07 JUL 25 AH 10: 47

KARL L. KEITH AUDITOR

FIFTH AMENDMENT TO DECLARATION

FOR

THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 6)

I hereby certify that copies of the within Fifth Amendment, together with the drawings attached as Exhibits hereto, have been filed in the Office of the Auditor, Montgomery County, Ohio.

MONTGOMERY COUNTY AUDITOR

Dated: _____, 2007 By:

PLAT REFERENCE:

Book: <u>207</u>, Page(s): <u>33-33</u>

THIS INSTRUMENT PREPARED BY:
HANS H. SOLTAU
Attorney at Law

6776 Loop Road Centerville, Ohio 45459

FIFTH AMENDMENT TO DECLARATION FOR THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 6)

THIS FIFTH AMENDMENT TO DECLARATION, hereinafter referred to as the "Fifth Amendment", made on the date hereinafter set forth by TREBEIN LIMITED ADK IV, an Ohio limited liability company, hereinafter referred to as "Declarant".

RECITALS

- A. On April 18, 2005 certain premises, hereinafter referred to as "Parcel A", located in the City of Huber Heights, Montgomery County, Ohio were submitted to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership by filing with the Montgomery County Recorder a legal instrument with attached exhibits titled "Declaration of Condominium Property for The Reserve at the Fairways Condominium", hereinafter referred to as the "Declaration". Said Declaration was previously filed with the Auditor of Montgomery County, Ohio.
- B. The Declaration was subsequently amended for the purpose of additional additional property. The term Declaration, as used herein, shall refer to the Declaration, as amended by any subsequent amendment thereto, filed with the Recorder of Montgomery County, Ohio.
- C. The Declaration and subsequent amendments were recorded in the Deed and Plat Records of Montgomery County, Ohio as follows:

DEED RECORDS		PLAT RECORDS	
05-035105		199, Page 6	
05-073929	•	200, Page 13	
05-073934		200, Page 14	
06-062465		204, Page 1	
07-001968		205, Page 36	
	05-035105 05-073929 05-073934 06-062465	05-035105 05-073929 05-073934 06-062465	

- D. The Declarant is the owner of certain property described in Exhibit "D" of the Declaration, hereinafter referred to as "Parcel B", and has determined to submit such property and the improvements thereon to the provisions of the Declaration and to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership.
- **NOW, THEREFORE**, pursuant to Section 17.05 of the Declaration, Declarant herein amends the Declaration as follows.

- 1. All of the terms used herein which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration unless specifically hereinafter amended.
- 2. Declarant is the owner of Parcel B, together with all improvements thereon, all easements, rights, appurtenances belonging thereto, and all articles of personal property existing thereon for the common use of the Unit Owners, all of which is hereby submitted to the provisions of the Declaration and is hereby included and made part of the Condominium Property.
- 3. The Declaration is hereby amended in accordance with the provisions of Article XXVI in the following respects:
- A. The legal description referred to in Section 3.01 is hereby amended by adding thereto and to Exhibit "A" of the Declaration the real estate described in Exhibit "A" attached hereto.
 - B. Section 4.01 is hereby amended by adding thereto the following:
 - (i) Building 13 is one (1) story in height, with a loft area, containing one (1) Unit.
 - C. Section 5.02 is hereby amended by adding thereto the following:
 - (g) <u>Biarritz II Modified</u> is a garden Unit with a loft, containing approximately 2,997 square feet.
 - D. Section 5.03 is hereby amended by adding thereto the following:

Unit No.	<u>Building</u>	<u>Type</u>
13-6950	13	Biarritz II Modified

- E. Section 11.01 titled "Percentage of Ownership" is hereby amended by deleting the Unit designations and their percentages and substituting those set forth in Exhibit "C" attached hereto.
- F. The drawings attached as Exhibit "B" to the Declaration are hereby amended by adding thereto and making a part thereof the drawings attached to this Fifth Amendment as Exhibit "B", relating to Parcel B, the Parcel B buildings and all other improvements thereon.
- 4. Except as specifically hereinabove amended, all of the provisions of the Declaration, the By-Laws and the Drawings shall be and hereby are declared to remain in full force and effect.

EXECUTED on the date set forth in the acknowledgement of the signature below.

TREBEIN LIMITED ADK IV

Gary-M. Anderson

Membei

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 9th day of 0, 2007 by Gary M. Anderson, Member of Trebein Limited ADK IV, an Ohio limited liability company, on behalf of such company.



Notary Public

SUSAN L. ANDERSON NOTARY PUBLIC, STATE OF OH!O My Contression Expires 01-30-09

THIS INSTRUMENT PREPARED BY:

HANS H. SOLTAU Attorney at Law 6776 Loop Road Centerville, Ohio 45459



THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE SIX

Description
Part Lot No. 15
of
The Reserve at the Fairways
Section One-A



Situate in Section 18, Town 2, Range 8 M.Rs., City of Huber Heights, County of Montgomery, State of Ohio and being Part of Lot No. 15 of The Reserve at the Fairways – Section One-A as recorded in Plat Book 202, Pages 1 and 1A of the Montgomery County, Ohio Plat Records, also being part of those lands conveyed to Trebein Limited ADK IV as recorded in Deed -03-134198 of the Montgomery County, Ohio Deed Records, being more particularly described as follows:

Beginning at the southeast corner of said Lot No. 15 and the southeast corner of the Reserve at the Fairways Condominiums Phase Four as recorded in Plat Book 204, Pages 1-1A of the Plat Records of said County and State;

Thence along the south line of said Lot No. 15 and said Phase Four, North 82° 28' 17" West, a distance of 120.08 feet;

Thence continuing along the south line of said Lot No. 15 and said Phase Four, North 73° 02' 01" West, a distance of 133.26 feet to a 5/8" iron pin found at the southwest corner of said Phase Four and the southeast corner of the Reserve at the Fairways Condominiums Phase Five as recorded in Plat book 205, Pages 36-36C of the Plat Records of said County and State.

Thence continuing along the south line of said Lot No. 15 and said Phase Five for the following two courses:

- 1. North 73° 2' 1" West for 132.43 feet to a 5/8-inch iron pin set;
- 2. North 64° 20' 20" West for 132.74 feet to a 5/8-inch iron pin set at the southwest corner of said Phase Five and

1253-G Lyons Road • Dayton, OH 45458 Phone (937) 434-5104 • Fax (937) 434-5204 www.sahengineers.com





Description
Phase 6
Part Lot No. 15 of
The Reserve at the Fairways
Section One-A Condominium
Page Two

THE TRUE POINT OF BEGINNING of the land herein described:

Thence continuing along the south line of said Lot No. 15, North 64° 20' 20" West, a distance of 95.92 feet.

Thence with a new line for the following two courses:

- 1. North 39° 38' 14" East a distance of 83.97 feet.
- 2. North 77° 49' 31" East 56.97 feet to a point on the north line of said Lot No. 15.

Thence along the north line of said Lot No. 15 for the following two courses:

- 1. Thence along a curve to the left having a radius of 100.00 (Long chord bearing South 61° 31' 12" East a distance of 18.21 feet) for an arc length of 18.23 feet:
- 2. South 66° 44' 34" East for 12.47 feet to a railroad spike at the northwest corner of said Phase Five.

Thence along the west line of said Phase Five South 25° 39' 40" West for 116.06 feet to THE TRUE POINT OF BEGINNING.

Containing a total of 0.203 acres, more or less, subject to all legal highways, easements, and restrictions of record.

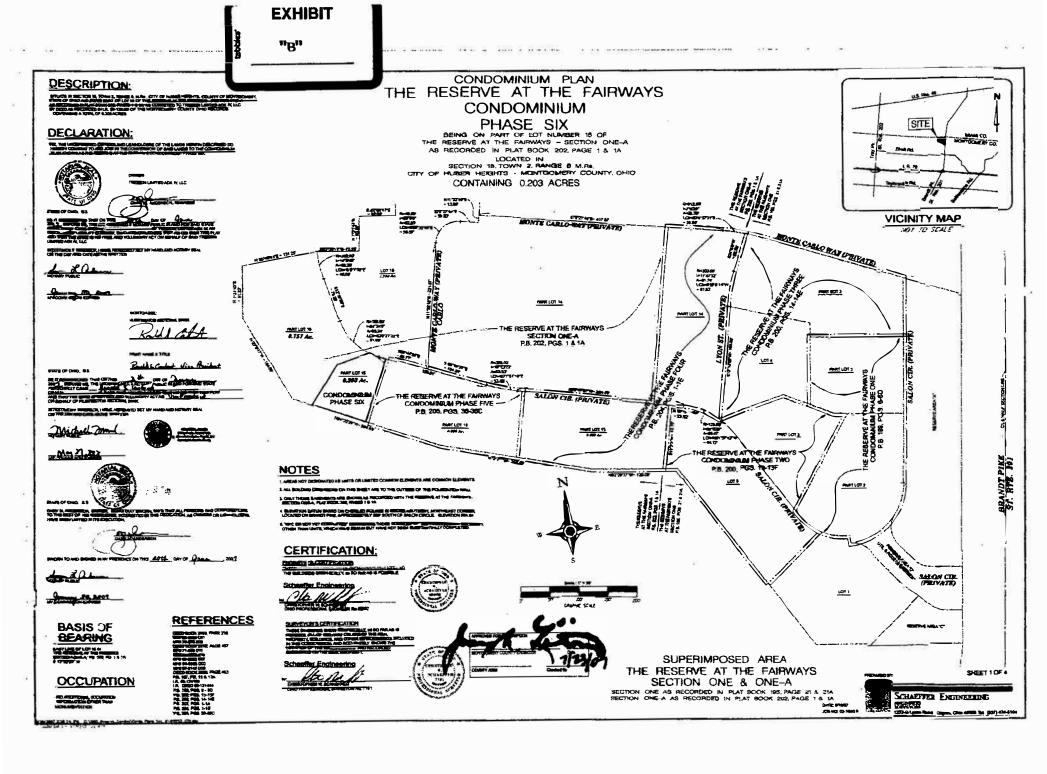
As surveyed by Schaeffer Engineering under my supervision, Christopher W. Schaeffer, Ohio Registered Surveyor No. 7161, in December 2006.

Christopher W. Schaeffer

Ohio Registered Surveyor No. 7161

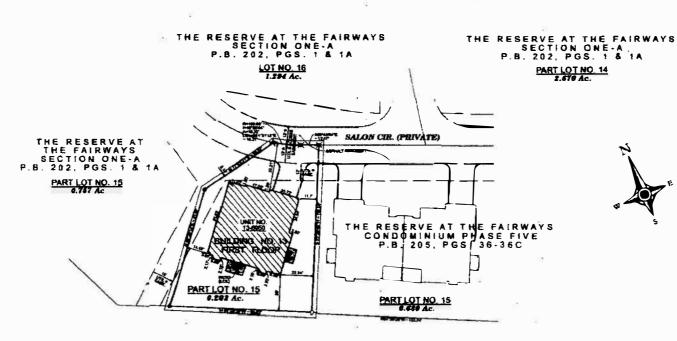
Date





CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS CONDOMINIUM

PHASE SIX
BEING ON PART OF LOT NAMED IS OF
THE RESERVE AT THE PAIRWAYS - SECTION ONE-A AS RECORDED IN PLAT BOOK 202, PAGE 1 & 1A LOCATED IN
SECTION 18, TOWN 2, RANGE 6 M.Rs.
CITY OF HUBBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 0.203 ACRES



THE PESERVE OF THE FARMAS PRINTS.

LEGEND

OF THE RESERVE AT THE FAME MICHES PAGE AT THE FAME PLAT FROM SET, PAGES 1 & IA

NOT YET COMPLETED - \$85 MOTE OF



SHEET 2 OF 4



CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE SIX BEING ON PART OF LOT NUMBER 15 OF THE RESERVE AT THE FAIRWARD - SECTION ONE-A AS RECORDED IN PLAT BOOK 202, PAGE 1 & 14 LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.Rs. CITY OF HUBBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 0.203 ACRES UNIT NO. 13-6950 UNIT NO. 13-6950 369 SF FIRST FLOOR BUILDING NO. 13 CONVENTIONAL CELINO ELEVATION - \$563.55 FLOOR ELEVATION > \$47.2 **SECOND FLOOR BUILDING NO. 13** CONVENTIONAL CELLING ELEVATION = 884.3 FLOOR ELEVATION = 958.2 SHEET SOF 4

SCHABUTER ENGINEERING

CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS CONDOMINIUM

PHASE SIX
BEING ON PART OF LOT NUMBER 15 OF
THE RESERVE AT THE FARWAYS - SECTION ONE-A
AS RECORDED IN PLAT BOOK 202, PAGE 1 & 14

LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.Rs. CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, DHO CONTAINING 0.203 ACRES



NORTH SIDE ELEVATION -BUILDING NO. 13



F1 35 de ceres de despoyações de 14

WEST SIDE ELEVATION -BUILDING NO. 13



EAST SIDE ELEVATION -BUILDING NO. 13



SOUTH SIDE ELEVATION -BUILDING NO. 13



59-EET 4 OF 4 SCHAEDYEN ENCINEERING

EXHIBIT "C"

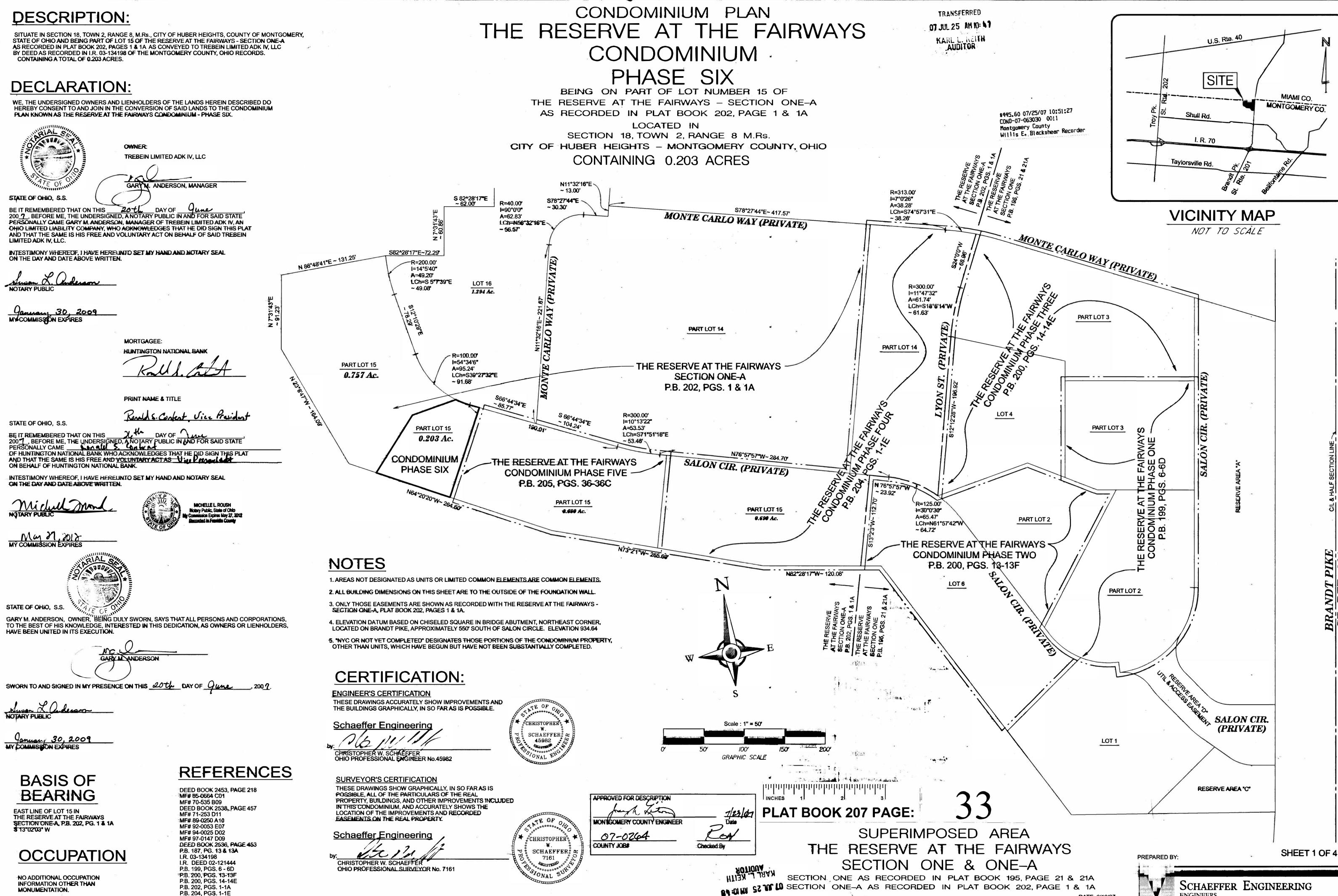
Unit <u>No.</u>	Percentage of Ownership	Unit <u>No.</u>	Percentage of Ownership
2-8821	2.63%	7-6986	2.45%
2-8823	1.84%	7-6988	2.24%
2-8825	1.84%	7-6990	1.84%
2-8827	2.63%	7-6992	1.84%
		7-6994	2.45%
3-8831	1.84%	7-6996	2.24%
3-8833	1.84%	7-6998	2.24%
3-8835	2.24%	7-7000	2.45%
3-8837	2.45%		
		8-8833	2.63%
4-6989	1.84%	8-8835	2.21%
4-6991	1.84%	8-8837	2.21%
4-6993	2.24%	8-8839	2.21%
4-6995	2.45%	8-8841	2.63%
5-8832	2.45%	9-6978	2.36%
5-8834	2.24%	9-6982	2.36%
5-8836	1.84%		
5-8838	1.84%	10-6970	2.36%
		10-6976	2.36%
6-6988	2.45%		
6-6990	2.24%	11-6962	2.36%
6-6992	2.45%	11-6966	2.36%
6-6694	2.24%		
6-6996	2.24%	12-6954	2.36%
6-6998	2.45%	12-6958	2.36%
13-6950	2.83%		

P.B. 202, PGS. 1-1A

P.B. 204, PGS. 1-1E

P.B. 205, PGS. 36-360

MONUMENTATION.



DATE: 6/18/07

JOB NO: 03-1680.R

1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104

CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS CONDOMINIUM

PHASE SIX

BEING ON PART OF LOT NUMBER 15 OF THE RESERVE AT THE FAIRWAYS - SECTION ONE-A AS RECORDED IN PLAT BOOK 202, PAGE 1 & 1A LOCATED IN

SECTION 18, TOWN 2, RANGE 8 M.Rs. CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 0.203 ACRES

TRANSFERRED 07 JL 25 MB 47 KARL L. KEITH

THE RESERVE AT THE FAIRWAYS THE RESERVE AT THE FAIRWAYS SECTION ONE-A P.B. 202, PGS. 1 & 1A SECTION ONE-A P.B. 202, PGS. 1 & 1A **LOT NO. 16** PART LOT NO. 14 1.294 Ac. 2.670 Ac. S66°44'34"E SALON CIR. (PRIVATE) THE RESERVE AT THE FAIRWAYS SECTION ONE-A P.B. 202, PGS. 1 & 1A PART LOT NO. 15

THE RESERVE ON THE FAIRWAYS

LOT 4

P.B. 187, PGS. 13 & 13A

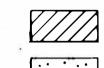
PART LOT NO. 15

0.203 Ac.

LEGEND

OF THE RESERVE AT THE FAIRWAYS -SECTION ONE-A PLAT BOOK 202, PAGES 1 & 1A

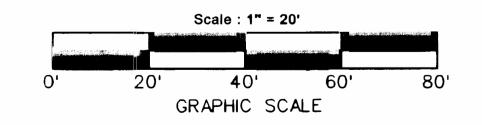
NOT YET COMPLETED - SEE NOTE #5



LIMITED COMMON ELEMENT (LCE)

R.R. SPIKE (SET)

R.R. SPIKE (FND)



PLAT BOOK 207 PAGE:

od are 25 ario: 48 TRANSFERRED

THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE FIVE P.B. 205, PGS 36-36C

PART LOT NO. 15

0.680 Ac.

SHEET 2 OF 4

Schaeffer Engineering ENGINEERS SURVEYORS 1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104

0.757 Ac.

CONDOMINIUM PLAN 07 JUL 25 AH 10: 67 THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE SIX BEING ON PART OF LOT NUMBER 15 OF THE RESERVE AT THE FAIRWAYS - SECTION ONE-A AS RECORDED IN PLAT BOOK 202, PAGE. 1 & 1A LOCATED: IN SECTION 18, TOWN 2, RANGE 8 M.Rs. CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 0.203 ACRES UNIT NO. <u>13-6950</u> 2609 SF 12.3' UNIT NO. 13-6950 388 SF Scale : 1/4" = 1'-0" FIRST FLOOR BUILDING NO. 13 CONVENTIONAL CEILING ELEVATION = 955.35 SECOND FLOOR BUILDING NO. 13 FLOOR ELEVATION = 947.2 **CONVENTIONAL CEILING ELEVATION = 964.3** FLOOR ELEVATION = 956.2 SHEET 3 OF 4 Schaeffer Engineering OT JUL 25 AN IO 68 PLAT BOOK 207 PAGE: TRANSFERRED

207 pg 33 C

CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS CONDOMINIUM

PHASE SIX

BEING ON PART OF LOT NUMBER 15 OF
THE RESERVE AT THE FAIRWAYS – SECTION ONE-A
AS RECORDED IN PLAT BOOK 202, PAGE 1 & 1A
LOCATED IN
SECTION 18, TOWN 2, RANGE 8 M.Rs.
CITY OF HUBER HEIGHTS – MONTGOMERY COUNTY, OHIO

CONTAINING 0.203 ACRES

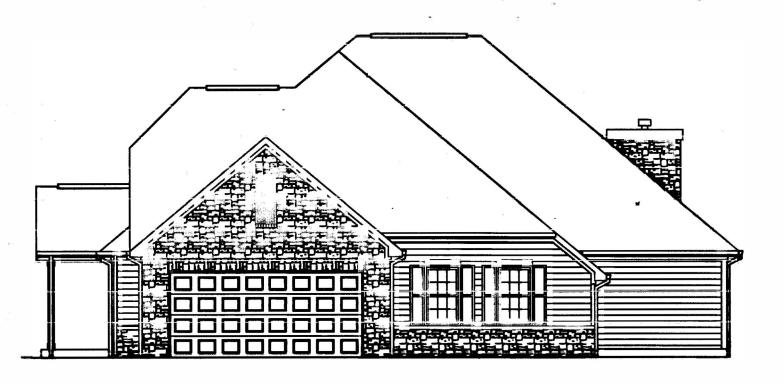
TRANSFERRED

O7 JUL 25 AM IO: 48

KARL L. KEITH

AUDITOR

\$445.60 07/25/07 10:52:24 COND-07-063030 0011 Montgomery County Willis E. Blackshear Recorder



NORTH SIDE ELEVATION -BUILDING NO. 13



WEST SIDE ELEVATION -BUILDING NO. 13



EAST SIDE ELEVATION -BUILDING NO. 13



SOUTH SIDE ELEVATION -BUILDING NO. 13

INCHES 1 2 3

PLAT BOOK 207 PAGE:

 \mathbf{C}

TRANSFERRED

OT JUL 25 AH ID: L8

KARL L. KEITH

RODIOUA



