

THIRD AMENDMENT TO DECLARATION  
OF CONDOMINIUM OWNERSHIP FOR  
ARROWHEAD BAY CONDOMINIUMS

WHEREAS, on May 13, 1993, Randy D. Walter dba RDW Company, a proprietorship, hereinafter referred to as "Declarant", submitted certain premises in the Village of Columbiana, Mahoning County, Ohio, to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership by filing with the Mahoning County Recorder and Auditor the following documents: "Declaration of Condominium Ownership for Arrowhead Bay Condominiums" (hereinafter called "Declaration"); Exhibit "A" to the Declaration being an instrument entitled "By-Laws"; and Drawings of the buildings located on the premises which were certified by Matthew A. Hart, Registered Surveyor, and Richard Partica, Registered Engineer, and attached to the Declaration as Exhibit "B", (hereinafter called "Drawings"); and

WHEREAS, the Declaration and By-Laws were filed for record with the County Recorder of Mahoning County in Official Records Volume 1898, Page 149, et seq. of the County Records, and the Drawings were filed in Plat Volume 86, Pages 125 through 127, of the County Records of Mahoning County on May 13, 1993 and the First Amendment "Corrective Amendment" was recorded without Drawings in Official Records Volume 1910, Page 120, Mahoning County Records. The Second Amendment was recorded on August 15, 1994 in Official Record Volume 2331, Page 119 and the Second Amendment Drawings were filed in Plat Volume 8, Pages \_\_\_\_\_ through \_\_\_\_\_.

PLECK & SCHWARTZ  
Attorneys at Law  
1400 Beatty Building  
Youngstown, Ohio  
44503-1475  
CEN 743.1344  
FAX: (330) 743.1327

Phase 3  
10 Units  
201-1, 201-2,  
201-3, 201-4,  
201-5, 201-6, 270,  
272, 274, 276

WHEREAS, Article XV of the Declaration reserves to Declarant the right to amend the Declaration and the Drawings for the purpose of submitting certain additional premises to the provisions of the Declaration and to the provisions of Chapter 5311 of the Ohio Revised Code for condominium ownership.

NOW, THEREFORE, Declarant hereby declares 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.

2. Declarant is the owner of Phase 3, Parcels 1 and 2 which, together with the Phase 3 Buildings and all improvements thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property existing thereon for the common use of the Unit Owners, is hereby submitted to the provisions of Chapter 5311 and the provisions of the Declaration, as amended, and is hereby included in and made a part of the condominium property. The legal description of Phase 3, Parcels 1 and 2 is attached hereto as Exhibit "A".

3. The Declaration is hereby amended in accordance with the provisions of Article XV in the following respects:

(A) Article IV is hereby deleted in its entirety and the following substituted therefor:

"ARTICLE IV

DESCRIPTION OF PROPERTY AND UNITS

1. GENERAL DESCRIPTION OF CONDOMINIUM PROPERTY:

Until amended as provided in Article XV hereof, the

PLECK & SCHWARTZ  
Attorneys at Law

1000 Euclid Building  
Youngstown, Ohio  
44601-0775

(330) 743-3344  
FAX: (330) 743-3837

Condominium Property consists of Phase 1, Parcel 1 and the Phase 1 Buildings, Phase 2, Parcel 2 and the Phase 2 Buildings, and Phase 3, Parcels 1 and 2 and the Parcel 3 Buildings, and other improvements located thereon. The Units are described in detail as follows:

The Cherry: This Unit is a two bedroom Ranch Unit with an optional loft and optional deck, which contains a living room with two sided fireplace, dining room, kitchen with pantry and eating area, two full bathrooms, a laundry area, one triple glass sliding door to an outside patio area and a double attached garage with storage area. The upstairs storage area can be converted into an additional bedroom. The living room, dining room, and master bedroom have vaulted ceilings.

The Ash: This Unit is a two bedroom townhouse Unit with a loft, which contains a living room with two sided fireplace, a dining room, kitchen with table area and pantry, laundry area, two full bathrooms together with an attached two car garage with storage area. The upstairs storage area can be converted into an additional bedroom. This living room, dining room and master bedroom have vaulted ceilings.

The Linden: This Unit is a two bedroom ranch Unit with an optional loft and bedroom upstairs, which contains a living room with a two sided fireplace, two downstairs bedrooms, two bathrooms with an optional third bathroom upstairs together with an attached two car garage with storage area. The living room, dining room and master bedroom have vaulted ceilings.

PLATE & SIGN OFFICE

4000 East 12th Street

Independence, Ohio  
44131-1475

684-763-3344

FAX: 684-763-3877

The Maple: This Unit is a single floor plan three bedroom Unit containing a living room with optional fireplace, dining room and kitchen with a built-in counter eating area and two full baths, a laundry room, patio and a designated unattached single car garage. The second floor units have vaulted ceilings, two quarter round windows, and an enclosed foyer.

The Spruce: This Unit is a single floor plan two bedroom Unit with a living room, a dining room with optional fireplace, a kitchen with a built-in counter eating area, two full baths, a laundry room, patio and a designated unattached single car garage. The second floor Spruce Units have vaulted ceilings and an enclosed foyer.

The Oak: This is the townhouse loft three bedroom Unit which contains a kitchen with a built-in counter eating area, pantry closet, a half bath downstairs with a combined laundry room/storage area attached to the kitchen; the Unit has a living room with an optional fireplace, a dining room with a double attached garage and a patio on the first floor; the second floor contains three bedrooms and a loft area overlooking the living room, two full baths and a storage room; the master bedroom has a large walk-in closet.

The property also includes all easements, rights and appurtenances belonging thereto, and all particles of personal property existing thereon for the common use of the Unit Owners.

FLECK & SCHWARTZ  
Attorneys at Law  
1600 Beahy Building  
Vandalia, Ohio  
45381-1475

(318) 745-3344  
FAX: (318) 743-3877

The Buildings are designated as Buildings 1, 2, 5, 7, and 10 on the Drawings and are traditional western reserve style architecture. The particular location, layout, dimensions and particulars of each Unit and the Common Areas and Facilities surrounding each Unit are shown graphically on the Drawings."

ARTICLE V(2) entitled "OWNERSHIP OF COMMON AREAS AND FACILITIES" is hereby amended by deleting the percentage of interest of each Unit in the Common Areas and facilities contained therein in its entirety and substituting the following therefor:

ADDRESS	UNIT SIZE	PERCENTAGE OF OWNERSHIP
<u>BUILDING NO. 1:</u>		
101 Bayshore Ave., Unit 1	1,533	3.6513%
103 Bayshore Ave., Unit 2	2,021	4.8136%
105 Bayshore Ave., Unit 3	2,021	4.8136%
107 Bayshore Ave., Unit 4	1,533	5.6513%
<u>BUILDING NO. 2:</u>		
117 S. Bayshore Dr., Unit 1	1,740	4.1443%
115 S. Bayshore Dr., Unit 2	2,089	4.9756%
113 S. Bayshore Dr., Unit 3	2,089	4.9756%
111 S. Bayshore Dr., Unit 4	1,533	3.6513%
<u>BUILDING NO. 5:</u>		
201 Bayshore Ave., Unit 1	1,475	3.5132%
201 Bayshore Ave., Unit 2	1,475	3.5132%
201 Bayshore Ave., Unit 3	1,874	4.4635%
201 Bayshore Ave., Unit 4	1,874	4.4635%
201 Bayshore Ave., Unit 5	1,269	3.0225%
201 Bayshore Ave., Unit 6	1,269	3.0225%
<u>BUILDING NO. 7:</u>		
226 North Bayshore, Unit 1	2,449	5.8330%
224 North Bayshore, Unit 2	2,089	4.9756%
222 North Bayshore, Unit 3	2,287	5.4472%
220 North Bayshore, Unit 4	1,533	3.6513%

BUILDING NO. 10:

276 North Bayshore	Unit 1	2,138	5.09234
274 North Bayshore	Unit 2	2,638	6.28324
272 North Bayshore	Unit 3	2,638	6.28324
270 North Bayshore	Unit 4	2,418	5.75924


TOTAL SQUARE FOOTAGE: 41,985

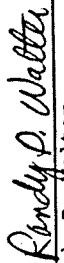
(C) The Drawings are hereby amended by adding thereto and making a part thereof the Drawings (hereinafter called "Third Amendment Drawings" prepared and certified by Matthew A. Hart, Registered Surveyor, and Horace McLean, Registered Engineer, in accordance with Chapter 5311 of the Ohio Revised Code, relating to the Phase 3 Buildings and all other improvements thereon, which Third Amendment Drawings are identified as Exhibit "B" and attached to this Third Amendment.

Except as Specifically hereinafter amended, all of the provisions of the Declaration and Amendments and the By-Laws, and the Drawings and Third Amendment Drawings, shall be and hereby are declared to remain in full force and effect.

IN WITNESS WHEREAS, Randy D. Walter dba RDW Company, a proprietorship, as Declarant, has caused this instrument to be executed this 11<sup>th</sup> day of September, 1995.

WITNESSES:

  
 Glenn J. Schwartz  
 Rayne Brubaker

  
 Randy D. Walter  
 dba RDW Company

FLICK & SCHWARTZ  
 Attorneys at Law  
 1400 Brady Building  
 Vandalia, Ohio  
 45303-1475  
 (513) 745-0044  
 FAX: (513) 745-3877

STATE OF OHIO )  
 ) SS:  
COUNTY OF MAHONING )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Randy D. Walter dba RDW Company, a proprietorship, who acknowledged that he did sign the foregoing instrument and that such signing was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Youngstown, Ohio, this 11<sup>th</sup> day of September, 1995.

*Glenn J. Schwartz*  
Notary Public  
GLENN J. SCHWARTZ  
Notary Public  
My Commission Expires 10/08 1996

This instrument prepared by:

GLENN J. SCHWARTZ, ESQ.  
1000 Realty Building  
Youngstown, Ohio 44503  
216/743-3344

GLENN J. SCHWARTZ  
Attorney at Law  
1000 Realty Building  
Youngstown, Ohio  
44503-1475  
OHIO 743-3344  
FAX (216) 743-3377

**LEGAL DESCRIPTION FOR PHASE NO. 3 PARCEL 1**

BEING SITUATED IN THE VILLAGE OF COLUMBIANA, TOWNSHIP OF BEAVER COUNTY OF WASHINGTON, STATE OF OHIO, AND BEING KNOWN AS PART OF SECTION NO. 13 OF THE ORIGINAL SURVEY OF SAID TOWNSHIP, BUT BEING MORE FULLY BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF BAYSHORE AVENUE, SAID POINT BEING A 30 FOOT RADIALS RETURN FROM THE WEST LINE OF SOUTH BAYSHORE DRIVE AS DELINEATED UPON THE RIGHT OF WAY DEDICATION OF BAYSHORE AVENUE AT SOUTH BAYSHORE DRIVE AS RECORDED IN PLAT VOLUME 81, PAGE 108 IN THE WASHINGTON COUNTY RECORD OF PLATS, SAID POINT ALSO BEING THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE OF BAYSHORE AVENUE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1.) N 57°35'36" W A DISTANCE OF 37.50 FEET.
- 2.) ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 125.00 FEET AND AN ARC LENGTH OF 70.73 FEET WHICH CHORD BEARS N 68°10'17" W A CHORD DISTANCE OF 70.25 FEET.
- 3.) N 80°45'00" W A DISTANCE OF 24.47 FEET.

THENCE ALONG A LINE SEVERING LANDS OF THE GRANTOR, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1.) N 9°14'39" E A DISTANCE OF 75.75 FEET.
- 2.) N 31°13'41" E A DISTANCE OF 61.70 FEET TO A POINT.
- 3.) S 87°25'30" E A DISTANCE OF 168.04 FEET TO A POINT, SAID POINT BEING ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF SOUTH BAYSHORE DRIVE.

THENCE ALONG THE SAID WEST RIGHT OF WAY LINE OF SOUTH BAYSHORE DRIVE S 22°24'25" W A DISTANCE OF 109.12 FEET TO A POINT.

THENCE ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 41.63 FEET WHICH CHORD BEARS S 72°4'25" W A CHORD LENGTH OF 38.30 FEET TO THE TRUE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 0.5048 ACRES OF LAND WITHIN SAID BOUNDS BUT SUBJECT TO ALL HIGHWAYS AND EASEMENTS OF RECORD.





LEGAL DESCRIPTION FOR PHASE NO. 3 PARCEL 2

BEING SITUATED IN THE VILLAGE OF COLUMBIANA TOWNSHIP OF BEAVER COUNTY OF MAHONING STATE OF OHIO, AND BEING PART OF SECTION NO. 33 OF THE ORIGINAL SURVEY OF SAID TOWNSHIP, BUT BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH BAYSHORE DRIVE, SAID POINT BEING THE NORTHWEST CORNER OF ARROWHEAD BAY VILLAGE CONDOMINIUMS PHASE NO. 2, SAID POINT ALSO BEING THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

THENCE ALONG THE SAID EAST RIGHT OF WAY LINE OF SOUTH BAYSHORE DRIVE N 26°39'04" E A DISTANCE OF 182.71 FEET TO A POINT OF TANGENCY.

THENCE CONTINUING ALONG THE SAID EAST RIGHT OF WAY LINE OF BAYSHORE DRIVE ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 125.0 FEET AND A ARC LENGTH OF 3.12 FEET WHICH CHORD BEARS N 25°56'10" E A CHORD DISTANCE OF 3.12 FEET TO A POINT.

THENCE S 28°52'08" E A DISTANCE OF 98.90 FEET TO A POINT, SAID POINT BEING ON THE WEST EDGE OF WATER OF ARROWHEAD LAKE.

THENCE ALONG THE SAID WEST EDGE OF WATER OF ARROWHEAD LAKE THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 21.85 FEET AND AN ARC LENGTH OF 28.89 FEET WHICH CHORD BEARS S 31°14'04" E A CHORD LENGTH OF 26.99 FEET TO A POINT OF REVERSE CURVATURE.
- 2) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 36.44 FEET AND AN ARC LENGTH OF 52.81 FEET WHICH CHORD BEARS S 20°22'30" E A CHORD DISTANCE OF 48.31 FEET TO A POINT.
- 3) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 7181.20 FEET AND AN ARC LENGTH OF 101.99 FEET WHICH CHORD BEARS S 28°49'17" W A CHORD LENGTH OF 101.97 FEET TO A POINT.
- 4) S 23°22'37" W A DISTANCE OF 49.85 FEET TO POINT, SAID POINT BEING THE NORTHWEST CORNER OF AFORESAID PHASE NO. 2 OF ARROWHEAD BAY VILLAGE CONDOMINIUMS.

THENCE ALONG THE NORTH LINE OF SAID PHASE NO. 2 N 87°06'00" W A DISTANCE OF 148.43 FEET TO THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

CONTAINING 0.6234 ACRES OF LAND WITHIN SAID BOUNDS BUT SUBJECT TO ALL HIGHWAYS AND EASEMENTS OF RECORD.

