

JOE P. PEGG
RECORDER

SEP 23 3 34 PM '78

KONTOWEIN CO., OHIO
RECORDED

23066

37.43

THIRD AMENDMENT

TO

AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

GREENBRIER COMMONS CONDOMINIUMS

TO ADD A FURTHER PORTION OF PHASE II

Prepared by:

Thomas P. Martin, of
Jablinski, Folino & Roberts Co., L.P.A.
Attorneys at Law
One First National Plaza, Suite 1110
Dayton, Ohio 45402
513/461-5980

Condominium Plot Plan
for this Third Amend-
ment is recorded in
Plat Book 156
at Page 49

81.32 100

JOHN A. LINDO
REVEREND
COUNTY AUDITOR

- 78 600B07 -

THIS AMENDMENT to the Declaration of Condominium Ownership is made this 10 day of October, 1978, for the purpose of adding additional land to Greenbrier Commons Condominiums and to subject this additional land to the provisions of Chapter 5311 of the Ohio Revised Code.

W I T N E S S E T H:

WHEREAS, Greenbrier Limited, the predecessor in title to Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, on November 25, 1975, executed a Declaration of Condominium Ownership establishing a plan of residential condominiums for Greenbrier Commons Condominiums, which Declaration was filed for record with the Recorder of Montgomery County, Ohio, on November 25, 1975, at Microfiche 75-558A01 of the Deed Records of Montgomery County, Ohio; and

WHEREAS, Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, successor in title to Greenbrier Limited executed an Amendment to and Restatement of the Declaration of Condominium Ownership of Greenbrier Commons Condominiums previously executed by Greenbrier Limited, which Amendment and Restatement was filed for record with the Recorder of Montgomery County, Ohio, on December 6, 1977, and recorded at Microfiche 77-704A01 of the Deed Records of Montgomery County, Ohio; and

WHEREAS, Declarant, Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, has filed the following Amendments to the Amended and Restated Declaration of Condominium Ownership for the purpose of adding additional land to the Plan of Residential Condominium Ownership for Greenbrier Commons Condominiums:

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio; and
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio.

WHEREAS, as provided in §22 of the Amended and Restated Declaration of Condominium Ownership, the Declarant, Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, reserved unto itself the right to add certain real estate described in Exhibits "B and B-1" to the Amended and Restated Declaration, as well as any buildings, structures, improvements, units, common areas, limited common areas and other improvements constructed upon said real estate to the Plan of Condominium Ownership; and

WHEREAS, the land described in Exhibit "A" attached to this Third Amendment is a part of the land described in Exhibits "B and B-1" to the Amended and Restated Declaration as land to be added to the Plan of Condominium Ownership; and

WHEREAS, in §22 of the Amended and Restated Declaration of Condominium Ownership, the Declarant, Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, reserved unto itself the right to annex additional land to the Plan of Residential Condominium Ownership and reserved unto itself the right to execute and record, without the necessity of any other signatures, Amendments to the Declaration in order to implement annexation of additional land to the Plan of Residential Condominium Ownership. Further, according to the provisions of §22 of the Amended and Restated Declaration, each and every present and future holder of any interest in the title to any unit or any other form of real estate now or subsequently included within Greenbrier Commons Condominiums, by acceptance of conveyance, transfer or inheritance of such interest, is deemed irrevocably to appoint the Declarant, its successors and assigns as his, her or its Attorney-In-Fact to execute, acknowledge, deliver and record for and in the name of holder of such interest, such Amendments to the Declaration as are necessary and appropriate to accomplish the annexation of additional real estate to the Plan of Residential Condominium Ownership for Greenbrier Commons Condominiums; and

WHEREAS, the Declarant has completed one (1) additional building on the land described in Exhibit "A" containing four (4) units.

SECTION ONE - PURPOSE OF AMENDMENT: The purpose of this Amendment is to add additional land to the Plan of Residential Condominium Ownership for Greenbrier Commons Condominiums.

SECTION TWO - DECLARATION: Declarant states that it is the fee simple owner of the real estate described in Exhibit "A", attached hereto and incorporated herein by reference, and submits real estate described in Exhibit "A", along with all improvements made thereon, to the provisions of Chapter 5311 of the Ohio Revised Code and subject to the provisions of the Declaration of Condominium Ownership executed on November 25, 1975, and filed for record in the Office of the Recorder of Montgomery County, Ohio, on November 25, 1975, and recorded in Microfiche 75-558A01 of the Deed Records of Montgomery County, Ohio, and the Amended and Restated Declaration of Condominium Ownership executed on October 3, 1977, and filed for record with the Office of the Recorder of Montgomery County, Ohio, on December 6, 1977, and recorded in Microfiche 77-704A01 of the Deed Records of Montgomery County, Ohio, and as further expanded by the following Amendments to the Declaration of Condominium Ownership for the purposes of adding additional land to the Plan of Residential Condominium Ownership:

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio; and
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio.

SECTION THREE - DESCRIPTION OF BUILDINGS: There is one (1) building built upon the land described in Exhibit "A" and being added to Greenbrier Commons Condominiums. This building is one and two stories in height and is built on a slab foundation (no basement), is of frame construction with brick veneer and cedar exterior, with an exterior roof covering of plywood and asphalt shingles. Garages for each residential unit are built to the rear of the units and the description of the residential unit shall include the garage built to the rear of that unit. Floor plans of the units involved are set forth in Exhibit "B" attached hereto and incorporated herein by reference. The following specifications apply to the units being added to the Plan of Residential Condominium Ownership by this Third Amendment:

<u>UNIT DESIGNATION</u>	<u>NUMBER OF ROOMS</u>	<u>APPROXIMATE SQUARE FOOT- AGE OF LIVING AREA</u>	
20-A-1187	5	1,197	
20-C-3-1185	7	1,888	
20-C-2S-1183	6	1,888	
20-B-1181	7	1,534	

SECTION FOUR - LOCATION OF BUILDINGS: The building which is being added to Greenbrier Commons Condominiums is numbered building number twenty. Building twenty is located on Bournemouth Court, a private street. Each unit has access for both vehicular and pedestrian traffic over the common areas and private roadways leading to Norwich Lane, Olde Greenbrier and Alexandersville-Bellbrook Road, which are public right-of-ways. The location of the building is further described in drawings attached hereto as Exhibit "C".

SECTION FIVE - COMMON AREAS: The entire lands and improvements not included within a unit shall be a common area.

SECTION SIX - PERCENTAGE OF INTEREST OF OWNERSHIP IN COMMON AREAS: The interest of each unit added by this Amendment and the units previously submitted to the Declaration of Condominium Ownership in the common areas, limited common areas and facilities are in the proportion that the fair value of each unit at the date of the filing of this Amendment bears to the then aggregate value of all units having an interest in such common areas, limited common areas and facilities, which percentages of ownership are set forth in Exhibit "D" attached hereto and incorporated herein by reference. The percentage of interest and ownership in the common areas may be altered by further Amendment for the purposes of adding additional land to the Plan of Residential Condominium Ownership.

SECTION SEVEN - MEMBERSHIP IN THE GREENBRIER COMMONS UNIT OWNERS ASSOCIATION: The owner of each unit added to Greenbrier Commons Condominiums by this Amendment shall be a member of the Greenbrier Commons Unit Owners Association, an Ohio non-profit corporation.

SECTION EIGHT - OBLIGATION OF DECLARANT PRIOR TO SALE OF CONDOMINIUM OWNERSHIP INTEREST: Prior to the sale of the condominium ownership interest in the units submitted to the Plan of Residential Condominium Ownership by this

Third Amendment, Declarant agrees to assume all the obligations of a unit owner including, but not limited to, the obligation to pay monthly assessments to the Greenbrier Commons Unit Owners Association.

SECTION NINE - DEPOSIT AND DOWN PAYMENT PROVISIONS:

Any deposit or down payment made by the purchaser of a condominium ownership interest in the units submitted to the Plan of Residential Condominium Ownership by this Amendment shall be held in trust or escrow until delivered at the settlement, or otherwise credited to purchaser or forfeited to Declarant. If a deposit or down payment of \$2,000.00 or more is held for a period in excess of ninety (90) days, interest at the rate of four percent (4%) per annum for the period exceeding ninety (90) days shall be credited to the purchaser at settlement, upon return to purchaser or added to any forfeiture to Declarant. Any trust or escrow account established pursuant to this Section shall not be subject to attachment by creditors of Declarant.

SECTION TEN - DECLARANT'S PROPERTY INTEREST IN COMMON

AREAS AND FACILITIES: After control of the Condominium Development has been assumed by the Unit Owners Association, Declarant will not retain any property interest in any of the common areas and facilities other than in his capacity as a unit owner of unsold condominium ownership interest.

SECTION ELEVEN - WARRANTIES: With reference to the residential dwelling units and common areas submitted to the Plan of Residential Condominium Ownership by this Third Amendment, the following warranties shall apply:

A. Common Areas

Declarant hereby furnishes a two year warranty covering the full cost of labor and materials for any repair or replacement of roof and structural components and service elements serving condominium property occasioned or necessitated by a defect in material or workmanship. This two year warranty shall commence on the date the Deed of Ownership is filed for record with the Montgomery County Recorder's Office following the sale of the first condominium ownership interest in the units added to the Plan of Residential Condominium Ownership submitted by this Third Amendment; and

B. Unit Warranty

A one year warranty covering the full cost of labor and material for any repair or replacement of structural, mechanical or other elements pertaining to each unit occasioned by defect in material or workmanship. This warranty shall commence on the date the Deed of Ownership is filed for Record with the Montgomery County Recorder's Office following the sale of the Condominium Ownership interest in the residential dwelling unit added to the Plan of Residential Condominium Ownership by this Third Amendment.

IN WITNESS WHEREOF, this Third Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed on the date first written above by the Declarant, Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and

Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, as fee simple owner and record title holder of the real estate described in Exhibit "A" attached hereto and incorporated herein by reference and as owner of one or more condominium units already existing in the Condominium Development.

SIGNED IN THE PRESENCE OF:

Albert G. Oakes
Witness

Albert G. Oakes
Albert G. Oakes, aka

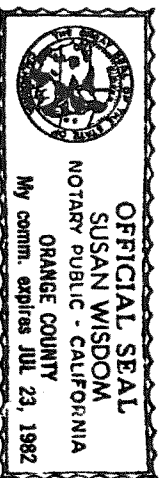
Abner D. Goldstein
Witness

Abner D. Goldstein
Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmins, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust

STATE OF CALIFORNIA)
COUNTY OF *Orange*) SS:
~~LOS ANGELES~~

Before me, a Notary Public in and for said County and State, personally appeared Albert G. Oakes, aka Albert G. Oaks, and acknowledged that he did execute the foregoing Amendment to the Amended and Restated Declaration of Condominium Ownership and that the same is the free act and deed of himself, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust.

IN WITNESS WHEREOF, I have set my hand and official seal this *10* day of *October*, 1978.



Susan Wisdom
Notary Public

IN WITNESS WHEREOF, this Third Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed by Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, as Attorney-in-Fact for each present and future holder of any interest in the title to any unit or other form of real property now or subsequently included within Greenbrier Commons Condominiums

under Power of Attorney coupled with an interest as set forth in §22 of the Amended and Restated Declaration of Condominium Ownership.

SIGNED IN THE PRESENCE OF:

Witness

Albert G. Oakes, aka

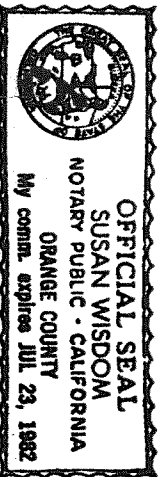
Witness

Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, as Attorney-in-Fact for each present and future holder of any interest in the title to any unit or other form of real property now or subsequently included in Greenbrier Commons Condominiums

STATE OF CALIFORNIA)
 ~~CANINE~~) SS:
COUNTY OF ~~HOB~~ ~~ANCHERS~~)

Before me, a Notary Public in and for said County and State, personally appeared Albert G. Oakes, aka Albert G. Oaks, not individually but as Trustee on behalf of Abner D. Goldstein, aka Abner D. Goldstine, James C. Hill, Allen T. Murphy, T. A. Sedam and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, as Attorney-in-Fact for each present and future holder of any interest in the title to any unit or other form of real property now or subsequently included in Greenbrier Commons Condominiums who acknowledged that he did execute the foregoing Third Amendment to the Amended and Restated Declaration of Condominium Ownership and that the same is the free act and deed of himself, not individually but as Trustee on behalf of each present and future holder of any interest in the title to any unit or other form of real estate now or subsequently included within Greenbrier Commons Condominiums.

IN WITNESS WHEREOF, I have set my hand and official seal this 10 day of October, 1978.



Susan Wisdom
Notary Public

INDEX OF EXHIBITS

Exhibit "A" - Legal Description of 0.338 acres
(Portion of Phase II)

Exhibit "B-1" - Floor Plan - Unit 20-B-1181
"B-2" - Floor Plan - First Floor Unit 20-C-2S-1183
"B-3" - Floor Plan - Second Floor Unit 20-C-2S-1183
"B-4" - Floor Plan - First Floor Unit 20-C-3-1185
"B-5" - Floor Plan - Second Floor Unit 20-C-3-1185
"B-6" - Floor Plan - Unit 20-A-1187

Exhibit "C" - Condominium Plan for portion of Phase II

Exhibit "D" - Percentage of Ownership in common areas

Exhibit "E" - Consent of Mortgagee

[illegible]

WILLIAM J. SCOTT, JR.
MICHAEL J. SCOTT
FRANK G. WEST

1. JOHN HOLLAND
WILLIAM J. SCORPIONE, JR.
MICHAEL J. SCORPIONE
FRANK G. WEST

City of
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Records of
and described

Number Common:
Book 105, Page
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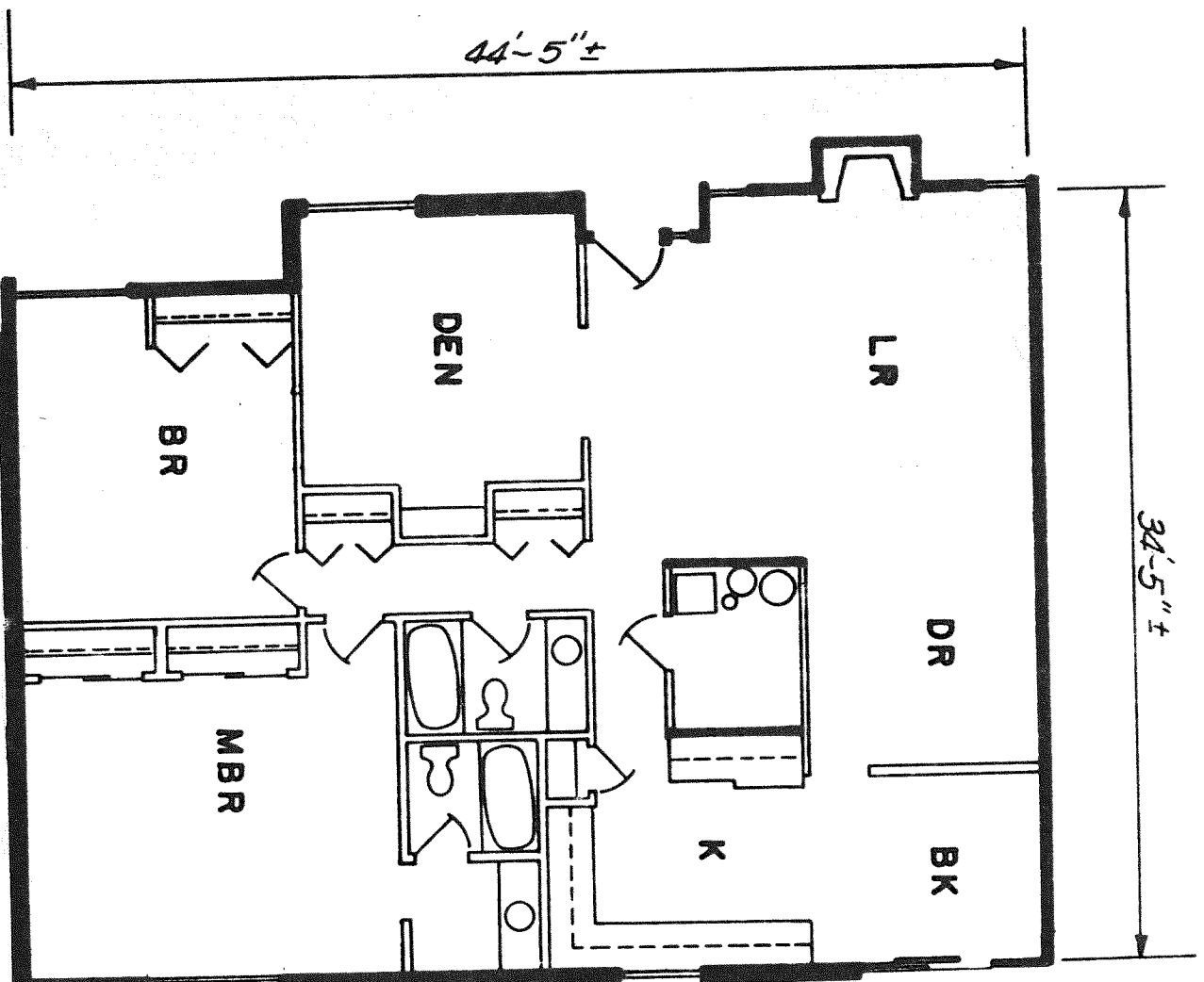
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GREENBRIER COMMONS CONDOMINIUM PARCEL I



2 BEDROOM
UNIT 20-B-1181

■ Structural Walls

This drawing accurately shows
the unit as constructed.

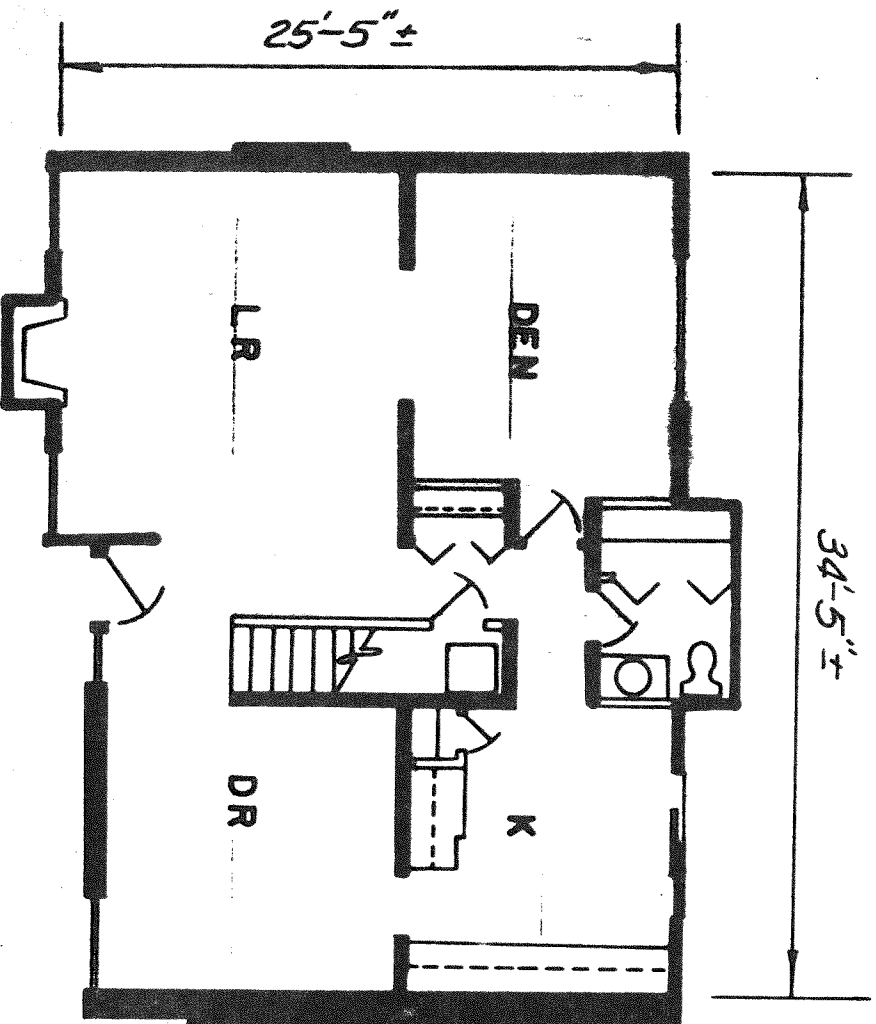
RALPH L. WOOLPERT CO.

By: Robert L. Barnett
Robert L. Barnett, Surveyor N° 5515

By: Robert F. Archdeacon
Robert F. Archdeacon, Engineer N° 22446

EXHIBIT "B-1"

GREENBRIER COMMONS
CONDOMINIUM
PARCEL I



2 BEDROOM - FIRST FLOOR
UNIT 20-C-2 S-1183

■ Structural Walls

This drawing accurately shows
the unit as constructed.

RALPH L. WOOLPERT CO.

By: Robert L. Burnett

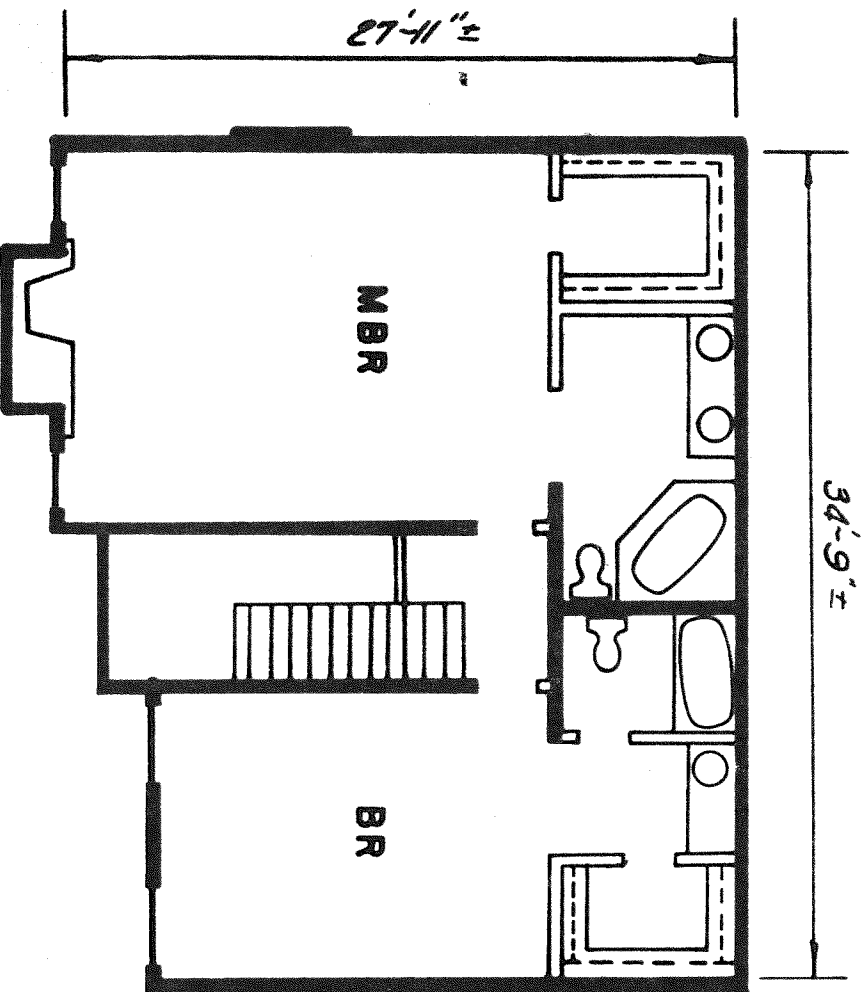
Robert L. Burnett, Surveyor N° 5515

By: Robert F. Archdeacon
Robert F. Archdeacon, Engineer N° 22446

EXHIBIT B-2

28 600005

GREENBRIER COMMONS CONDOMINIUM PARCEL I



2 BEDROOM - SECOND FLOOR
UNIT 20-C-2 S-1183

■ Structural Walls

This drawing accurately shows
the unit as constructed.

RALPH L. WOOLPERT CO.

By: *Robert L. Barnett*

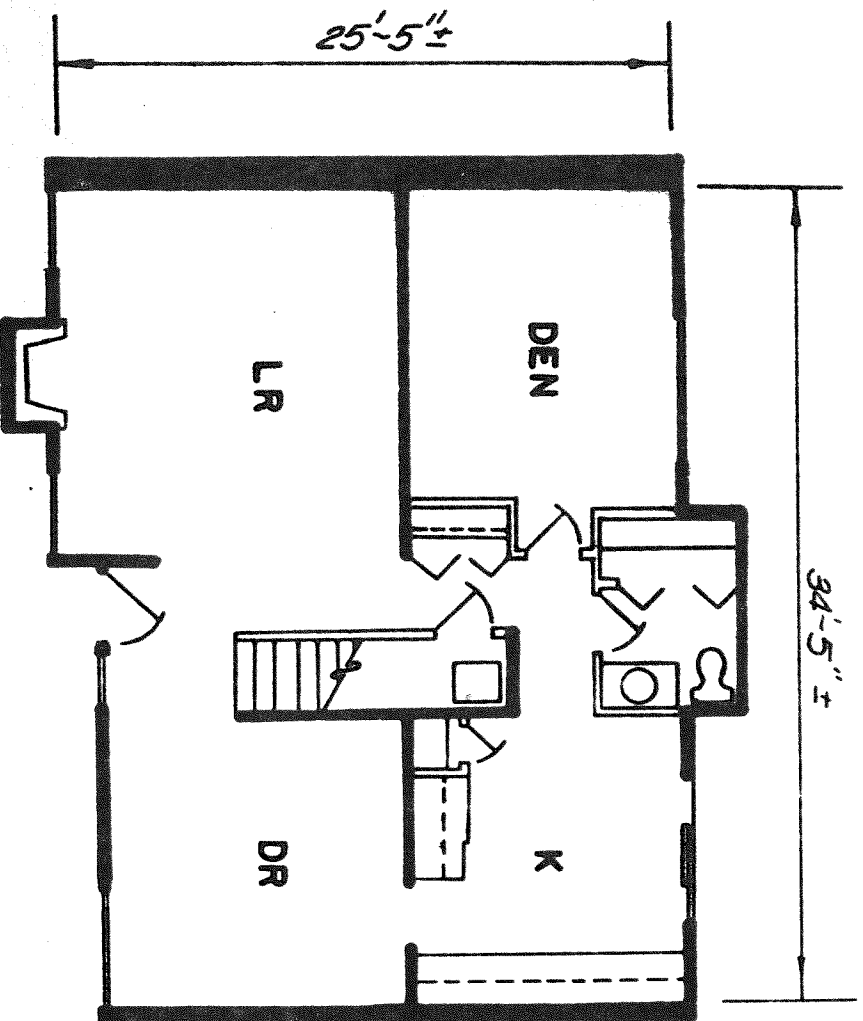
Robert L. Barnett, Surveyor N° 5515

By: *Robert F. Archdeacon*
Robert F. Archdeacon, Engineer N° 22446

EXHIBIT "B-3"

28
6000C06

GREENBRIER COMMONS CONDOMINIUM PARCEL I



3 BEDROOM-FIRST FLOOR
UNIT 20-C-3-1185

■ Structural Walls

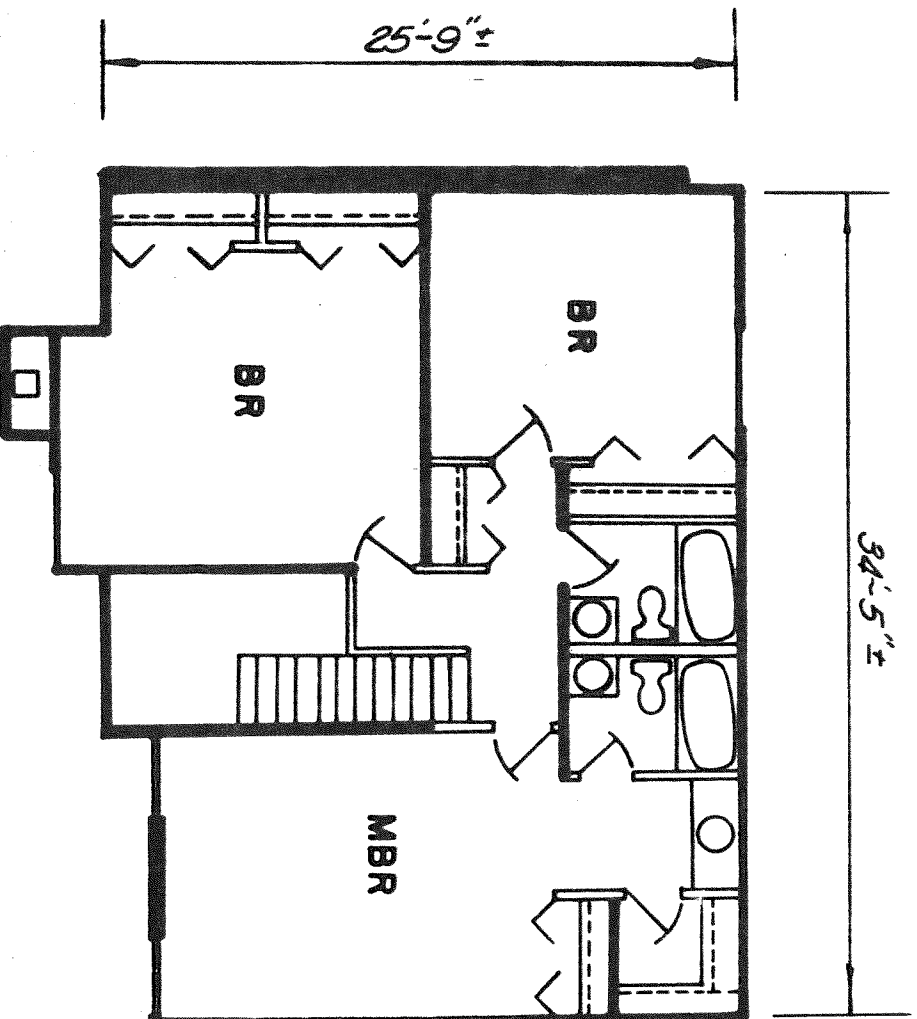
This drawing accurately shows
the unit as constructed.
RALPH L. WOOLPERT CO.

By: Robert L. Bornett
Robert L. Bornett, Surveyor No 5515

EXHIBIT "B-4"

By: Robert F. Archdeacon
Robert F. Archdeacon, Engineer No 22446

GREENBRIER COMMONS CONDOMINIUM PARCEL I



3 BEDROOM - SECOND FLOOR
UNIT 20-C-3-1185

■ Structural Walls

This drawing accurately shows
the unit as constructed.

RALPH L. WOOLPERT CO.

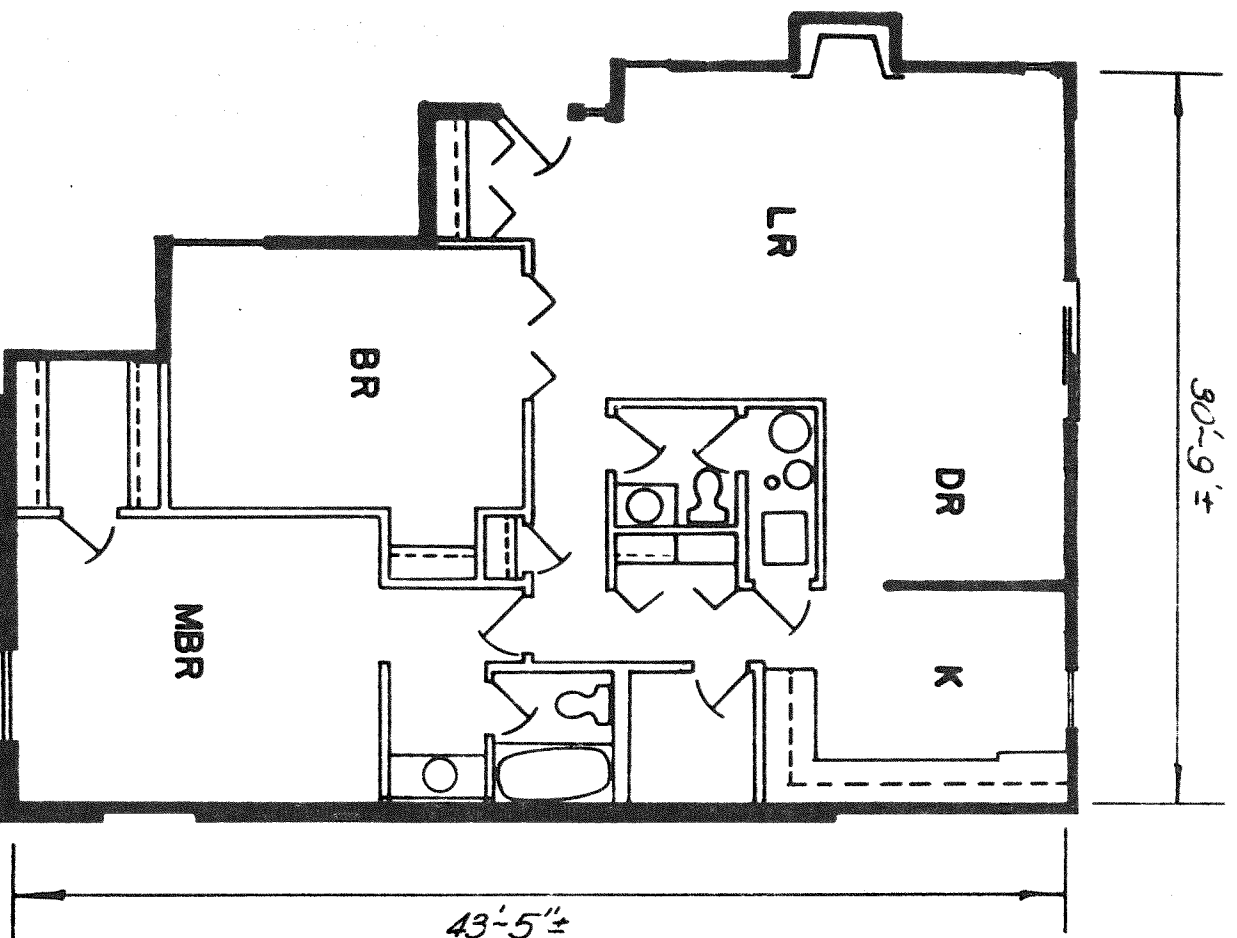
By: Robert L. Barnett
Robert L. Barnett, Surveyor No 5515

By: Robert F. Archdeacon
Robert F. Archdeacon, Engineer No 22446

EXHIBIT "B-5"

28 600008

**CONDOMINIUM
PARCEL D**



2 BEDROOM
UNIT 20-A-1187

Structural Walls

This drawing accurately shows the unit as constructed.

RALPH L. WOOLPERT CO.

By: Robert L. Barnett
Robert L. Barnett, Surveyor No 5515

By: Robert F. Archdeacon
Robert F. Archdeacon, Engineer N° 22446

EXHIBIT "B-6"

The within Condominium is Part of Lot #2 of Greenbrier Commons, Section One-B as recorded in Plat Book 104, Pg. 11 in the Plat Records of Montgomery County, Ohio, containing 2.338 Acres out of a 27.916 Acre tract conveyed to Albert G. Oaks, Jr. by deed recorded in Microfilm # 76-448 D08 in the deed records of Montgomery County, Ohio.

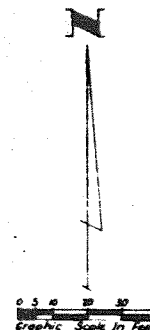
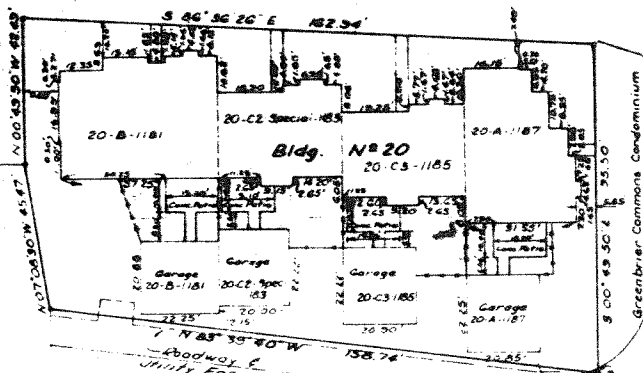
Greenbrier Commons Condominium
Parcel II
PB 104 Pg. 26

Part Lot #2
Albert G. Oaks, Jr.
M.F. # 76-448 D08

Greenbrier Commons Condominium
Parcel II
PB 105 Pg. 35

Greenbrier Commons Condominium
Parcel II
PB 104 Pg. 26

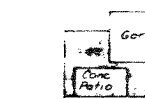
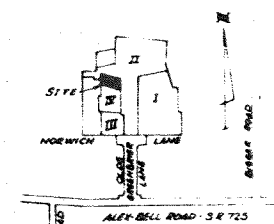
GREENBRIER LANE
OLD



CONDOMINIUM PLAN GREENBRIER COMMONS CONDOMINIUM PARCEL V

LOCATED IN
SECTION 10, TOWNSHIP 2, RANGE 6, N.R.S.
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO
CONTAINING 0.338 ACRES
SCALE 1"=20'
SEPT 15, 1978

ALBERT G. OAKS, JR.
M.F. # 76-448 D08



VICINITY MAP
NOT TO SCALE

TYPICAL UNIT
DETAIL

LEGEND

Indicates Limited Commons Area
Note: Utility Easements shown on the plat are not shown on this plan. The location of the easements is shown on the plat. The location of the easements is shown on the plat. The location of the easements is shown on the plat.

CERTIFICATION

I hereby certify, as being a true and correct copy of the original, that the within plat is a true and correct copy of the original. The location of the easements is shown on the plat. The location of the easements is shown on the plat. The location of the easements is shown on the plat.

RALPH L. WOOLPERT COMPANY

Robert L. Barnett, Reg. Engineer # 10517, Date: Oct. 2, 1978
Robert L. Barnett, Reg. Engineer # 10517, Date: Oct. 2, 1978
Robert L. Barnett, Reg. Engineer # 10517, Date: Oct. 2, 1978

APPROVED FOR DESCRIPTION AND OWNERSHIP

Montgomery County Engineer
JAMES E. TAYLOR, 10-20-78
Date: 10-20-78
Checked By: J. E. P. S.

Note: Building dimensions are finished exterior walls. Finished grade.

78 600C10

EXHIBIT "D" - PERCENTAGE OF OWNERSHIP IN THE COMMON AREAS

<u>UNIT DESIGNATION</u>	<u>PERCENTAGE</u>
11-3-1201	2.59
11-2-1203	2.36
11-1-1205	1.65
11-1-1207	1.65
11-1-1209	1.65
11-A-1211	1.92
12-1-1200	1.65
12-1-1202	1.65
12-C-1204	2.66
12-1-1206	1.65
12-1-1208	1.65
14-A-1210	1.92
14-3-1212	2.59
14-2-1214	2.36
14-C-6850	2.66
14-1-6852	1.65
14-1-6854	1.65
15-1-1237	1.65
15-3-1235	2.59
15-2-1233	2.36
15-B-1231	2.65
16-3-1224	2.59
16-2-1227	2.36
16-2-1225	2.36
16-3-1223	2.59
16-A-1221	1.92
17-3-1219	2.59
17-2-1217	2.36
17-1-1215	1.65
17-A-1213	1.92
18-A-1151	2.12
18-C-2-1153	2.61
18-C-3-1155	3.01
18-B-1157	2.59
19-A-6851	2.12
19-C-2-6855	2.61
19-C-3-6857	3.01
19-B-6859	2.66
20-A-1187	2.12
20-C-3-1185	3.01
20-C-2S-1183	3.01
20-B-1181	2.59

<u>GARAGE UNIT DESIGNATION</u>	<u>PERCENTAGE</u>
11-G-1	.28
11-G-2	.28
13-G-1	.28
13-G-2	.28
13-G-3	.28
13-G-4	.28
13-G-5	.28
13-G-6	.28
14-G-1	.28
14-G-2	.28
15-G-1	.28
15-G-2	.28
15-G-3	.28
15-G-4	.28
16-G-1	.28
16-G-2	.28
17-G-1	.28
17-G-2	.28

TOTAL

100.00%

EXHIBIT "E"

CONSENT OF MORTGAGEE

The undersigned, James D. Harper, Jr., not individually but as Trustee on behalf of Frank E. Feder, Abner D. Goldstine, James D. Harper, Jr., James C. Hill, Allen T. Murphy, Albert G. Oakes, aka Albert G. Oaks, and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, the holder of a certain Mortgage Deed recorded in Mortgage Book 2865, Page 22 of the Mortgage Records as recorded in the Office of the Recorder of Montgomery County, Ohio, hereby consents to the execution of this Amendment to Declaration of Condominium Ownership with Exhibits thereto and to the filing thereof in the Office of the County Recorder of Montgomery County, Ohio, and further subjects the above described mortgage to the provisions of this Amendment to the Declaration of Condominium Ownership.

IN WITNESS WHEREOF, James D. Harper, Jr., not individually but as Trustee on behalf of Frank E. Feder, Abner D. Goldstine, James D. Harper, Jr., James C. Hill, Allen T. Murphy, Albert G. Oakes, aka Albert G. Oaks and Boyd J. Simmons, not individually but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust, by Jeff Hwin and Brian J. Weber, have set their hands this 10 day of October, 1978.

SIGNED IN THE PRESENCE OF:

Witness [Signature]

By: [Signature] as

Witness [Signature]

By: [Signature] as

STATE OF California)
COUNTY OF Orange) SS:

I, Susan Wisdom, a Notary Public in and for said County of the State of California, do hereby certify that as Jeff Hwin and Brian J. Weber and any successors and any heirs of Continental Illinois Realty, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such cont. Secretary and cont. Treasurer, appeared before me this day and acknowledged that they duly authorized, signed and delivered the said instrument as their own free and voluntary act of said real estate investment trust.

Given under my hand and notarial seal this 10 day of October, 1978.

OFFICIAL SEAL
SUSAN WISDOM
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My comm. expires JUL 23, 1982
86, 62 138
Susan Wisdom
Notary Public