

provisions of the Declaration shall be paramount, and the Unit Owners and all persons claiming under them covenant to vote in favor of such amendments to the Articles of Incorporation or the Bylaws or the Rules, as the case may be, as will remove such conflicts or inconsistencies.

10.9 Agreements Binding

All agreements and determinations lawfully made by the Association in accordance with the procedure established in the Declaration and these Bylaws shall be deemed to be binding upon all Unit Owners, and their respective heirs, executors, administrators, successors and assigns.

10.10 Gender

The use of the masculine gender in these Bylaws shall be deemed to include the feminine and the neuter genders, as the case may be, and the use of the singular shall be deemed to include the plural, wherever the context so requires.

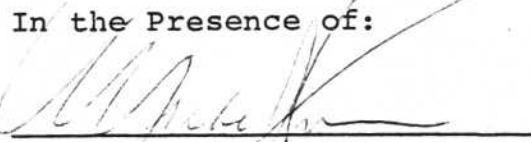

10.11 Marginal References



The heading of each Article of these Bylaws is inserted for convenience and reference only and in no way shall be held to explain, modify, amplify or limit the meaning of any such Article.

10.12 Amendment

These Bylaws may only be amended in the manner provided in the Declaration.

IN WITNESS WHEREOF, CONDOMINIUM CONCEPTS, INC., an Ohio Corporation, has executed these Bylaws this 5<sup>th</sup> day of October, 1983.

In the Presence of:  
  


CONDOMINIUM CONCEPTS, INC.  
By:   
President  
By:   
Secretary

STATE OF OHIO )  
 ) SS:  
CUYAHOGA COUNTY )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Condominium Concepts, Inc., an Ohio Corporation, by J. ROYAL MURKOWITZ, its President, and JUDITH MURKOWITZ, its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of Condominium Concepts, Inc., and each of them personally and as officers of Condominium Concepts, Inc.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, and hereby certify the foregoing acknowledgement, this 20th day of October, 1983.

Linda A. Quinn  
NOTARY PUBLIC  
LINDA A. QUINN  
Notary Public for the State of Ohio  
My Commission Expires April 23, 1988

This instrument prepared by:

Michael J. Linden, Esq.  
Boukalik & Linden  
500 National City Bank  
Building  
Cleveland, Ohio 44114  
(216) 621-0590

EXHIBIT "D"  
TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

DRAWINGS

ATTACHED HERETO

EXHIBIT "E"  
 TO DECLARATION OF CONDOMINIUM OWNERSHIP  
 FOR BAYWOOD ESTATES CONDOMINIUMS

PERCENTAGES OF INTEREST

<u>Unit No. - Address</u>	<u>Bldg. No.</u>	<u>Unit Type</u>	<u>Square Footage</u>	<u>Percentage Of Interest</u>
3272 Richmond Road	2	B	1944	7.760
3276 Richmond Road	2	D	2249	8.976
3280 Richmond Road	2	A	1935	7.724
3284 Richmond Road	2	A	1935	7.724
3288 Richmond Road	2	C	2412	9.627
3244 Richmond Road	3	C	2040	8.143
3248 Richmond Road	3	B	1944	7.760
3252 Richmond Road	3	C	2435	9.719
3256 Richmond Road	3	A	1935	7.724
3260 Richmond Road	3	A	1935	7.724
3264 Richmond Road	3	D	2249	8.976
3268 Richmond Road	3	C	2040	8.143

Each unit contains an Omni Room (combination living room/  
 dining room), Kitchen, Breakfast Room, Utility Room, and a  
 Two (2) Car Attached Garage. Unit Types A and B have Two (2)  
 Full Baths and Unit Types C and D have Two and One-Half  
 (2-1/2) Baths. Unit Types A, B and C have Two (2) Bedrooms  
 and Unit Type D has either Three (3) Bedrooms or two (2)  
 Bedrooms and another room which can be used as a Library,  
 Den or Family Room.

EXHIBIT "F"  
TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

TEMPORARY EASEMENT FOR  
SOUTHERLY DRIVE

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 210, in a Reallotment of the Van Sweringen Cos. Shaker Country Estates Subdivision No. 32 of part of Original Warrensville Township Lot No. 49, as shown by the recorded plat in Volume 139 of Maps, Page 16 of Cuyahoga County Records, being further bounded and described as follows:

Beginning at the intersection of the centerline of Chagrin Boulevard, 66 feet wide, with the centerline of Richmond Road, 100 feet wide, said point also being the Southeasterly corner of Original Lot No. 49;

Thence North  $00^{\circ} 15' 30''$  East along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West, 50.00 feet to the Southeasterly corner of Sublot No. 211 in the Westerly line of said Richmond Road;

Thence North  $00^{\circ} 15' 30''$  East, along the Westerly right of way line of said Richmond Road, 122.17 feet to a point, and the principal place of beginning of the parcel of land described herein;

Thence North  $89^{\circ} 44' 30''$  West, parallel with the Southerly line of Sublot No. 210, 96.00 feet to a point;

Thence North  $00^{\circ} 15' 30''$  East, parallel with the said Westerly right of way line of Richmond Road, 10.00 feet to a point;

Thence South  $89^{\circ} 44' 30''$  East, parallel with the Southerly line of said Sublot No. 210, 96.00 feet to a point on the said Westerly right of way line of Richmond Road;

Thence South  $00^{\circ} 15' 30''$  West, along the said Westerly line of Richmond Road, 10.00 feet to the principal place of beginning be the same more or less. Bearings are to an assumed meridian and are used to denote angles only.

EXHIBIT "G"  
TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

TEMPORARY EASEMENT FOR  
NORTHERLY DRIVE

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 206 and 205 in a Reallocation of the Van Sweringen Cos. Shaker Country Estates Subdivision No. 32 of part of Original Warrensville Township Lot No. 49 as shown by the recorded plat in Volume 139 of Maps, Page 16 of Cuyahoga County Records, being further bounded and described as follows:

Beginning at the intersection of the centerline of Chagrin Boulevard, 66 feet wide, with the centerline of Richmond Road, 100 feet wide, said point also being the Southeasterly corner of Original Lot No. 49;

Thence North  $00^{\circ} 15' 30''$  East along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West, 50.00 feet to the Southeasterly corner of Sublot No. 211 in the Westerly line of said Richmond Road;

Thence North  $00^{\circ} 15' 30''$  East along the Westerly right of way line of said Richmond Road, 571.85 feet to a point and the principal place of beginning of the parcel of land described herein;

Thence North  $89^{\circ} 44' 00''$  West parallel with the Northerly line of Sublot No. 206, 110.25 feet to a point of curvature;

Thence Northwesterly along an arc deflecting to the right 31.88 feet, said arc having a central angle of  $25^{\circ} 22' 00''$ , a radius of 72.00 feet and a chord bearing North  $77^{\circ} 03' 30''$  West, 31.62 feet to a point of curvature;

Thence Northwesterly along an arc deflecting to the left 64.20 feet, said arc having a central angle of  $25^{\circ} 22' 00''$ , a radius of 145.00 feet and a chord bearing North  $77^{\circ} 03' 30''$  West, 63.67 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West parallel with the Northerly line of said Sublot No. 206, 97.00 feet to a point;

Thence North  $00^{\circ} 15' 30''$  East parallel with the said Westerly line of Richmond Road, 10.00 feet to a point;

Thence South  $89^{\circ} 44' 30''$  East parallel with the Northerly line of said Sublot No. 206, 97.00 feet to a point of curvature;

Thence Southeasterly along an arc deflecting to the right 68.62 feet, said arc having a central angle of  $25^{\circ} 22' 00''$ , a radius of 155.00 feet and a chord bearing South  $77^{\circ} 03' 30''$  East, 68.06 feet to a point of curvature;

Thence Southeasterly along an arc deflecting to the left 27.45 feet, said arc having a central angle of  $25^{\circ} 22' 00''$ , a radius of 62.00 feet and a chord bearing South  $77^{\circ} 03' 30''$  East, 27.23 feet;

Thence South  $89^{\circ} 44' 30''$  East parallel with the Northerly line of said Sublot No. 206, 110.25 feet to a point on the said Westerly right of way line of Richmond Road;

Thence South  $00^{\circ} 15' 30''$  West along the said Westerly right of way line of Richmond Road, 10.00 feet to the principal place of beginning, be the same more or less. Bearings are to an assumed meridian and are used to denote angles only.

EXHIBIT "H"  
TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

UTILITY EASEMENT

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 206, 207, 208, 209 and 210 in a Reallotment, of the Van Sweringen Cos. Shaker Country Estates Subdivision No. 32 of part of Original Warrensville Township Lot No. 49 as shown by the recorded plat in Volume 139 of Maps, Page 16 of Cuyahoga County Records, being further bounded and described as follows:

Beginning at the intersection of the centerline of Chagrin Boulevard, 66 feet wide, with the centerline of Richmond Road, 100 feet wide, said point also being the Southeasterly corner of Original Lot No. 49;

Thence North  $00^{\circ} 15' 30''$  East along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West, 50.00 feet to the Southeasterly corner of Sublot No. 211 in the Westerly line of said Richmond Road;

Thence North  $00^{\circ} 15' 30''$  East, along the Westerly right-of-way line of said Richmond Road, 132.17 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West, parallel with the Southerly line of Sublot No. 210, 178.84 feet to a point, and the principal place of beginning of the parcel of land described herein;

Thence continuing North  $89^{\circ} 44' 30''$  West, 25.85 feet to a point on the Westerly line of Sublot No. 210;

Thence North  $14^{\circ} 27' 00''$  West, along the Westerly line of Sublot Nos. 210, 209, 208, 207, and 206, 476.21 feet to a point;

Thence South  $89^{\circ} 44' 30''$  East, parallel with the Northerly line of Sublot No. 206, 25.85 feet to a point;

Thence South  $14^{\circ} 27' 00''$  East, parallel with the Westerly line of Sublot Nos. 206, 207, 208, 209 and 210, 476.21 feet to the principal place of beginning, be the same more or less. Bearing are to an assumed meridian and are used to denote angles only.

EXHIBIT "I"  
TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

CONDOMINIUM ROADWAY

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 206, 207, 208, 209 and 210 in a Reallotment of the Van Sweringen Cos. Shaker Country Estates Subdivision No. 32 of part of Original Warrensville Township Lot No. 49, as shown by the recorded plat in Volume 139 of Maps, Page 16 of Cuyahoga County Records, being further bounded and described as follows:

Beginning at the intersection of the centerline of Chagrin Boulevard, 66 feet wide, with the centerline of Richmond Road, 100 feet wide, said point also being the Southeasterly corner of Original Lot No. 49;

Thence North  $00^{\circ} 15' 30''$  East along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North  $89^{\circ} 44' 30''$  West, 50.00 feet to the Southeasterly corner of Sublot No. 211 in the Westerly line of said Richmond Road;

Thence North  $00^{\circ} 15' 30''$  East, along the Westerly right-of-way line of said Richmond Road, 132.17 feet to a point, and the principal place of beginning of the parcel of land described herein;

Thence North  $89^{\circ} 44' 30''$  West, parallel with the Southerly line of Sublot No. 210, 31.00 feet to a point;

Thence North  $00^{\circ} 15' 30''$  East, parallel with the said Westerly right-of-way line of Richmond Road, 439.68 feet to a point;

Thence South  $89^{\circ} 44' 30''$  East, parallel with the Northerly line of Sublot No. 206, 31.00 feet to a point on the said Westerly right-of-way line of Richmond Road;

Thence South  $00^{\circ} 15' 30''$  West, along the said Westerly right-of-way line of Richmond Road, 439.68 feet to the principal place of beginning, be the same more or less. Bearings are to an assumed meridian and are used to denote angles only.

CONSENT OF MORTGAGEE

The undersigned, METROPOLITAN SAVINGS ASSOCIATION, holder of a certain Mortgage from Condominium Concepts, Inc., an Ohio Corporation, recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of Cuyahoga County, Ohio Mortgage Records, hereby consents to the execution and delivery of the Declaration of Condominium Ownership for Baywood Estates Condominiums, with Exhibits attached thereto, respecting the premises encumbered by said Mortgage, and to the filing thereof in the Office of the County Recorder of Cuyahoga County, Ohio, and further subjects the above-described Mortgage to the provisions of Chapter 5311, Ohio Revised Code, and to the provisions of the foregoing Declaration of Condominium Ownership with attached Exhibits.

IN WITNESS WHEREOF, METROPOLITAN SAVINGS ASSOCIATION, by its duly authorized officers, has executed the within instrument this 2nd day of October, 1984

Signed and Acknowledged  
in the Presence of:

METROPOLITAN SAVINGS ASSOCIATION

Sandra A. Crotty

By: Judith A. Rogers

Linda Miller

And: Thomas E. Kellner

STATE OF OHIO )  
 ) SS:  
CUYAHOGA COUNTY )

BEFORE ME, a Notary Public in and for said County and State, appeared Judith G. Rogers and Thomas E. Kellner, known to me to be the Exec. Vice President and Asst. Vice President, respectively of METROPOLITAN SAVINGS ASSOCIATION, who acknowledged that they did execute the foregoing Consent of Mortgagee and that such execution was their free act and deed individually and as such officers of METROPOLITAN SAVINGS ASSOCIATION, 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 2nd day of October, 1984.

  
NOTARY PUBLIC  
CINDY L. MILLER, Notary Public  
State of Ohio  
My commission expires Aug. 8, 1988

This Instrument prepared by:

Michael J. Linden, Esq.  
Boukalik & Linden  
500 National City Bank  
Building  
Cleveland, Ohio 44114  
(216) 621-0590

BAYWOOD ESTATES CONDOMINIUMS  
CUYAHOGA COUNTY  
STATE OF OHIO

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Amendment To Declaration, together with the Supplemental Drawings attached hereto as an Exhibit, have been filed in the office of the County Auditor, Cuyahoga County, Ohio.

DATE: \_\_\_\_\_

CUYAHOGA COUNTY AUDITOR

BY: \_\_\_\_\_

This Instrument Prepared By:

BOUKALIK & LINDEN,  
Attorneys-at-Law  
666 Euclid Office Plaza, Suite 725  
Cleveland, Ohio 44114  
(216) 621-0590

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
BAYWOOD ESTATES CONDOMINIUMS

THIS FIRST AMENDMENT TO DECLARATION is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1985, by Condominium Concepts, Inc., an Ohio Corporation (herein referred to as "Declarant"), for the purpose of submitting certain property to condominium use and ownership in accordance with the provisions of Chapter 5311 of the Ohio Revised Code (herein referred to as the "Act").

WHEREAS, on October 5, 1984, Declarant filed with the Cuyahoga County Recorder a Declaration of Condominium Ownership (herein referred to as the "Original Declaration") for Baywood Estates Condominium, which Original Declaration and By-Laws attached thereto, were recorded in Deed Volume 84-4708, Page 30, et seq. of Cuyahoga County Records, and which Original Declaration was accompanied by Drawings (herein referred to as the "Original Drawings") recorded in Volume 51 of Condominium Map Records, Pages 97 to 99 and Volume 52 of Condominium Map Records, pages 60 to 69 by which condominium ownership was established pursuant to the provisions of the Act for the Condominium Property (as defined in the Original Declaration); and

WHEREAS, pursuant to the provisions of the Act, Declarant reserved the option in the Original Declaration to expand the Condominium Property by submitting the Additional Condominium Property, or any portion thereof (as defined in the Original Declaration) to the provisions of the Act; and

WHEREAS, Declarant, pursuant to the provisions in Article XIX of the Original Declaration, desires to amend the Original Declaration in accordance with the provisions of Section 5311.051 of the Act for the purpose of expanding the Condominium Property by adding thereto and making a part thereof, a portion of the Additional Condominium Property.

NOW THEREFORE, Declarant hereby declares as follows:

1. Declarant hereby submits to the provisions of the Act a portion of the "Additional Condominium Property" which consists of a portion of the land identified as the "Adjacent Parcel" in the Original Declaration and legally described in Exhibit "A" attached hereto, (herein referred to as "Parcel No. 2" the Additional Residential Buildings (as defined in the Original Declaration), all other structures, improvements, and facilities that may hereafter be constructed or installed on Parcel No. 2, all easements, rights and appurtenances thereunto belonging, and all articles of personal property that may be owned by Declarant and may be located on Parcel No. 2 for the common use of the Unit Owners (as defined in the Original Declaration).

2. Unless otherwise specifically defined herein, all terms used herein shall have the respective meanings ascribed thereto in the Original Declaration.

3. Unless the context expressly otherwise requires, all references in the Original Declaration, in the Bylaws attached thereto, in the Original Drawings and the Supplemental Drawings (as referred to in Subsection 3(c) hereof):

- (a) to "Condominium Property" - shall mean and include as a part thereof that part of the "Additional Condominium Property" as defined herein, and
- (b) to "Declaration" - shall mean and include as a part thereof this Amendment to Declaration of Condominium Ownership; and
- (c) to "Drawings" - shall mean and include as a part thereof the Supplemental Drawings attached hereto as Exhibit "D" (which comprise the "Additional Drawings", as defined in the Original Declaration), and were prepared and certified by Keeva J. Kekst, Registered Architect, and Elewski and Associates, Inc. Engineers, in accordance with Section 5311.07 of the Act; and
- (d) to "Residential Buildings" - shall mean and include as a part thereof the "Additional Residential Building" (as defined in the Original Declaration); and
- (e) to "Unit" - shall mean and include as a part thereof that part of the Additional Condominium Property designated in Article VI of the Original Declaration and delineated as such on the Supplemental Drawings.

4. Section 4.1 of the Original Declaration is hereby deleted and the following is substituted in lieu thereof:

4.1 The Condominium Property (the purpose of which is to effect a plan for home ownership pursuant to the Act) consists of twenty-one (21) Units in three (3) U-shaped buildings containing seven (7), nine (9), and five (5) Units, each as designated and delineated in Article VI of the Declaration and in the Drawings, each of which constitutes a separate residence, each of which constitutes a single freehold estate and each of which has an undivided interest in the Common Areas and Facilities appurtenant to it. The dimensions, layout, designation, location and approximate area of the Common Areas and Facilities and the Units, and the number of rooms contained within each Unit, are shown graphically on the Drawings.

5. Section 5.1 of the Original Declaration is hereby deleted and the following is substituted in lieu thereof:

5.1 The Condominium Property is principally comprised of three (3) U-shaped buildings, one containing five (5) single family residences identified in the Drawings as Building No. 2, one containing seven (7) single family residences identified in the Drawings as Building No. 3, and one containing nine (9) single family residences identified in the Drawings as Building No. 4. The addresses, types of Units, square footages of each unit and a description of the Units are set forth in Exhibit "E" attached hereto.

All buildings are constructed principally of wood and block and the foundation is constructed principally of block, brick, and concrete. The driveways, patios and walkways are constructed principally of concrete.

6. The first two lines of Section 7.1 of the Original Declaration and Subsection (a) of said Section 7.1 are hereby deleted and the following is substituted in lieu thereof:

7.1 That part of the Condominium Property which comprises the Common Areas and Facilities consist of the following:

- (a) The land comprising Parcel No. 1 and Parcel No. 2, foundations, supports, supporting walls, roofs, gutters, downspouts, and all other structural parts of the Residential Buildings, together with that portion of all utility lines, wires, pipes and conduits, for water, electricity, power and sewer services which connect each Unit with the main service lines providing such utility services, and all apparatus and all installations to be used in common, together with all unenclosed parking area(s), driveways and walkways, (except as set forth in Article VII) and further together with all parts of the Condominium Property which are necessary or convenient to the existence, maintenance and safety of the Condominium Property, all replacements of any of the foregoing and all other parts of the Condominium Property which have not been designated or delineated as part of the Units in this Declaration or in the Drawings.

7. Pursuant to Section 19.3 of the Original Declaration, the respective percentages of interest pertaining to each Unit, as listed on Exhibit "E" attached to the Original Declaration are hereby amended to consist of the percentages of interest designated on Exhibit "E" attached hereto.

8. Exhibits "B" (Legal Description of Adjacent Parcel), "F" (Temporary Easement for Southerly Drive), "G" (Temporary Easement for Northerly Drive), "H" (Utility Easement), and "I"

(Condominium Roadway) are hereby deleted and replaced by Exhibits "B", "F", "G", "H", and "I" attached hereto.

9. Notwithstanding any contrary provision in the Original Declaration or in the Bylaws attached thereto, the Unit Owners of the Units in the Additional Condominium Property shall not have any right or title to or interest in the operating funds of the Association nor any liability for expenses of the Association which are allocable to a period preceding the date on which this Amendment to Declaration is filed with the Cuyahoga County Recorder.

10. The Original Declaration, the Bylaws attached thereto, and the Original Drawings, as each of the foregoing are hereby amended and supplemented, shall be and remain in full force and effect and are hereby incorporated into this instrument as if fully rewritten herein.

11. The invalidity or unenforceability of any provisions of this Amendment to Declaration shall not affect or impair the validity or enforceability of any other provision of this Amendment to Declaration.

12. All Exhibits referred to in this Amendment to Declaration and attached hereto constitute an integral part of this Amendment to Declaration.

IN WITNESS WHEREOF, Condominium Concepts, Inc., an Ohio Corporation, has caused this instrument to be executed by its duly authorized officers, this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

In The Presence of:

CONDOMINIUM CONCEPTS, INC.

\_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_

BY: \_\_\_\_\_

STATE OF OHIO                    )  
                                      ) SS:  
CUYAHOGA COUNTY                 )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Condominium Concepts, Inc., an Ohio Corporation, by \_\_\_\_\_, its President, and \_\_\_\_\_, its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of Condominium Concepts, Inc., and each of them personally and as officers of Condominium Concepts, Inc.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, and hereby certify the foregoing acknowledgement, this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Notary Public

This instrument prepared by:

Michael J. Linden, Esq.  
Boukalik & Linden  
666 Euclid Office Plaza, Suite 725  
Cleveland, Ohio 44114  
(216) 621-0590