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KARL L AUDI	KEITH

FOURTH AMENDMENT TO DECLARATION

FOR

THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 5)

I hereby certify that copies of the within Fourth 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: ______, 2006 7 By: _____

PLAT REFERENCE:

Book: 205, Page(s): 36-36C

THIS INSTRUMENT PREPARED BY:

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

FOURTH AMENDMENT TO DECLARATION FOR THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 5)

4 :

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THIS FOURTH AMENDMENT TO DECLARATION, hereinafter referred to as the "Fourth 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 <u>Ohio Revised Code</u> 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:

INSTRUMENT	DEED RECORDS	PLAT RECORDS
Declaration	05-035105	199, Page 6
First Amendment	05-073929	200, Page 13
Second Amendment	05-073934	200, Page 14
Third Amendment	06-062465	204, Page 1

- 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:
 - (g) Building 11 is one (1) story in height, with a loft area, containing a total of two (2) Units.
 - (h) Building 12 is one (1) story in height, with a loft area, containing a total of two (2) Units.
 - C. Section 5.03 is hereby amended by adding thereto the following:

Unit No.	Building	<u>Type</u>
11-6922	11	Biarritz II
11-6966	11	Biarritz II
12-6954	12	Biarritz II
12-6958	12	Biarritz II

- D. 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.
- E. 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 Fourth 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

By: MAnderson Member

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this <u>It the</u> day of <u>like like</u> 2006 by Gary M. Anderson, Member of Trebein Limited ADK IV, an Ohio limited liability company, on behalf of such company.

Notary Public

SUSAN L. ANDERSOM NOTARY PUBLIC, STATE OF OHIO My Commission 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 FIVE

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 TRUE POINT OF BEGINNING of the land herein described;

Thence continuing along said south line for the following two courses:

- 1. North 73° 2' 1" West for 132.43 feet to a 5/8" iron pin set;
- 2. North 64° 20' 20" West for 132.74 feet to a 5/8" iron pin set;

Thence with a new line North 25° 39' 40" East for 116.06 feet to a Mag Nail set in the north line of said Lot 15;

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Description
Phase 5
Part Lot No. 15 of
The Reserve at the Fairways
Section One-A Condominium
Page Two

Thence along the north line of said Lot 15 for the following three courses:

- 1. South 66° 44' 34" East for 177.54 feet to a Mag Nail set;
- 2. Thence along a curve to the left having a radius of 300.00 feet (Long chord bearing South 71° 51′ 16″ East a distance of 53.46 feet) for an arc length of 53.53 feet to a Mag Nail set;
- 3. South 76° 57' 57" East for 8.31 feet to a Mag Nail found at the northwest corner of said Phase Four;

Thence along the west line of said Phase Four South 13° 2' 3" West for 115.08 feet to THE TRUE POINT OF BEGINNING.

Containing a total of 0.680 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

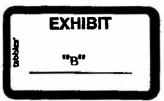
Ohio Registered Surveyor No. 7161

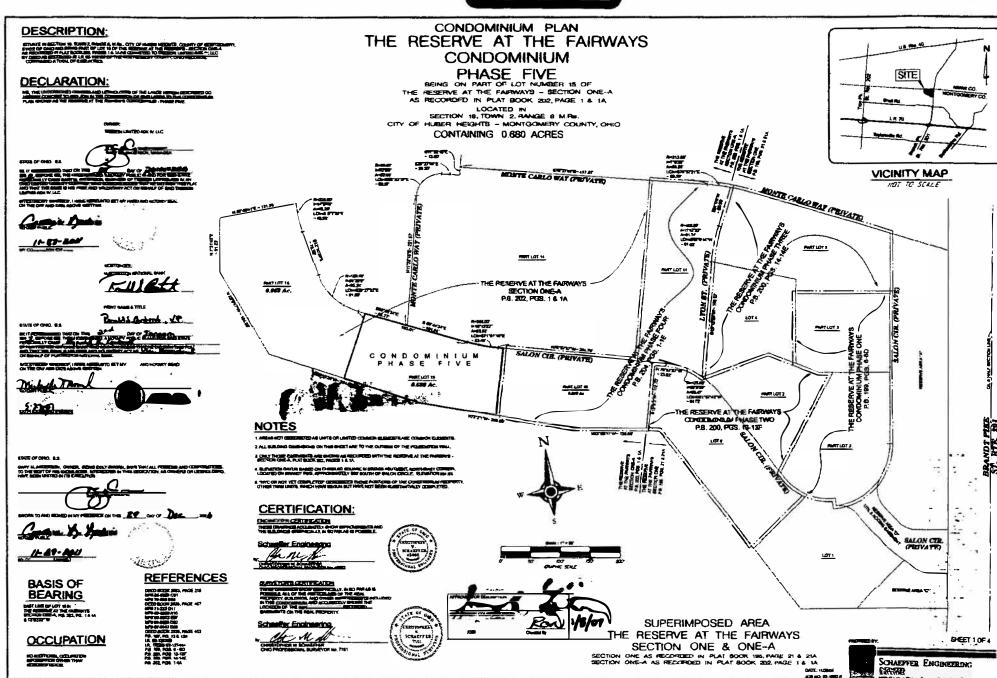
Date

12-20-06

G:\1680_Reserve_Condos\Admin\Legal Description Phase 5 Part Lot 15.doc







CONDOMINIUM PLAN THE RESERVE AT THE FAIRWAYS **CONDOMINIUM** PHASE FIVE BEING ON PART OF LOT NUMBER 15 OF THE RESERVE AT THE PAIRWAYS - SECTION ONE-A

AS RECORDED IN PLAT BOOK 202, PAGE 1 & 1A LOCATED IN

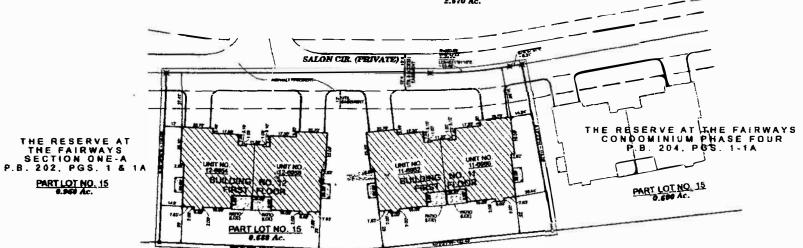
SECTION 18, TOWN 2, RANGE 8 M.Rs.

CITY OF HUBER HEIGHTS ... MONTGUMERY COUNTY, OHIO

CONTAINING 0.680 ACRES

THE RESERVE AT THE FAIRWAYS SECTION ONE-A P.B. 202, PGS. 1 & 1A

PART LOT NO. 14 2.670 Ac.



THE RESERVE ON THE FAMPA'S (07 4 P.S. 161. PGS. 15 & 134

THE RESERVE AT THE FAIRWAYS

PARTLOT NO. 15



LEGEND

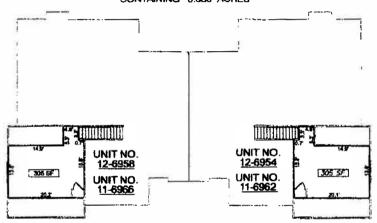


SEET 20F4

SCHAEFFER ENGINEERING

PHASE FIVE 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 16, TOWN 2, RANGE 6 M Rs.
CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 0.680 ACRES



SECOND FLOOR BUILDING NO. 12

SECOND FLOOR BUILDING NO. 11 CONVENTIONAL CEALING ELEVATION = 963.3 PLOOR ELEVATION = 955.2

CORVENTIONAL CERLING ELEVATION = 864.3 PLOOR ELEVATION = 888.2

20 PATIO. PATIO (LCE) (LCE) ÙŇIT NO. UNIT NO. 12-6958 12-6954 UNIT NO. 11-6966 UNIT NO. **11-6962** 2193 6# 2193 SF

FIRST FLOOR BUILDING NO. 12 CONVENTIONAL CEILING ELEVATION = 895,35 PLOOR ELEVATION = 847,2

FIRST FLOOR BUILDING NO. 11

FLOOR ELEVATION = 946.2



SCHAFFER ENCORFERING

PHASE FIVE
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 0.680 ACRES



NORTH ELEVATION - BUILDING NO. 11



NORTH ELEVATION - BUILDING NO. 12



WEST ELEVATION -BUILDING NO. 11



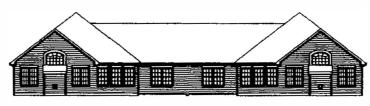
EAST ELEVATION -BUILDING NO. 11



WEST SIDE ELEVATION -BUILDING NO. 12



EAST SIDE ELEVATION:-BUILDING NO. 12

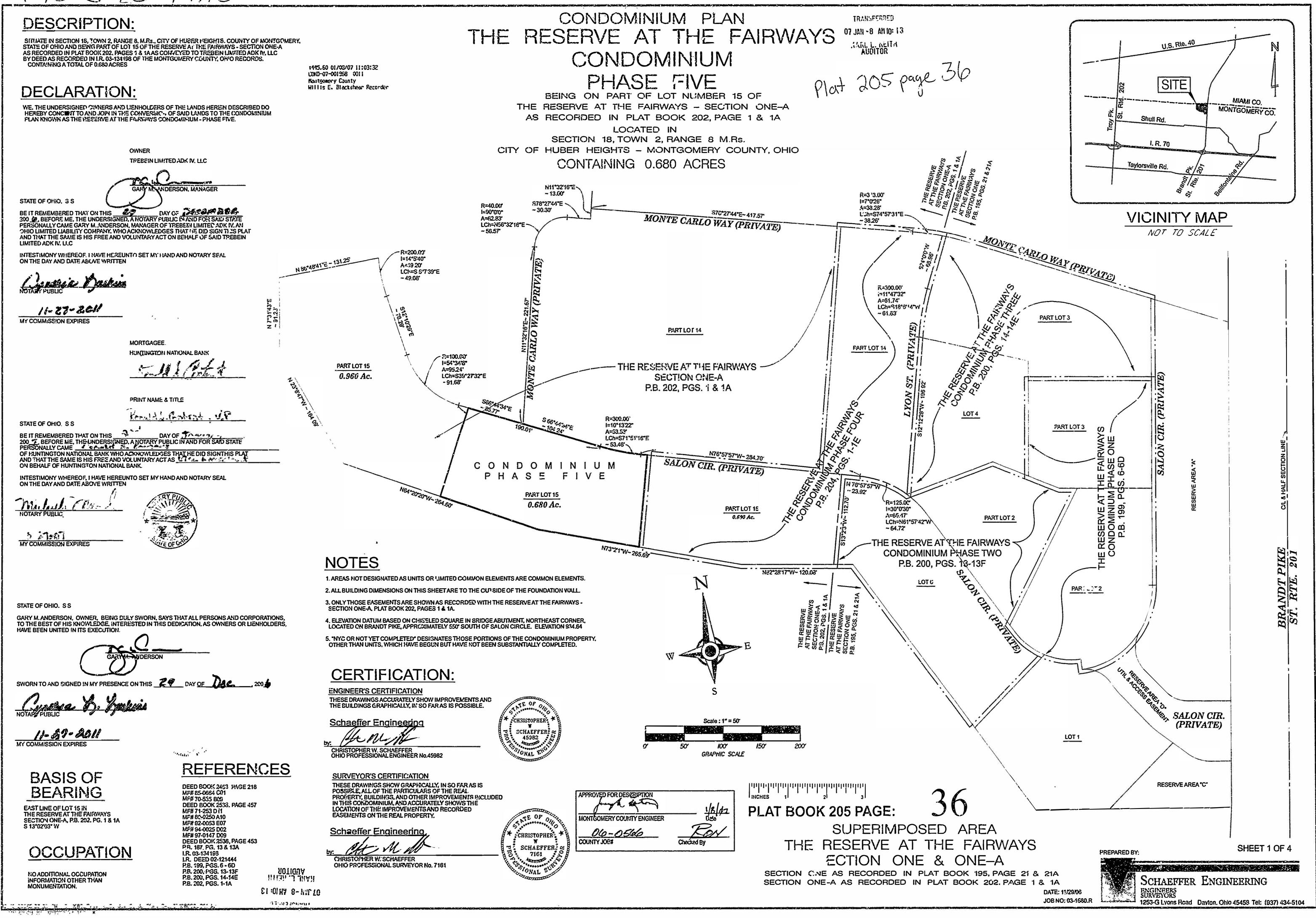


SOUTH ELEVATION - BUILDING NO. 11 & 12



EXHIBIT "C"

Unit <u>No.</u>	Percentage of Ownership	Unit <u>No.</u>	Percentage of Ownership
2-8821	2.72%	7- 6986	2.53%
2-8823	1.90%	7-6988	2.32%
2-8825	1.90%	7-6990	1.90%
2-8827	2.72%	7-6992	1.90%
		7-6994	2.53%
3-8831	1.90%	7-6996	2.32%
3-8833	1.90%	7-6998	2.32%
3-8835	2.32%	7-7000	2.53%
3-8837	2.53%		
		8-8833	2.72%
4-6989	1.90%	8-8835	2.29%
4-6991	1.90%	8-8837	2.29%
4-6993	2.32%	8-8839	2.29%
4-6995	2.53%	8-8841	2.72%
5-8832	2.53%	9-6978	2.45%
5-8834	2.32%	9-6982	2.45%
5-8836	1.90%		
5-8838	1.90%	10-6970	2.45%
		10-6976	2.45%
6-6988	2.53%		
6-6990	2.32%	11-6962	2.45%
6-6992	2.53%	11-6966	2.45%
6-6694	2.32%		
6-6996	2.32%	12-6954	2.45%
6-6998	2.53%	12-6958	2.45%



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PHASE FIVE

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 0.680 ACRES

07 JAN -8 AM 10: 13 KARL L. KEITH AUDITOR Plat 205 page 36A

TRANSFERRED

THE RESERVE AT THE FAIRWAYS SECTION ONE-A

PART LOT NO. 15 0.960 Ac.

THE RESERVE AT THE FAIRWAYS SECTION ONE-A P.B. 202, PGS. 1 & 1A

> PART LOT NO. 14 2.670 Ac.

SALON CIR. (PRIVATE) * 8 UTIL EASEMENT THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE FOUR P.B. 204, PSS. 1-1A UNIT NO. 11-6962 P.B. 202, PGS. 1 & 1A , 2.55 PART LOT NO. 15 0.690 Ac. PART LOT NO. 15 0.680 Ac.

THE RESERVE ON THE FAIRWAYS

LOT 4

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



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

NOT YET COMPLETED - SEE NOTE #5

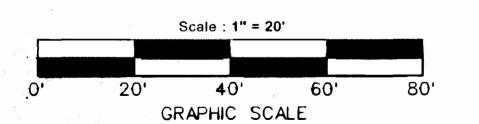
LIMITED COMMON ELEMENT (LCE)

%" IRON PIN (SET)

R.R. SPIKE (SET)

%" IRON PIN (FND)

R.R. SPIKE (FND)



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PLAT BOOK 205 PAGE:

SHEET 2 OF 4

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

PHASE FIVE

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 0.680 ACRES UNIT NO. UNIT NO. <u>12-6958</u> <u>12-6954</u> 305 SF 305 SF UNIT NO. UNIT NO. 11-6962 **11-6966** 20.1'

SECOND FLOOR BUILDING NO. 12

CONVENTIONAL CEILING ELEVATION = 964_3

FLOOR ELEVATION = 956.2

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SECOND FLOOR BUILDING NO. 11

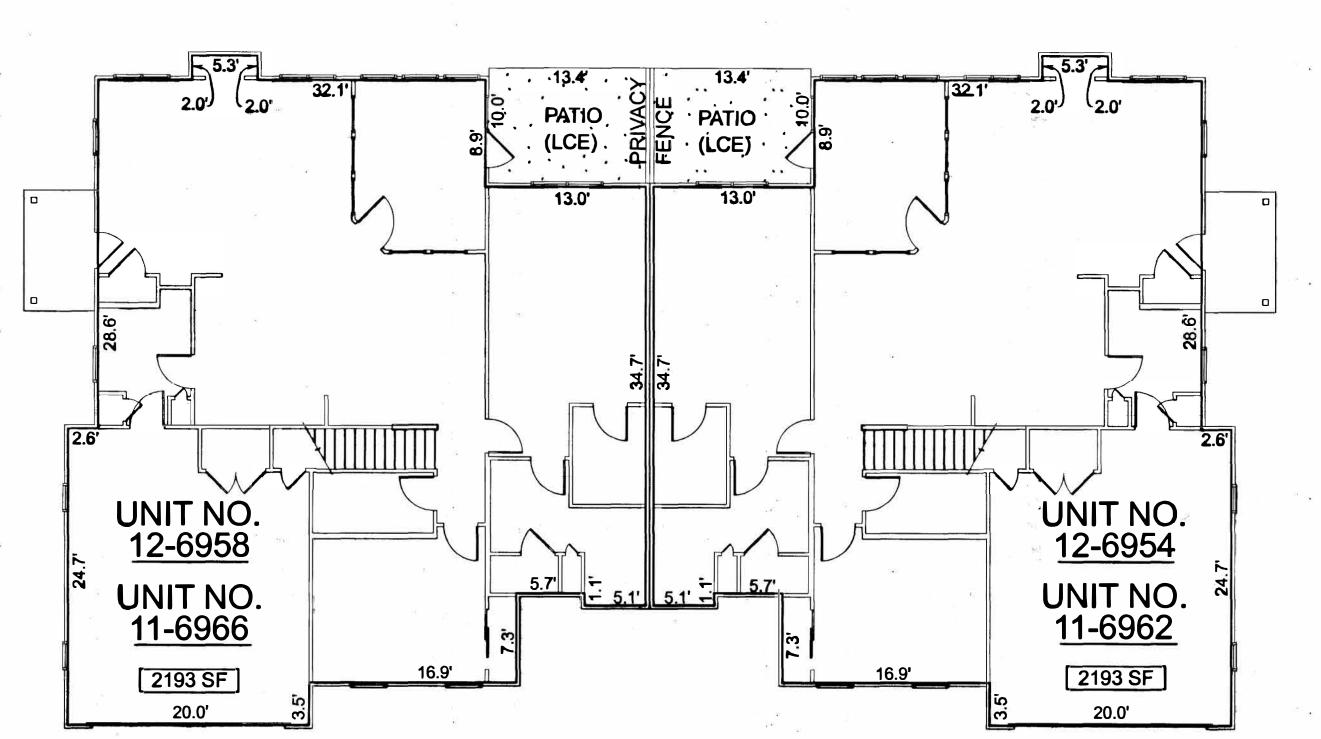
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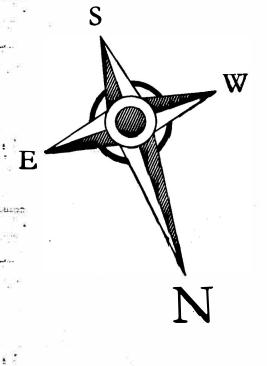
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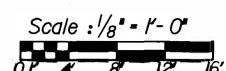
KARL L. KEITH . AUDITOR

Plat 205 page 36B

CONVENTIONAL CEILING ELEVATION = 963.3 FLOOR ELEVATION = 955.2

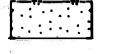






PLAT BOOK 205 PAGE:

36B LEGEND



LIMITED COMMON ELEMENT (LCE)

KARL L. KEITH AUDITOR

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FIRST FLOOR BUILDING NO. 12 **CONVENTIONAL CEILING ELEVATION = 955.35**

FLOOR ELEVATION = 947.2

FIRST FLOOR BUILDING NO. 11

CONVENTIONAL CEILING ELEVATION = 954.35 FLOOR ELEVATION = 946.2

DATE: 11/29/06



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PHASE FIVE

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 0.680 ACRES

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KARL L. REITH
AUDITOR

Plat 205 page 360

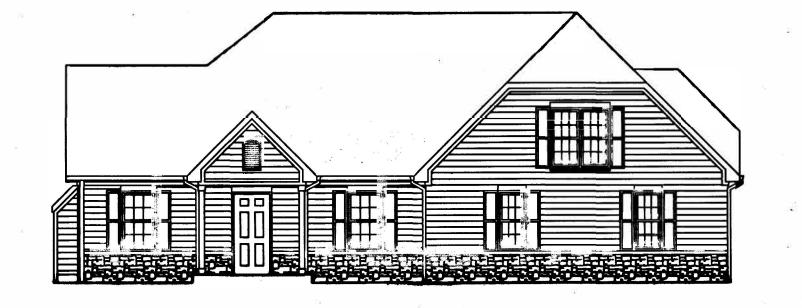


NORTH ELEVATION - BUILDING NO. 11

NORTH ELEVATION - BUILDING NO. 12



WEST ELEVATION -BUILDING NO. 11



EAST ELEVATION -BUILDING NO. 11



WEST SIDE ELEVATION - BUILDING NO. 12



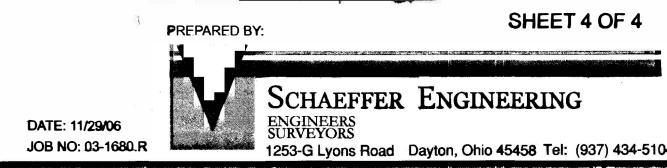
EAST SIDE ELEVATION BUILDING NO. 12



SOUTH ELEVATION - BUILDING NO. 11 & 12

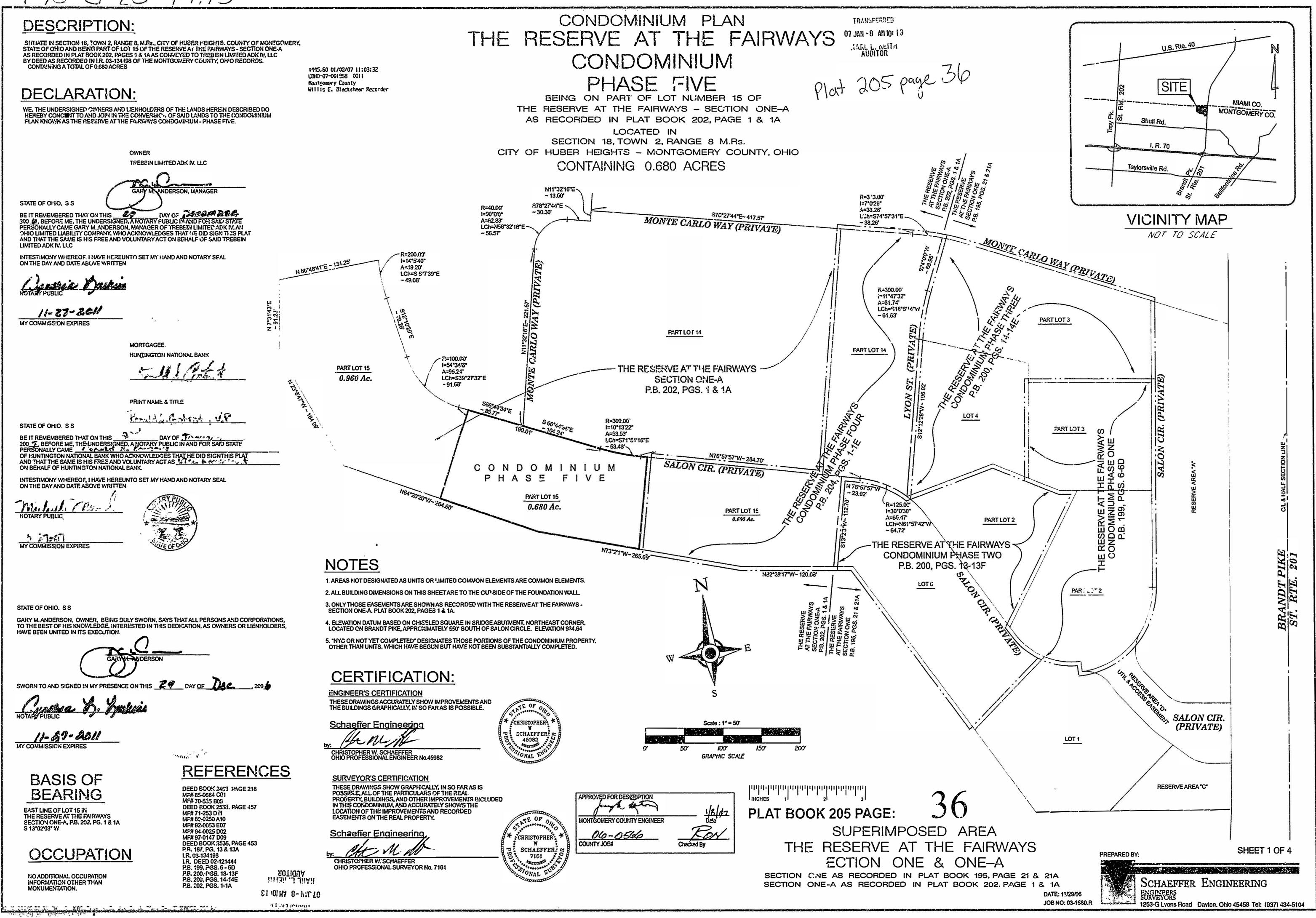


PLAT BOOK 205 PAGE: 36



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KARL L. KEITH
NOTION



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PHASE FIVE

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 0.680 ACRES

07 JAN -8 AM 10: 13 KARL L. KEITH AUDITOR Plat 205 page 36A

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SALON CIR. (PRIVATE) * 8 UTIL EASEMENT THE RESERVE AT THE FAIRWAYS CONDOMINIUM PHASE FOUR P.B. 204, PSS. 1-1A UNIT NO. 11-6962 P.B. 202, PGS. 1 & 1A , 2.55 PART LOT NO. 15 0.690 Ac. PART LOT NO. 15 0.680 Ac.

THE RESERVE ON THE FAIRWAYS

LOT 4

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



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

NOT YET COMPLETED - SEE NOTE #5

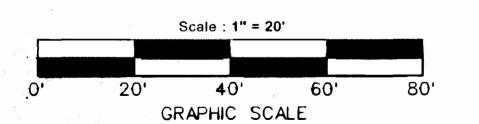
LIMITED COMMON ELEMENT (LCE)

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PLAT BOOK 205 PAGE:

SHEET 2 OF 4

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

PHASE FIVE

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CONVENTIONAL CEILING ELEVATION = 964_3

FLOOR ELEVATION = 956.2

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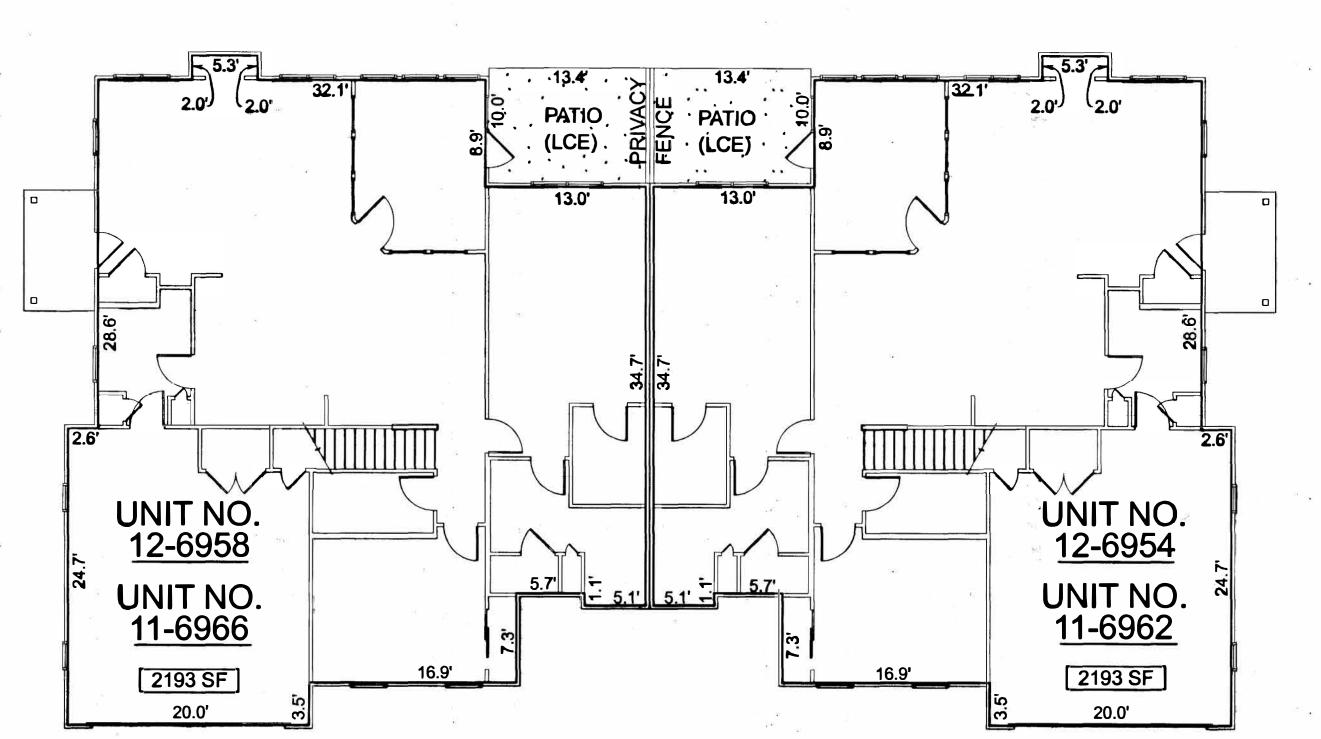
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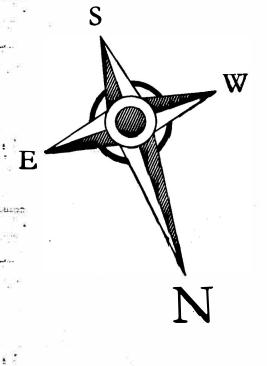
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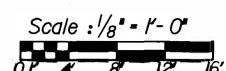
KARL L. KEITH . AUDITOR

Plat 205 page 36B

CONVENTIONAL CEILING ELEVATION = 963.3 FLOOR ELEVATION = 955.2

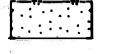






PLAT BOOK 205 PAGE:

36B LEGEND



LIMITED COMMON ELEMENT (LCE)

KARL L. KEITH AUDITOR

TRANSFERRED

FIRST FLOOR BUILDING NO. 12 **CONVENTIONAL CEILING ELEVATION = 955.35**

FLOOR ELEVATION = 947.2

FIRST FLOOR BUILDING NO. 11

CONVENTIONAL CEILING ELEVATION = 954.35 FLOOR ELEVATION = 946.2

DATE: 11/29/06



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PHASE FIVE

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 0.680 ACRES

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KARL L. REITH
AUDITOR

Plat 205 page 360

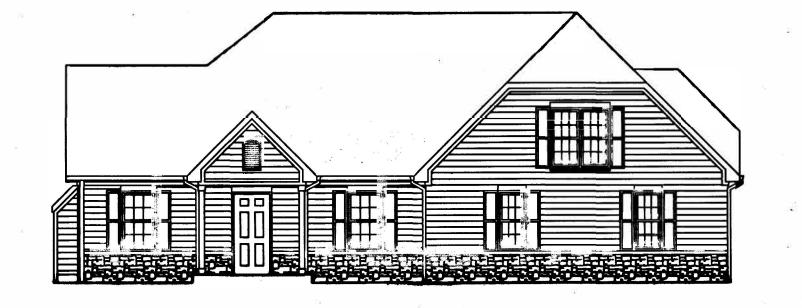


NORTH ELEVATION - BUILDING NO. 11

NORTH ELEVATION - BUILDING NO. 12



WEST ELEVATION -BUILDING NO. 11



EAST ELEVATION -BUILDING NO. 11



WEST SIDE ELEVATION - BUILDING NO. 12



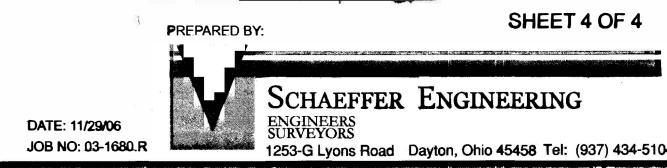
EAST SIDE ELEVATION BUILDING NO. 12



SOUTH ELEVATION - BUILDING NO. 11 & 12



PLAT BOOK 205 PAGE: 36



Scale : 1/8" = 1'- 0"

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OT JAN -8 AM 10: 13
KARL L. KEITH
NOTION