

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

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 Sublot No. 210 in the Van Swerigen Co.'s Shaker Country Estates Subdivision No. 32 as recorded in Volume 139 of Maps, Page 16 of Cuyahoga County Records, of part of Original Warrensville Township Lot No. 49, bounded and described as follows:

Beginning at the intersection of the centerline of Chagrin Blvd., 66 feet wide, with the centerline of Richmond Road, 100 feet wide;

Thence North 00 deg. 15' 30" East, along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North 89 deg. 44' 30" West, 50.00 feet to the Southeasterly corner of Sublot No. 211, and the Westerly line of said Richmond Road, being the principal place of beginning of the parcel of land described herein;

Thence North 00 deg. 15' 30" East, along the Westerly line of Richmond Road, 132.17 feet to a point;

Thence North 89 deg. 44' 30" West, along the Southerly line of Baywood Estates Condominiums Building No. 2 and No. 3 as recorded in Volume 51, Pages 97 and 99, and Volume 52, Pages 00-09 of Cuyahoga County Condominium Records, 204.69 feet to the westerly line of said Sublot No. 210;

Thence South 14 deg. 27' 00" East, along the Westerly line of said Sublot Nos. 210 and 211, 136.65 feet to the Southwesterly corner of Sublot No. 211;

Thence South 89 deg. 44' 30" East, along the Southerly line of Sublot No. 211, 170.00 feet to the principal Point of Beginning, be the same more or less but subject to all legal highways. Bearings are to an assumed meridian and are used to denote angles only.

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

LEGAL DESCRIPTION OF ADJACENT PARCEL

Situated in the City of Beachwood, County of Cuyahoga, and State of Ohio, and known as being all of Sublots Nos. 193 through 211, inclusive, and part of Falkener Road, (Proposed), in a Reallotment of the Van Sweringen Company's 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, and part of Parcel 50 in the Re-Subdivision, of part of the Van Sweringen Company's Shaker Country Estates Subdivision No. 32, of part of Original Warrensville Township Lot No. 39 and 49, as shown by the recorded plat in Volume 110 of Maps, Page 17 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 deg. 15' 30" East, along the centerline of said Richmond Road, 586.32 feet to a point;

Thence North 89 deg. 44' 30" West, 50.00 feet to the Southeasterly corner of Sublot No. 211, in the Westerly line of said Richmond Road, being the principal place of beginning of the parcel of land described herein;

Thence North 89 deg. 44' 30" West, along the Southerly line of said Sublot No. 211, 170.00 feet to the Southwesterly corner thereof;

Thence North 14 deg. 27' 00" West, along the Westerly line of Sublot Nos. 211 through 204, inclusive, 827.10 feet to the Northwesterly corner of said Sublot No. 204;

Thence North 23 deg. 41' 13" East, along the Northwesterly line of Sublot Nos. 203, 202 and 201, 327.18 feet to the Northwesterly corner of Sublot No. 201;

Thence North 00 deg. 15' 30" East, along the Westerly line of Sublot Nos. 200 through 196, inclusive, 500.00 feet to the Northwestern corner of said Sublot No. 196;

Thence North 14 deg. 53' 09" West, along the Westerly line of Sublot Nos. 195, 194 and 193, 284.90 feet to the Northeasterly corner of Sublot No. 192;

Thence South 61 deg. 52' 10" West, along the Northwestern line of said Sublot No. 192 and the Southwesterly prolongation of said Northwestern line, 290.65 feet to the centerline of Falkener Road, 60 feet wide, (Proposed);

Thence Northwesterly along the centerline of Falkener Road, (Proposed), and the arc of a circle deflecting to the left, 79.64 feet, said arc having a radius of 1276.17 and a chord bearing North 31 deg. 28' 56" West, 79.63 feet to a point;

Thence North 45 deg. 10' 50" East, and parallel with the centerline of Letchworth Road, 60 feet wide, 880.24 feet to the Westerly line of said Richmond Road;

Thence South 00 deg. 10' 50" West, along the Westerly line of said Richmond Road, 327.75 feet to an angle point;

Thence South 00 deg. 15' 30" West, along the Westerly line of said Richmond Road, 2100.06 feet to the principal place of beginning, be the same more or less, but subject to all legal highways. Bearings are to an assumed meridian and are used to denote angles only.

Excepting therefrom the premises described in "Exhibit A" to the Original Declaration (Legal Description of Parcel No. 1), the premises described in "Exhibit A" to the First Amendment (Legal Description of Parcel No. 2) and the premises described in Exhibit "A" herein (Legal Description of Parcel No. 3).

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

ADDITIONAL DRAWINGS

ATTACHED HERETO

EXHIBIT "E"
 TO SECOND 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>
3292 Richmond Road	1	D	2571	5.331
3296 Richmond Road	1	A	1935	4.012
3272 Richmond Road	2	B	1944	4.031
3276 Richmond Road	2	D	2249	4.663
3280 Richmond Road	2	A	1935	4.012
3284 Richmond Road	2	A	1935	4.012
3288 Richmond Road	2	C	2412	5.001
3244 Richmond Road	3	C	2040	4.230
3248 Richmond Road	3	B	1944	4.031
3252 Richmond Road	3	C	2435	5.049
3256 Richmond Road	3	A	1935	4.012
3260 Richmond Road	3	A	1935	4.012
3264 Richmond Road	3	D	2249	4.663
3268 Richmond Road	3	C	2040	4.230
3208 Richmond Road	4	E	2363	4.899
3212 Richmond Road	4	A*	2025	4.199
3216 Richmond Road	4	B	1944	4.031
3220 Richmond Road	4	A*	2025	4.199
3224 Richmond Road	4	A	1935	4.012
3228 Richmond Road	4	A	1935	4.012
3232 Richmond Road	4	C	2040	4.230
3236 Richmond Road	4	C	2040	4.230
3240 Richmond Road	4	E	2363	<u>4.899</u>
				100%

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/Utility Room Area)