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Vol. 13681pc 313

THE CLIFFS CONDOMINIUM  
City of Strongsville  
Cuyahoga County  
State of Ohio

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this First Amendment to Declaration of Condominium Ownership for The Cliffs Condominium and the Drawings attached thereto, have been filed in the office of the Auditor of Cuyahoga County this 25 day of October, 1974.

GEORGE V. VOINOVICH, County Auditor

By George V. Voinovich

RECORDER'S NOTE:

For Maps Accompanying this declaration and By-Laws see Vol. 23 Pages 63 to 69 inclusive of Condominium Map Records.

This Instrument Prepared By:

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1500 Williamson Building  
Cleveland, Ohio 44114  
696-3444

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIPFORTHE CLIFFS CONDOMINIUM

WHEREAS, BOB SCHMITT HOMES, INC., an Ohio corporation of Strongsville ("the Corporation") on October 19, 1974, executed a Declaration of Condominium Ownership for The Cliffs Condominium (the "Declaration") which Declaration with the Drawings and Bylaws attached thereto was on October 21, 1974, filed with the Recorder of Cuyahoga County, and which Declaration and Bylaws were recorded in Volume 13679 at page 715 et seq. of Cuyahoga County Deed Records and which Drawings were recorded in Volume 22 at page 31 et seq. of Cuyahoga County Condominium Map Records; and

WHEREAS, Article XXI, Section (1), of the Declaration describes certain Additional Property owned by the Corporation (the "Additional Property"); and

WHEREAS, the Corporation has developed a portion of the Additional Property for three (3) single-family residence units of substantially the same types as the units presently in The Cliffs Condominium, and desires (pursuant to Article XXI, Section (2), of the Declaration) to subject such portion of the Additional Property as so developed to the provisions of Chapter 5311 of the Ohio Revised Code and to incorporate the portion of the Additional Property as so developed into The Cliffs Condominium; and

WHEREAS, Article XXI, Section (2), of the Declaration provides for such incorporation by the filing of an amendment to the Declaration and amended Drawings reflecting such incorporation; and

WHEREAS, Article XXI, Section (2), of the Declaration further provides that each unit owner shall approve such amendment and in order to exercise such approval shall execute and deliver to the Corporation a limited power of attorney in recordable form irrevocably appointing the Corporation as the unit owner's true

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North  $85^{\circ}50'01''$  East along the centerline of Fallingwater Road a distance of 245.00 feet to a point,

Thence South  $04^{\circ}09'59''$  East a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road,

Thence continuing South  $04^{\circ}09'59''$  East along the Easterly line of Park Area "L" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records a distance of 153.45 feet to a point and the principle place of beginning,

Thence South  $04^{\circ}09'59''$  East along the Easterly line of Park Area "L" a distance of 183.50 feet to a point on the Northerly property line of Bonnie Park Subdivision No. 1 as recorded in Volume 170, Page 16 of the Cuyahoga County Records,

Thence North  $85^{\circ}50'32''$  East along the Northerly property line of Bonnie Park Subdivision No. 1 a distance of 112.00 feet to a point,

Thence North  $04^{\circ}09'59''$  West a distance of 56.04 feet to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 50.00 feet, an arc of 78.55 feet and a chord of 70.72 feet which bears North  $40^{\circ}50'16''$  East to a point,

Thence North  $85^{\circ}50'32''$  East a distance of 137.58 feet to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 100.00 feet, an arc of 79.30 feet and a chord of 77.24 feet which bears South  $71^{\circ}26'24''$  East to a point,

Thence North  $41^{\circ}16'41''$  East a distance of 40.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 140.00 feet, an arc of 70.03 feet and a chord of 69.31 feet which bears North  $53^{\circ}03'10''$  West to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 20.00 feet, an arc of 19.30 feet, and a chord of 18.56 feet which bears North  $49^{\circ}44'17''$  West to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 380.00 feet, an arc of 118.89 feet and a chord of 118.41 feet which bears North  $13^{\circ}07'46''$  West to a point,

Thence South  $85^{\circ}50'01''$  West a distance of 20.00 feet to a point,

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Thence North  $04^{\circ}09'59''$  West a distance of 67.00 feet to a point on the southerly right-of-way of Fallingwater Road,

Thence South  $85^{\circ}50'01''$  West along the southerly right-of-way of Fallingwater Road a distance of 138.28 feet to a point of curvature and the westerly right-of-way line of Trailside Place (40 feet wide),

Thence along the arc of a curve deflecting to the right having a radius of 80.00 feet, an arc of 39.03 feet and a chord of 38.64 feet which bears South  $09^{\circ}49'36''$  West to a point of curvature,

Thence along the arc of a curve deflecting to the left having a radius of 220.00 feet, an arc of 107.33 feet and a chord of 106.27 feet which bears South  $09^{\circ}48'36''$  West to a point,

Thence South  $04^{\circ}09'59''$  East a distance of 12.81 feet to a point,

Thence South  $85^{\circ}50'01''$  East a distance of 115.00 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

PARCEL C

Section 1.

Situated in the City of Strongsville, County of Cuyahoga - State of Ohio and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24 of the Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North  $85^{\circ}50'01''$  East along the centerline of Fallingwater Road a distance of 533.28 feet to a point,

Thence South  $04^{\circ}09'59''$  East a distance of 35.00 feet to a point on the southerly right-of-way line of Fallingwater Road,

Thence South  $04^{\circ}09'59''$  East a distance of 67.00 feet to a point,

Thence North  $85^{\circ}50'01''$  East a distance of 20.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 380.00 feet, an arc of 118.89 feet and a chord of 118.41 feet which bears South  $13^{\circ}07'46''$  East to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 20.00 feet, an arc of 19.30 feet and a chord of 18.56 feet which bears South  $49^{\circ}44'17''$  East to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 140.00 feet, an arc of 70.03 feet and a chord of 69.31 feet which bears South  $63^{\circ}03'10''$  East to a point,

Thence South 41°16'41" West a distance of 40.00 feet to a point,

Thence South 48°43'19" East a distance of 164.52 feet to a point of curvature and the principle place of beginning,

Thence along the arc of curve deflecting to the right having a radius of 95.00 feet, an arc of 95.75 feet and a chord of 91.75 feet which bears South 19°52'49" East to a point,

Thence South 09°01'41" West a distance of 24.00 feet to a point,

Thence South 80°58'19" East a distance of 192.02 feet to a point on the Southerly right-of-way of Fallingwater Road,

Thence North 27°20'01" East along the Southerly right-of-way line of Fallingwater a distance of 55.09 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 129.90 feet, an arc of 172.43 feet and a chord of 160.05 feet which bears North 10°41'39" West to a point,

Thence North 48°43'19" West a distance of 8.08 feet to a point,

Thence South 54°17'02" West a distance of 164.08 feet to a point,

Thence South 70°55'30" West a distance of 8.98 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 135.00 feet, an arc of 69.85 feet, and a chord of 69.08 feet which bears North 33°53'54" West to a point,

Thence South 41°16'41" West a distance of 40.00 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

The condominium property is hereby divided into ten (10) freehold estates consisting of the units, and one (1) freehold estate consisting of the common areas and facilities."

B. Article V of the Declaration is hereby amended to read as follows:

"ARTICLE V

GENERAL DESCRIPTION OF BUILDINGS

The buildings constituting a part of the condominium property are eight (8) single-unit, one-story structures and two (2) single-unit, two-story structures, all without basements. Each building is constructed of wood frame, with the exterior consisting mainly of wood. Each unit is designed for use as a single-family residence, and includes a two-car attached integral garage."

C. Paragraph (1) of Article VI of the Declaration is hereby amended to read as follows:

"ARTICLE VI

UNITS

(1) Description of Units. Each unit shall consist of:

(a) The space enclosed within the undecorated interior surfaces of its perimeter walls, floors and ceilings (being in appropriate cases the inner surfaces parallel to the roof plane, of the roof rafters, and the projections thereof) projected, where appropriate, to form a complete enclosure of space, if any pipes, ducts, wires, conduits or structural divisions such as interior walls or partitions intervene;

(b) Any finishing material applied or affixed to the interior surfaces of the perimeter walls, floors, and ceilings, including, without limitation, paint, lacquer, varnish, wallpaper, tile and paneling;

(c) Non-supporting interior walls;

(d) Windows and doors (including the garage door) in the perimeter walls; and

(e) All utility pipes or lines or systems, and fixtures or appliances connected thereto, servicing a single unit (or connecting a single unit to a main or central utility to the point of disconnection from such main or central utility) whether located within the boundaries of the unit or not, but not including any space occupied thereby if located outside the boundaries of the unit.

Units forming a part of the condominium property are more particularly described in the Drawings, which show graphically all the particulars of the buildings; without limiting the generality of the foregoing, the unit designations, location, approximate area and number of rooms (exclusive of garage and minor rooms, all of which are shown on the Drawings) are set forth below:

<u>UNIT NO.</u>	<u>LOCATION</u>	<u>APPROXIMATE AREA (sq. ft.)</u>	<u>NO. OF ROOMS</u>
4903	18167 Trailside Place	2180	8
4904	18161 Trailside Place	1744	6
4905	18153 Trailside Place	1684	4
4906	18141 Trailside Place	2199	5
4933	17873 Cliffside Drive	1744	5
4934	17891 Cliffside Drive	3230	9
4935	17895 Cliffside Drive	2336	6
4947	18056 Ledgepoint Place	1804	4
4948	18042 Ledgepoint Place	1888	6
4949	18036 Ledgepoint Place	2080	6"

D. Paragraph (4) of Article VII of the Declaration is hereby amended to read as follows:

"(4) Interest in Common Areas and Facilities. The percentage of interest in the common areas and facilities of each unit has been determined by the Corporation in accordance with the provisions of Chapter 5311 and is as follows:

<u>UNIT NO.</u>	<u>PERCENTAGE OF INTEREST</u>
4903	10.44
4904	8.35
4905	8.06
4906	10.52
4933	8.35
4934	15.46
4935	11.18
4947	8.64
4948	9.04
4949	9.96

E. Article XXI of the Declaration is hereby amended to read as follows:

"ARTICLE XXI

ADDITIONAL PROPERTY OF THE CORPORATION

(1) Description. The Corporation is the owner in fee simple of the following described property ("The Additional Property") which adjoins the condominium property:

PARCEL B

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24 of the Cuyahoga County Records and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North 85°50'01" East along the centerline of Fallingwater Road a distance of 245.00 feet to a point,

Thence South 04°09'59" East a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road the principal place of beginning,

Thence South 04°09'59" East along the Easterly line of Park Area "L" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records a distance of 153.45 feet to a point.

Thence North 85°50'01" East a distance of 115.00 feet to a point on the Westerly right-of-way line of Trailside Place (40 feet wide),

Thence North 04°09'59" West a distance of 12.81 feet to a point of curvature.

-B-



Thence along the arc of a curve deflecting to the right and having a radius of 220.00 feet, an arc of 107.33 feet and a chord of 106.27 feet which bears North 09°48'36" East to a point of curvature.

Thence along the arc of a curve deflecting to the left and having a radius of 80.00 feet, an arc of 39.03 feet and chord of 38.64 feet which bears North 09°48'36" East to a point on the Southerly right-of-way line of Fallingwater Road.

Thence South 85°50'01" West a distance of 150.00 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

PARCEL C

Section 2.

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Legewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24 of the Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North 85°50'01" East along the centerline of Fallingwater Road a distance of 533.28 feet to a point,

Thence South 04°09'59" East a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road the principal place of beginning,

Thence South 04°09'59" East a distance of 67.00 feet to a point,

Thence North 85°50'01" East a distance of 20.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 380.00 feet, an arc of 118.89 feet and a chord of 118.41 feet which bears South 13°07'46" East to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 20.00 feet, an arc of 19.30 feet and a chord of 18.56 feet which bears South 49°44'17" East to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 140.00 feet, an arc of 70.03 feet and a chord of 69.31 feet which bears South 63°03'10" East to a point,

Thence South 41°16'41" West a distance of 40.00 feet to a point,

Thence South 48°43'19" East a distance of 164.52 feet to a point,

Thence North 41°16'41" East a distance of 40.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 135.00 feet, an arc of 69.85 feet and a chord of 69.03 feet which bears South 33°53'54" East to a point,

Thence North 70°55'30" East a distance of 8.98 feet to a point,

Thence North 54°17'02" East a distance of 164.08 feet to a point on the Southerly right-of-way of Fallingwater Road,

Thence North 48°43'19" West a distance of 376.23 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 180.00 feet, an arc of 142.77 feet and a chord of 139.06 feet which bears North 71°26'39" West to a point,

Thence South 85°50'01" West a distance of 17.00 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

Section 3.

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24 of the Cuyahoga County Records and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North 85°50'01" East along the centerline of Fallingwater Road a distance of 533.28 feet to a point,

Thence South 04°09'59" East a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road,

Thence South 04°09'59" East a distance of 67.00 feet to a point,

Thence North 85°50'01" East a distance of 20.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 380.00 feet, an arc of 118.89 feet and a chord of 118.41 feet which bears South 13°07'46" East to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 20.00 feet, an arc of 19.30 feet and a chord of 18.56 feet which bears South 49°44'17" East to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 140.00 feet, an arc of 70.03 feet and a chord of 69.31 feet which bears South 63°03'10" East to a point,

Thence South 41°16'41" West a distance of 40.00 feet to a point,

Thence South 48°43'19" East a distance of 164.52 feet to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 95.00 feet, an arc of 95.75 feet and a chord of 91.75 feet which bears south 19°52'49" East to a point,

Thence South 09°01'41" West a distance of 24.00 feet to a point and the principle place of beginning,

Thence continuing South 09°01'41" West a distance of 42.58 feet to a point,

Thence South 80°58'19" East a distance of 20.00 feet to a point,

Thence South 09°01'41" West a distance of 33.70 feet to a point,

Thence North 87°00'03" East a distance of 161.46 feet to a point on the Southerly right-of-way line of Fallingwater Road,

Thence North 27°20'01" East along the Southerly right-of-way line of Fallingwater a distance of 41.91 feet to a point,

Thence North 80°58'19" West a distance of 192.02 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

PARCEL D

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24, of the Cuyahoga County Records and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North 85°50'01" East along the centerline of Fallingwater Road a distance of 559.28 feet to a point of curvature,

Thence continuing along the centerline of Fallingwater Road along the arc of curve deflecting to the right having a radius of 215.00 feet, an arc of 170.53 feet and a chord of 166.09 feet which bears South 71°26'39" East to a point,

Thence South 48°43'19" East along the centerline of Fallingwater Road a distance of 384.31 feet to a point of curvature,

Thence continuing along the centerline of Fallingwater Road along the arc of curve deflecting to the right having a radius of 164.90 feet, an arc of 218.89 feet and a chord of 203.17 feet which bears South 10°41'39" East to a point,

Thence South 27°20'01" West along the centerline of Fallingwater Road a distance of 100.00 feet to a point,

Thence North 62°39'59" West a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road and the principal place of beginning,

Thence South 87°00'03" West a distance of 161.46 feet to a point,

Thence North 09°01'41" East a distance of 33.70 feet to a point,

Thence North 80°58'19" West a distance of 20.00 feet to a point of curvature,

Thence along the arc of curve deflecting to the right having a radius of 20.00 feet, an arc of 28.00 feet and a chord of 25.77 feet which bears South 49°08'21" West to a point,

Thence South 89°15'01" West a distance of 130.83 feet to a point,

Thence North 84°10'51" West a distance of 10.15 feet to a point on the Easterly property line of Bonnie Park Subdivision No. 1 as recorded in Volume 170, Page 16 of the Cuyahoga County Records,

Thence South 85°50'01" West along the property line of Bonnie Park Subdivision No. 1 a distance of 20.00 feet to a point of curvature,

Thence continuing along the property line of Bonnie Park along the arc of curve deflecting to the right having a radius of 50.00 feet, an arc of 64.35 feet and a chord of 60.00 feet which bears South 04°09'59" East to a point,

Thence South 04°09'59" East along the Easterly property line of Bonnie Park Subdivision No. 1 a distance of 240.83 feet to a point on the Northerly property line of Frank K. Wick Inc. Village Estates Subdivision No. 1 as recorded in Volume 161, Page 2 of the Cuyahoga County Records,

Thence North 88°01'38" East along the Northerly property line of Village Estates Subdivision No. 1 a distance of 121.78 feet to a point,

Thence North 55°09'27" East along the Northerly property line of Park Area "K" of Ledgewood Subdivision

No. 5 as recorded in Volume 205, Page 65 of Cuyahoga County Records a distance of 21.41 feet to a point of curvature,

Thence continuing along the Northerly property line of Park Area "K" along the arc of curve deflecting to the left having a radius of 95.00 feet, an arc of 93.68 feet and a chord of 89.93 feet which bears South 83°04'05" East to a point of curvature,

Thence continuing along the Northerly property line of Park Area "K" along the arc of curve deflecting to the left having a radius of 520.00 feet, an arc of 108.82 feet and a chord of 108.62 feet which bears North 62°41'12" East to a point on the Southerly right-of-way line of Fallingwater Road,

Thence along the Southerly right-of-way line of Fallingwater Road along the Arc of curve deflecting to the right having a radius of 277.80 feet, an arc of 243.53 feet and a chord of 235.81 feet which bears North 02°13'12" East to a point and the principal place of beginning be the same more or less but subject to all legal highways.

PARCEL E

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio, and known as being part of Original Strongsville Township Lot No. 47 and also being a portion of Block "D" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of the Cuyahoga County Records and also a portion of area known as "The Cliffs" as recorded in Volume 214, Page 24 of the Cuyahoga County Records and bounded and described as follows:

Beginning at the point of intersection of the centerlines of Fallingwater Road (70 feet wide) and Hillcliff Circle (60 feet wide),

Thence North 85°50'01" East along the centerline of Fallingwater Road a distance of 245.00 feet to a point,

Thence South 04°09'59" East a distance of 35.00 feet to a point on the Southerly right-of-way line of Fallingwater Road,

Thence continuing South 04°09'59" East along the Easterly property line of Park Area "L" of Ledgewood Subdivision No. 5 as recorded in Volume 205, Page 65 of Cuyahoga County Records a distance of 336.95 feet to a point on the Northerly property line of Bonnie Park Subdivision No. 1 as recorded in Volume 170, Page 16 of The Cuyahoga County Records,

Thence North 85°50'32" East along the Northerly property line of Bonnie Park Subdivision No. 1 a distance of 112.00 feet to a point and the principal place of beginning,

Thence continuing North 85°50'32" East along the Northerly property line of Bonnie Park Subdivision No. 1 a distance of 222.57 feet to a point, the Northeast corner of aforesaid Subdivision,

Thence South 04°09'59" East along the Easterly property line of Bonnie Park Subdivision No. 1 a distance of 200.00 feet to a point,

Thence South 84°10'51" East a distance of 10.15 feet to a point,

Thence North 89°15'01" East a distance of 130.83 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 20.00 feet, an arc of 28.00 feet and a chord of 25.77 feet which bears North 49°08'21" East to a point,

Thence North 09°01'41" East a distance of 66.58 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 95.00 feet, an arc of 95.75 feet and a chord of 91.75 feet which bears North 19°52'49" West to a point,

Thence North 48°43'10" West a distance of 164.52 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 100.00 feet, an arc of 79.30 feet and a chord of 77.24 feet which bears North 71°26'24" West to a point,

Thence South 85°50'32" West a distance of 137.58 feet to a point of curvature,

Thence along the arc of curve deflecting to the left having a radius of 50.00 feet, an arc of 78.55 feet and a chord of 70.72 feet which bears South 40°50'16" West to a point,

Thence South 04°09'59" East a distance of 56.04 to a point and the principal place of beginning be the same more or less but subject to all legal highways.

(2) Development and Incorporation of Additional Property

into Condominium. The Corporation contemplates eventual development of the Additional Property for approximately thirty-nine (39) single-family residence units, two (2) units on Parcel B, thirteen (13) units on Parcel C, and twelve (12) units each on Parcels D and E, of substantially the same types as the units in the condominium property, and the subjection of the Additional Property as so developed (or any portion or portions thereof so developed) to the provisions of Chapter 5311 of the Ohio Revised Code, which the corporation deems may be beneficial to the Cliffs Condominium.

Without limiting the right of the Corporation to develop the Additional Property in such manner as it deems appropriate, in the event the Additional Property (or any portion or portions thereof) is developed as presently contemplated and such development is substantially completed by December 31, 1978, the Corporation may incorporate the Additional Property (or portion or portions thereof) as so developed into The Cliffs Condominium by the filing from time to time of an Amendment to the Declaration and Amended Drawings reflecting such incorporation, such Amendment to provide for each unit (including the new units developed upon the Additional Property or portion or portions thereof) a percentage of interest in the common areas and facilities which shall be in the proportion which the fair value of each unit bears to the aggregate of the fair value of all the units in the condominium, as determined by the Corporation in good faith. If requested by the Corporation, each unit owner of a unit shall (and upon the filing for record of a deed to such unit does agree to) approve any such Amendment to the Declaration and in order to exercise such approval shall execute and deliver to the Corporation, concurrently with the filing of said deed for record, a limited power of attorney in recordable form irrevocably appointing the Corporation as the unit owner's true and lawful attorney in fact in the unit owner's name, place and stead to execute, acknowledge and file for record each and every amendment solely for the purpose of so incorporating the Additional Property (or any portion or portions thereof), and further shall execute or join in the execution of, acknowledge, deliver and record such other instruments (with dower rights released) as may be deemed by the Corporation necessary or appropriate to effectuate such incorporation. If requested by the Corporation, each mortgagee of a unit shall (and upon the filing for record of a mortgage to such unit

does agree to) approve, consent to or join in the execution of any such Amendment to the Declaration and to execute, consent to the execution of, or join in the execution of, acknowledge, deliver and record such instruments as may be deemed by the Corporation necessary or appropriate to effectuate such incorporation."

F. The set of drawings prepared and certified by Edward A. Schmitt, Registered Architect, and Theodore S. Bogardus, Registered Surveyor, relating to the condominium property, and entitled "Exhibit A Drawings for the First Amendment to The Cliffs Condominium" attached hereto and identified as Exhibit A to this First Amendment, reflect the incorporation into The Cliffs Condominium as originally established of a portion of the Additional Property as described in the original Declaration, which portion so incorporated is described as Parcel C, Section 1, in Article XXI of the Declaration as hereby amended and are supplemental to the separate set of "Exhibit A Drawings for The Cliffs Condominium" attached to the original Declaration, and together with said original Drawings constitute the amended Drawings for The Cliffs Condominium, which Drawings are collectively identified as Exhibit A to this Declaration (hereinafter called the "Amended Drawings").

G. (1) This First Amendment shall be effective upon its being filed in the office of The Recorder of Cuyahoga County.

(2) From and after filing of this First Amendment, all references in the Declaration to "the Declaration" shall be deemed to refer to the Declaration as amended by this first Amendment, and all references in the Declaration to "the Drawings" shall be deemed to refer to the Amended Drawings described hereinabove.

(3) From and after the filing of this First Amendment, the percentage of interest in the common areas and facilities of each unit in existence prior to such filing shall be altered from the percentage of interest as expressed in the Declaration as originally filed (and as expressed in deeds or mortgages conveying or encumbering such unit) to the percentage of interest for such





STATE OF OHIO )  
 ) SS.  
CUYAHOGA COUNTY )

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Before me, a Notary Public in and for said County and State, personally appeared the above named BOB SCHMITT HOMES, INC. by Robert F. Schmitt, its President, who acknowledged that he did sign the foregoing instrument, and that the same is the free act and deed of said Corporation, and the free act and deed of him personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 24th day of October, 1974.

*James P. Kratochwill*  
Notary Public

JAMES P. KRATOCHWILL, Attorney At Law  
Notary Public - State of Ohio  
My commission has no expiration date.  
Section 117.03 R. C.



CONSENT OF MORTGAGEE

The undersigned, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, the holder of a certain mortgage deed to the premises from Bob Schmitt Homes, Inc., successor to Woodlawn Estates, Inc., dated February 26, 1974, and recorded in Volume 13794, Page 387 of Cuyahoga County Mortgage Records, hereby consents to the execution and delivery of the foregoing First Amendment to Declaration of Condominium Ownership with exhibits thereto 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 First Amendment to Declaration of Condominium Ownership with attached exhibits.

IN WITNESS WHEREOF, Cardinal Federal Savings & Loan Association, by its duly authorized officers, has caused the execution of the aforesaid Consent this 25th day of October, 1974.

Signed in the presence of: CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION

By [Signature] RAYMOND J. SELLNER, SR. VICE PRESIDENT
And [Signature] FRED L. MASON, ASST. VICE PRESIDENT

STATE OF OHIO )
) SS.
CUYAHOGA COUNTY )

Before me, a Notary Public in and for said County and State, personally appeared the above-named CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, by RAYMOND J. SELLNER, SR. VICE PRESIDENT, its SR. VICE PRESIDENT, and FRED L. MASON, its ASST. VICE PRESIDENT, who acknowledged that they did sign the foregoing instrument, and that the same is the free act and deed of said Corporation and their free act and deed personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 25th day of October, 1974.

[Signature]
Notary Public
JOSE LUIS RIVERA, Notary Public
For Cuyahoga County, Ohio
My commission expires Aug. 17, 1978

CONSENT OF MORTGAGEE

The undersigned, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, the mortgagee under a certain mortgage deed executed by James E. Brown, recorded in Volume 12428, Page 183 of Cuyahoga County Mortgage Records, hereby consents to the execution and delivery of the foregoing First Amendment to Declaration of Condominium Ownership with exhibits thereto 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 First Amendment to Declaration of Condominium Ownership with attached exhibits.

IN WITNESS WHEREOF, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, by its duly authorized officers, has caused the execution of the aforesaid Consent this 25th day of October 1974.

Signed in the Presence of: CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION

By: [Signature] RAYMOND J. SELLNER, SR. VICE PRESIDENT
And: [Signature] FREDA L. MASON, ASST. VICE PRESIDENT



STATE OF OHIO )
) SS.
CUYAHOGA COUNTY )

Before me, a Notary Public in and for said County and State, personally appeared the above-named CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION by RAYMOND J. SELLNER, its SR. VICE PRESIDENT and FREDA L. MASON, its ASST. VICE PRESIDENT, who acknowledged that they did sign the foregoing instrument, and that the same is the free act and deed of said Corporation and their free act and deed personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 25th day of October 1974.

[Signature]
Notary Public
Notary Public for the State of Ohio, Cuyahoga County, Ohio
My commission expires Aug. 17, 1976

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RECORDED FOR RECORD

AT HANA HI

OCT 25 1974

RECORDED IN CIVIL  
COURT RECORDS  
100-13681-334

MAKKA SHELTON  
County Recorder