

LEGAL DESCRIPTION
PARCEL 5A

BEING SITUATED IN THE VILLAGE OF COLUMBIANA TOWNSHIP OF BEAVER COUNTY OF MAHONING STATE OF OHIO AND BEING KNOWN AS 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 WEST RIGHT OF WAY LINE OF NORTH BAYSHORE DRIVE, SAID POINT BEING THE NORTHEAST CORNER OF PARCEL NO. 44 OF ARROWHEAD BAY CONDOMINIUMS PHASE NO. 4 AS RECORDED IN PLAT VOLUME 91, PAGE 166 IN THE MAHONING COUNTY RECORD OF PLATS, SAID POINT ALSO BEING THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

THENCE ALONG THE NORTH LINE OF SAID PARCEL NO. 44 THE FOLLOWING COURSE(S) COURSES AND DISTANCES:

- 1.) N 62°21'01" W A DISTANCE OF 142.84 FEET TO A POINT.
- 2.) S 45°16'19" W A DISTANCE OF 124.08 FEET TO A POINT.
- 3.) N 62°21'57" W A DISTANCE OF 103.69 FEET TO A POINT. SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH AVENUE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5,692.88 FEET AND AN ARC LENGTH OF 211.63 FEET WHICH CHORD BEARS N 21°46'15" E A CHORD DISTANCE OF 233.61 FEET TO A POINT.

THENCE CONTINUING ALONG THE SAID EAST RIGHT OF WAY LINE OF SOUTH AVENUE N 22°57'00" E A DISTANCE OF 18.51 FEET TO A POINT.

THENCE S 80°19'40" E A DISTANCE OF 169.51 FEET TO A POINT.

THENCE N 16°19'17" E A DISTANCE OF 67.40 FEET TO A POINT.

THENCE S 69°09'28" E A DISTANCE OF 166.95 FEET TO A POINT, SAID POINT BEING ON THE AFORESAID/MENTIONED WEST RIGHT OF WAY LINE OF NORTH BAYSHORE DRIVE.

THENCE ALONG THE SAID WEST RIGHT OF WAY LINE OF NORTH BAYSHORE DRIVE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 75.0 FEET AND AN ARC LENGTH OF 71.30 FEET WHICH CHORD BEARS S 14°41'46" W A CHORD DISTANCE OF 71.07 FEET TO A POINT.

THENCE CONTINUING ALONG THE SAID WEST RIGHT OF WAY LINE OF NORTH BAYSHORE DRIVE S 20°08'59" W A DISTANCE OF 88.58 FEET TO THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

CONTAINING 1.754 ACRES OF LAND WITHIN SAID BOUNDS BUT SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

LEGAL DESCRIPTION
PARCEL 5B

BEING SITUATED IN THE VILLAGE OF COLUMBIANA TOWNSHIP OF BEAVER COUNTY OF MAHONING STATE OF OHIO AND BEING KNOWN AS 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 NORTH BAYSHORE DRIVE, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL NO. 48 OF ARROWHEAD BAY CONDOMINIUMS PHASE NO. 4 AS RECORDED IN PLAT VOLUME 91, PAGE 166 IN THE MAHONING COUNTY RECORD OF PLATS, SAID POINT ALSO BEING THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

THENCE ALONG THE EAST RIGHT OF WAY LINE OF NORTH BAYSHORE DRIVE THE FOLLOWING THREE(3) COURSES AND DISTANCES:

- 1.) ALONG CURVE TO THE RIGHT HAVING A RADIUS OF 75.0 FEET AND AN ARC LENGTH OF 42.98 FEET WHICH CHORD BEARS N 53°21'16" E A CHORD DISTANCE OF 42.30 FEET TO A POINT.
- 2.) N 68°47'55" E A DISTANCE OF 95.02 FEET TO A POINT.

THENCE S 21°12'03" E A DISTANCE OF 157.87 FEET TO A POINT.

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 290.0 FEET AND AN ARC LENGTH OF 139.22 FEET WHICH CHORD BEARS S 51°12'20" W A CHORD DISTANCE OF 137.89 FEET TO A POINT.

THENCE N 54°01'43" W A DISTANCE OF 159.14 FEET TO THE TRUE PLACE OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED.

CONTAINING 0.7064 ACRES OF LAND WITHIN SAID BOUNDS BUT SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

Phase 5
16 Units
221, 223, 225, 227,
229, 231, 261, 263,
265, 267, 269, 271,
370, 372, 374, 376

FIFTH 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 83, Pages 206

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through 218. The Third Amendment was recorded on September 19, 1995 in Official Record Volume 2659, Page 198 and the Third Amendment Drawings were filed in Plat Volume 90, Pages 77, 78 and 79. The Fourth Amendment was recorded on May 29, 1996 in Official Record Volume 2895, Page 343 and the Fourth Amendment Drawings were filed in Plat Volume 91, Pages 166 through 171.

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 5, Parcels 5A and 5B which, together with the Phase 5 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 5, Parcels 5A and 5B is attached hereto as Exhibit "A".
3. The Declaration is hereby amended in accordance with the provisions of Article XV in the following respects:

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(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 Condominium Property consists of Phase 1, Parcel 1 and the Phase 1 Buildings, Phase 2, Parcel 2 and the Phase 2 Building, and Phase 3, Parcels 1 and 2 and the Parcel 3 Buildings, Phase 4, Parcels 4A and 4B and the Phase 4 Buildings and Phase 5, Parcels 5A and 5B and the Phase 5 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 double 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

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an additional bedroom. The living room, dining room and master bedroom have vaulted ceilings.

The Linden: This Unit is a two bedroom ranch Unit with an optional loft, den and/or 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.

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

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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 Cypress M/Cypress L: This is the townhouse unit with a loft, two or three bedrooms, a kitchen with a built-in counter eating area, pantry closet, a half bath downstairs, a laundry room, and a furnace room with storage area attached to the kitchen; the unit has a living room with a patio and a dining room on the first floor as well as a double attached garage; the second floor contains two or three bedrooms and a loft area overlooking the living room, two full baths and a storage area; the master bedroom has a large walk-in closet.

The Beech/Beech Loft: This unit is a two bedroom Ranch Unit with an optional small or large loft which contains a living room with optional fireplace, dining room, kitchen with pantry and two full bathrooms, a laundry area, one double glass sliding door to an outside patio area and a double attached garage with storage area. The living room, dining room, bath and bedrooms have vaulted ceilings

The Birch U: This Unit is a single floor plan upstairs with two bedrooms, living room, dining room, kitchen with built-in snack bar, one and one-half or two baths, laundry room, patio and single attached garage. This Unit features all vaulted ceilings, kitchen pantry, an arched patio window and one skylight in the master bath.

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The Birch D: This Unit is a single floor plan downstairs with two bedrooms, living room, dining room, kitchen with built-in snack bar, one and one-half or two baths, laundry room, patio and single attached garage. This Unit features vaulted ceilings in the master bedroom and bath, kitchen pantry and one skylight in the master bath.

The Cedar: This Unit is a two bedroom townhouse unit with second floor loft which contains a kitchen with built-in snack bar, one or two and one-half baths, living room, dining room, laundry room upstairs, patio and single attached garage. This Unit features vaulted ceilings upstairs in the loft and both bedrooms and an arched patio window, two quarter round windows upstairs, kitchen pantry and one skylight in the master bath.

The Poplar S - Poplar M: These are ranch models with two bedrooms, two full baths and a single car attached garage with extra large storage area. Downstairs is a kitchen with built-in counter eating area, pantry closet, furnace room, laundry room, dining room and living room with sliding glass door to an outside patio. A fireplace is option in the living room. Also found on the first floor are two full baths with skylights, two bedrooms with walk-in closets and a large entry tiled foyer. Upstairs is unfinished storage in the Poplar S or a large finished loft with closet in the Poplar M.

The Hickory: This is a townhouse model with loft, two bedrooms and a double car attached garage. Downstairs is a kitchen with built-in counter eating area, pantry closet, half

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bath, furnace room, dining room and living room with sliding glass door to an outside patio. A fireplace is optional in the living room. Upstairs is found two bedrooms, one or two full baths with skylight, loft overlooking the living room, laundry room with storage area, and a small desk/computer area. Both bedrooms, the loft and both bathrooms have vaulted ceilings.

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.

The Buildings are designated as Buildings 1, 2, 5, 6, 7, 9, 10, 15, 8, 11, 12, and 16 on the Drawings and are of 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	1.6031%
103 Bayshore Ave.,	Unit 2	2.1134%
105 Bayshore Ave.,	Unit 3	2.1134%
107 Bayshore Ave.,	Unit 4	1.6031%

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BUILDING NO. 2:

117 S. Bayshore Dr.,	Unit 1	1,740	1.8196¢
115 S. Bayshore Dr.,	Unit 2	2,089	2.1846¢
113 S. Bayshore Dr.,	Unit 3	2,089	2.1846¢
111 S. Bayshore Dr.,	Unit 4	1,533	1.6031¢

BUILDING NO. 5:

201 Bayshore Ave.,	Unit 1	1,475	1.5425¢
201 Bayshore Ave.,	Unit 2	1,475	1.5425¢
201 Bayshore Ave.,	Unit 3	1,874	1.9597¢
201 Bayshore Ave.,	Unit 4	1,874	1.9597¢
201 Bayshore Ave.,	Unit 5	1,269	1.3270¢
201 Bayshore Ave.,	Unit 6	1,269	1.3270¢

BUILDING NO. 6:

219 N. Bayshore Dr.,	Unit 1	1,727	1.8060¢
217 N. Bayshore Dr.,	Unit 2	1,428	1.4933¢
215 N. Bayshore Dr.,	Unit 3	1,754	1.8342¢
213 N. Bayshore Dr.,	Unit 4	1,871	1.9566¢

BUILDING NO. 7:

226 N. Bayshore Dr.,	Unit 1	2,418	2.5286¢
224 N. Bayshore Dr.,	Unit 2	2,089	2.1846¢
222 N. Bayshore Dr.,	Unit 3	2,287	2.3916¢
220 N. Bayshore Dr.,	Unit 4	1,533	1.6031¢

BUILDING NO. 9:

247 N. Bayshore Dr.,	Unit 1	1,727	1.8060¢
245 N. Bayshore Dr.,	Unit 2	1,428	1.4933¢
243 N. Bayshore Dr.,	Unit 3	1,428	1.4933¢
241 N. Bayshore Dr.,	Unit 4	1,871	1.9566¢

BUILDING NO. 10:

276 N. Bayshore Dr.,	Unit 1	2,418	2.5286¢
274 N. Bayshore Dr.,	Unit 2	2,638	2.7587¢
272 N. Bayshore Dr.,	Unit 3	2,638	2.7587¢
270 N. Bayshore Dr.,	Unit 4	2,418	2.5286¢

BUILDING NO. 15:

326 N. Bayshore Dr.,	Unit 1	2,418	2.5286¢
324 N. Bayshore Dr.,	Unit 2	2,458	2.5704¢
322 N. Bayshore Dr.,	Unit 3	2,458	2.5704¢
320 N. Bayshore Dr.,	Unit 4	2,418	2.5286¢

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BUILDING NO. 8:

221 N. Bayshore Dr.,	Unit 1	1,535	1,6052†
223 N. Bayshore Dr.,	Unit 2	1,255	1,3124†
225 N. Bayshore Dr.,	Unit 3	1,235	1,2915†
227 N. Bayshore Dr.,	Unit 4	1,235	1,2915†
229 N. Bayshore Dr.,	Unit 5	1,255	1,3124†
231 N. Bayshore Dr.,	Unit 6	1,535	1,6052†

BUILDING NO. 11:

281 N. Bayshore Dr.,	Unit 1	1,620	1,6941†
283 N. Bayshore Dr.,	Unit 2	1,305	1,3647†
285 N. Bayshore Dr.,	Unit 3	1,305	1,3647†
287 N. Bayshore Dr.,	Unit 4	1,620	1,6941†

BUILDING NO. 12:

261 N. Bayshore Dr.,	Unit 1	1,535	1,6052†
263 N. Bayshore Dr.,	Unit 2	1,255	1,3124†
265 N. Bayshore Dr.,	Unit 3	1,235	1,2915†
267 N. Bayshore Dr.,	Unit 4	1,235	1,2915†
269 N. Bayshore Dr.,	Unit 5	1,255	1,3124†
271 N. Bayshore Dr.,	Unit 6	1,535	1,6052†

BUILDING NO. 16:

376 N. Bayshore Dr.,	Unit 1	2,418	2,5286†
374 N. Bayshore Dr.,	Unit 2	2,458	2,5704†
372 N. Bayshore Dr.,	Unit 3	1,810	1,8928†
370 N. Bayshore Dr.,	Unit 4	1,770	1,8510†

TOTAL SQUARE FOOTAGE: 95,626

(C) The Drawings are hereby amended by adding thereto and making a part thereof the Drawings (hereinafter called "Fifth Amendment Drawings" prepared and certified by Matthew A. Hart, Registered Surveyor, and Stephen Berry, Registered Architect, in accordance with Chapter 5311 of the Ohio Revised Code, relating to the Phase 5 Buildings and all other improvements thereon, which Fifth Amendment Drawings are identified as Exhibit "B" and attached to this Fifth Amendment.

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Except as Specifically hereinafter amended, all of the provisions of the Declaration and Amendments and the By-Laws, and the Drawings and Fifth 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 16TH day of JUNE, 1997.

WITNESSES:

Glenn J. Schwartz
Glenn J. Schwartz
Notary Public, State of Ohio
THOMAS D. SUTCLIFFE

Randy D. Walter
RANDY D. WALTER
dba RDW COMPANY

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 KANSAS, Ohio, this 16TH day of JUNE, 1997.



THOMAS D. SUTCLIFFE
Notary Public, State of Ohio
My Commission Expires Mar. 10, 2000

[Signature]
Notary Public

This instrument prepared by:

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