

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 First Amendment To 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 \_\_\_\_\_ day of \_\_\_\_\_, 1985.

Signed and Acknowledged  
in the Presence of:

METROPOLITAN SAVINGS ASSOCIATION

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

And: \_\_\_\_\_

STATE OF OHIO        )  
                          ) SS:  
CUYAHOGA COUNTY     )

BEFORE ME, a Notary Public in and for said County and State,  
appeared \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_, known to me to be the \_\_\_\_\_  
and \_\_\_\_\_ 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 \_\_\_\_\_ 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

EXHIBIT "A"  
TO FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

LEGAL DESCRIPTION OF PARCEL NO. 2

EXHIBIT "E"  
 TO FIRST AMENDMENT 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 Footages</u>	<u>Percentages Of Interest</u>
3272 Richmond Road	2	B	1944	4.446
3276 Richmond Road	2	D	2249	5.143
3280 Richmond Road	2	A	1935	4.426
3284 Richmond Road	2	A	1935	4.426
3288 Richmond Road	2	C	2412	5.517
3244 Richmond Road	3	C	2040	4.666
3248 Richmond Road	3	B	1944	4.446
3252 Richmond Road	3	C	2435	5.569
3256 Richmond Road	3	A	1935	4.426
3260 Richmond Road	3	A	1935	4.426
3264 Richmond Road	3	D	2249	5.143
3268 Richmond Road	3	C	2040	4.666
3208 Richmond Road	4	E	2363	5.404
3212 Richmond Road	4	A*	2025	4.631
3216 Richmond Road	4	B	1944	4.446
3220 Richmond Road	4	A*	2025	4.631
3224 Richmond Road	4	A	1935	4.426
3228 Richmond Road	4	A	1935	4.426
3232 Richmond Road	4	C	2040	4.666
3236 Richmond Road	4	C	2040	4.666
3240 Richmond Road	4	E	2363	5.404

~~2249~~ 1935      ~~4.695~~ 4.039

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

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

TEMPORARY EASEMENT FOR  
SOUTHERLY DRIVE

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

TEMPORARY EASEMENT FOR  
NORTHERLY DRIVE

EXHIBIT "H"  
TO FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS  
UTILITY EASEMENT

EXHIBIT "B"  
TO FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

LEGAL DESCRIPTION OF ADJACENT PARCEL

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

ADDITIONAL DRAWINGS

ATTACHED HERETO

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

CONDOMINIUM ROADWAY

EXHIBIT "A"  
TO SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR BAYWOOD ESTATES CONDOMINIUMS

LEGAL DESCRIPTION OF PARCEL NO. 3

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 211 and part of

SUPPLEMENT TO  
BAYWOOD ESTATES CONDOMINIUMS  
DISCLOSURE STATEMENT  
(Buildings No. 2, 3, and 4)

1. The Exhibit entitled "Types of Units" on page 29 of the Disclosure Statement is amended to reflect the following:

There are four basic floor plans designated as Types A, B, C, D, and E on the Drawings. Each of these Units has an Omni Room (combination living room/dining room), Kitchen, Breakfast Room, Utility Room, and a two and one half (2 1/2) car attached Garage. Unit Types A, B, and C have two (2) Bedrooms and Unit Types D and E may have three (3) Bedrooms. Unit Types A and B have two full baths, Unit Types C and D have two and one half (2 1/2) baths, and Unit Type E has three (3) full baths.

The availability of option is now limited since the Units are now substantially constructed.

2. The Exhibit entitled "Budget Projections", Note (7) on Page 36 of the Disclosure Statement is amended to show that taxes for a Unit Type E will be approximately \$3,118.00 per year.

3. The Exhibit entitled "Selling Prices" is deleted and is replaced by the attached Exhibit.

BAYWOOD ESTATES CONDOMINIUMS

"Selling Prices"

<u>Address</u>	<u>Bldg. No.</u>	<u>Unit Type</u>	<u>Square Footages</u>	<u>Price</u>
3272	2	B	1944	\$166,500
3276	2	D	2249	SOLD
3280	2	A	1935	167,800
3284	2	A	1935	MODEL
3288	2	C	2040	MODEL
3244	3	C	2040	SOLD
3248	3	B	1944	SOLD
3252	3	C	2040	SOLD
3256	3	A	1935	SOLD
3260	3	A	1935	SOLD
3264	3	D	2249	SOLD
3268	3	C	2040	SOLD
3208	4	E	2363	206,900
3212	4	A*	2025	173,900
3216	4	B	1944	165,900
3220	4	A*	2025	173,900
3224	4	A	1935	176,900
3228	4	A	1935	173,900
3232	4	C	2040	183,900
3236	4	C	2040	183,900
3240	4	E	2363	SOLD

NOTES:

1. All Addresses are on Richmond Road.
2. Prices set forth above are for basic Units and are subject to change due to market conditions and/or construction costs.
3. The Developer reserves the right to not sell the Units located in Building No. 2 as these are presently used as Models and the Sales office; in the event these Units are offered for sale, they may contain certain decorator options not available on other Units.
4. For further information relative to the above, see the Sales Agents or the Developer.

BAYWOOD ESTATES CONDOMINIUMS  
CUYAHOGA COUNTY  
STATE OF OHIO

SECOND 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  
668 Euclid Avenue, Suite 725  
Cleveland, Ohio 44114  
(216) 621-0590  
MISBWA

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
BAYWOOD ESTATES CONDOMINIUMS

THIS SECOND AMENDMENT TO DECLARATION is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 198\_, 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 00 to 09 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, on April 15, 1986, Declarant filed with Cuyahoga County Recorder a Declaration of Condominium Ownership (herein referred to as the "First Amendment") for Baywood Estates Condominiums, which First Amendment was recorded in Deed Volume 86-2274, Page 11, et seq. of Cuyahoga County Records, and which First Amendment was accompanied by Supplemental Drawings (herein referred to as the "Supplemental Drawings") recorded in Volume 60 of Condominium Map Records, Pages 82 to 93 et seq. by which condominium ownership was established pursuant to the provisions of the Act for a portion of the Additional Condominium Property (as defined in the First Amendment); 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. 3") 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. 3, 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. 3 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-three (23) Units in four (4) buildings containing seven (7), nine (9), five (5) and two (2) 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 four (4) buildings, one containing two (2) single family residences identified in the Drawings as Building No. 1, 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, Parcel No. 2, and Parcel No. 3, 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. Exhibit "B" (Legal Description of Adjacent Parcel) is hereby replaced by Exhibit "B" attached hereto. Exhibit "F" (Temporary Easement for Southerly Drive) is hereby deleted in its entirety.

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 \_\_\_\_\_, 19\_\_.

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 \_\_\_\_\_, 19\_\_.

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

This instrument prepared by:

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