to the foregoing Second Amendment to Declaration of Condominium Ownership, and to the provisions of Chapter 5311 of the Ohio Revised Code.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

THE PEOPLES SAVINGS AND LOAN COMPANY
OF ASHTABULA, OHIO

Julia A. Sanger
Marcia Sanger

BY: George P. Thomas
BY: John W. Horst

STATE OF OHIO)
) SS.
COUNTY OF ASHTABULA)

BEFORE ME, a Notary Public, in and for said County and State, personally appeared George A. Thomas, the Vice President, and John W. Horst, the Vice President, of The Peoples Savings and Loan Company of Ashtabula, 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 the said Association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Ashtabula, Ohio, this 26th day of November, 1984.

Marcia Sanger
Notary Public

THIS INSTRUMENT PREPARED BY:
Richard A. Rosner, Attorney at Law
Kahn, Kleinman, Yanowitz & Arnson
1300 Bond Court Building
Cleveland, Ohio 44114
(216) 696-3311

Dec 4, 1984

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RECORDED THIS DATE
FRANK PUSSO
CUYAHOGA CTY. RECORDER

88 MAY 23 PM 1:06

VOL. 88-2278 PAGE 34

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE VILLAGE COMMONS CONDOMINIUM

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE VILLAGE COMMONS CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for the Village Commons Condominium was recorded in Volume 84-4122, Page 23 et seq., of Cuyahoga County records, and

WHEREAS, The Village Commons Condominium Owners' Association, Inc. is a corporation consisting of all Family Unit Owners in the Village Commons Condominium and as such is the representative of said owners, and

WHEREAS, Article XII of said Declaration authorizes amendments to the Declaration and

WHEREAS, Family Unit owners in excess of 75% of the voting power of the Association have executed an instrument in writing setting forth specifically the new matter to be added, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the amendment was mailed by certified mail to all mortgagees on the records of the Association having bona fide liens of record against any Family Unit ownership, and

WHEREAS, attached hereto as Exhibit B is a certification of the Secretary of the Association as to the names of the consenting and non-consenting mortgagees of the various Family Units, and

WHEREAS, the Association has in its records the signed consents to the amendment signed by 80.91% of the Family Unit owners and further has in its records the consents, if any, of the mortgagees as certified to by the Secretary in the Attached Exhibit B, and

WHEREAS, the Association has in its records the signed power of attorney signed by 80.91% of the Family Unit owners authorizing the officers of the Village Commons Condominium Unit Owners Association, Inc. to execute this recorded document on their behalf, and

WHEREAS, the proceedings necessary to Amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for the Village Commons Condominium have in all respects been complied with,

NOW THEREFORE, the Declaration of Condominium Ownership of the Village Commons Condominium is hereby amended by the following:

AFFIDAVIT

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

MARY LOU HARMON, being first duly sworn, states as follows:

- 1) She is the duly elected and acting president of the Village Common Condominium Owners' Association, Inc.
- 2) As such President she caused a copy of the proposed amendment to the Declaration of the Village Commons Condominium concerning the addition of a new section entitled "Annual Meeting" to be mailed by certified mail to all mortgagees on the records of the Association having bona fide liens of record against any Family Unit ownership.
- 3) Further affiant sayeth naught.

Marylou Harmon
MARY LOU HARMON, President

Before Me, a Notary Public in and for said County, personally appeared the above named Mary Lou Harmon who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal at Cleveland, Ohio this 16th day of May, 1988.

David W Kaman
Notary Public

DAVID W. KAMAN, Attorney at Law
Notary Public For The State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

CERTIFICATION OF SECRETARY

The undersigned being the duly elected and qualified secretary of the Village Commons Condominium Owners Association, Inc., hereby certifies that there is on file in the records of the Association the names of the following mortgagees, if any, who have consented to the proposed Amendments to the Declaration of the Village Commons Condominium.

N O N E

X Valinda J. Davis
VALINDA J. DAVIS, Secretary

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County, personally appeared the above named Valinda J. Davis who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seat at Cleveland, Ohio this 16th day of May, 1988.

David W. Kaman
Notary Public

DAVID W. KAMAN, Attorney at Law
Notary Public For The State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DECL 01/09/2004 10:32:08 AM
200401090093

CUYAHOGA COUNTY RECORDER
200401090093 PAGE 1 of 6

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VILLAGE COMMONS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR VILLAGE COMMONS CONDOMINIUM RECORDED AT VOLUME 84-2786, PAGE 52 ET SEQ. OF THE CUYAHOGA COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
VILLAGE COMMONS CONDOMINIUM**

WHEREAS, the Declaration of Condominium Ownership for Village Commons Condominium (the "Declaration") was recorded at Cuyahoga County Records Volume 84-2786, Page 52 et seq., and

WHEREAS, the Village Commons Condominium Owners Association (the "Association") is a corporation consisting of all Unit Owners in Village Commons and as such is the representative of all Unit Owners, and

WHEREAS, Article XII of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, attached hereto as Exhibit A is a certification of the Association's President that a copy of the Amendment was mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting first mortgagees, on the records of the Association, to the Amendment, and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 77.72% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.72% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Village Commons Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Village Commons Condominium is hereby amended by the following:

DELETE DECLARATION Article XVIII, Section I, entitled "Notices" in its entirety. Said deletion is to be taken from Pages 37-38 of the Declaration as recorded at Cuyahoga County Records Volume 84-2786, Page 52 et seq.

INSERT a new DECLARATION Article XVIII, Section I, entitled "Notices." Said addition, to be made on Pages 37-38 of the Declaration as recorded at Cuyahoga County Records Volume 84-2786, Page 52 et seq., is as follows:

(I) Notices. All notices required or permitted hereunder, and under the Bylaws, to the Association, the Board of Managers, or the Unit Owners, shall be in writing and shall be sent by regular U.S. mail, first-class postage prepaid, to the Board of Managers or the Association at the address of the Condominium Property or to such other address as the Board of Managers may designate from time to time by notice in writing to all Unit Owners. All notices to any Unit Owner shall be hand-delivered, or sent by regular U.S. mail, first-class postage prepaid, to such Unit Owner's Unit address or to such other address as may be designated by him from time to time, in writing, to the Board of Managers. Any notice required or permitted to be given to any occupant of a Unit other than a Unit Owner shall effectively be given if hand-delivered, or sent by regular U.S. mail, first-class postage prepaid, to the Unit address.

Any conflict between this provision and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting notices by regular U.S. mail. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Village Commons Condominium Owners Association has caused the execution of this instrument this 26th day of December, 2003.

VILLAGE COMMONS CONDOMINIUM OWNERS ASSOCIATION

By: Mary Lou Harmon
MARY LOU HARMON, its President

By: Constance M. Lammert
CONSTANCE M. LAMMERT, its Secretary

CUYAHOGA COUNTY RECORDER
200401090093 PAGE 3 of 6

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Village Commons Condominium Owners Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Chagrin Falls, Ohio, this 5th day of January, 2004.

Anne Marie Turchan
NOTARY PUBLIC

ANNE MARIE TURCHAN
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires May 25, 2005

CUYAHOGA COUNTY RECORDER
200401090093 PAGE 4 of 6



This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified Secretary of the Village Commons Condominium Owners Association, hereby certifies that the Association received the signed, written consents of Unit Owners representing 77.72% of the Association's voting power in favor of the Amendment to the Declaration of Condominium Ownership for Village Commons Condominium in accordance with provisions of Article XII of the Declaration and caused such signed, written consents to be filed with Village Commons Condominium Owners Association corporate records.

The undersigned further certifies that copies of the Amendment to the Declaration of Condominium Ownership for Village Commons Condominium were mailed or hand delivered to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.

Mary Lou Harmon
MARY LOU HARMON, President

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MARY LOU HARMON who acknowledges that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Crown Falls, Ohio, this 26th day of December, 2003.

CUYAHOGA COUNTY RECORDER
200401090093 PAGE 5 of 6

Anne Marie Turchan
NOTARY PUBLIC

ANNE MARIE TURCHAN
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires May 25, 2005

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Village Commons Condominium Owners Association, hereby certifies that there is on file in the Association's records, the names of the following first mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for Village Commons Condominium.

NONE

Constance M Lammert

Constance M. Lammert
CONSTANCE M. LAMMERT, Secretary

CUYAHOGA COUNTY RECORDER

200401090093 PAGE 6 of 6

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **CONSTANCE M. LAMMERT** who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Chagrin Falls, Ohio, this 26th day of December, 2003.

Anne Marie Turchan
NOTARY PUBLIC

ANNE MARIE TURCHAN
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires May 25, 2005

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DECL 04/19/2005 09:43:59 AM
200504190024

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VILLAGE COMMONS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR VILLAGE COMMONS CONDOMINIUM
RECORDED AT VOLUME 84-2786, PAGE 52 ET SEQ. OF THE CUYAHOGA COUNTY
RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
VILLAGE COMMONS CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Village Commons Condominium (the "Declaration") and the Bylaws of Village Commons Condominium Owners' Association (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Cuyahoga County Records Volume 84-2786, Page 52 et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Village Commons Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Village Commons Condominium is hereby amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."
- (4) DELETE DECLARATION ARTICLE IV, SECTION (C) entitled "Service of Process," in its entirety. Said deletion is to be made on Page 17 of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq.

INSERT a new DECLARATION ARTICLE IV, SECTION (C) entitled "Service of Process." Said addition, to be made on Page 17 of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq., is as follows:

(C) Service of Process. The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(5) INSERT a new SECTION (C), entitled "Enforcement Assessments," to the end of DECLARATION ARTICLE X. Said new addition, to be added on Page 27 of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq., is as follows:

(C) Enforcement Assessments. In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

(6) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE V, SECTION D, entitled "Lien of Association." Said new addition, to be added on Page 18 of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(7) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION (B), entitled "Unit Owner's Right to Lease Unit." Said new addition, to be added on Page 35 of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by the Association, as the Unit Owner's Agent, in the name of the Unit Owner. In addition to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Unit Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorney's fees, shall be charged to the Unit

Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(8) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 4, entitled "Special Services." Said new addition, to be added on Page 13 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Cuyahoga County Records, Volume 84-2786, Page 52 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendments.

IN WITNESS WHEREOF, the said Village Commons Condominium Owners Association has caused the execution of this instrument this 7th day of April, 2005.

VILLAGE COMMONS CONDOMINIUM OWNERS ASSOCIATION

By: Sandra K. Wilsmann
SANDRA K. WILSMAN, its President

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Village Commons Condominium Owners Association, by Sandra K. Wilsman, its President, who acknowledged that she did sign the foregoing instrument, on Page 4 of 5, and that the same is the free act and deed of said corporation and the free act and deed of her personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Chagrin Falls, Ohio, this 7th day of April, 2005.


NOTARY PUBLIC

ANNE MARIE TURCHAN
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires May 25, 2005

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650

CUYAHOGA COUNTY RECORDER
200504190024 PAGE 5 of 5