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FOURTH AMENDMENT

TO THE DECLARATION OF CONDOMINIUM
WHICH ESTABLISHED A PLAN FOR CONDOMINIUM OWERSHIP
AND IMPOSED

COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE PROJECT KNOWN AS

TIMBERLODGE CONDOMINIUM

A copy of this Fourth Amendment and its accompanying condominium drawings has been filed with the office of the Auditor of Montgomery County, Ohio. Prepared by:

JAMES R. GOULD
of the law firm of
Altick & Corwin
1300 Talbott Tower
Dayton, Ohio 45401
Telephone: 513/223-1201

MONTGOMERY COUNTY AUDITOR
By

Condominium drawings for this Fourth Amendment are recorded in Plat Book 114 at Page(s) 4 This 40 18. [!]

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FOURTH AMENDMENT

TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR TIMBERLODGE CONDOMINIUM

This Fourth Amendment is made and entered into this <u>26</u>

_day of <u>June</u>, 1981, for the purpose of amending the condominium Declaration for Timberlodge Condominium.

(A) <u>Previous Recording Information</u>. The original condominium documents, and subsequent amendments to those documents, have been recorded in the Deed and Plat Records of Montgomery County, Ohio as follows:

Item Recorded	Date	Microfiche	Plat Book, Page
Declaration, By-Laws Articles of Incorpor- ation, and Drawings of this Development while it was known as Woodbridge Condominium	6/3/74	74 253A01	B. 97, P. 13
Amendment No. 1 to Woodbridge Condominium	7/31/78	78 405C07	None
Declaration, By-Laws, Articles of Incorpor- ation and Drawings which completely revised Woodbridge and changed it to Timberlodge Condominium	9/29/78	78 551A01	B. 106, P. 41
First Amendment to Timberlodge Con- dominium	1/4/79	79 007B08	B. 107, P. 5

Affidavit for First Amendment	1/29/79	79 041E02	None
Second Amendment to the Declaration of Condominium	6/12/79	79 292A08	B. 107, P. 65
Third Amendment to the Declaration of Condominium	10/30/79	79 581C02	B. 107, P. 21-21D

Condominium. The original Declaration for Timberlodge
Condominium was executed and recorded as to certain land and
buildings referred to therein as Section One. Said Declaration
provided for the subsequent addition or annexation of additional
property to the condominium plan. The Second Amendment added and
annexed certain land and buildings referred to as Section Two of
Timberlodge Condominium. The Third Amendment added and annexed
more land and buildings referred to as Section Three of
Timberlodge Condominium. The purpose of this Fourth Amendment is
to add and annex to this condominium plan certain land and a certain building referred to herein as Section Four of Timberlodge
Condominium.

This Fourth Amendment adds to the condominium plan a portion of the land described in Exhibit "C" (attached to the original Declaration that was recorded September 29, 1978) together with certain units constructed thereon. Accordingly, this Fourth Amendment is made under the provisions of Sections

22 through 22.16 on pages forty-seven through fifty-two of the Declaration, which pages and sections grant to the Declarant the power to annex additional land and buildings to the condominium plan for Timberlodge Condominium within seven years from the September 29, 1978 date the original Declaration was recorded.

- amended by the addition thereto of Exhibit A-4 which constitutes the legal description of the real property being annexed to the condominium plan by this Fourth Amendment, and by the addition of Exhibit B-4 which constitutes the plot plan and floor plan drawings of the real property and residential dwelling Units being annexed to the condominium plan by this Fourth Amendment. Said Exhibits are attached hereto and made a part hereof and are also recorded in the Plat Records of Montgomery County, Ohio as required by law.
- (D) <u>References to Exhibits A-1 and B-1</u>. The Declaration is further amended so as to provide that each and every reference to Exhibit A-1 shall be deemed to read, "Exhibits A-1, A-2, A-3 and A-4 of this Declaration as amended".

The Declaration is further amended so as to provide that each and every reference to Exhibit B-1 shall be deemed to read,

"Exhibits B-1, B-2, B-3 and B-4 of this Declaration as amended".

(E) Number of Buildings. Section 4.1 on page 9 of the Declaration is amended to read as follows:

"There are six residential buildings contained in this condominium plan. as set forth below:

Building	Identification	Units
B		1 through 5
Č		6 through 9
Ď		10 through 14
Ē		15 through 19
F		20 through 24
_		25 through 31

There is also a community building that is designated as a clubhouse on the drawings attached as Exhibit B-1."

(F) Number of Units. Section 5.6 on page 10 is amended to read as follows:

"The total number of units is thirty-one."

(G) Patios. Section 7.5 is amended to refer to the patios accompanying certain of the units that are added to the condominium plan by this Fourth Amendment. As amended, it will read as follows:

"Every unit included in this condominium plan has either a ground floor patio or a second floor sundeck as Limited Common Area. Some units have both.

Every unit except 5, 9, 14, 19, 24, 25 and 31 has a concrete slab patio adjoining it on the ground floor level, and is connected to the patio by a doorway in the exterior wall of that unit. Each such patio shall

constitute Limited Common Area reserved for the exclusive use of the unit which it adjoins and to which it has access through the door referred to above. All such patios are either depicted on the plans and drawings attached to this Declaration and labeled Exhibit 'B-1' through 'B-4' or are visible by an inspection of the site and by such inspection are identifiable as separate from other Common and Limited Common Area."

(H) <u>Sundecks</u>. Section 7.6 is amended to expand the explanation as to sundecks to include the units now being added to the condominium plan. As amended, it will read as follows:

"The following units have second floor sundecks: units 2, 5, 9, 10, 11, 12, 14, 19, 24, 25 and 31. Access to these sundecks is through a doorway in the exterior second floor wall of the units just referred to. Each such sundeck constitutes Limited Common Area reserved for the exclusive use of the unit that it adjoins and to which it has such access. All such sundecks are depicted on the plans and drawings attached to this Declaration as Exhibit 'B-1' through 'B-4'."

8.5 on page 13 of the Declaration, the number "twenty-four" (representing the total number of units previously included in the condominium plan) is now amended to read "thirty-one". In addition, the numerical listing of units and the percentage interest in the Common Area held by each unit set forth in Section 8.5 is amended to read as set forth below. All the percentages are computed on the basis of the fair value of each unit (based on the size of that unit) compared to the value of all units (based on the combined size of all units):

Unit	Percent	Unit	Percent
1 2 3 4 5 6 7 8 9 10 11 12	3.44% 3.44 3.52 3.03 3.12 3.52 3.03 3.12 3.44 3.44 3.44 3.44 3.03	17 18 19 20 21 22 23 24 25 26 27 28	Percent 3.52% 3.03 3.12 3.02 3.02 3.02 2.87 2.86 3.31 3.00 3.28 3.29
14 15 16	3.12 3.44 3.44	29 30 31	3.28 2.98 3.31

- (J) <u>No Other Changes</u>. No changes or revisions are made in the Declaration for Timberlodge Condominium other than those set forth above in this Fourth Amendment.
- (K) Transfer of Status as Declarant. Terra Firma
 Building Contractors. Inc., the previous Declarant of Timberlodge
 Condominium has transferred and conveyed its ownership of the
 real estate described in Exhibit A-4 to 33-A Corp., an Ohio corporation, by a deed recorded at Microfiche 80-572A03. Terra
 Firma Building Contractors. Inc. has also transferred and conveved to 33-A Corp. the status as Declarant of Timberlodge
 Condominium through the Assignment attached to and made a part of
 this Fourth Amendment.

IN WITNESS WHEREOF, This Fourth Amendment to the Declaration for Timberlodge Condominium has been executed on the date set forth on the first page by 33-A Corp. as the Declarant and by Timberlodge Homeowners' Association.

in the Presence of:	33-A Corp.
As to 33-A Corp. Officers	By Discussion Review
As to 33-A Corp. Officers	BY Your President
Herrys Thur	Timberlodge Homeowners' Association
As to Association Officers	Association By President
As to Association Officers	
State of Ohio, County of Mo	
this <u>26</u> day of <u>June</u> ,	1981 by Donald A. Moeller
as President	and by Marvin Shultz
as Vice President on behalf of that corporati	of 33-A Corp., an Ohio corporation,
A TOTAL STATE OF THE PARTY OF T	Notary Public
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(F) <u>Number of Units.</u> Section 5.6 on page 10 is hereby amended to read as follows:

"The total number of units is twenty-four."

(G) <u>Patios</u>. Section 7.5 is hereby amended so as to cause it to refer to the patios accompanying certain of the units which are now added to the condominium plan by this Third Amendment. Accordingly, said Section is hereby amended to read as follows:

"Each of the units included in this condominium plan (excepting units 5, 9, 14, 19, and 24) has immediate and private access through a doorway through the outside structural walls surrounding that unit to an outside patio or patios immediately adjoining that unit and situated on the first or ground floor level. Each such concrete slab patio shall constitute limited common area reserved for the exclusive use of the unit which it adjoins and to which it has such access. All such patios are either depicted in Exhibit B-l attached to this Declaration or are visible by an inspection of the site and by such inspection are identifiable as being separate from any other such limited common area."

(H) <u>Sundecks</u>. Section 7.6 is hereby amended to read as follows, for the purpose of expanding the explanation regarding sundecks to include the five units now being added to the condominium plan through this Third Amendment:

"The following units contained in this condominium plan have, on the second floor thereof, immediate and private access through a doorway in the outside structural walls surrounding said unit to an outside sundeck immediately adjoining that unit and situated on the second floor level: 2, 5, 9, 10, 11, 12, 14, 19 and 24. Each such sundeck shall constitute limited common area reserved for the exclusive use of the unit which it adjoins and to which it has such access. All such sundecks are depicted on Exhibit B-1 attached to this Declaration."

(I) Percentage Interest Held by Each Unit. In Section 8.5 on page 13 of the Declaration, the number "nineteen" (representing the total number of units included in the condominium plan is hereby amended to read "twenty-four." Further, the numerical listing of units and percentage interest in the common area now set forth in said Section 8.5 is hereby amended to read as follows, with such percentages being computed on the fair value of each unit (based on the size of that unit) compared to the value of all units (based on the combined size of all units):

<u>Unit</u>	Percent	<u>Unit</u>	Percent
1 2 3 4 5 6 7 8 9 10 11	4.43 4.43 4.54 3.90 4.03 4.54 4.54 3.90 4.03 4.43 4.43	13 14 15 16 17 18 19 20 21 22 23 24	3.90 4.03 4.43 4.43 4.54 3.90 4.03 3.90 3.90 3.72 3.69

(J) <u>No Other Changes</u>. No changes or revisions are hereby made in the Declaration for Timberlodge Condominium with the exception of those set forth above.

IN WITNESS WHEREOF, this Third Amendment to the Timberlodge Declaration has been executed on the date set forth on the first page hereby by Timberlodge Homeowners' Association and also by Terra Firma Building Contractors, Inc., an Ohio corporation which constitutes the Declarant under this condominium plan.

Signed and acknowledged in the presence of:

TIMBERLODGE HOMEOWNERS' ASSOCIATION

Tilly Eigener &

Donald R. Moultney, President

1-1.Co xhlxiCor

EDWIN A. BOWLETES SUCKETAN

State of Ohio, County of Montgomery, ss:

Before me, a notary public in and for said county and state, profit corporation, by and through Donald R. Moultney, its President and first duly cautioned and sworn, that they executed the foregoing same is the free act and deed of said Association and of themselves tioned, and that the holders of not less than eighty percent of the action of the Association in amending certain terms and provisions of the Declaration.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Montgomery County, Ohio, on this ______day of October, 1979.

Notary Public

MARILYN S. ELDRIDGE, Notary Public In and for the State of Ohio Lity Commission Expires Feb. 10, 1983

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Signed and acknowledged in the presence of:

TERRA FIRMA BUILDING CONTRACTORS, INC.

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Donald R. Moultney, Egesiden

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State of Ohio, County of Montgomery, ss:

Before me, a notary public in and for said county and state, personally appeared Terra Firma Building Contractors, Inc., an Ohio corporation, by and through Donald R. Moultney, its President and Enwey // President and its Second for whom the same is the free act and on behalf of said corporation and that the same is the free act and deed of said corporation and of themselves individually and as such officers for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Montgomery County, Ohio on this 2074 day of October, 1979.

Notary Public

MARILYN S. ELDRIDGE, Notary Public In and for the State of Onio My Commission Expires Feb. 10, 1983

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EXHIBIT A-3

John W. Judge Engineering Company

CONSULTANT ENGINEERING

Description of Timberlodge Condominium Section 3

Situate in Section 36, Town 3, Range 5 MRs, Washington Township, Montgomery County, Ohio, being a part of Lot One of the Woodbridge Plat as recorded in Book 94, Page 40 of the Plat Records of Montgomery County, Ohio and more particularly described as follows:

Beginning at a point at the southwest corner of the said Lot One of Woodbridge Plat, said point also being at the southeast corner of a tract of land conveyed to Winters National Bank and Trust Company as recorded in Microfiche 76-160C09 of the Deed Records of Montgomery County, Ohio, said point also being on the north of Oak Creek South as recorded in Book 90, Page 133 and 134 of the Plat Records of Montgomery County, Ohio;

thence from said place of beginning N 03° 07' 45" E with the east line of said Winters Bank tract a distance of 186.61 feet to a point at the southwest corner of Timberlodge Condominiums, of Montgomery County, Ohio; thence N 87° 40' 30" E with the south line of said Timberlodge Condominiums, Section 2 a distance of 140.00 feet to a point; thence S 3° 07' 45" W a distance of 185.19 feet to a point on the north line of the said Oak Creek of 140.14 feet to the place of beginning, containing 0.595 acres, more or less, subject, however, to all legal easements and restrictions of record.

Deed Reference: M.F. 78-410C11

M.F. 78-410D03

M.F. 78-410D05

Thomas McDougall

Registered Surveyor No. 6588

- N'Dan

October 26, 1979

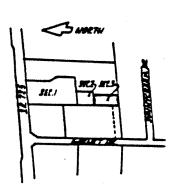
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TIMBERLODGE CONDOMINIUM SECTION THREE

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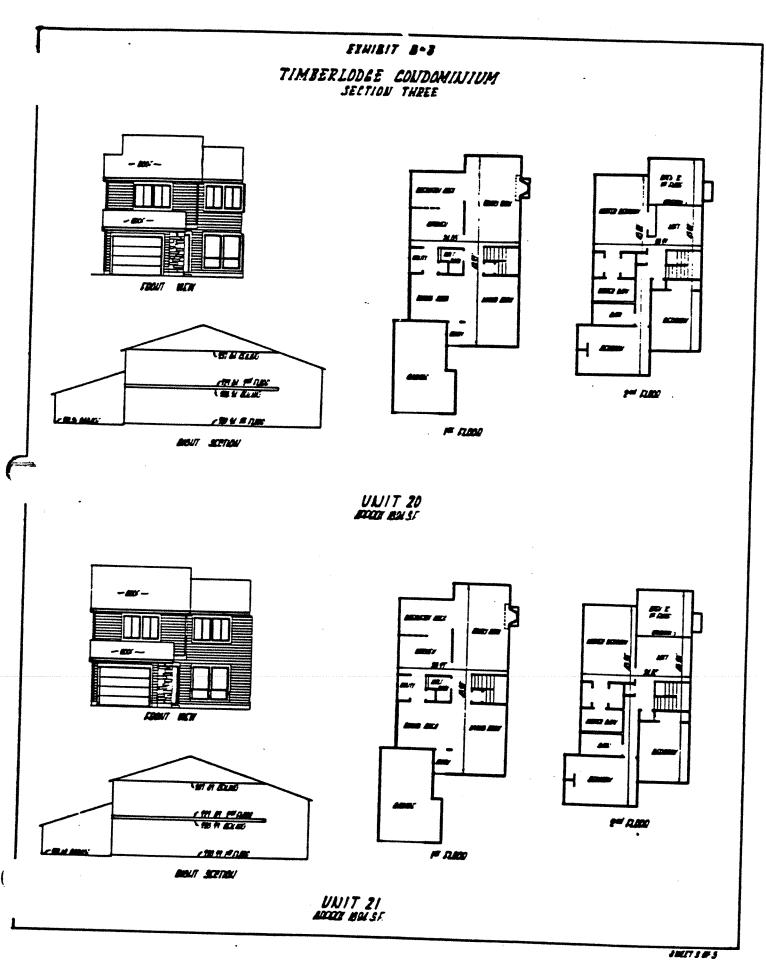
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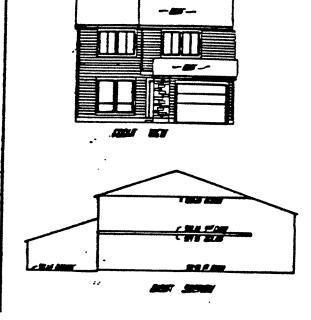


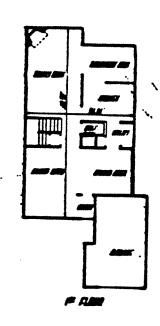
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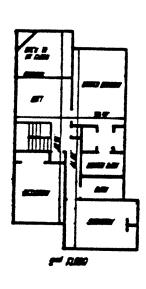


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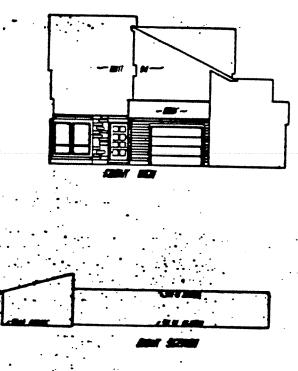
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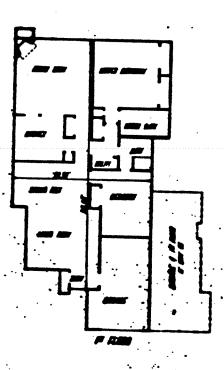




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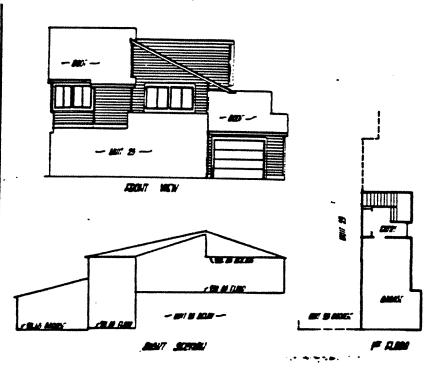
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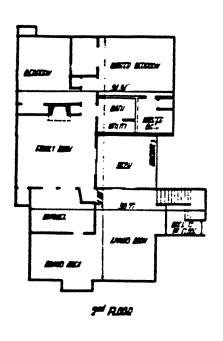


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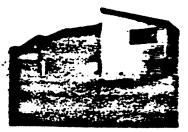
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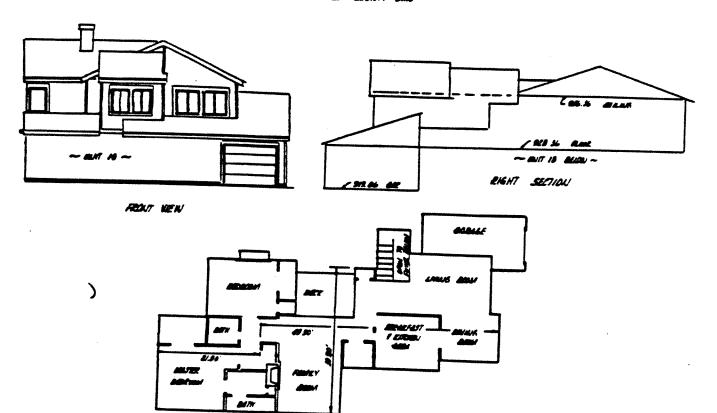
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SE.No - 7.3- 2.5 - Mes - Washington The MAITEOMERY COUNTY-MID



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BUILDING D.



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RIGHT FRONT OF BUILDING



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Situate in the Township of Washington, County of Montgomery and State of Ohio, and being all of Lot Numbered 1 on the Plat known as Woodbridge as recorded in Plat Book 94, Page 40 of the Plat Records of Montgomery County, Ohio excepting therefrom the following described parcels of land:

Exception No. 1. That portion of said Lot Numbered 1 which is described on Revised Exhibit A-1.

Exception No. 2. That portion of said Lot Numbered 1 which is described as follows:

Beginning at an iron pin on the north line of said Lot no. 1, said iron pin being also the northeast corner of Woodbridge Condominium, County, Ohio Plat Records; Thence North 87° 40' 30" East, along the north line of said Lot No. 1, a distance of 162.82 feet to an iron pin; Thence North 87° 07' 30" East, continuing along the north line of said Lot No. 1, a distance of 3.81 feet to an iron pin at the northeast corner thereof; Thence South 3° 07' 45" West, along the east line of said Lot No. 1, a distance of 203.62 feet to an iron pin; Thence South 73° 57' 43" West, a distance of 20.20 feet to a spike; Thence in a northwesterly direction on a curve to the left arc distance of 190.00 feet, interior angle of 45° 42' 43", an west, a distance of 53.00 feet to a spike; Thence North 61° 45' 00" Woodbridge Condominium Section 1; Thence North 3° 07' 45" East, along of 62.23 feet to the place of beginning. Containing a total of 0.477 acres, subject to all legal highways.

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CORRECTED TO CHANGE BUILDING & UNIT NUMBERS.

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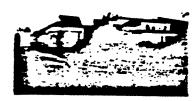




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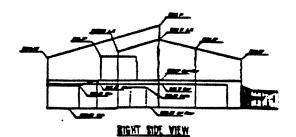
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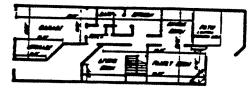
TIMBERLODGE CONDOMINIUM

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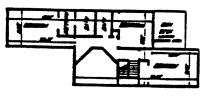




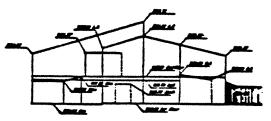
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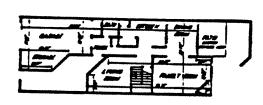
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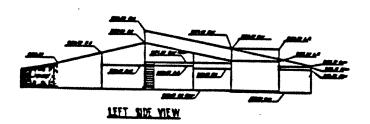
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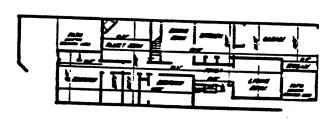


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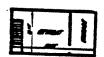


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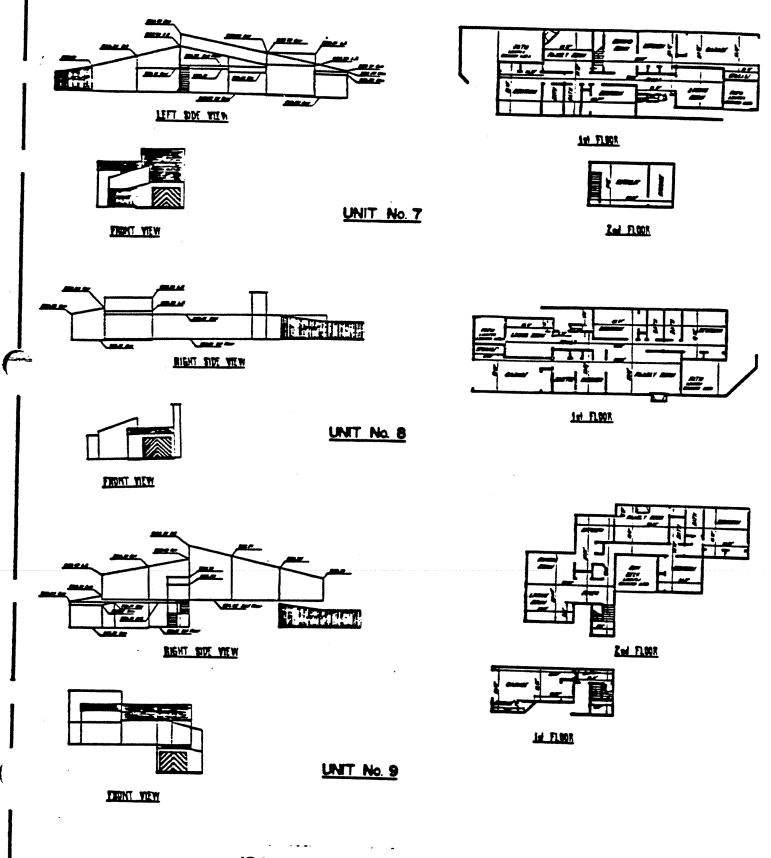
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TIMBERLODGE CONDOMINIUM

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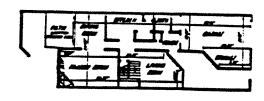
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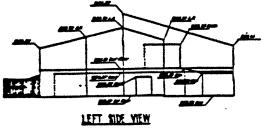
EXHIBIT 'B.I' TIMBERLODGE CONDOMINIUM

SECTION ONE SEC MILES MA WASHINGTON TWP. MONTGOMERY COUNTY, ONIO





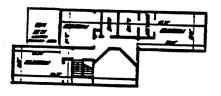
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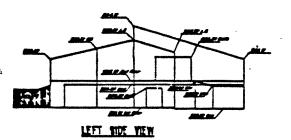


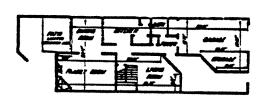
FRONT YEW

UNIT No. 10



Zad FLOOR



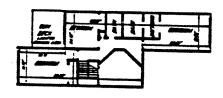


1# FLEOR

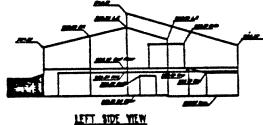


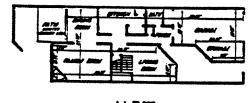
FRONT VIEW

UNIT No. II



End FLOOR

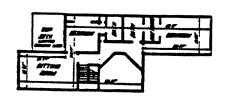




14 FLOOR



UNIT No. 12 FIRST YEW

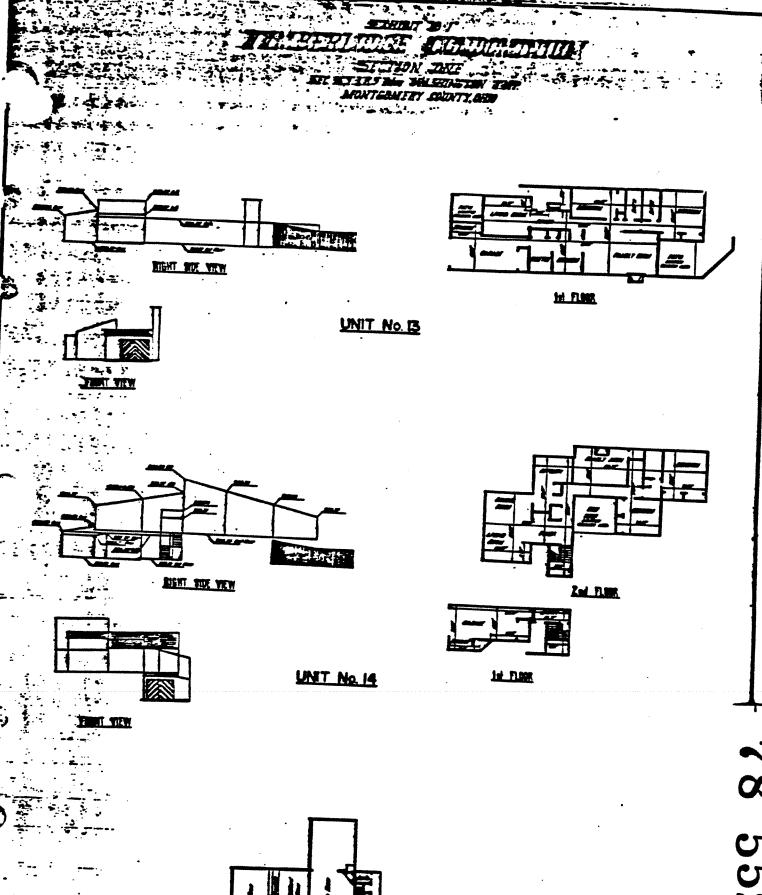


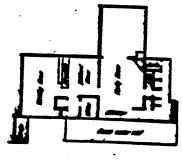
End FLEOR

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SHEET 5 OF 7

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