

2007R024071

LAKE COUNTY OHIO  
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LAKE COUNTY RECORDER

REC. FEE: 100.00  
PAGES: 11

**HILLSHIRE WOODS CONDOMINIUMS**

**PHASE 2**

**FIRST AMENDMENT TO**

**DECLARATION OF CONDOMINIUM OWNERSHIP**

This will certify that a copy of this First Amendment to Declaration of Condominium Ownership for Hillshire Woods Condominiums, together with the Drawings and other Exhibits attached thereto, were filed in the office of the County Auditor, Lake County, Ohio.

Date: July 11, 2007

LAKE COUNTY AUDITOR

BY Kimberly Masterson  
Deputy Auditor



Vol. 55 p. 14

This Instrument Prepared By:

Anthony J. Aveni, Esq.  
41 E. Erie Street  
Painesville, Ohio 44077  
(440) 357-5537

CHICAGO TITLE INSURANCE CO.  
Order No. P-91733-2007-07-11

**FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
HILLSHIRE WOODS CONDOMINIUMS**

**Concord Township, Ohio**

**Phase 2**

WHEREAS, Eye-Will Development, Inc, an Ohio corporation, hereinafter referred to as "Original Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") with the Bylaws attached thereto, and the Drawings incorporated by reference therein, on June 27, 2005, with the Lake County Recorder, the Declaration being recorded as Lake County Recorder Instrument No. 2005R026325 and the Drawings being recorded in Plat Volume 49, Page 25 of Lake County Map Records and thereby submitted Phase 1 of Hillshire Woods Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Original Declarant filed a Special Amendment to the Declaration of Condominium Ownership to amend the Bylaws of Hillshire Woods Condominium Unit Owner's Association, Inc. so as to be in full compliance with the Rules and regulations of the Lake County Utilities Department, said Special Amendment being recorded on October 3, 2006 with the Lake County Recorder as Instrument No. 2006R040365; and

WHEREAS, Original Declarant filed a Second Special Amendment to the Declaration of Condominium Ownership to correct and clarify the identity of the owner of the Additional Property described in Exhibit "2" to said Declaration, said Second Special Amendment being recorded on July 11, 2007 with the Lake County Recorder as Instrument No. 2007R0 24026; and

WHEREAS, Original Declarant assigned all of its right, title and interest as Declarant in the Condominium Property to Rylan, Inc., an Ohio corporation, hereinafter known as "Successor Declarant" by separate written instrument attached hereto as Exhibit "A"; 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, Successor 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, the real property designated herein as Phase 2 of Hillshire Woods Condominium which is improved with twelve (12) Units.

NOW, THEREFORE, Successor 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 2 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 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 heretofore, hereby and hereinafter amended.

2. The legal description for Phase 1 set forth in Exhibit "1" of the Declaration is amended to include the real property for Phase 2 of Hillshire Woods Condominium, the legal description of Phase 2 (consisting of one parcel containing 1.3742 acres of land) being described in Exhibit "1" attached hereto and made a part hereof.

3. The legal description for the Additional Property set forth in Exhibit "2" of the Declaration is amended by the deletion therefrom of the real property described in Exhibit "1" hereof (Phase 2), thereby leaving one parcel containing 9.6860 acres of land as the Additional Property being described as Exhibit "2" attached hereto and made a part hereof.

4. With the Phase 2 Units being added to the Condominium Property, the aggregate number of Units is hereby increased from seven (7) Units to nineteen (19) Units. The percentage interest of each Unit in the Common Elements as set forth in Exhibit "C" of the Declaration is hereby amended to be as set forth in Exhibit "3" attached hereto and made a part hereof.

5. The particulars of the land, buildings and other improvements for Phase 2, including, but not limited to, the layout, location, designation and dimensions of each Unit, and the layout, locations and dimensions of the Common Elements and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Phase 2 Amendment Allotted Drawings incorporated in this First Amendment to Declaration of Condominium Ownership for Hillshire Woods Condominium, by reference as Exhibit "A", prepared by and bearing the certified statements of David W. Novak, Registered Surveyor

No. 7507, and Mark C. Lewis, Registered Professional Engineer No. 69717, of Barrington Consulting Group, 9114 Tyler Boulevard, Mentor, Ohio 44060, as required by the Condominium Act of the State of Ohio. The Phase 2 Amendment to the Allotted Drawings will be filed in the Map Records of the Recorder of Lake County, Ohio, simultaneously with the filing of this First Amendment to the Declaration.

6. Article XVII(C)(2) of the Declaration is amended to provide that the two (2) year warranty period for Phase 2 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 2 to a Purchaser in good faith for value.

7. No owner of a Unit which was not included in Phase 1 shall: (a) have or obtain any interest in funds collected by the Association from the owners of Units included in Phase 1 prior to the filing of this First 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 First Amendment.

8. Successor Declarant will assume the rights and obligations of a Unit owner in its capacity as owner of Condominium Ownership Interests not yet sold, including, without limitation, the obligation to pay Common Expenses attaching to such interests from the date the amendment to the Declaration creating such interests is filed for record.

9. Except as amended herein, the Declaration as previously amended shall remain in full force and effect.

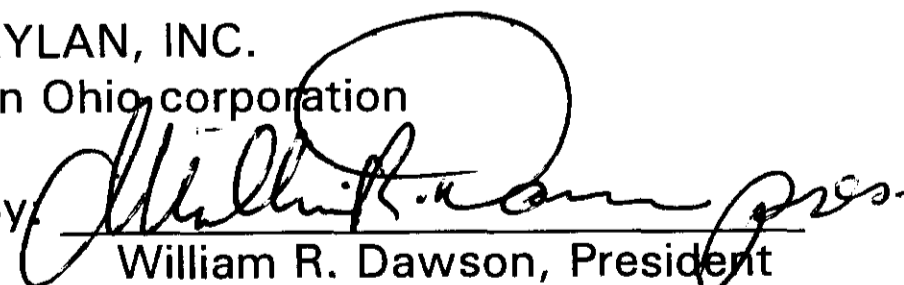
10. Consent to this First Amendment to the Declaration is hereby exercised by Successor Declarant on behalf of the Unit Owners and their mortgagees pursuant to Articles XI and XII of the Declaration.

IN WITNESS WHEREOF, the said Rylan, Inc., as Successor Declarant as aforesaid, has caused its name to be signed to these presents as of this 10<sup>th</sup> day of July, 2007.

RYLAN, INC.

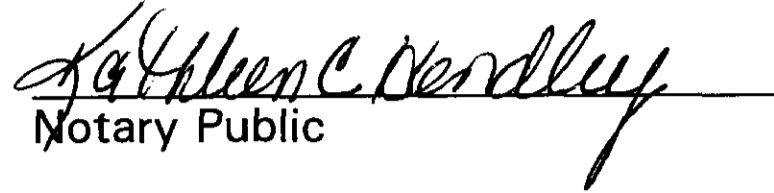
an Ohio corporation

By

  
William R. Dawson, President

State of Ohio       )  
County of Lake     ) ss.

The foregoing instrument was acknowledged before me this 10<sup>th</sup>  
day of July, 2007, by William R. Dawson, President of Rylan, Inc., an Ohio  
corporation, on behalf of the corporation.

  
Notary Public

Prepared by:  
Anthony J. Aveni, Esq.  
41 E. Erie Street  
Painesville, Ohio 44077  
(440) 357-5537

**KATHLEEN C. HENDLEY**  
Notary Public, State of Ohio  
My Commission Expires May 14, 2011  
(Recorded in Lake County)

**CONSENT OF MORTGAGEE**

The undersigned is the mortgagee of premises described in the within Declaration of Condominium Ownership for Hillshire Woods Condominiums, Concord Township, Ohio, by virtue of a Mortgage Deed recorded as Lake County Recorder Document No. 2006R036165 and 2006R036168.

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

CENTURY BANK

By: Jeffrey J. Calabrese  
Jeffrey J. Calabrese, President  
And: James Madrzak  
James Madrzak, Vice President

STATE OF OHIO            )  
COUNTY OF                ) ss.

BEFORE ME, a Notary Public in and for said County and State, personally appeared Jeffrey J. Calabrese and James Madrzak, the President and Vice President of Century Bank, who, having been 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 corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Parma, Ohio, this 10th day of July, 2007.

Sharon A. Hare  
Notary Public

**TARIAL**  
THIS INSTRUMENT PREPARED BY:  
Anthony J. Aveni, Esq.  
CANNON, STERN & AVENI CO., LPA  
41 East Erie Street  
Painesville, OH 44077  
(440) 357-5537

SHARON A. HARE  
Notary Public, State of Ohio  
My Commission Expires Nov. 12, 2011  
Recorded in Lake County

Exhibit "A"

**ASSIGNMENT OF RIGHT, TITLE AND INTEREST IN  
CONDOMINIUM PROPERTY KNOWN AS  
HILLSHIRE WOODS CONDOMINIUMS**

*FOR VALUABLE CONSIDERATION*, Eye-Will Development, Inc., an Ohio corporation ("Assignor"), whose address is 759 Lakeshore Boulevard, Unit F, Painesville, Ohio 44077, assigns to Rylan, Inc., whose address is 7325 High Bluff Court, Concord, Ohio 44077, ("Assignee"), all of Assignor's right, title and interest as Declarant in and to that certain condominium project known as Hillshire Woods Condominiums as declared Declaration of Condominium Ownership for Hillshire Woods Condominiums with the Bylaws attached thereto recorded as Lake County Recorder Instrument No. 2005R026325 and the Drawings being recorded in Plat Volume 49, Page 25 of Lake County Map Records, together with any subsequent amendments thereto.

Signed this 10<sup>th</sup> day of July, 2007.

Eye-Will Development, Inc.

By: 

William R. Dawson, President

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

~~Ivan Eye, Jr., Treasurer~~

Prepared by: Anthony J. Aveni, Esq.

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**LEGAL DESCRIPTION OF HILLSHIRE  
CONDOMINIUMS, PHASE 2  
CONCORD TOWNSHIP, LAKE COUNTY, OHIO**

Situated in the Township of Concord, County of Lake and State of Ohio and known as being part of Original Lot 8, Tract 3 and being further bounded and described as follows:

Beginning on the centerline of Spear Road, 60 feet wide at the northwest corner of Hillshire Condominiums, Phase 1, recorded plat, Volume 49, Page 25, Lake County Record of Plats;

Thence S 22°42'11" E, (passing through a capped iron pin set at 30.00 feet) 264.00 feet along the west line of said Hillshire Condominiums, Phase 1 to a point;

Thence S 67°17'49" W, 240.01 feet to a point;

Thence N 22°42'11" W, 102.42 feet to a point;

Thence N 67°17'49" E, 21.69 feet to a point;

Thence N 22°42'11" W, 161.58 feet to a point on said centerline of Spear Road;

Thence N 67°17'49" E, 218.33 feet to along the centerline of said Spear Road to the place of beginning;

and containing 1.3742 acres of land (0.1504 acres within the right of way of Spear Road) be the same more or less but subject to all legal highways, and easements of record as surveyed and described June, 2007 by David W. Novak, P.S. No. 7507. Bearings used herein are to denote angular relationship only and do not represent true north.

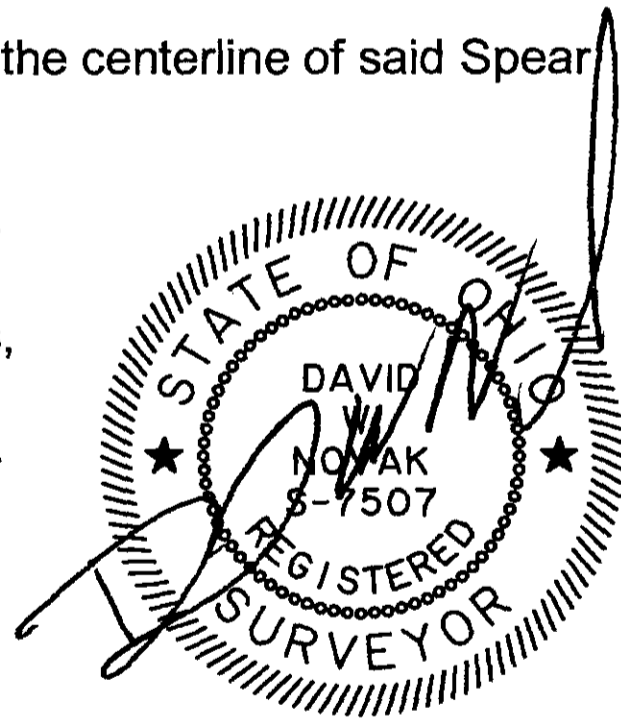


EXHIBIT "1"



**LEGAL DESCRIPTION OF HILLSHIRE  
CONDOMINIUMS, PHASE 2, REMAINING LANDS  
CONCORD TOWNSHIP, LAKE COUNTY, OHIO**

Situated in the Township of Concord, County of Lake and State of Ohio and known as being part of Original Lot 8, Tract 3 and being further bounded and described as follows:

Beginning on the centerline of Spear Road, 60 feet wide at the northwest corner of Hillshire Condominiums, Phase 1, recorded plat, Volume 49, Page 25, Lake County Record of Plats;

Thence S 67°17'49" W, 218.33 feet along said centerline of Spear Road to the principal place of beginning;

Thence S 22°42'11" E, 161.58 feet to a point;

Thence S 67°17'49" W, 21.69 feet to a point;

Thence S 22°42'11" E, 102.42 feet to a point;

Thence N 67°17'49" E, 240.01 feet to a point;

Thence N 22°42'11" W, 11.81 feet to a point which being the southwesterly corner of Hillshire Condominiums, Phase 1, recorded plat, Volume 49, Page 25, Lake County Record of Plats;

Thence N 67°17'49" E, 244.99 feet to a capped 5/8" iron pin set; west line and the west line of a parcel of land owned by William J. Knox (P.P. No. 08A0180000470), recorded deed, Volume 1089, Page 937, Lake County Record of Deeds;

Thence S 00°28'19" W, 185.48 feet along said Knox's west line to a 5/8" iron pin found at the northwest corner of a parcel of land owned by KW & JD Realty LLC (P.P.N. 08-A-018-0-00-027-0), recorded deed, Document No. 2003R058015, Lake County record of deeds;

Thence S 00°27'32" W, 515.66 feet along said west line of KW & JD Realty LLC to a 5/8" iron pin found on the north right-of-way line of State Route No.1 (a.k.a. Interstate 90);

Thence S 71°37'14" W, 184.32 feet along said State Route No. 1 to a capped 5/8" iron pin set on the east line of State Route 44;

Thence N 57°33'35" W, 426.00 feet along said easterly line of State Route 44 to a 5/8" iron pin found at a angle point in said right-of-way line;

EXHIBIT "Z"

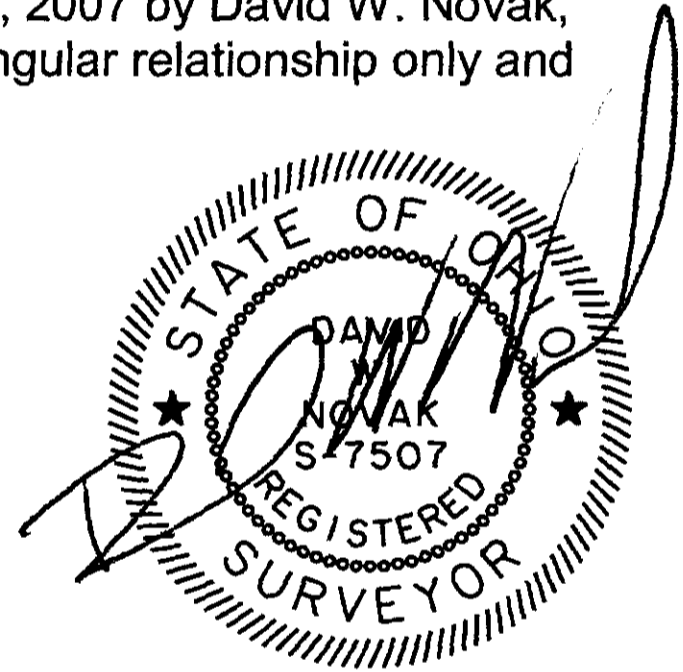
Thence N 27°05'58" W, 112.67 feet continuing along said easterly line of State Route 44 to a 5/8" iron pin found at a angle point in said right-of-way line;

Thence N 75°45'44" W, 133.22 feet continuing along said easterly line of State Route 44 to a 5/8" iron pin found at a angle point in said right-of-way line;

Thence N 27°06'36" W, (passing through a 5/8" iron pin found at 311.84 feet) 341.93 feet continuing along said easterly line of State Route 44 to a 5/8" iron pin found at the intersection of said east right-of-way line of State route 44 and said centerline of Spear Road;

Thence N 67°17'49" E, 381.16 feet along said centerline of Spear Road to the principal place beginning;

and containing 9.6860 acres (0.2617 acres within the right of way of Spear Road) of land be the same more or less but subject to all legal highways, and easements of record as surveyed and described June, 2007 by David W. Novak, P.S. No. 7507. Bearings used herein are to denote angular relationship only and do not represent true north.



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**EXHIBIT "3"**

**TO FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
HILLSHIRE WOODS CONDOMINIUMS**

<u>Unit No.</u>	<u>Address</u>	<u>Percentage of Interest in Common Elements and Percentage Interest in Common Expenses, Common Assessments, Common Surplus Common Profits and Common Losses</u>
<u>Phase 1</u>		
1	10968 Spear Road, Concord, OH	5.264%
2	10964 Spear Road, Concord, OH	5.264%
3	10960 Spear Road, Concord, OH	5.264%
4	10958 Spear Road, Concord, OH	5.263%
5	10954 Spear Road, Concord, OH	5.263%
6	10952 Spear Road, Concord, OH	5.263%
7	10948 Spear Road, Concord, OH	5.263%
<u>Phase 2</u>		
8	10931 Spear Road, Concord, OH	5.263%
9	10935 Spear Road, Concord, OH	5.263%
10	10939 Spear Road, Concord, OH	5.263%
11	10941 Spear Road, Concord, OH	5.263%
12	10943 Spear Road, Concord, OH	5.263%
13	10945 Spear Road, Concord, OH	5.263%
33	10930 Rocky Ledge Lane, Concord, OH	5.263%
34	10932 Rocky Ledge Lane, Concord, OH	5.263%
35	10936 Rocky Ledge Lane, Concord, OH	5.263%
36	10938 Rocky Ledge Lane, Concord, OH	5.263%
37	10942 Rocky Ledge Lane, Concord, OH	5.263%
38	10944 Rocky Ledge Lane, Concord, OH	<u>5.263%</u>
	Total	100.000%

**In the event the Condominium Property is expanded to the maximum number of units contemplated by the Developer, namely ninety one (91) units, the above percentage interests are subject to diminution upon annexation of all of the Additional Property to a minimum percentage of 1.0989% per unit.**

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