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KARL L. KEITH ON AUDITOR

SECOND AMENDMENT TO DECLARATION

FOR

THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 3)

I hereby certify that copies of the within Second 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: 1-29, 2005 By: Kail 2. Knith

PLAT REFERENCE:

Book: 200, Page(s): 14 th 14E

THIS INSTRUMENT PREPARED BY:
HANS H. SOLTAU
Attorney at Law
6776 Loop Road
Centerville, Ohio 45459

SECOND AMENDMENT TO DECLARATION FOR THE RESERVE AT THE FAIRWAYS CONDOMINIUM (PHASE 3)

THIS SECOND AMENDMENT TO DECLARATION, hereinafter referred to as the "Second 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:

INSTRUMENT	DEED RECORDS	PLAT RECORDS	
Declaration	05-035105	199, Page 6	
First Amendment	<u> </u>	200 PALE 13A-F	

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 <u>Ohio Revised Code</u> 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:
 - (b) Building 5 is two (2) stories in height, containing a total of four (4) Units.
 - (c) Building 6 is two (2) stories in height, containing a total of eight (8) Units.
- C. Section 5.02 is hereby amended by deleting the square footage references therein and substituting 1,987 square feet for the Avalon, 2,732 square feet for the Biarritz, 2,379 square feet for the Calais and 2,612 square feet for the Dijon.
 - D. Section 5.03 is hereby amended by adding thereto the following:

Unit No.	<u>Building</u>	<u>Type</u>
5-8832	5	Dijon
5-8834	5	Calais
5-8836	5	Avalon
5-8838	5	Avalon
6-6988	6	Dijon
6-6990	6	Calais
6-6992	6	Dijon
6-6994	6	Calais
6-6996	6	Calais
6-6998	6	Dijon

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 Second 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

Anderson

ly: 1 2 h

Member

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this <u>2.2</u> day of <u>fune</u>, 2005 by Gary M. Anderson, Member of Trebein Limited ADK IV, an Ohlo limited liability company, on behalf of such company.



ary Public *

MELISSA HIMES NOTARY PUBLIC, STATE OF OHIO My Commission Eq. 1000-03-09

THIS INSTRUMENT PREPARED BY:

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



ENGINEERS SURVEYORS

THE RESERVE AT THE FAIRWAYS SECTION ONE CONDOMINIUM PHASE THREE

Description
Part Lot No. 3
of
The Reserve at the Fairways
Section One

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. 3 of The Reserve at the Fairways –Section One as recorded in Plat Book 195, Pages 21 and 21A 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 northwest corner of said Lot No. 3 at the intersection of the extension of the centerline of Lyon St. (Private) with the north line of Monte Carlo Way (Private);

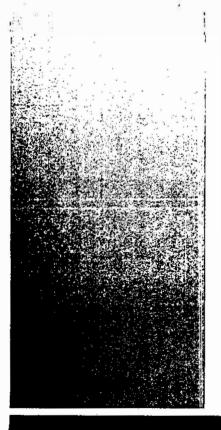
thence along a north line of said Lot No. 3 and north line of Monte Carlo Way (Private) on a curve to the right with a radius of 313.00 feet, interior angle of 5° 27' 18", an arc distance of 29.80 feet, the chord for said curve bearing South 68° 43' 39" East for a distance of 29.79 feet;

thence continuing along a north line of said Lot No. 3 and north line of Monte Carlo Way (Private), South 66° 00' 00" East, a distance of 251.43 feet to the northeast corner of said Lot No. 3;

thence along the east line of said Lot No. 3 and east line of Salon Cir. (Private), South 7° 30' 00" West, a distance of 102.63 feet;

thence North 82° 30' 00" West, a distance of 159.75 feet to a west line of said Lot No. 3;

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



SCHAEFFER, AMOS & HUGHES, LLC

Description
Part Lot No. 3 of
The Reserve at the Fairways
Section One Condominium- Phase Three
Page Two

thence along a west line of said Lot No. 3, North 7° 30' 00" East, a distance of 24.53 feet to a corner thereon;

ENGINEERS SURVEYORS

thence along a south line of said Lot No. 3, North 70° 32' 39" West, a distance of 144.32 feet to a southwest corner thereof on the centerline of Lyon St. (Private);

thence along the west line of said Lot No. 3 and centerline of Lyon St. (Private), on a curve to the right with a radius of 300.00 feet, interior angle of 11° 47′ 32″, an arc distance of 61.74 feet, the chord for said curve bearing North 18° 06′ 14″ East for a distance of 61.63 feet;

thence continuing along the west line of said Lot No. 3 and centerline of Lyon St. (Private) and its extension, North 24° 00' 00" East, a distance of 68.96 feet to the POINT OF BEGINNING;

Containing a total of 0.846 Acres, more or less, subject to all legal highways, easements and restrictions of record.

Schaeffer, Amos & Hughes, LLC

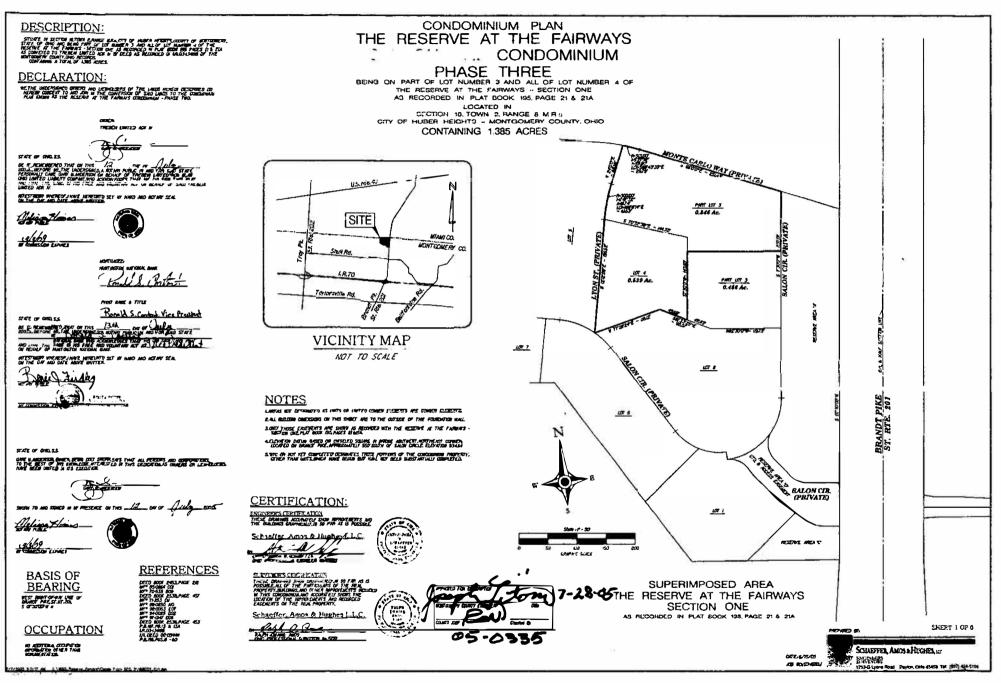
Ralph D. Amos, PS

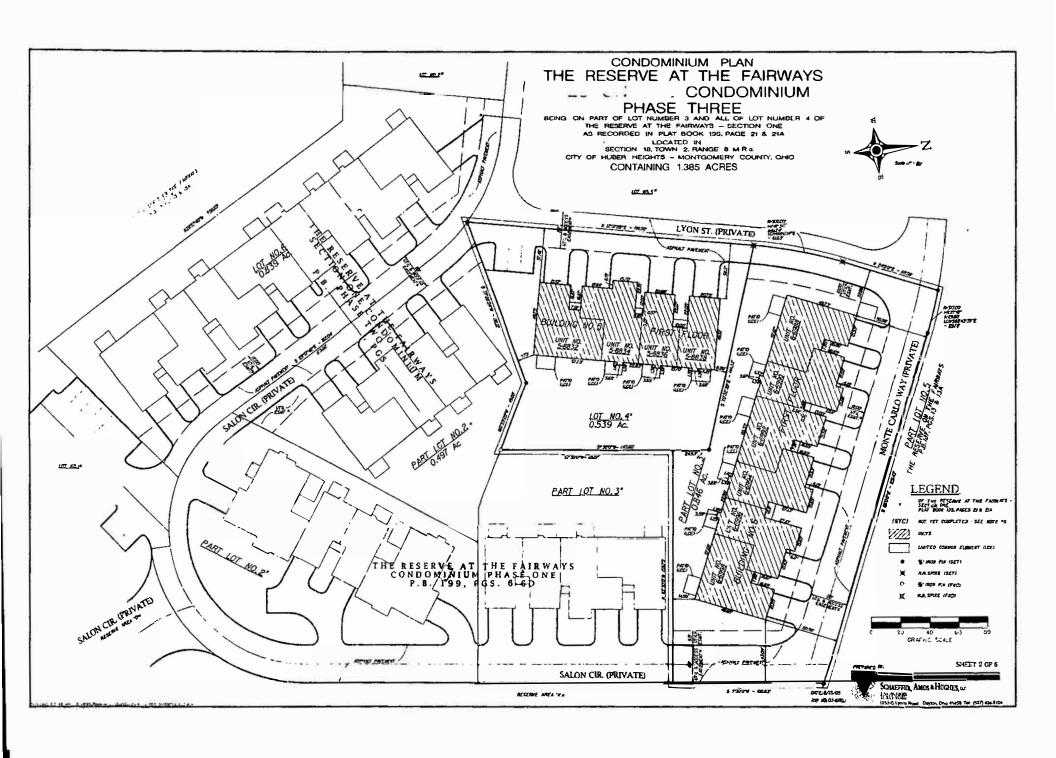
Ohio Registered Surveyor No. 5787

G:\1680_Reserve_Condos\Admin\Legal Descr Phase 3 Part Lot 3.Doc

G/15/05 Date







PHASE THREE

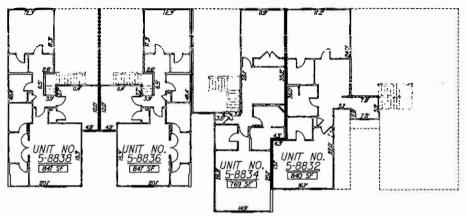
BEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF THE RESERVE AT THE FAIRWAYS - SECTION ONE AS RECORDED IN PLAT BOOK 195, PAGE 21 & 21A

LOCATED IN

SECTION 18, TOWN 2, RANGE 8 M R.S.

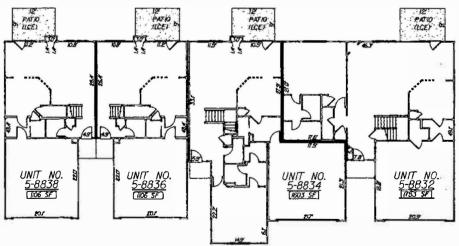
CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 1.385 ACRES





SECOND FLOOR BUILDING NO. 5

CONVENTIONAL CEILING ELEVATION - 9636 FLOOR ELEVATION - 955.5



FIRST FLOOR BUILDING NO. 5
CONVENTIONAL CEILING ELEVATION - 9541
FLOOR ELEVATION - 9460

LEGEND

LIMITED COMMON ELEMENT (LCE)

SHEET 3 OF 6

DEFERMAN ADD 100 07-500L/

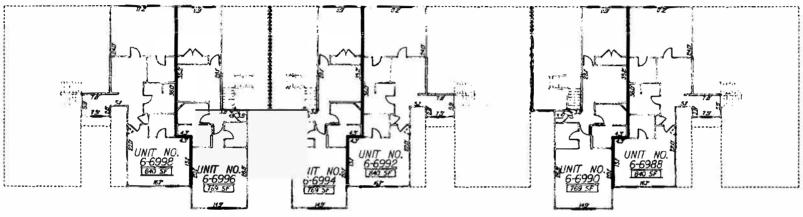
SOLVETTER, AMOS ELYUCHES, IL SERVING.

DETERNATION OF STATE (\$57) 454.5104

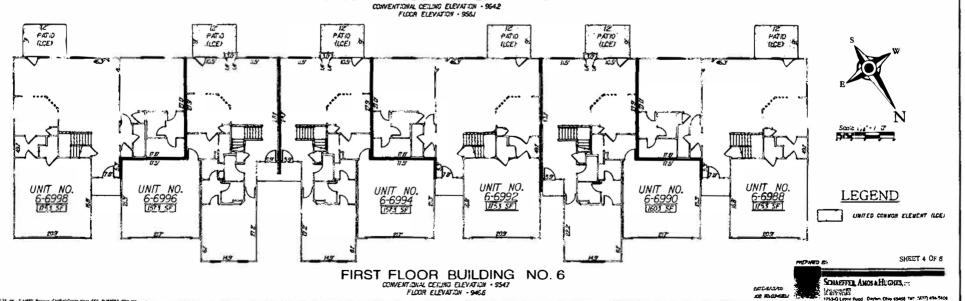


PHASE THREE
DEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF
THE RESERVE AT THE FARMAYS -- SECTION ONE
AS RECORDED IN PLAT BOOK 199, PAGE 21 & 21A

LOCATED IN
SECTION 18, TOWN 2, RANGE 8 M R 8
CITY OF HUBER HEIGHTS - MONTCOMERY COUNTY, OHIO CONTAINING 1.385 ACRES



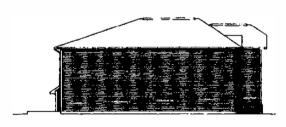
SECOND FLOOR BUILDING NO. 6



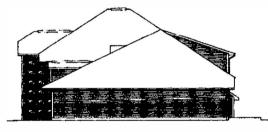
PHASE THREE
BEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF
THE RESERVE AT THE FAIRWAYS - SECTION ONE AS RECORDED IN PLAT BOOK 193, PAGE 21 & 21A LOCATED IN
SECTION 18, TOWN 2, RANGE 6 M R.C.
CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 1.385 ACRES



EAST ELEVATION - BUILDING NO. 5



NORTH ELEVATION - BUILDING NO. 5



SOUTH ELEVATION - BUILDING NO. 5



WEST ELEVATION - BUILDING NO. 5



PHASE THREE
BEING ON PAINT OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF
THE RESERVE AT THE PAIRWAYS - SECTION ONE
AS RECORDED IN PLAT BOOK 199, PAGE 21 & 21A

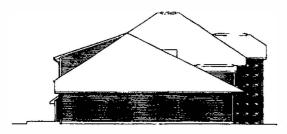
LOCATED IN

SECTION 18. TOWN 2. RANGE 8 M R ::

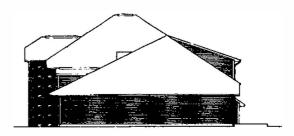
CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 1.385 ACRES



SOUTH ELEVATION - BUILDING NO. 6



EAST ELEVATION - BUILDING NO. 6



WEST ELEVATION - BUILDING NO. 6



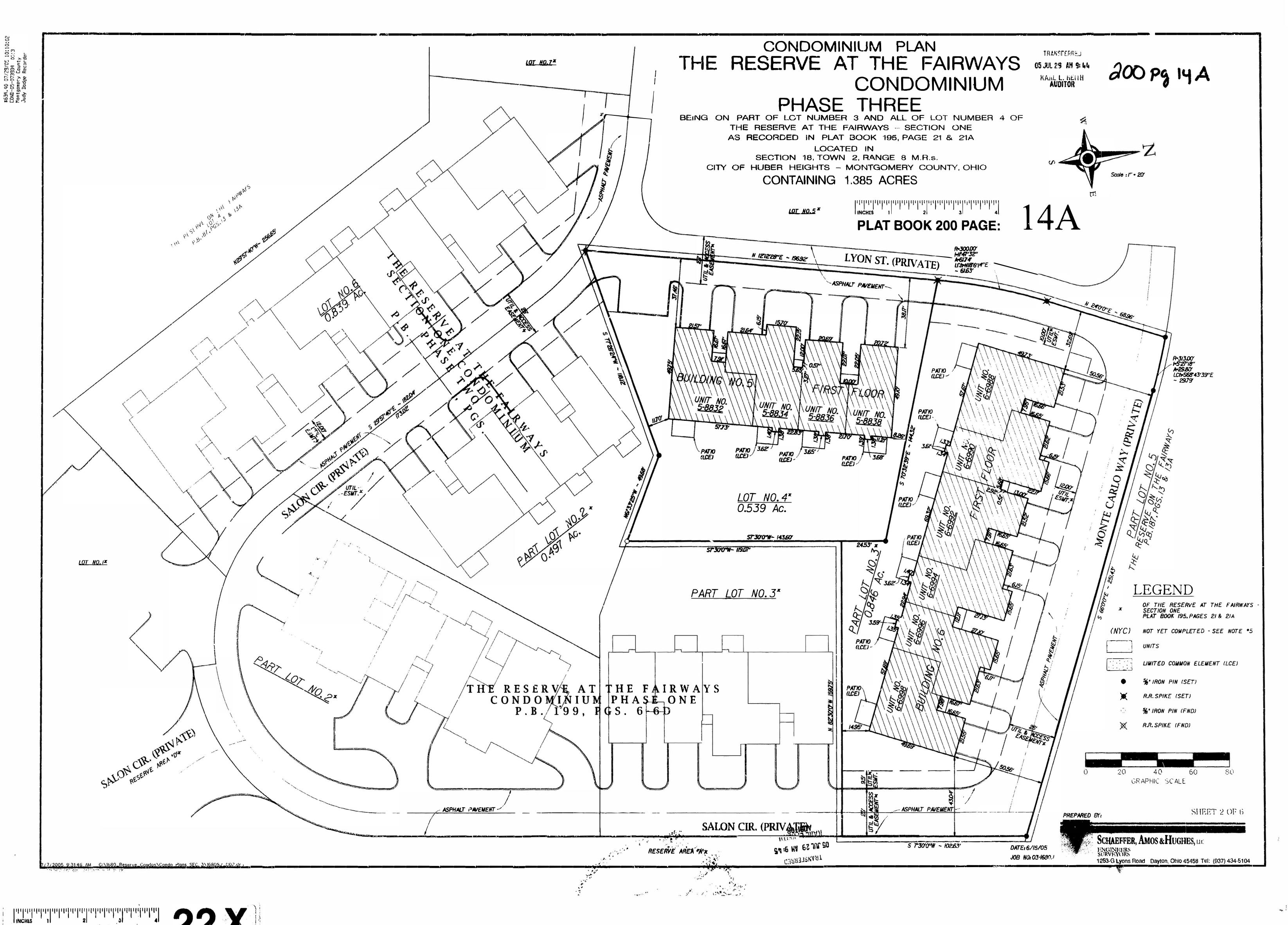
NORTH ELEVATION - BUILDING NO. 6



EXHIBIT "C"

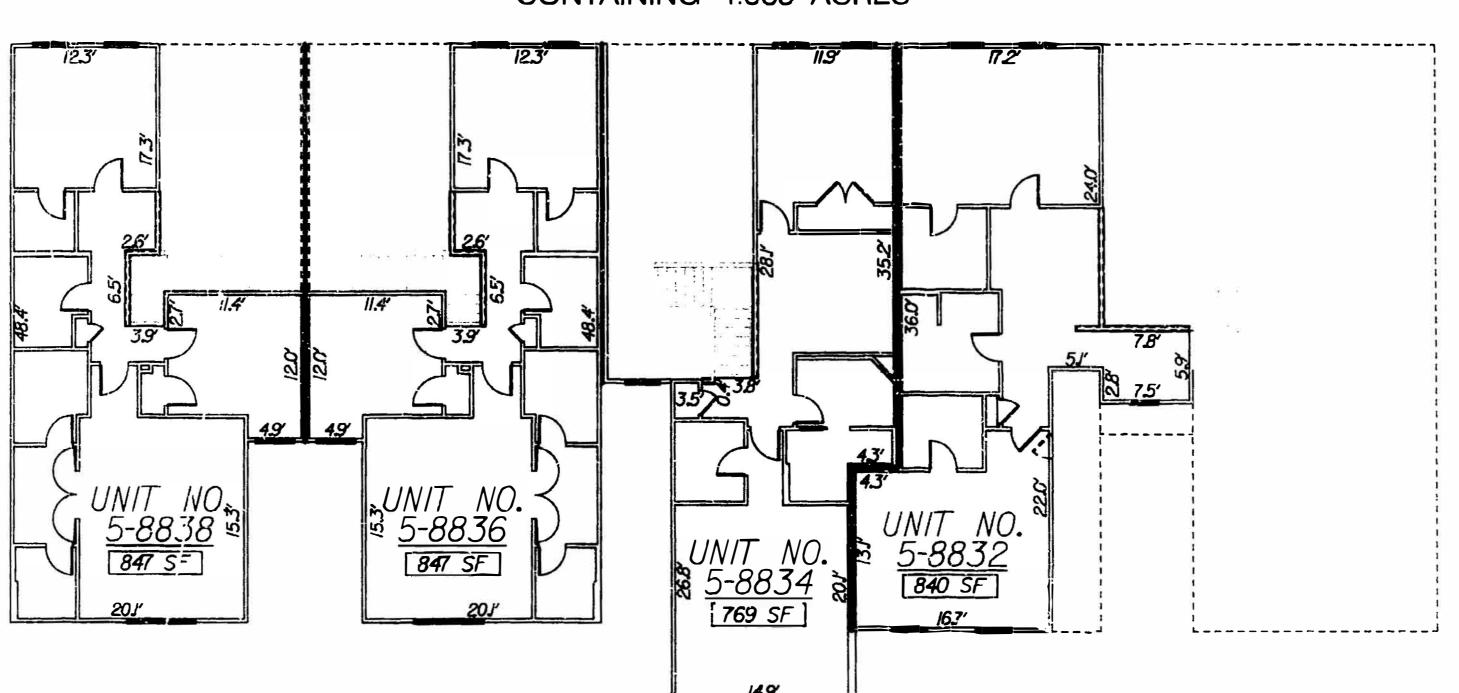
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2-8823	2.78	6-6990	3.40
2-8825	2.78	6-6992	3.74
2-8827	3.97	6-6994	3.40
		6-6996	3.40
3-8831	2.78	6-6998	3.74
3-8833	2.78		
3-8835	3.40	7-6986	3.74
3-8837	3.74	7-6988	3.40
		7-6990	2.78
		7-6992	2.78
4-6989	2.78	7-6994	3.74
4-6991	2.78	7-6996	3.40
4-6993	3.40	7-6998	3.40
4-6995	3.74	7-7000	3.74
5-8832 5-8834	3.74 3.40		
5-8836	2.78		
5-8838	2.78		

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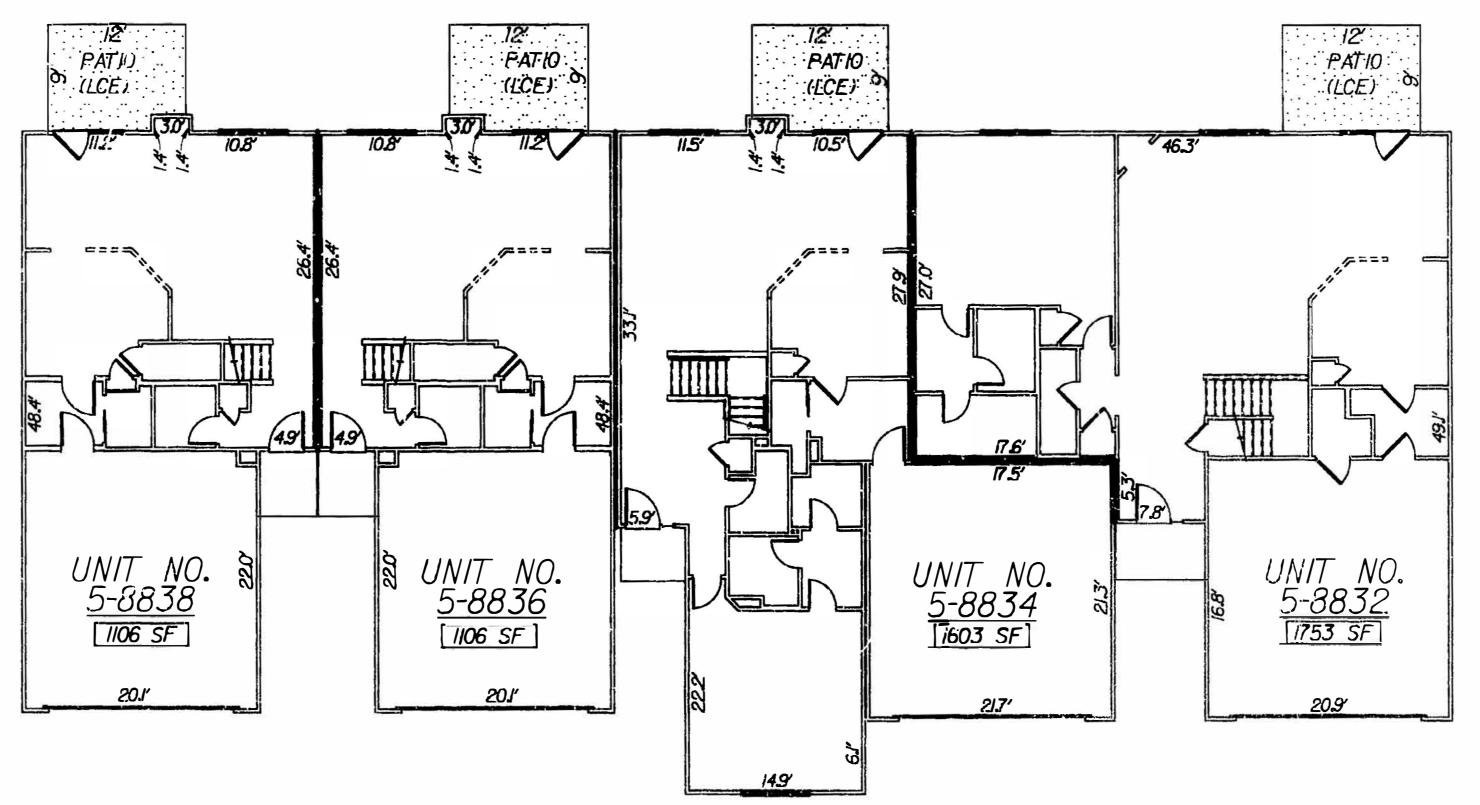
PHASE THREE
BEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF THE RESERVE AT THE FAIRWAYS - SECTION ONE AS RECORDED IN PLAT BOOK 195, PAGE 21 & 21A

LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.R.s. CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 1.385 ACRES



SECOND FLOOR BUILDING NO. 5

CONVENTIONAL CEILING ELEVATION - 963.6
FLOOR ELEVATION - 955.5



FIRST FLOOR BUILDING NO. 5

CONVENTIONAL CEILING ELEVATION = 954J

FLOOR ELEVATION = 946.0

KARL L. NEITH AUDITOR 02 707 59 KM 8: F2 LIVAZELEBBED

LEGEND

LIMITED COMMON ELEMENT (LCE)

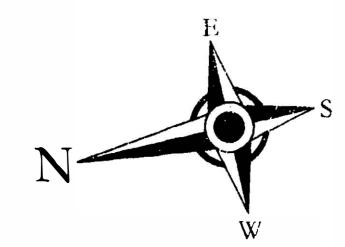
PLAT BOOK 200 PAGE:

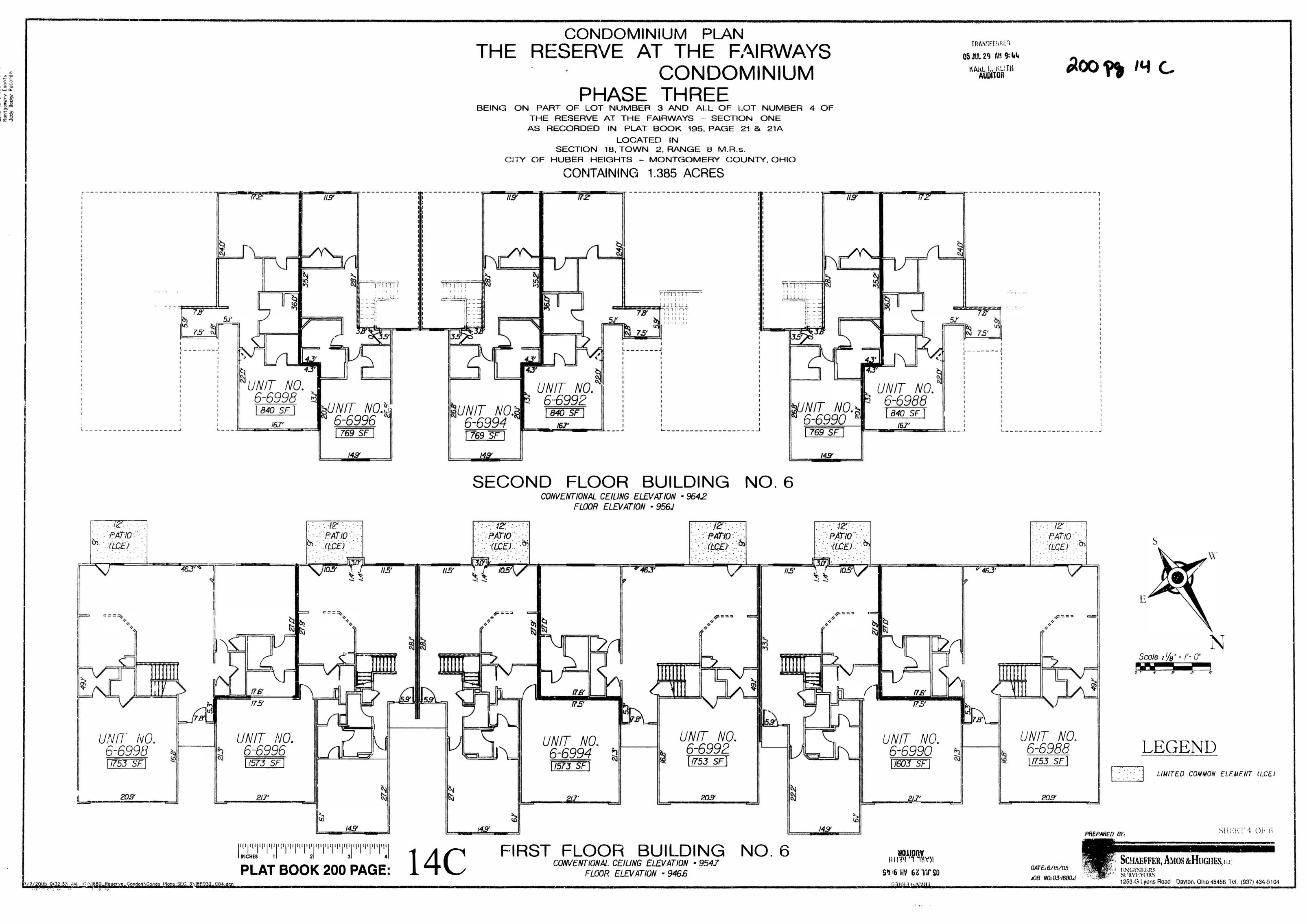
SHEET 3 OF 6 SCHAEFFER, AMOS & HUGHES, IIC DATE: 6/15/05 JOB HO: 03-1680J 1253-G Lyons Fload Dayton, Ohio 45458 Tel: (937) 434 5104 (X)



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KARL L. KEITH
AUDITOR

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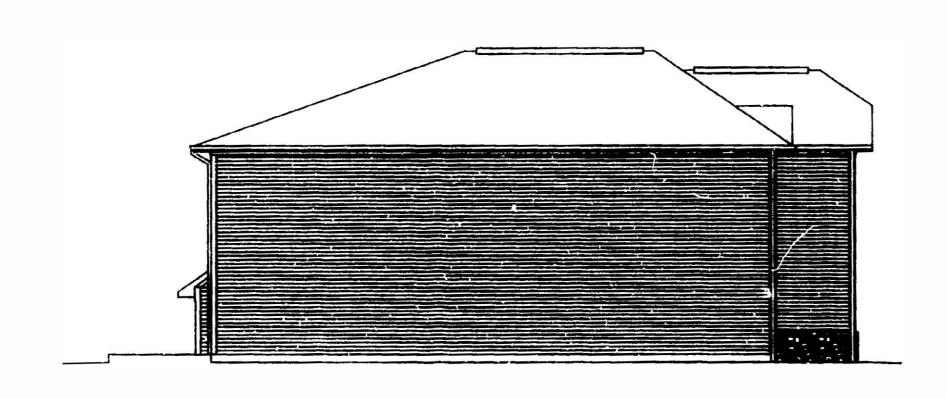
PHASE THREE

BEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF
THE RESERVE AT THE FAIRWAYS - SECTION ONE
AS RECORDED IN PLAT BOOK 195, PAGE 21 & 21A
LOCATED IN

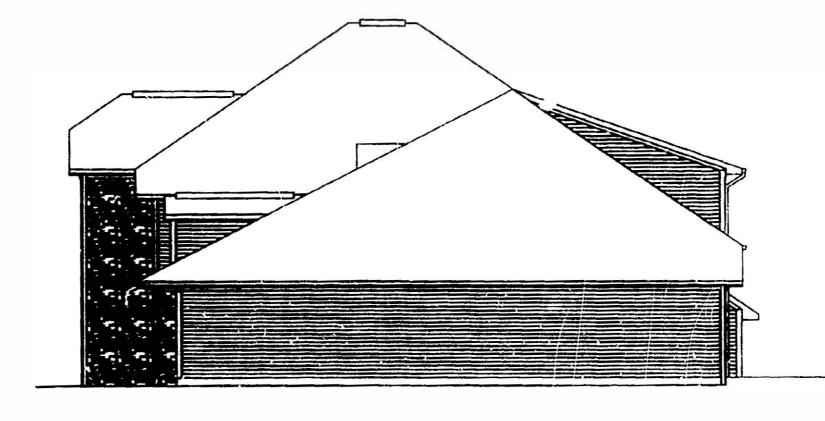
LOCATED IN
SECTION 18, TOWN 2, RANGE 8 M.R.s.
CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO
CONTAINING 1.385 ACRES



EAST ELEVATION - BUILDING NO. 5



NORTH ELEVATION - BUILDING NO. 5



SOUTH ELEVATION - BUILDING NO. 5

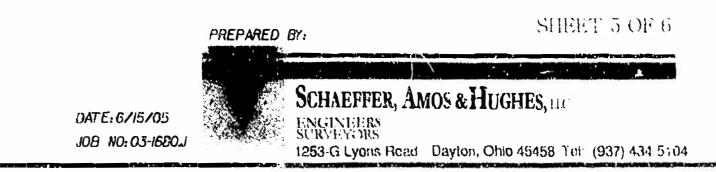


WEST ELEVATION - BUILDING NO. 5



PLAT BOOK 200 PAGE: 14D





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05 JUL 29 AM 9: 44 KARL L. KEITH AUDITOR

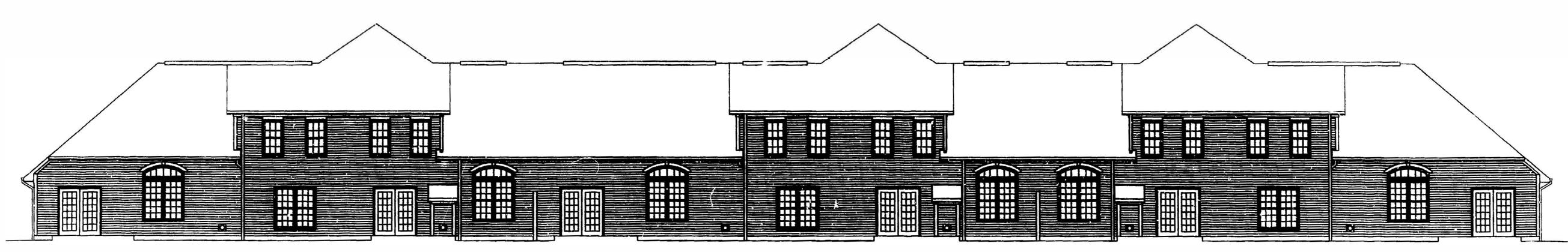
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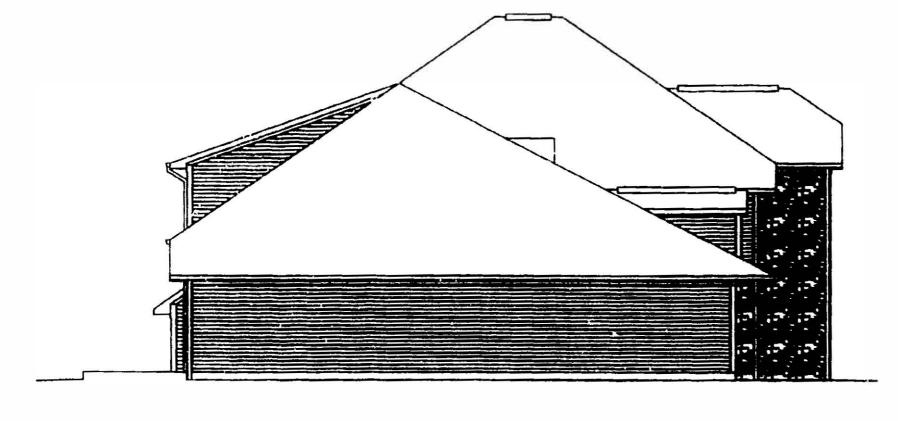
PHASE THREE

BEING ON PART OF LOT NUMBER 3 AND ALL OF LOT NUMBER 4 OF THE RESERVE AT THE FAIRWAYS -- SECTION ONE AS RECORDED IN PLAT BOOK 195, PAGE 21 & 21A

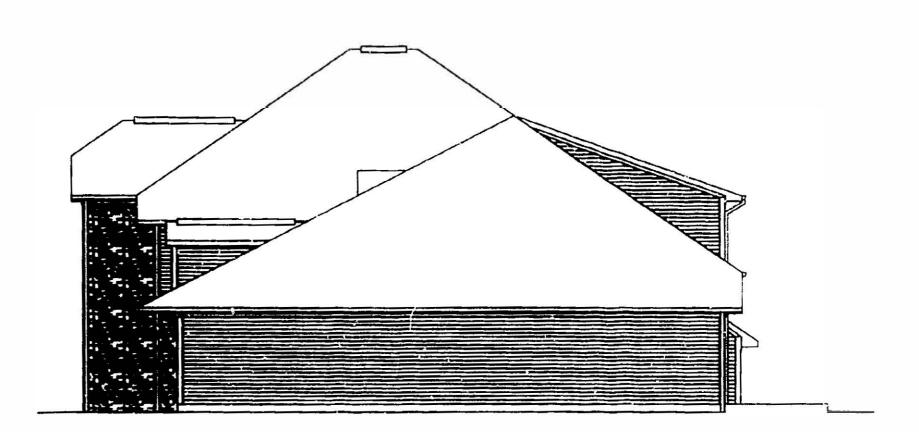
LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.R.s. CITY OF HUBER HEIGHTS - MONTGOMERY COUNTY, OHIO CONTAINING 1.385 ACRES



SOUTH ELEVATION - BUILDING NO. 6



EAST ELEVATION - BUILDING NO. 6



WEST ELEVATION - BUILDING NO. 6



NORTH ELEVATION - BUILDING NO. 6

PLAT BOOK 200 PAGE: 14E

02 111 59 AH 9: 42 TRANSFERRED

DATE: 6/15/05

SHEET 6 OF 6 SCHAEFFER, Amos & Hughes, 14.1 ENGINEERS SURVEYORS 1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104