AMENDMENT NUMBER ONE TO

THE DECLARATION ESTABLISHING A PLAN FOR

CONDOMINIUM OWNERSHIP

UNDER CHAPTER 5311 OF THE OHIO REVISED CODE

FOR

THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS (ESTABLISHING PHASE TWO)

This will certify that copies of this Declaration, together with the Drawings attached thereto as Exhibits have been filed in the Office of the County Auditor, Wayne County, Ohio.

Dated:				
	Tarra IIndamaa a			
	Jarra Underwood, Wayne County Auditor			
	By:			
	Deputy Auditor			

This instrument prepared by: John T. Keating, Esq. Keating Law Offices, LLP 141 East Liberty Street Wooster, Ohio 44691 telephone: (330) 262-2916

AMENDMENT NUMBER ONE

TO

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS

(ESTABLISHING PHASE TWO)

WEAVER CUSTOM HOMES, INC., an Ohio corporation, hereinafter referred to as the "Declarant", as the owner in fee simple of the Condominium Property to be added to and become part of The Groves at The Villages of Metherington Condominiums, hereby makes the following Amendment (``this The Villages of Wetherington Condominiums.

WITNESSETH:

WHEREAS, the Declarant submitted certain property (hereinafter referred to as `Phase One''), together with the buildings thereon (hereinafter referred to as the `Phase One Buildings'') and other improvements, to the provisions of Chapter 5311 of the Ohio Revised Code, by filing with the Wayne County Auditor and Wayne County Recorder a document entitled `Declaration of Condominium Ownership for The Groves at The Villages of Wetherington Condominiums, Phase One'', together with the Drawings and Bylaws recorded in connection therewith, the Declaration of Condominium Ownership being recorded in Wayne County Official Records Volume 489, Page 1505 et seq., and the Drawings being recorded in Wayne County Plat Records Volume 27, Page 56 et seq. (the Declaration, Bylaws, and Drawings are hereinafter collectively referred to as the `Declaration'');

WHEREAS, Declarant reserved the right and option in Article XX of the Declaration to submit from time to time any part or parts of that certain land referred to and described in the Declaration as `the Additional Property'', and submit all buildings and improvements thereon to the provisions of the Declaration, and thereby cause said part or parts, and said buildings and improvements, to become part of The Groves at The lages of Wetherington Condominiums;

WHEREAS, Declarant owns the land described on **EXHIBIT "A"** attached hereto and made a part hereof (hereinafter referred to as the "Phase Two Land"), which land is part of the Additional Property described in the Declaration;

WHEREAS, Declarant has constructed on the Phase Two Land one (1) building, containing four (4) Units, for a total of four (4) Units (hereinafter referred to as the `Phase Two Building'');

WHEREAS, the general architectural design, quality, appearance, and materials used in the construction of the Phase Two Building and the landscaping of the Common Elements surrounding the same are substantially the same as the architectural design, quality, appearance, materials, and landscaping on the Buildings in Phase One and the Common Elements surrounding the same;

WHEREAS, the Units in Phase Two and the Common Elements in Phase Two shall be subject to the same uses, purposes, covenants, and restrictions as the Units in Phase One and the Common Elements in Phase One, and shall be subject, as one single Condominium, to the provisions of the Declaration;

WHEREAS, when the Phase Two Land and the Phase Two Building and the other improvements constructed thereon are added to the existing

Condominium as hereafter provided, the undivided interest of each Unit in the combined Common Elements shall be re-established as set forth in EXHIBIT "B" attached hereto and made a part hereof;

WHEREAS, Declarant has determined to submit the Phase Two Land, Phase Two Building, and all other improvements thereon, to the provisions of the Declaration and the provisions of Chapter 5311, Ohio Revised Code;

NOW, THEREFORE, Declarant hereby declares as follows:

- 1. All of the above recitals are incorporated into and made a part of this Amendment. All terms used in this Amendment which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration, unless expressly otherwise provided herein or unless the context requires otherwise.
- 2. Declarant is the owner of the Phase Two Land (described on EXHIBIT 'A' attached hereto), which together with the Phase Two Building and all other improvements thereon, all easements, rights, and purtenances belonging thereto and all articles of personal property to the provisions of Chapter 5311, Ohio Revised Code, and the provisions of the Declaration, as amended by this Amendment, and is hereby included in and made a part of The Groves at The Villages of Wetherington Condominiums (hereinafter collectively referred to as 'the Condominium Property''). Declarant is the owner of the Phase Two Land (described on
- Article VI of the Declaration is amended and supplemented in the following respects:
 - (a) The `Units' in Phase Two are the same as in the original Declaration, except that Phase Two contains one (1) building, containing four (4) Units, for a total of four (4) Units.
 - (b) Other improvements located on the Phase Two Land include driveways, landscaping, and underground and above-ground conduits and facilities for utilities.
 - (c) The unit designation of each Unit and its undivided interest in the Common Elements, in the common profits for distribution, and in the common expenses for assessments, are set forth on EXHIBIT "B" attached hereto, which exhibit is hereby substituted for the Exhibit 'B'' attached to the Declaration.
 - (d) Voting rights in the Association shall be in accordance with the `one-unit, one-vote' rule set forth in Article VIII, Section 3 of the Declaration.
 - (e) The layout, location, designation, and dimensions of the Building and of each Unit, the number of rooms in each Unit, the approximate area of each Unit in square feet, the layout, location, and dimensions of the Common Elements and Limited Common Elements to which each Unit has access the location and dimensions of approximate which each Unit has access, the location and dimensions of appurtenant easements, and other particulars, are shown graphically on the Drawings for The Groves at The Villages of Wetherington Condominiums,
- The Declaration is hereby amended by adding the following to Article IV, Section 1 (Purposes):

Declarant, in order to establish a plan of condominium ownership for the Condominium Property, hereby subjects the Condominium Ownership for the provisions of Chapter 5311, Ohio Revised Code. The Condominium Property to Property is hereby divided into SIXTEEN (16) separately designated and legally described freehold estates, hereinafter described and referred to as 'Units', and ONE (1) freehold estate, hereinafter described and referred to as the 'Common Elements.'

EXHIBIT "A" of the Declaration is hereby supplemented by adding thereto and making a part thereof the Phase Two Land, being the land described on EXHIBIT "A" (Legal Description of Condominium Property - Phase Two) of this Amendment.

- 6. The Declaration is hereby amended by eliminating EXHIBIT "B" thereof and substituting in its place EXHIBIT "B" (Allocation of Common and made a part of this Amendment. Any reference in the Declaration to EXHIBIT "B" shall henceforth be deemed a reference to EXHIBIT "B" of this Amendment.
- 7. The Drawings recorded in Wayne County Plat Volume 27, Page 56, et seq., are hereby amended by adding thereto the Drawings for The Groves at Concurrently with this Amendment Number One.
- 8. Each owner of a Unit in Phase Two of the Condominium shall have all easement rights described in the Declaration, including but not limited to the following easement rights set forth in Article XV, Section 1 Easements of Enjoyment; Limitations) of the Declaration:

In addition, every Unit owner shall have a non-exclusive right and easement of access to and from his, her or its Unit, over those portions of the private streets known as Barrington Way and Wetherington Lane (which together form Lot Number 8643 in the City of Wooster) which extend from the phase of the Condominium in which said Unit is located to the public road known as West Highland Avenue.

9. Except as amended by this Amendment Number One, all of the terms and provisions, including but not limited to all rights, privileges and obligations contained in the original Declaration, the original Drawings, and the original Bylaws of the Unit Owners' Association, as originally executed and recorded, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Amendment Number One by its duly authorized officers this 31st day of 905.

WEAVER CUSTOM HOMES, INC.

Bv:

Ken Weaver, President

Ron Wenger, Vice-President

STATE OF OHIO

ss:

)

WAYNE COUNTY

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named WEAVER CUSTOM HOMES, INC., by Ken Weaver, its President, and by Ron Wenger, its Vice President, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Wooster, Ohio, this 3/ day of 4/04, 2005.



BONNIE J. MYERS
Notary Public, State of Ohio
My Commission Expires
Oct. 19, 2006

Notary Public

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EXHIBIT "A"

Legal Description of Condominium Property

(Phase Two)

Situated in the City of Wooster, County of Wayne, and State of Ohio, and known as being a part of Lot 8644 in The Villages of Wetherington as recorded in Volume 25, Page 113 of Wayne County Plat Records, and further bound and described as follows:

Commencing at the southwest corner of said Lot 8644; thence North 00° 41' lence South 87° 20' 45'! East 286.19 feet to a point and the principal place of beginning of the parcel herein described:

- 1) Thence North 02° 39' 15'' East 144.22 feet to a point;
- 2) Thence South 86° 54' 56" East 118.93 feet to a point;
- 3) Thence North 03° 05' 04" East 52.12 feet to a point;
- 4) Thence North 86° 54′ 56″ East 69.50 feet to a point on the westerly line of Lot 8643 in aforesaid subdivision;
- 5) Thence South 20° 00' 10" West 86.80 feet along the westerly line of said Lot 8643 to a point of curvature;
- Thence southwesterly 21.34 feet along the westerly line of said Lot 8643 along the arc of a curve deflecting to the left, said curve having a radius of 100.00 feet, a central angle of 12° 13′ 30″ and a chord which bears South 13° 53′ 25″ West 21.30 feet to a point;
- 7) Thence South 07° 46' 40" West 42.12 feet along the westerly line of said Lot 8643 to a point of curvature;
- Thence southwesterly 17.07 feet along the westerly line of said Lot 8643 along the arc of a curve deflecting to the right, said curve having a radius of 80.00 feet, a central angle of 12° 13′ 30″ and a chord which bears South 13° 53′ 25″ West, 17.04 feet to a point;
- 9) Thence South 20° 00' 10" West 34.07 feet along the westerly line of said Lot 8643 to a point;
- 10) Thence North 87° 20' 45" West 141.55 feet to the principal place of beginning and containing within said bounds 0.592 acre of land, more or less, and subject to all legal highways and easements of record.

This description was prepared by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc.

RESERVING UNTO WEAVER CUSTOM HOMES, INC., its successors and assigns a perpetual non-exclusive easement over the premises herein for use of roadways and extensions thereof; use of and installation of all utility lines and easements all for the benefit of future expandable portions of The Groves at The Villages of Wetherington Condominiums.

LEGAL DESCRIPTION OF A DRIVE & UTILITY EASEMENT FOR THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS, PHASE 2:

Situated in the City of Wooster, County of Wayne, and State of Ohio, and known as being a part of Lot 8644 in The Villages of Wetherington as bound and described as follows:

Commencing at the southwest corner of said Lot 8644; thence North 00° 41' 17'' East 203.68 feet along the westerly line of said Lot 8644 to a point; thence South 87° 20' 45'' East 427.74 feet to a point on the westerly line of Lot 8643 in said subdivision; thence North 20° 00' 10'' East 34.07 feet northeasterly line of said Lot 8643 to a point of curvature; thence arc of a curve deflecting to the left, said curve having a radius of 80.00 25'' East, 17.04 feet to a point; thence North 07° 46' 40'' East 42.12 feet ortheasterly 21.34 feet along the westerly line of said Lot 8643 along the curvature; thence arc of a curve deflecting to the left, said curve having a radius of 12° 13' 30'' and a chord which bears North 13° 53' along the westerly line of said Lot 8643 to a point of curvature; thence arc of a curve deflecting to the right, said curve having a radius of 100.00 25'' East 21.30 feet to a point; thence North 20° 00' 10'' East 30.94 feet along the westerly line of said Lot 8643 to a point and the principal place of beginning of the easement herein described:

- 1. Thence North 69° 59' 50" West 55.65 feet to a point;
- 2. Thence North 03° 05' 04'' East 37.25 feet to a point;
- 3. Thence South 86° 54' 56" East 30.00 feet to a point;
- 4. Thence South 03° 05' 04'' West 15.02 feet to a point;
- 5. Thence South 69° 59' 50'' East 33.42 feet to a point on the westerly line of aforesaid Lot 8643;
- 6. Thence South 20° 00' 10'' West 30.00 feet along the westerly line of said Lot 8643 to the place of beginning.

This description was prepared by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc.

EXHIBIT "B"

Allocation of Common Element Interests Among Condominium Units (Phases One and Two)

Unit Number and Type	Number of Rooms	Gross Interior Finished Sq. Ft. (first floor)	Undivided Interest in Common Elements
Phase One Units:			
401 Candleberry (slab)	6	1225	5.806%
.2 Baycrest (slab)	7	1225	5.806%
403 Heritage (bsmt)	8	1416	6.712%
404 Legacy (bsmt)	9	1504	7.129%
405 Legacy (slab)	9	1504	7.129%
406 Legacy (slab)	9	1504	7.129%
407 Candleberry (bsmt)	6	1225	5.806%
408 Candleberry (bsmt)	6	1225	5.806%
409 Candleberry (bsmt)	6	1225	5.806%
410 Baycrest (bsmt)	7	1225	5.806%
411 Heritage (bsmt)	8	1416	6.712%
412 Legacy (bsmt)	9	1504	7.129%
Phase Two Units:			
Parament (alab)			
Baycrest (slab)	7	1225	5.806%
414 Candleberry (slab)	6	1225	5.806%
415 Candleberry (bsmt)	6	1225	5.806%
416 Candleberry (bsmt)	6	1225	5.806%
TOTALS		21,098	100.000%











