Vol 13534: 57

881132

THE CLIFFS CONDOMINIUM

City of Strongsville

Cuyahoga County

State of Ohio

RECORDER'S NOTE: THIS DOCUMENT WAS PRESENTED FOR RECORD IN SUCH A CONDITION AS TO BE, IN PART, ILLEGIBLE.

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Third 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 10 day of July, 1975.

GEORGE V. VOINOVICH, County Auditor

By [signature]

PARCEL NO. [illegible]
CONVEYANCE IS IN COMPLIANCE
[illegible]
JUL 20 1975
[illegible] Transfer Fee
[illegible] Auditor
[illegible] County Auditor
By [illegible]

This Instrument Prepared By:

Ford, Howland, Whitney & Haase
1500 Williamson Building
Cleveland, Ohio 44114
696-3444

RECORDER'S NOTE:

For Maps Accompanying this declaration and By-Laws see Vol. 23 Pages 48 to 51 inclusive of Condominium Map Records.

5/12/75

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

THE CLIFFS CONDOMINIUM

WHEREAS, BOB SCHMITT HOMES, INC. (formerly known as Woodlawn Estates, Inc.), an Ohio corporation of Strongsville (the "Corporation"), on October 19, 1974, executed a Declaration of Condominium Ownership for The Cliffs Condominium (the "Original Declaration") which Original Declaration with the Drawings and Bylaws attached thereto was on October 21, 1974, filed with the Recorder of Cuyahoga County, and which Original 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, the Corporation on October 24, 1974, executed the "First Amendment to Declaration of Condominium Ownership for The Cliffs Condominium" (the "First Amendment"), which First Amendment with the amended Drawings attached thereto was on October 25, 1974, filed with the Recorder of Cuyahoga County, and which First Amendment was recorded in Volume 13681, at page 313 et seq. of Cuyahoga County Deed Records and which amended Drawings were recorded in Volume 22, at page 63 et seq. of Cuyahoga County Condominium Map Records; and

WHEREAS, the Corporation on December 9, 1974, executed the "Second Amendment to Declaration of Condominium Ownership for The Cliffs Condominium" (the "Second Amendment"), which Second Amendment with the amended Drawings attached thereto was on December 12, 1974, filed with the Recorder of Cuyahoga County, and which Second Amendment was recorded in Volume 13693, at page

793 et seq. of Cuyahoga County Deed Records and which amended Drawings were recorded in Volume 22, at page 94 et seq. of Cuyahoga County Condominium Map Records (the First and Second Amendments and the Original Declaration to be hereinafter collectively called the "Declaration"); and

WHEREAS, Article I of the present Declaration defines a unit owner as "a person or persons, natural or artificial, at any time owning the fee simple estate in a unit"; and

WHEREAS, under the Corporation's Pay as You Grow Plan, the legal title to the unit financed under such Plan will be held by a trustee and the equitable title to the unit will be held by the purchaser of the unit; and

WHEREAS, the equitable fee owner shall have possession of the unit and therefore have the dominant interest in the rights and duties conferred by the Declaration; and

WHEREAS, such equitable fee owner should be treated in all respects as other unit owners; 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 one (1) single-family residence unit of substantially the same type 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 such 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 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; and

WHEREAS, Article XXI, Section (2), of the Declaration also provides that each mortgagee of a unit shall approve, consent to or join in the execution of any such amendment to the Declaration and shall execute, consent to or join in the execution of, acknowledge, deliver and record such other instruments as may be deemed by the Corporation necessary or appropriate to effectuate such incorporation;

NOW, THEREFORE, the Declaration of Condominium Ownership for The Cliffs Condominium is amended as follows:

A. The definition of unit owner contained in Article I of the Declaration is hereby amended to read as follows:

> "A person or persons, natural or artificial, at any time owning the fee simple estate in a unit; including a person or persons owning an equitable fee interest."

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

ARTICLE II

ESTABLISHMENT OF CONDOMINIUM AND DIVISION OF CONDOMINIUM PROPERTY

The Corporation is the owner of the following described land which, together with the buildings and all improvements and structures thereon, all easements, rights, and appurtenances belonging thereto, and all articles of personal property existing for the common use of the unit owners, is hereby submitted to the provisions of Chapter 5311 of the Ohio Revised Code:

PARCEL A

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 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 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 principal place of beginning,

Thence South 04°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°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°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°50'16" East to a point,

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

Thence along the arc of a 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°26'24" East 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 a 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 63°03'10" West to a point of curvature,

Thence along the arc of a 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°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°07'46" West to a point,

Thence South 85°50'01" West a distance of 20.00 feet to a point,

Thence North 04°09'59" West a distance of 67.00 feet to a point on the Southerly right-of-way line of Fallingwater Road,

Thence South 85°50'01" West along the Southerly right-of-way line 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°48'36" West to 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°48'36" West to a point,

Thence South 04°09'59" East a distance of 12.81 feet to a point,

Thence South 85°50'01" East a distance of 115.00 feet to a point and the principal 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" and bounded and described as follows:

Beginning at the point of intersection of the center-lines 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 and the principal 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 principal place of beginning be the same more or less but subject to all legal highways.

PORTION OF 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" 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 550.28 feet to a point of curvature,

Thence continiung along the centerline of Fallingwater Road along the arc of a 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 a 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 of curvature on the Southerly right-of-way line of Fallingwater Road,

Thence along the arc of a curve deflecting to the left having a radius of 277.80 feet, an arc of 133.83 feet and a chord of 132.54 feet which bears South 13°31'56" West to a point and the principal place of beginning,

Thence North 85°58'12" West a distance of 128.07 feet to a point of curvature,

Thence along the arc of a curve deflecting to the left having a radius of 178.00 feet, an arc of 3.15 feet and a chord of 3.15 feet which bears North 09°32'04" East 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 a curve deflecting to the right having a radius of 158.00 feet, an arc of 56.27 feet and a chord of 55.97 feet which bears South 19°13'48" West to a point,

Thence South 60°34'05" East a distance of 20.00 feet to a point of curvature,

Thence along the arc of a curve deflecting to the left having a radius of 178.00 feet, an arc of 17.04 feet and a chord of 17.03 feet which bears North 26°41'23" East to a point,

Thence South 85°58'12" East a distance of 144.16 feet to a point of curvature on the Southerly right-of-way line of Fallingwater Road,

Thence along the arc of a curve deflecting to the right having a radius of 277.80 feet, an arc of 42.53 feet and a chord of 42.49 feet which bears North 04°39'17" West to a point and the principal place of beginning be the same more or less but subject to all legal highways.

PARCEL E 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 "B" 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" 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 principle place of beginning.

Thence continuing North 85°50'32" East along the Northerly property line of Bonnie Park Subdivision No. 1 a distance of 194.00 feet to a point,

Thence North 04°09'28" West a distance of 105.87 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 6.41 feet and a chord of 6.41 feet which bears South 87°20'49" 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 feet to a point and the principle place of beginning be the same more or less but subject to all legal highways.

(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:

UNIT NO.	LOCATION	APPROXIMATE AREA (sq. ft.)	NO. OF ROOMS
4903	18167 Trailside Place	2,180	8
4904	18161 Trailside Place	1,744	6
4905	18153 Trailside Place	1,684	4
4906	18141 Trailside Place	2,199	5
4907	18146 Trailside Place	1,856	4
4908	18133 Cliffside Drive	1,768	4
4909	18111 Cliffside Drive	1,768	4
4910	18101 Cliffside Drive	1,768	4
4911	18023 Cliffside Drive	1,768	4
4927	17817 Cliffside Drive	3,120	8
4933	17873 Cliffside Drive	1,744	5
4934	17891 Cliffside Drive	3,230	9
4935	17895 Cliffside Drive	2,336	6
4947	18056 Ledgepoint Place	1,804	4
4948	18042 Ledgepoint Place	1,888	6
4949	18036 Ledgepoint Place	2,080	6"

E. 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:

UNIT NO.	PERCENTAGE OF INTEREST
4903	6.62%
4904	5.29%
4905	5.11%
4906	6.66%
4907	5.64%
4908	5.37%
4909	5.37%
4910	5.37%
4911	5.37%
4927	9.46%
4933	5.29%
4934	9.81%
4935	7.09%
4947	5.48%
4948	5.73%
4949	6.32%"

F. Article XVIII, Section (3), of the Declaration is hereby amended to read as follows:

"(3) Board as Agent. The Board shall be the exclusive agent for each of the unit owners, for each holder of a mortgage or other lien upon any unit, and for any trustee holding legal title to any unit, to adjust all claims arising under insurance policies procured by the Board and to execute and deliver releases upon the payment of claims."

G. 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 "L" 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 243.00 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 and 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,

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 principal 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 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, 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 a 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 a 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 a 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 69.08 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 a 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 principal 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 333.24 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 a curve deflecting to the left having a radius of 380.00 feet, an arc of 118.89 feet and a chord of 113.41 feet which bears South 13°07'46" East to a point of curvature,

Thence along the arc of a 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 a 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 a 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 principal 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 44.91 feet to a point,

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

BALANCE OF 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" 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 550.28 feet to a point of curvature,

Thence continiung along the centerline of Fallingwater Road along the arc of a 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 a 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 a curve defelcting 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 continiung along the property line of Bonnie Park along the arc of a 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 continiung along the Northerly property line of Park Area "K" along the arc of a 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 continiung along the Northerly property line of Park Area "k" along the arc of a 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 Falling-water Road along the arc of a curve deflecting to the right having a radius of 277.80 feet, an arc of 67.17 feet and a chord of 67.01 feet which bears North 15°58'02" West to a point,

Thence North 85°58'12" West a distance of 144.16 feet to a point of curvature,

Thence along the arc of a curve deflecting to the right having a radius of 178.00 feet, an arc of 17.04 feet, and a chord of 17.03 feet which bears South 26°41'23" West to a point,

Thence North 60°34'05" West a distance of 20.00 fee to a point of curvature,

Thence along the arc of a curve deflecting to the left having a radius of 158.00 feet, an arc of 56.27 feet and a chord of 55.97 feet which bears North 19°13'48" Eas to a point,

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

Thence along the arc of a curve deflecting to the right having a radius of 178.00 feet, an arc of 3.15 feet and a chord of 3.15 feet which bears South 09°32'04" West to a point,

Thence South 85°58'12" East a distance of 128.07 feet to a point of curvature on the Southerly right-of-way of Falling-water Road,

Thence along the arc of a curve deflecting to the right having a radius of 277.80 feet, an arc of 133.83 feet and a chord of 132.54 feet which bears North 13°31'56" East to a point and the principal place of beginning be the same more or less but subject to all legal highways.

PARCEL E 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 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" 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 243.00 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 "E" 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 306.00 feet to a point and the principle place of beginning,

Thence continuing North 85°50'32" East along the Northerly property line of Bonnie Park Subdivision No. 1 a distance of 28.67 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°32'19" 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 72.89 feet and a chord of 71.28 feet which bears North 69°36'08" West to a point,

Thence South 04°09'28" East a distance of 105.87 feet to a point and the principle 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-eight (38) single-family residence units: two (2) units on Parcel B, thirteen (13) units on Parcel C, eleven (11) units on Parcel D, and seven (7) units on Parcel E, Section 2, 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."

H. The set of Drawing prepared and certified by Edward A. Schmitt, Registered Architect, and Michael G. Hura, Registered Surveyor, relating to the condominium property, and entitled "Exhibit A Drawings for the Third Amendment to The Cliffs Condominium," attached hereto and identified as Exhibit A to this Third Amendment, reflect the incorporation into The Cliffs

Condominium of a portion of the Additional Property as described in the Declaration, which portion so incorporated is described as "Parcel E Section 1," in Article II of the Declaration as hereby amended, and are supplemental to the separate sets of Exhibit A Drawings for The Cliffs Condominium attached to the Original Declaration, First Amendment and Second Amendment, respectively, and together with said Original Declaration, First Amendment and Second Amendment 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").

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

(2) From and after filing of this Third Amendment, all references in the Declaration to "the Declaration" shall be deemed to refer to the Declaration as amended by this Third 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 Third 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 Original Declaration, as amended by the First and Second Amendments thereto (and as expressed in deeds or mortgages conveying or encumbering such unit) to the percentage of interest for such unit as expressed in this Third Amendment.

(4) No owner of a unit which was not in existence prior to the filing of this Third Amendment shall:

(a) have or obtain any interest in funds collected by the Association from the owners of units in existence prior to the filing of this Third Amendment, nor

(b) have or be subjected to any liability for expenses arising with respect to the condominium property prior to the filing of this Third Amendment.

(5) The Board of Managers and officers of the Association, in office on the date of the filing of this Third Amendment shall continue to hold office until the date their respective terms would have expired in accordance with the provisions of the Declaration and Bylaws in effect prior to the filing of this Third Amendment. In the event of their earlier resignation, removal from office, or death, vacancies shall be filled in accordance with the provisions of the Declaration as hereby amended.

IN WITNESS WHEREOF, this Third Amendment to the Declaration of Condominium Ownership for The Cliffs Condominium has been executed by BOB SCHMITT HOMES, INC., as the owner of that portion of the Additional Property (as defined in the Declaration as in effect prior to the filing of this Third Amendment) which is hereby subjected to the Declaration (as hereby amended) and incorporated into The Cliffs Condominium, as the owner of units in existence prior to the filing hereof, and as the attorney in fact for all other unit owners within The Cliffs Condominium to date, by means of the following powers of attorney:

Dave Munitz & Edith Munitz — Unit 4903
Dated: October 29, 1974 — Recorded: File No. 796704

James E. Brown — Unit 4904
Dated: October 21, 1974 — Recorded: Vol. 73 Pg. 281

Richard B. Kiplinger & Audrey Kiplinger — Unit 4905
Dated: October 25, 1974 — Recorded: Vol. 73 Pg. 451

Ilknur Ates Altiok — Unit 4927
Dated: — Recorded: Vol. 73 Pg. 0597

Jack R. Staples (unmarried) — Unit 4933
Dated: October 26, 1974 — Recorded: Vol. 73 Pg. 449

Doris H. Kay & Joseph A. Kay — Unit 4934
Dated: May 12, 1975 — Recorded: Vol. 74 Pg. 631

Jack H. Lee & Nancy H. Lee — Unit 4935
Dated: October 19, 1974 — Recorded: Vol. 73 Pg. 289

Nicholas A. Mirti & Esther P. Mirti — Unit 4948
Dated: October 28, 1974. — Recorded: Vol. 73 Pg. 305
+ Unit Mortgagee on Unit 4817 - Mortgage Vol. 14001, P. 971

duly executed, acknowledged and filed for record in the Cuyahoga County Deed Records, in accordance with Article XXI, Section (2), of the Declaration; and has been consented to by each mortgagee of the condominium property or of a unit in existence prior to the filing hereof.

Signed in the presence of:

BOB SCHMITT HOMES, INC., for itself and as attorney in fact for the above-named unit owners

By Edward A. Schmitt
Edward A. Schmitt, Vice Pres.

Date: May 16, 1975

STATE OF OHIO)
) SS
CUYAHOGA COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared the above-named BOB SCHMITT HOMES, INC. by Edward A. Schmitt, its Vice 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 16th day of May, 1975.

Alice L. Dupay
Notary Public
ALICE L. DUPAY, Notary Public, Cuyahoga County,
My Commission Expires Jan. 20, 1979

CONSENT OF MORTGAGEE

The undersigned, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, the mortgagee under certain mortgage deeds to units in The Cliffs Condominium executed by James E. Brown (Unit 4904), recorded in Volume 13988, Page 183 of Cuyahoga County Mortgage Records, Jack H. Lee and Nancy H. Lee (Unit 4935), recorded in Volume 13989, Page 741 of Cuyahoga County Mortgage Records, Nicholas A. Mirti and Esther F. Mirti (Unit 4948), recorded in Volume 13990, Page 603 of Cuyahoga County Mortgage Records, Ilkaer Ates Altiok (Unit 4927), recorded in Volume 14001, Page 901 of Cuyahoga County Mortgage Records, and Doris H. Kay (Unit 4934), recorded in Volume 14017, Page 163 of Cuyahoga County Mortgage Records, hereby consents to the execution and delivery of the foregoing Third 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 Second Amendment to Declaration of Condominium Ownership with attached exhibits, 12 and Mortgage Vol 13794, P.387 as to Units Nos. 4906, 4947, 14149

IN WITNESS WHEREOF, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, by its duly authorized officers, has caused the execution of the aforesaid Consent this 14th day of May, 1975.

Signed in the Presence of:

CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION

Raymond J. Sellner, Sr. Vice President

Jeanne L. Reinhard, Asst. Secretary

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 Jeanne L. Reinhard its Asst. Secretary, 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 14th day of May, 1975.

NOTARY PUBLIC
MARSHA L. KOCINSKI
Notary Public, Cuyahoga County, O.
My Commission Expires Dec. 16, 1975

CONSENT OF MORTGAGEE

The undersigned, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, the holder of a certain mortgage deed 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 Third 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 Third Amendment to Declaration of Condominium Ownership with attached exhibits. And a certain Mortgage in Vol 13997, P. 889

IN WITNESS WHEREOF, CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION, by its duly authorized officers, has caused the execution of the aforesaid Consent this 14th day of May, 1975.

Signed in the presence of:

Susan F. McDonough

Marsha L. Kocinski

CARDINAL FEDERAL SAVINGS & LOAN ASSOCIATION

By [signature]
Raymond J. Sellner, Sr. Vice President

And [signature]
Jeanne I. Reinhard, Asst. Secretary

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 Jeanne I. Reinhard, its Asst. Secretary, 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 14th day of May, 1975.

Marsha L. Kocinski
Notary Public

MARSHA L. KOCINSKI
Notary Public For Cuyahoga County, O.
My Commission Expires Dec. 16, 1979

CONSENT OF MORTGAGEE

The undersigned, UNION COMMERCE BANK, the mortgagee under a certain mortgage deed executed by Richard B. Kiplinger and Audrey Kiplinger to Unit 4905 of The Cliffs Condominium, recorded in Volume 13994, Page 169 of Cuyahoga County Mortgage Records, hereby consents to the execution and delivery of the foregoing Third 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 Third Amendment to Declaration of Condominium Ownership with attached exhibits.

IN WITNESS WHEREOF, UNION COMMERCE BANK, by its duly authorized officers, has caused the execution of the aforesaid Consent this 15th day of May, 1975.

Signed in the presence of:

William E. Carson

Karl C. Hague

UNION COMMERCE BANK

BY [signature] V.P.

And [signature] A.V.P.

VOL 13934 PG 84

STATE OF OHIO)
) SS.
CUYAHOGA COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared the above-named UNION COMMERCE BANK, by Frank S. Allwood, its Vice President, and Thomas F. Clutterbuck, its Assistant 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 15th day of May, 1975.

William E. Crews
Notary Public

WILLIAM E. CREWS
Attorney At Law
Notary Public, State Of Ohio
Continuing Commission, R.C. Sec. 147.03

CONSENT OF MORTGAGEE

The undersigned, THE CLEVELAND TRUST COMPANY, the mortgagee under a certain mortgage deed executed by Jack R. Staples to Unit 4933 of The Cliffs Condominium, recorded in Volume 13995, Page 739 of Cuyahoga County Mortgage Records, hereby consents to the execution and delivery of the foregoing Third 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 Third Amendment to Declaration of Condominium Ownership with attached exhibits. [illegible] JOSEPH A. KAY to Unit No. 4934, [illegible] Page 163

IN WITNESS WHEREOF, THE CLEVELAND TRUST COMPANY, by its duly authorized officers, has caused the execution of the aforesaid Consent this 14th day of May, 1975.

Signed in the presence of:

Helen Yonich

Carol A. Perry

THE CLEVELAND TRUST COMPANY

By [signature]
T. G. Jarvis, Vice President

And [signature]
A. F. Maiko, 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 THE CLEVELAND TRUST COMPANY, by T. G. JARVIS, its VICE PRESIDENT, and A. F. MAIKO, 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 14th day of May, 1975.

Carol A. Perry
Notary Public
CAROL A. PERRY
Notary Public, Cuyahoga County, Ohio
My Commission Expires Sept. 26, 1978

VOL 13834 PG 80

RECORDER'S NOTE:

THIN PAPER WITH TYPING SHOWING THROUGH ON THE BACK.