

RECORDED

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*Book 109
Page 52*

See 131.30

EIGHTH AMENDMENT
TO
AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
GREENBRIER COMMONS CONDOMINIUMS
TO ADD A PORTION OF
PHASE III

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 Eighth Amend-
ment is recorded in
Plat Book *109*
at Page *52*

08-91-00

80 17R04 -

THIS AMENDMENT to the Declaration of Condominium ownership is made this 20th day of January, 1980, 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, on November 28, 1978, 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, Boyd J. Simmons, Martin Fenton, Jr., and Herbert T. Lundahl, not individually, but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust conveyed to Ohio Midwest Development Corporation, an Ohio Corporation, certain real estate described in Exhibits "B" and "B-1" to the Amended and Restated Declaration of Condominium Ownership as additional land that could be added to the Plan of Condominium Ownership for Greenbrier Commons Condominiums. This conveyance was filed for record with the Montgomery County Recorder's Office on December 12, 1978, and is recorded in Deed Record 78-703C05 of the Deed Records of Montgomery County, Ohio. This conveyance included all right, title and interest to the Declaration of Condominium Ownership for Greenbrier Commons Condominiums, including, but not limited to, the right to add the additional land so conveyed to the plan of Condominium Ownership for Greenbrier Commons Condominiums; and

WHEREAS, the following amendments to the Amended and Restated Declaration of Condominium Ownership have been filed:

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio;
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio;
- C. Third Amendment executed on October 10, 1978, and recorded in Microfiche 78-600B07 of the Deed Records of Montgomery County, Ohio.

and recorded in Microfiche 77-704A01 of the Deed Records of Montgomery County, Ohio, and as further expanded and amended by the following Amendments to the Declaration of Condominium Ownership;

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio;
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio; and
- C. Third Amendment executed on October 10, 1978, and recorded in Microfiche 78-600B07 of the Deed Records of Montgomery County, Ohio; and
- D. Fourth Amendment executed on October 10, 1978, and recorded in Microfiche 78-617A01 of the Deed Records of Montgomery County, Ohio.
- E. Fifth Amendment executed on March 31, 1979, and recorded in Microfiche 79-204E05 of the Deed Records of Montgomery County, Ohio.
- F. Sixth Amendment executed on May 10, 1979, and recorded in Microfiche 79-235A01 of the Deed Records of Montgomery County, Ohio.
- G. Seventh Amendment executed on August 16, 1979, and recorded in Microfiche 79-450A01 of the Deed Records of Montgomery County, Ohio.
- H. Eighth Amendment executed on _____, 19____, and recorded in Microfiche _____ of the Deed Records of Montgomery County, Ohio.

SECTION THREE - DESCRIPTION OF BUILDINGS: There are four buildings built upon the land described in Exhibit "A" and being added to Greenbrier Commons Condominiums. These buildings are one and two stories in height and are built on a slab foundation (no basement), are of frame construction with brick veneer and 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 the 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 Eighth Amendment:

UNIT DESIGNATION	NUMBER OF ROOMS	APPROXIMATE SQUARE FOOTAGE OF LIVING AREA	
26-A-6803	5	1,197	
26-B-6805	6	1,525	
26-B-6807	6	1,525	
26-A-6809	5	1,197	

SECTION FOUR - LOCATION OF BUILDINGS: The buildings which are being added to Greenbrier Commons Condominiums are numbered building numbers twenty-six (26). Buildings are located on Kantwell Lane, 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 Lane and Alexandersville-Belbrook Road, which are public right-of-ways. The location of the buildings are 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 Eighth 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 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 Eighth 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 the 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 Eighth Amendment; and

B. Unit Warranty

Declarant hereby furnishes 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 Eighth Amendment.

IN WITNESS WHEREOF, this Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed on the date first written above by Ohio Midwest Development Corporation, an Ohio Corporation, by James C. Mastandrea, President and Thomas P. Martin, Assistant Secretary 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:

OHIO MIDWEST DEVELOPMENT CORPORATION, an Ohio Corporation

WITNESS

By:

James C. Mastandrea,
President

WITNESS

By:

Thomas P. Martin,
Assistant Secretary

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

Before me, a Notary Public in and for said County and State, personally appeared the above named OHIO MIDWEST DEVELOPMENT CORPORATION, an Ohio Corporation, by James C. Mastandrea, as President, and Thomas P. Martin, as Assistant Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have set my hand and official seal this 21st day of December, 1979.

MARGARET MONTGOMERY, Notary Public
in and for the State of Ohio, My Commission Expires June 30, 1980
Notary Public

IN WITNESS WHEREOF, this Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed by Ohio Midwest Development Corporation, an Ohio Corporation, by James C. Mastandrea, as President, and Thomas P. Martin, as Assistant Secretary, 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:

OHIO MIDWEST DEVELOPMENT CORPORATION, an Ohio Corporation, 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;

Margaret Ann Stiles
Witness

By: James C. Mastandrea

Thomas P. Martin
Witness

By: Thomas P. Martin

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

Before me, a Notary Public in and for said County and State, personally appeared Ohio Midwest Development Corporation, an Ohio Corporation, 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, by James C. Mastandrea, as President and Thomas P. Martin, as Assistant Secretary, who acknowledge that they did execute the foregoing Eighth Amendment to the Amended and Restated Declaration of Condominium Ownership and that the same is their free act and deed.

IN WITNESS WHEREOF, I have set my hand and official seal this 21st day of January, 1980.

Margaret Ann Stiles
Notary Public

MARGARET ANN STILES, Notary Public
in and for the State of Ohio
My Commission Expires June 30, 1980

INDEX OF EXHIBITS

Exhibit "A" - Legal Description of 0.535
(Portion of Phase III)

Exhibit "B-1" - Floor Plan - Unit 26-A-6803
Exhibit "B-2" - Floor Plan - Unit 26-B-6805
Exhibit "B-3" - Floor Plan - Unit 26-B-6807
Exhibit "B-4" - Floor Plan - Unit 26-A-6809

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

Exhibit "D" - Percentage of Ownership in Common Areas

Exhibit "E" - Consent of Mortgagee - Continental Illinois
Realty

Exhibit "F" - Consent of Mortgagee - Third National Bank &
Trust Company

John W. Judge Engineering Company

CONSULTANT ENGINEERING

1201 EAST DAVID ROAD

DAYTON, OHIO 45429

Description of
Greenbrier Commons Condominium Parcel IX

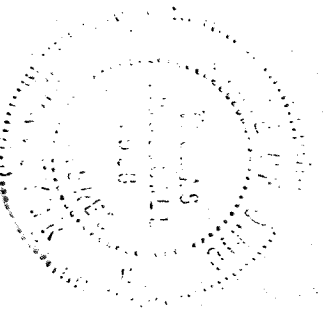
Situate in Section 20, Town 2, Range 6 MRS, City of Centerville, Montgomery County, Ohio and being part of Lot 5, Greenbrier Commons, Section 2 as recorded in Book 106, Page 72 of the Plat Records of Montgomery County, Ohio and being a tract of land more particularly described as follows:

Starting at a point on the north right of way line of Norwich Lane, said point also being on the west boundary line of a tract of land conveyed to Acro Realty Co., Inc. as recorded in Book 2242, Page 502 of the Deed Records of Montgomery County, Ohio, said point also being the southeast corner of Greenbrier Commons Condominium, Parcel VII as recorded in Book 107, Page 53 of the Plat Records of Montgomery County, Ohio; thence N 00° 49' 50" W with the west boundary line of said Acro Realty Co., Inc. tract a distance of 297.00 feet to the true place of beginning of this description, said point of beginning also being the northeast corner of Greenbrier Commons, Parcel VIII as recorded in Book 108, Page 37 of the Plat Records of Montgomery County, Ohio;

thence from said true place of beginning N 88° 49' 50" W with the north line of said Parcel VII a distance of 135.08 feet to a point; thence leaving said Parcel VII N 00° 49' 50" W a distance of 170.42 feet to a point; thence N 89° 10' 10" E a distance of 135.00 feet to a point on the west boundary line of said Acro Realty Co., Inc. tract; thence S 00° 49' 50" E with said boundary line a distance of 175.13 feet to the place of beginning containing 0.535 acres, more or less, subject, however, to all legal easements and restrictions of record.

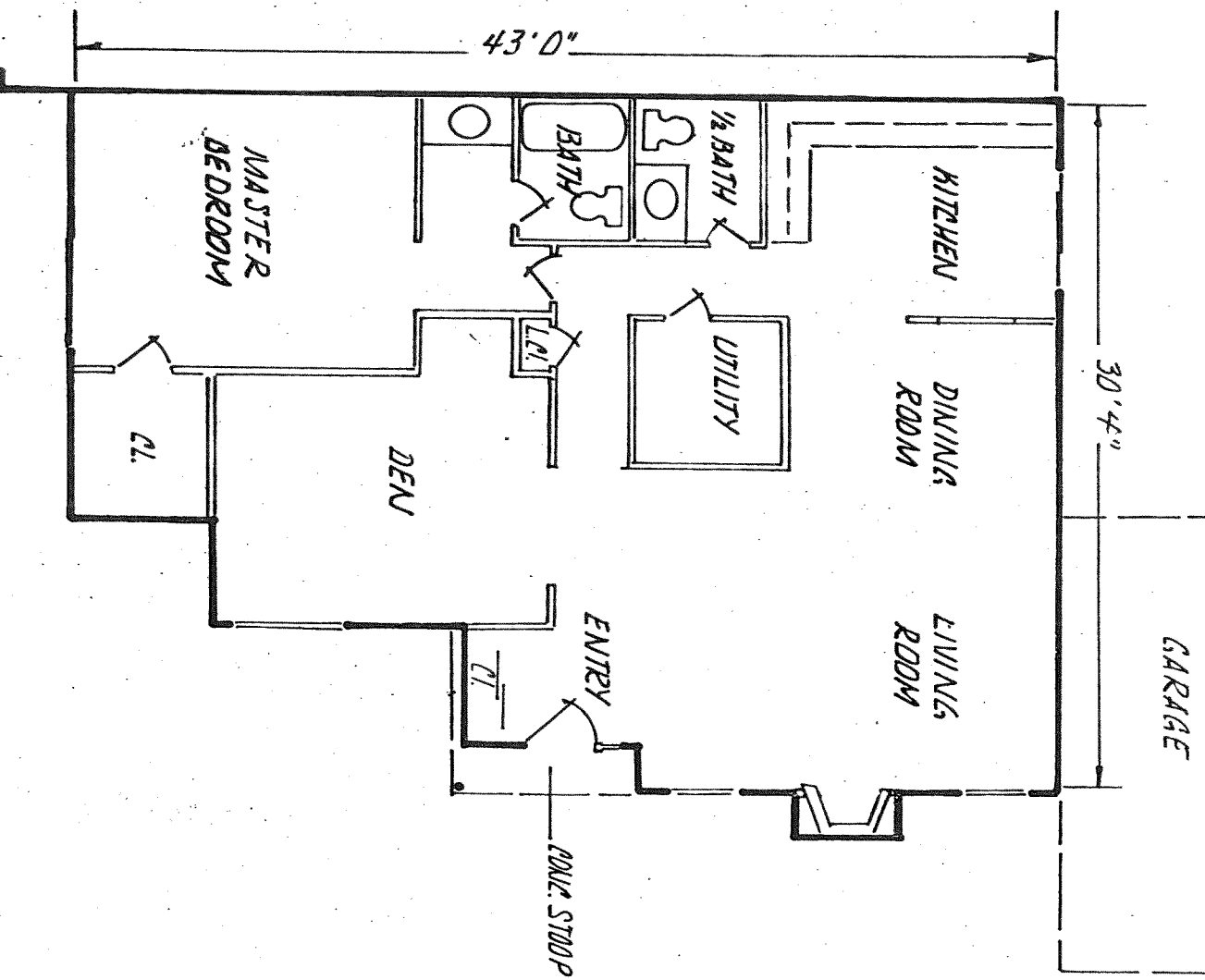
Thomas M. McDougall

Thomas McDougall
Registered Surveyor No. 6588
December 20, 1979



80 17B12

GREENBRIER CONDOMS CONDOMINIUM PARCEL 1X



1 BEDROOM UNIT ~ 26-A-6803
1250 SF ±

Note: Shaded walls are structural walls.

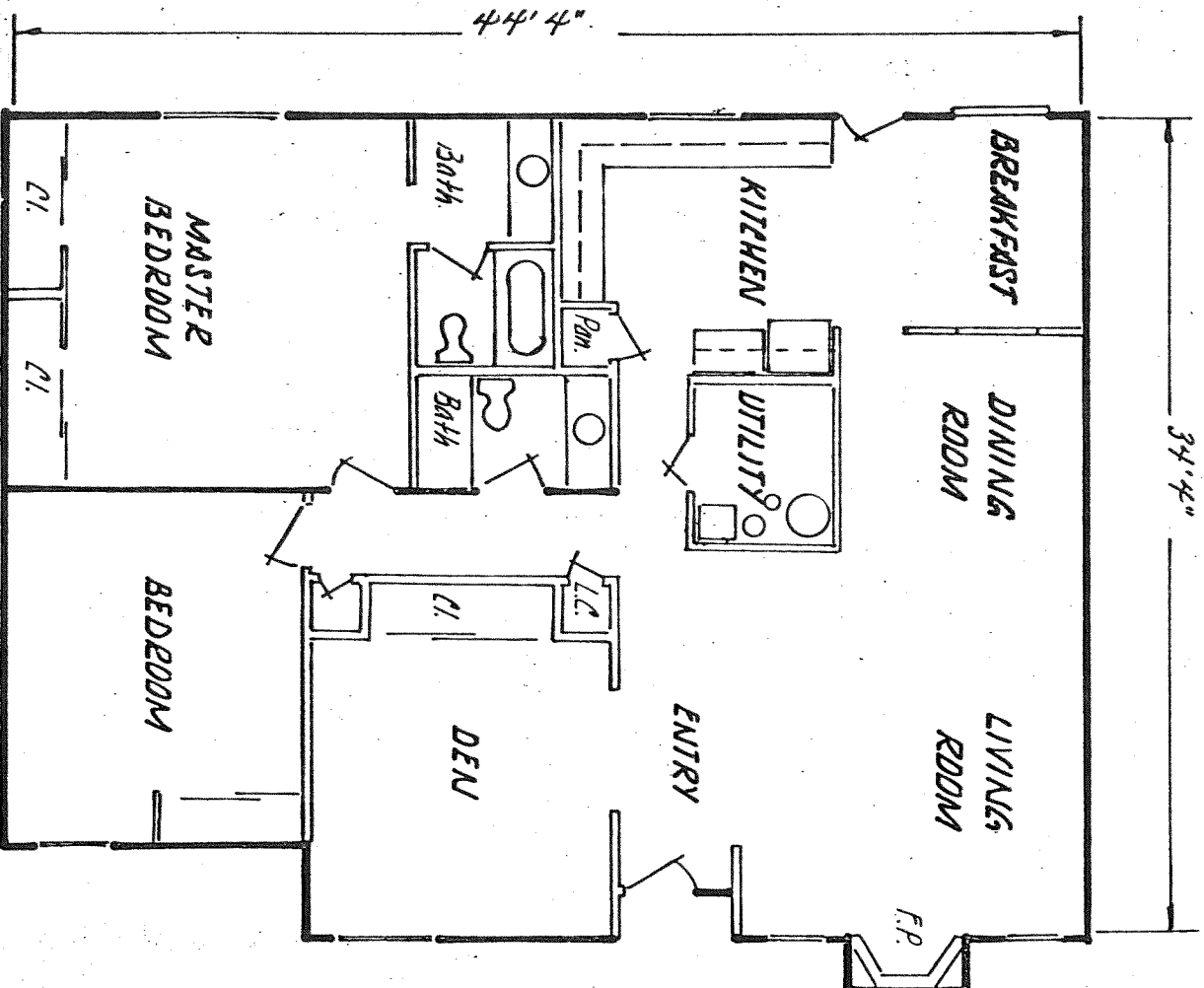
This drawing accurately shows the
unit as constructed.

JOHN W. JUDGE ENGINEERING COMPANY

By: John W. Judge
John W. Judge, Reg. Engineer # 20611

By: Thomas McDougall
Thomas McDougall, Reg. Surveyor # 6588

GREENBRIER COMMONS CONDOMINIUM PARCEL 1X



2 BEDROOM UNIT ~ 26-B-6805
1475 SF ±

Note: Shaded walls are structural walls.

This drawing accurately shows the
unit as constructed.

JOHN W. JUDGE ENGINEERING COMPANY

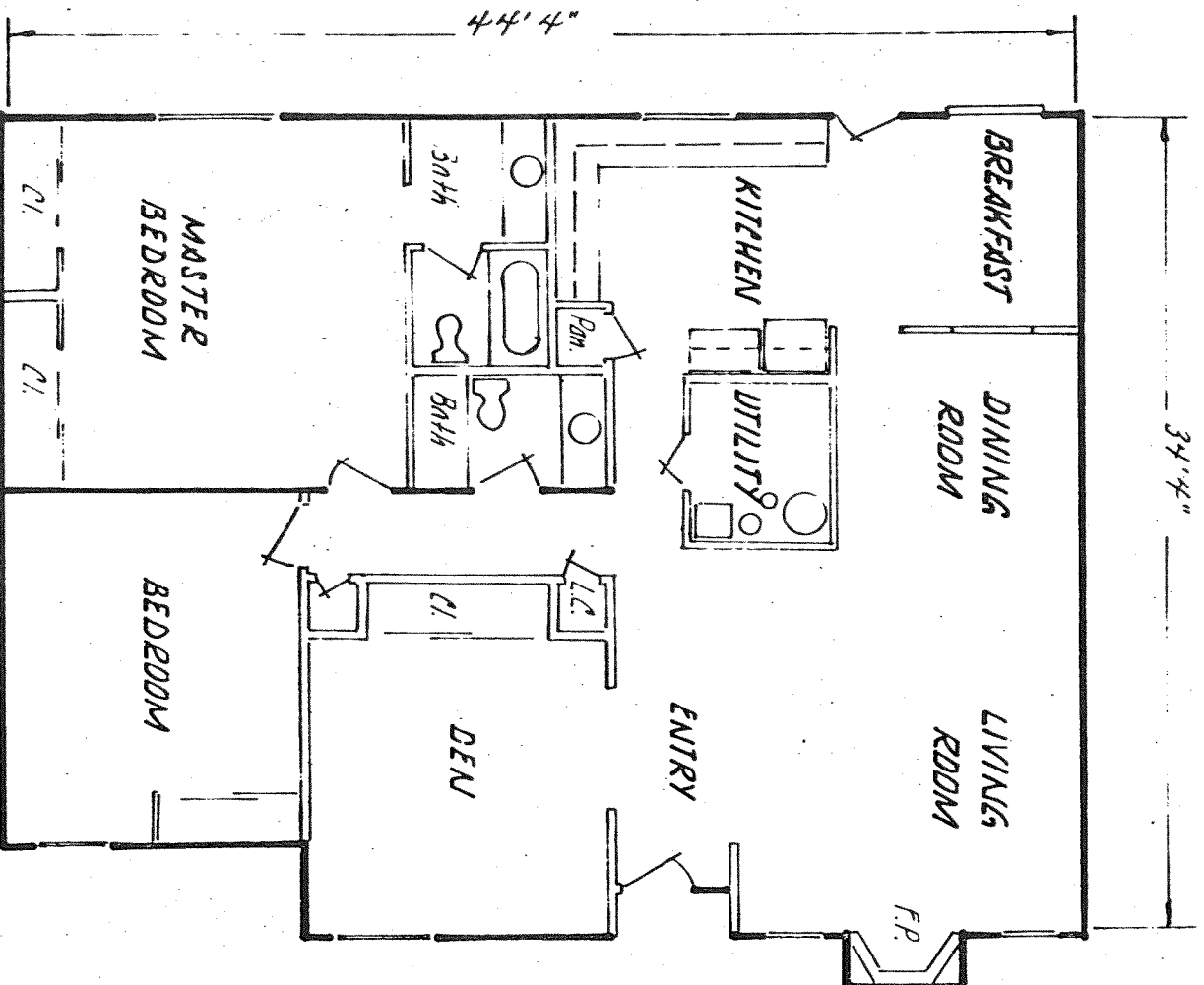
By: John W. Judge

John W. Judge, Registered Engineer # 20611

By: Thomas McDougall

Thomas McDougall, Registered Surveyor # 6588

GREENBRIER COMMONS CONDOMINIUM PARCEL 1X



2 BEDROOM UNIT ~ 26-B-6807.
1475 SF ±

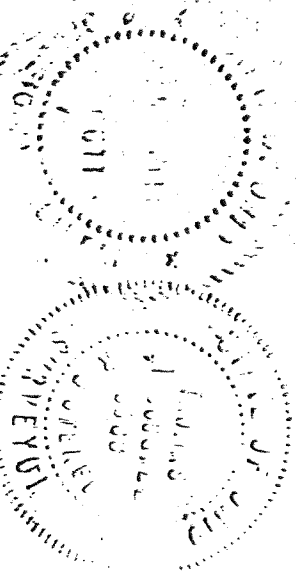
Note: Shaded walls are structural walls.

This drawing accurately shows the unit as constructed.

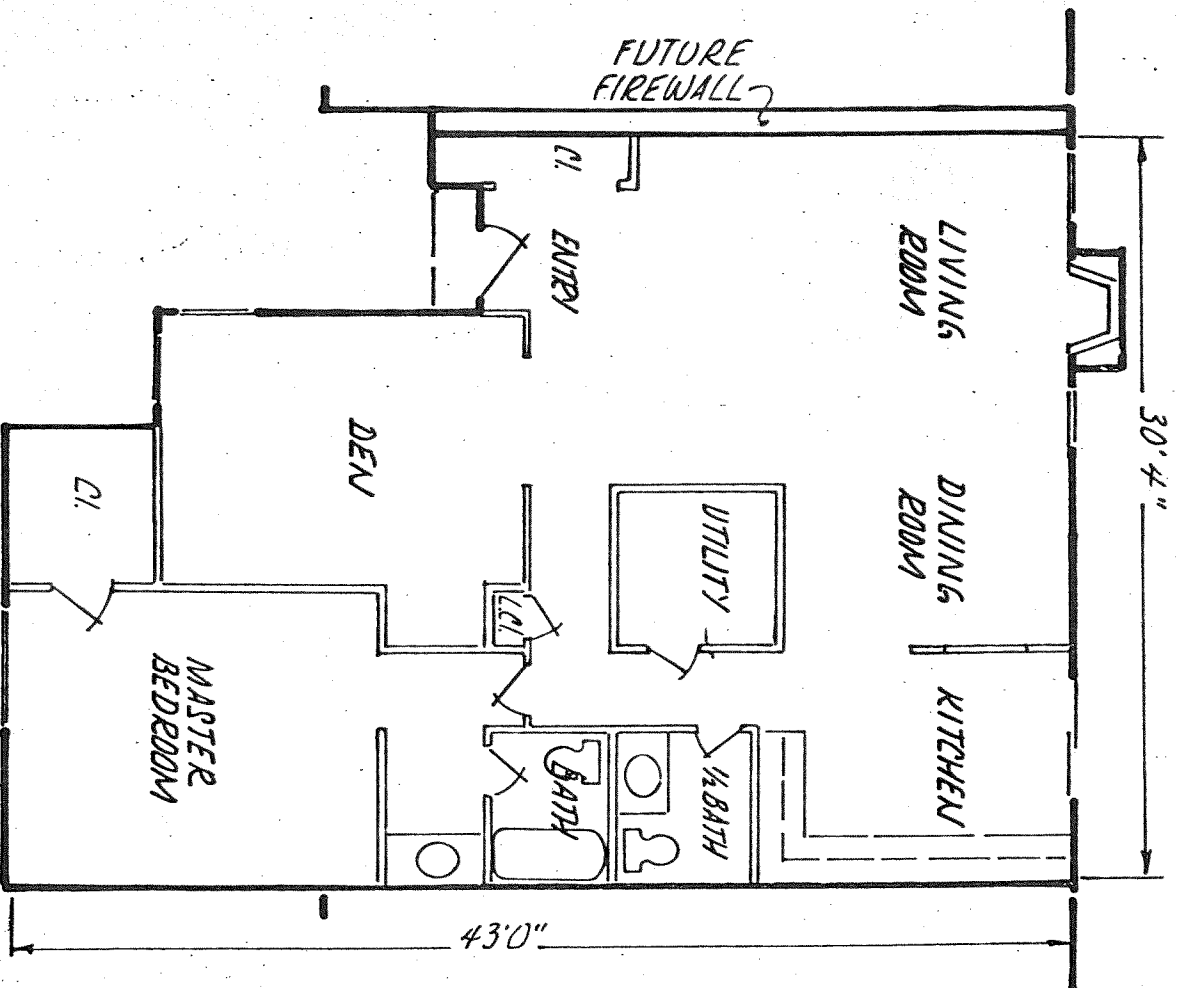
JOHN W. JUDGE ENGINEERING COMPANY

By: *John W. Judge*
John W. Judge, Registered Engineer # 20611

By: *Thomas McDougall*
Thomas McDougall, Registered Surveyor # 6508



GREENBRIER COMMONS
CONDOMINIUM
PARCEL 1X



1304

1 BEDROOM UNIT ~ 20-A-6809
1250 SF ±

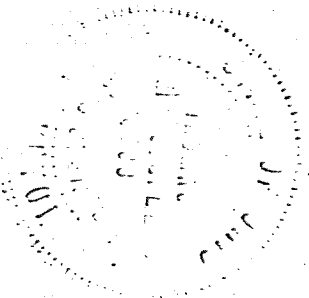
Note: Shaded walls are structural walls.

This drawing accurately shows the
unit as constructed.

JOHN W. JUDGE ENGINEERING COMPANY

By: John W. Judge
John W. Judge, Reg. Engineer #20611

By: Thomas McDowell
Thomas McDowell, Reg. Surveyor #6588



80 12004

CONDOMINIUM PLAN

CERTIFICATION:

ATKINS 22.01.2011 10:17 # 129

08-01-1

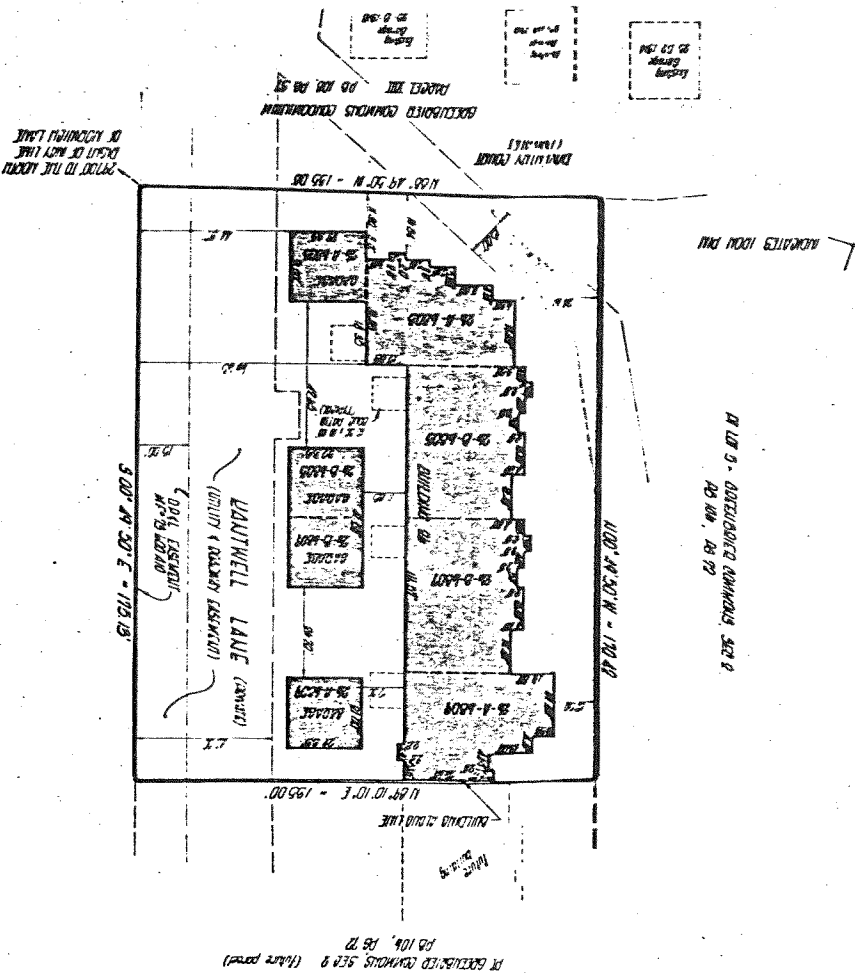


EXHIBIT "D" - PERCENTAGE OF OWNERSHIP IN THE
COMMON AREAS

<u>UNIT DESIGNATION</u>	<u>PERCENTAGE</u>
11-3-1201	1.84
11-2-1203	1.63
11-1-1205	1.27
11-1-1207	1.27
11-1-1209	1.27
11-A-1211	1.09
12-1-1200	1.27
12-1-1202	1.27
12-C-1204	1.77
12-1-1206	1.27
12-1-1208	1.27
14-A-1210	1.09
14-3-1212	1.84
14-2-1214	1.63
14-C-6850	1.77
14-1-6852	1.27
14-1-6854	1.27
15-1-1237	1.27
15-3-1235	1.84
15-2-1233	1.63
15-B-1231	1.77
16-3-1229	1.84
16-2-1227	1.63
16-2-1225	1.63
16-3-1223	1.84
16-A-1221	1.09
17-3-1219	1.84
17-2-1217	1.63
17-1-1215	1.27
17-A-1213	1.09
18-A-1151	1.12
18-C-2-1153	1.42
18-C-3-1155	1.66
18-B-1157	1.38
19-A-6851	1.12
19-C-2-6855	1.42
19-C-3-6857	1.66
19-B-6859	1.42
20-A-1187	1.12
20-C-3-1185	1.66
20-C-2S-1183	1.66
20-B-1181	1.38
21-A-1175	1.12
21-C-3-1173	1.66
21-B-1171	1.38
22-B-1169	1.38
22-C-2-1167	1.42
22-C-2S-1165	1.66
22-C-2S-1163	1.66
22-B-1161	1.38
23-D2-1301	1.58
23-D3-1303	1.68
23-D2-1305	1.58
23-B-1307	1.38
24-B-1302	1.38
24-D3-1304	1.68
24-D2-1306	1.58
24-D3-1308	1.68
25-B-1310	1.38
25-D-3-1312	1.68
25-D-2-1314	1.58
25-D-3-1316	1.68
25-B-1318	1.38
26-A-6803	1.12
26-B-6805	1.38
26-B-6807	1.38
26-A-6809	1.12

EXHIBIT "D" Continued

<u>GARAGE UNIT DESIGNATION</u>	<u>PERCENTAGE</u>
11-G-1	.09
11-G-2	.09
13-G-1	.09
13-G-2	.09
13-G-3	.09
13-G-4	.09
13-G-5	.09
13-G-6	.09
14-G-1	.09
14-G-2	.09
15-G-1	.09
15-G-2	.09
15-G-3	.09
15-G-4	.09
16-G-1	.09
16-G-2	.09
17-G-1	.09
17-G-2	.09
TOTAL	100.00%

CONSENT OF MORTGAGEE

CONTINENTAL ILLINOIS REALTY

Continental Illinois Realty, a California corporation, successor to, The undersigned, Continental Illinois Realty, a California Real Estate Investment Trust, the holder of a certain Open-End Mortgage and Assignment of Rents executed by Ohio Midwest Development Corporation, an Ohio Corporation, and dated December 1, 1978, and recorded in Mortgage Record 78-1711A01 of the Mortgage Records of Montgomery County, Ohio, hereby consents to the execution of this Amendment to the Declaration of Condominium Ownership with the Exhibits thereto, and to the filing thereof in the office of the County Recorder of Montgomery County, Ohio, and further subject the above described Mortgage to the provisions of this Declaration of Condominium Ownership.

IN WITNESS WHEREOF, Continental Illinois Realty, a California Real Estate Investment Trust, by Jeffrey K. Gwin, its Assistant Secretary, and Richard S. Robinson, its Assistant Treasurer, have set their hands this 4 day of January, 1980.

SIGNED IN THE PRESENCE OF:
CONTINENTAL ILLINOIS REALTY, A
CALIFORNIA CORPORATION, successor to,
CONTINENTAL ILLINOIS REALTY, A
CALIFORNIA REAL ESTATE INVESTMENT TRUST

Witness [Signature] BY: [Signature]
as Assistant Secretary

Witness Elizabeth A. Farn BY: [Signature]
as Assistant Treasurer

STATE OF CALIFORNIA)
) SS:
COUNTY OF ORANGE)

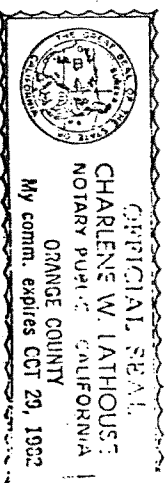
I, Charlene W. Lathouse, Notary Public in and for said County of the State of California, do hereby certify that Jeffrey K. Gwin and Richard S. Robinson as Officers of Continental Illinois Realty, a California Real Estate Investment Trust, personally known to me to be the same persons whose names are subscribed to the foregoing instruments as such Assistant Secretary and Assistant 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.

IN WITNESS WHEREOF, I have set my hand this 4 day of January, 1980.

Charlene W. Lathouse
Notary Public

This instrument prepared by:

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



*Continental Illinois Realty, a California corporation, successor to,

EXHIBIT "F"

CONSENT OF MORTGAGEE, THE THIRD NATIONAL BANK AND TRUST COMPANY

The undersigned, The Third National Bank and Trust Company, the holder of a certain Open-End Mortgage and Assignment of Rents executed by Ohio Midwest Development Corporation, an Ohio corporation and dated December 11th, 1979, and recorded in Mortgage Record No. 791120E03 of the Mortgage Records of Montgomery County, Ohio, hereby consents to the execution of this Eighth Amendment to the Amended and Restated Declaration of Condominium Ownership for Greenbrier Commons Condominiums with the Exhibits thereto, and to the filing thereof in the Office of the Recorder of Montgomery County, Ohio, and further subjects the above described Mortgage to the provisions of this Amended and Restated Declaration of Condominium Ownership.

This Consent does not constitute an approval by the undersigned, The Third National Bank and Trust Company, of the Amended and Restated Declaration of Condominium Ownership for Greenbrier Commons Condominiums with the Exhibits thereto or the Eighth Amendment thereto as to form, content or compliance with legal requirements with respect to which the undersigned disclaims responsibility.

IN WITNESS WHEREOF, The Third National Bank and Trust Company, by Peter O. Knapp, its Senior Vice President, and Shaw Emmons, its Assistant Vice President have set their hands this 11th day of January 1980.

SIGNED IN THE PRESENCE OF:

THE THIRD NATIONAL BANK
AND TRUST COMPANY

Witness [Signature] By [Signature]
as Senior Vice President

Witness [Signature] By [Signature]
as Assistant Vice President

STATE OF OHIO)
COUNTY OF MONTGOMERY) ss:

I, [Signature] Notary Public in and for said County of the State of Ohio, do hereby certify that [Signature] as of-
Ficers of The Third National Bank and Trust Company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such [Signature] 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 The Third National Bank and Trust Company.

IN WITNESS WHEREOF, I have set my hand this 11th day of January 1980.

[Signature]
Notary Public

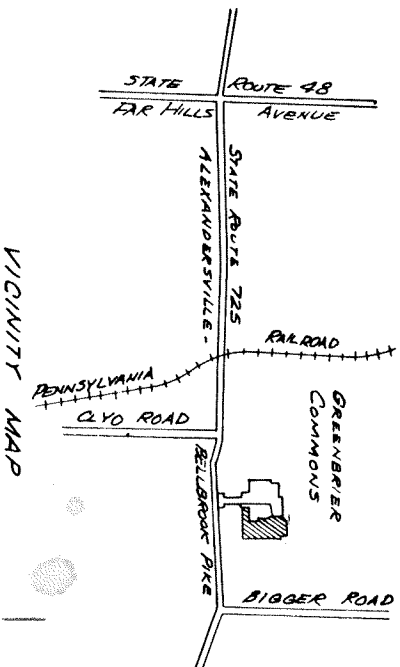
This instrument prepared by:
Thomas P. Martin, of
Jablonski, Folino & Roberts Co., L.P.A.
Attorneys at Law
One First National Plaza, Suite 1110
Dayton, Ohio 45402
513/461-5980

12C09
80

12633

VICINITY MAP
RECORDED
AUG 26 12 00 PM '81
73-90-B
HON. REC'D

TWELFTH AMENDMENT
TO
AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
GREENBRIER COMMONS CONDOMINIUMS
TO ADD A PORTION OF
PHASE III



Prepared By:
Harry G. Ebeling of
Pickrel, Schaeffer and Ebeling
Attorneys at Law
2700 Winters Bank Tower
Dayton, Ohio 45423
(513) 223-1130
© Copyright 1981
Centerville Realty Development
Inc.

Condominium Plot Plan
for this Twelfth Amend-
ment is recorded in
Plat Book 114
at Page 19-198

18.92 AUG 90

TRANSFERRED
ROBERT L. ROEDER
COUNTY CLERK

81 375A01

THIS AMENDMENT to the Declaration of Condominium ownership is made this 31st day of July, 1981, 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, on November 28, 1978, 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, Boyd J. Simmons, Martin Fenton, Jr., and Herbert T. Lundahl, not individually, but as Trustees on behalf of Continental Illinois Realty, a California Real Estate Investment Trust conveyed to Ohio Midwest Development Corporation, an Ohio Corporation, certain real estate described in Exhibits "B" and "B-1" to the Amended and Restated Declaration of Condominium Ownership as additional land that could be added to the Plan of Condominium Ownership for Greenbrier Commons Condominiums. This conveyance was filed for record with the Montgomery County Recorder's Office on December 12, 1978, and is recorded in Deed Record 78-703C05 of the Deed Records of Montgomery County, Ohio. This conveyance included all right, title and interest to the Declaration of Condominium Ownership for Greenbrier Commons Condominiums, including, but not limited to, the right to add the additional land so conveyed to the plan of Condominium Ownership for Greenbrier Commons Condominiums; and

WHEREAS, on December 29, 1980, Ohio Midwest Development Corporation, an Ohio Corporation, conveyed to Centerville Realty Development Inc., an Ohio Corporation, certain real estate described in Exhibits "B" and "B-1" to the Amended and Restated Declaration of Condominium Ownership as additional land that could be added to the Plan of Condominium Ownership for Greenbrier Commons Condominium. This conveyance was filed for record with the Montgomery County Recorder's Office on December 29, 1980, and is recorded in Deed Record 80-601-C11 of the Deed Records of Montgomery County, Ohio. This conveyance included all right, title and interest to the Declaration of Condominium Ownership for Greenbrier Commons Condominiums, including, but not limited to, the right to add the additional land so conveyed to the plan of Condominium Ownership for Greenbrier Commons Condominiums; and

WHEREAS, the following amendments to the Amended and Restated Declaration of Condominium Ownership have been filed and addi-

tional land has been added to the Plan of Condominium Ownership for Greenbrier Commons Condominium as follows:

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio;
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio;
- C. Third Amendment executed on October 10, 1978, and recorded in Microfiche 78-600B07 of the Deed Records of Montgomery County, Ohio.
- D. Fourth Amendment executed on October 10, 1978, and recorded in Microfiche 78-617A01 of the Deed Records of Montgomery County, Ohio.
- E. Fifth Amendment executed on March 31, 1979, and recorded in Microfiche 79-204E05 of the Deed Records of Montgomery County, Ohio.
- F. Sixth Amendment executed on May 10, 1979, and recorded in Microfiche 79-235A01 of the Deed Records of Montgomery County, Ohio.
- G. Seventh Amendment executed on August 16, 1979, and recorded in Microfiche 79-450A01 of the Deed Records of Montgomery County, Ohio.
- H. Eighth Amendment executed on January 2, 1980, and recorded in Microfiche 80-17804 of the Deed Records of Montgomery County, Ohio.
- I. Ninth Amendment executed on August 7, 1980, and recorded in Microfiche 80-332D03 of the Deed Records of Montgomery County, Ohio.
- J. Tenth Amendment executed on November 25, 1980, and recorded in Microfiche 80-544A01 of the Deed Records of Montgomery County, Ohio.
- K. Eleventh Amendment executed on November 25, 1980, and recorded in Microfiche 80-544C03 of the Deed Records of Montgomery County, Ohio.

WHEREAS, as provided in §22 of the Amended and Restated Declaration of Condominium Ownership, the Declarant reserves unto itself the right to add additional real property described in Exhibits "B" and "B-1" to the Amended and Restated Declaration as well as buildings, structures, and improvements, units, 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 Twelfth 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 reserves unto itself the right to amend 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 §22, 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 construction of two (2) additional buildings on the land described in Exhibit "A" containing eight units; and

WHEREAS, the Declarant desires to create an easement as improved for the benefit of the condominium to carry away surface water from a part of the land described in Exhibits "A" & "B" of the Amended and Restated Declaration subject to certain terms and conditions.

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, and to create a drainage easement for surface water.

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 and amended by the following Amendments to the Declaration of Condominium Ownership;

- A. First Amendment executed on February 9, 1978, and recorded in Microfiche 78-161B01 of the Deed Records of Montgomery County, Ohio;
- B. Second Amendment executed on May 18, 1978, and recorded in Microfiche 78-284D05 of the Deed Records of Montgomery County, Ohio; and
- C. Third Amendment executed on October 10, 1978, and recorded in Microfiche 78-600B07 of the Deed Records of Montgomery County, Ohio; and
- D. Fourth Amendment executed on October 10, 1978, and recorded in Microfiche 78-617A01 of the Deed Records of Montgomery County, Ohio.
- E. Fifth Amendment executed on March 31, 1979, and recorded in Microfiche 79-204E05 of the Deed Records of Montgomery County, Ohio.
- F. Sixth Amendment executed on May 10, 1979, and recorded in Microfiche 79-235A01 of the Deed Records of Montgomery County, Ohio.
- G. Seventh Amendment executed on August 16, 1979, and recorded in Microfiche 79-450A01 of the Deed Records of Montgomery County, Ohio.
- H. Eighth Amendment executed on January 2, 1980, and recorded in Microfiche 80-17B04 of the Deed Records of Montgomery County, Ohio.
- I. Ninth Amendment executed on August 7, 1980, and recorded in Microfiche 80-332D03 of the Deed Records of Montgomery County, Ohio.
- J. Tenth Amendment executed on November 25, 1980, and recorded in Microfiche 80-544A01 of the Deed Records of Montgomery County, Ohio.
- K. Eleventh Amendment executed on November 25, 1980, and recorded in Microfiche 80-544C03 of the Deed Records of Montgomery County, Ohio.

SECTION THREE - DESCRIPTION OF BUILDINGS: There are two (2) buildings built upon the land described in Exhibit "A" and being added to Greenbrier Commons Condominiums. These buildings are one and two stories in height and are built on a slab foundation (no basement), are of frame construction with brick veneer and 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 the 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 Twelfth Amendment:

<u>UNIT DESIGNATION</u>	<u>NUMBER OF ROOMS</u>	<u>APPROXIMATE SQUARE FOOTAGE OF LIVING AREA</u>
Bldg. 9 - 31-A-1302	5	1197
31-D2-1304	6	1778
31-B-1306	6	1525
Bldg. 10 - 32-B-1301	6	1525
32-D3-1303	7	1905
32-D3-1305	7	1905
32-D2-1307	6	1778
32-B-1309	6	1525

SECTION FOUR - LOCATION OF BUILDINGS: The buildings which are being added to Greenbrier Commons Condominiums are numbered building numbers thirty-one (31) and thirty-two (32). These buildings are located on Glastonbury Lane. Each unit has access for both vehicular and pedestrian traffic over the common areas and private roadways leading to Norwich Lane, Olde Greenbrier Lane and Alexandersville-Bellbrook Road, which are public right-of-ways. The location of the buildings are further described in drawings attached hereto as Exhibit "C".

SECTION FIVE - COMMON AREAS: The entire lands and improvements not included within a unit, and including the drainage easement shown on Exhibit "D", shall be common area.

SECTION SIX - DRAINAGE EASEMENT: Declarant hereby grants to the owners of units in all sections of the condominium, an undivided interest in the land described in Exhibit "D" as shown on Exhibit "D-1" attached hereto and incorporated by reference, to be a part of the common area, an easement for drainage of surface water. The condition of the easement is that the maintenance and responsibility for all activity on said easement shall be that of Greenbrier Commons Unit Owners Association, said easement being created for the benefit of the Condominium and being required by public authorities regulating such surface water flow. The term of the easement is for so long as the owner of the fee simple interest does not create, by culvert or other means satisfactory to regulatory authorities, a method for carrying away surface water from both the condominium property and the fee owners property. At such time as a substituted method of carrying away surface water is created, this easement shall terminate and notice thereof shall be recorded by the owner of the fee.

SECTION SEVEN - 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 EIGHT - 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 NINE - 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 Twelfth 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 TEN - 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 as provided in RC 5311.25(A).

SECTION ELEVEN - DECLARANT'S PROPERTY INTEREST IN AREAS AND FACILITIES: Control of the Condominium Development has been assumed by the Unit Owners Association. Declarant does 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 TWELVE - WARRANTIES: With reference to the residential dwelling units and common areas submitted to the Plan of Residential Condominium Ownership by this Twelfth 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 the 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 Twelfth Amendment; and

B. Unit Warranty

Declarant hereby furnishes 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 Twelfth Amendment.

IN WITNESS WHEREOF, this Twelfth Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed on the date first written above by Centerville Realty Development, Inc., an Ohio Corporation, by William Lyon, President, and Richard S. Robinson, Assistant Secretary 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:

CENTERVILLE REALTY DEVELOPMENT
INC., an Ohio Corporation

Witness

Joni H. Dunn

By [Signature]
William Lyon
President

Witness

Jana Marie Durrell

By [Signature]
Richard S. Robinson
Assistant Secretary

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named CENTERVILLE REALTY DEVELOPMENT INC., an Ohio Corporation, by William Lyon, as President, and Richard S. Robinson, as Assistant Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation, and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have set my hand and official seal
this 31st day of July, 1981



OFFICIAL SEAL
BARBARA L. PROFFITT
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires Sept. 17, 1982

Barbara L. Proffitt
Notary Public

IN WITNESS WHEREOF, this Twelfth Amendment to the Amended and Restated Declaration of Condominium Ownership has been executed by Centerville Realty Development Inc., an Ohio Corporation, by William Lyon, as President and Richard S. Robinson, as Assistant Secretary, 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 822 of the Amended and Restated Declaration of Condominium Ownership.

CENTERVILLE REALTY DEVELOPMENT INC.,
an Ohio Corporation, 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 in-
cluded within Greenbrier Commons
Condominium;

By [Signature]
William Lyon

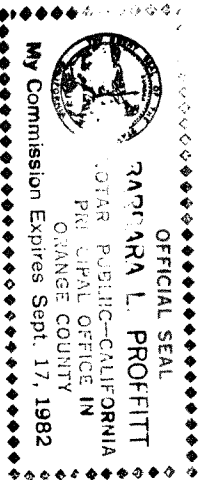
By [Signature]
Richard S. Robinson

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:

Before me, a Notary Public in and for said County and State, personally appeared Centerville Realty Development Inc., an Ohio Corporation, 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, by William Lyon, as President and Richard S. Robinson, as Assistant Secretary, who acknowledged that they did execute the foregoing

Twelfth Amendment to the Amended and Restated Declaration of Condominium Ownership and that the same is their free act and deed.

IN WITNESS WHEREOF, I have set my hand and official seal this 31st day of July, 1981.



Rarparra L. Proffitt
Notary Public

SCHEDULE OF EXHIBITS

- A. Legal Description of land being annexed by this 12th Amendment.
 - B. Floor Plans of individual units.
 - C. Location of buildings.
 - D. Drainage easement.
 - E. Percentage of ownership.
 - F. Consent of Mortgagee.
-

John W. Judge Engineering Company

CONSULTANT ENGINEERING

1201 EAST DAVID ROAD DAYTON, OHIO 45429

Description of Greenbrier Commons Condominium
Parcel XIII

Situate in Section 20, Town 2, Range 6 MRS, City of Centerville, Montgomery County, Ohio and being a part of Lot 5, Greenbrier Commons, Section 2 as recorded in Book 106, Page 72 of the Plat Records of Montgomery County, Ohio and being a portion of the 18.492 acre tract of land conveyed to Centerville Realty Development, Inc. as recorded in Microfiche 80-601C11 of the Deed Records of Montgomery County, Ohio, and being a tract of land more particularly described as follows:

Beginning at a point on the west boundary line of a tract of land conveyed to Acro Realty Company, Inc. as recorded in Book 2242, Page 502 of the Deed Records of Montgomery County, Ohio, said point also being the northeast corner of Greenbrier Commons Condominium Parcel X as re-recorded in Book 112, Page 9 of the Plat Records of Montgomery County, Ohio; thence S 89° 10' 10" W with the north boundary line of said Greenbrier Commons Condominium, Parcel X and Parcel XI a distance of 242.00 feet to a point, said point also being the northwest corner of Greenbrier Commons Condominium Parcel XI as re-recorded in Book 112, Page 9 of the Plat Records of Montgomery County, Ohio; thence S 00° 49' 50" E with the west line of said Parcel XI a distance of 140.00 feet to a point on the north line of Greenbrier Commons Condominium, Parcel XII as recorded in Book 112, Page 10 of the Plat Records of Montgomery County, Ohio; thence S 77° 57' 00" W with the said north line of Parcel XII a distance of 117.83 feet to a point on the east line of Greenbrier Commons Condominium, Parcel II as recorded in Book 104, Page 26 of the Plat Records of Montgomery County, Ohio; thence N 8° 15' 50" E with the boundary of said Parcel II a distance of 165.00 feet to a point; thence N 34° 06' 50" E a distance of 137.00 feet to a point; thence N 89° 10' 10" E a distance of 210.00 feet to a point; thence S 0° 49' 50" E a distance of 80.00 feet to a point; thence N 89° 10' 10" E a distance of 47.00 feet to a point on the west boundary line of the above mentioned Acro Realty Co., Inc. tract; thence S 0° 49' 50" E with the west line of said Acro Realty Co., Inc. tract a distance of 34.96 feet to the place of beginning containing 1.044 acres, more or less, subject, however, to all legal easements and restrictions of record.

Thomas McDougall

Thomas McDougall
Registered Surveyor No. 6588
July 22, 1981

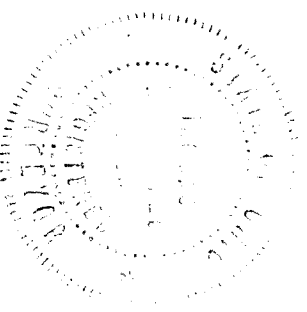
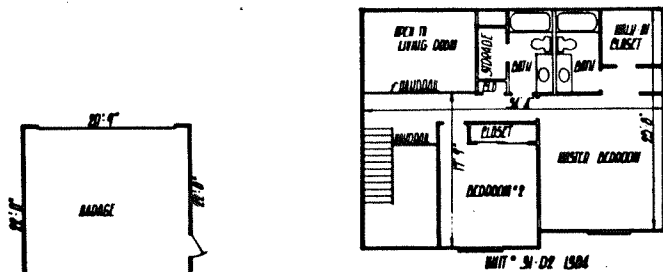


EXHIBIT A

- 81 375A09 -

**SECOND FLOOR PLAN
BUILDING * 91**



GREENBRIER COMMONS

CONDOMINIUM PARCEL XIII

CONTAINING 1044 ACRES

LOCATED IN

SECTION 20, TOWN 2, RANGE 6 NRS

CITY OF CENTERVILLE - MONTGOMERY COUNTY, OHIO

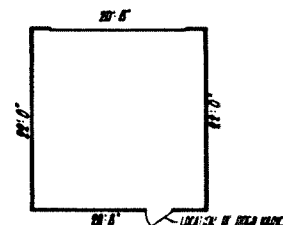
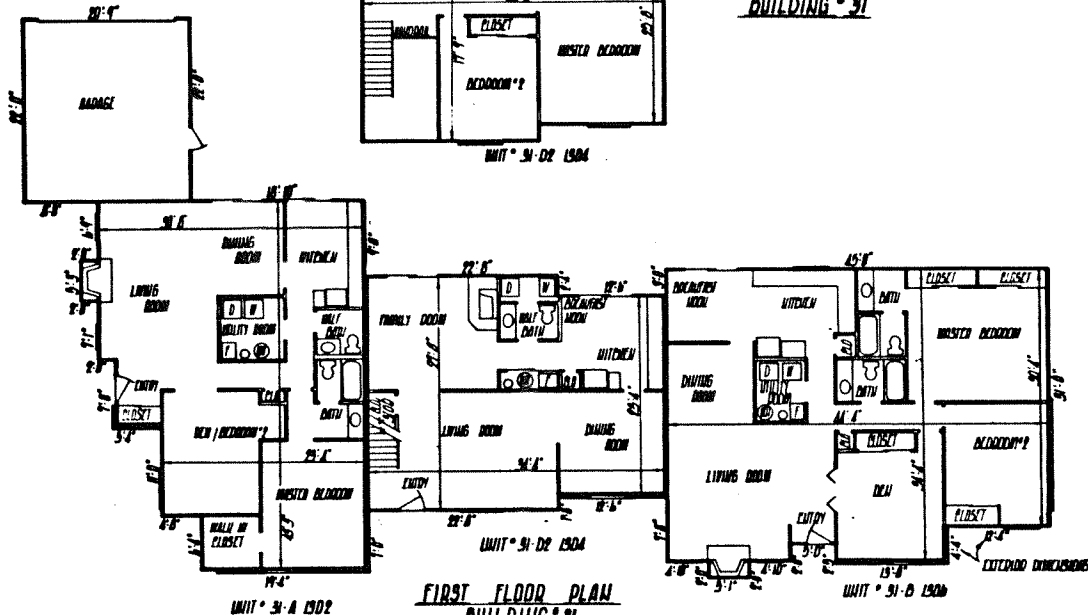
SCALE: 1/8" = 1'-0"

JULY, 1981

THIS INSTRUMENT WAS PREPARED BY
JOHN W. JUDGE ENGINEERING CO.
201 EAST DAVID ROAD
GETTYSBURG, OHIO 43940

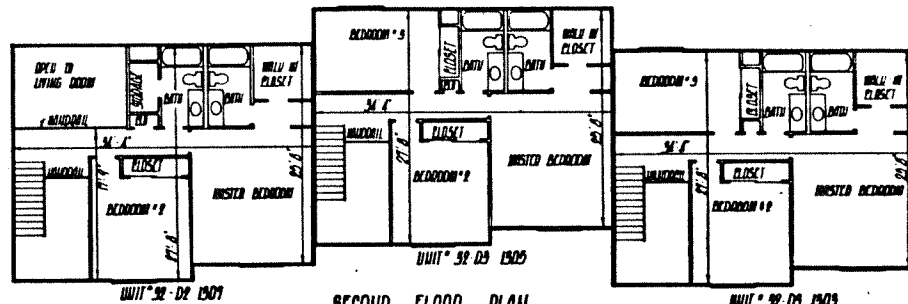
2"
24 18

**FIRST FLOOR PLAN
BUILDING * 91**

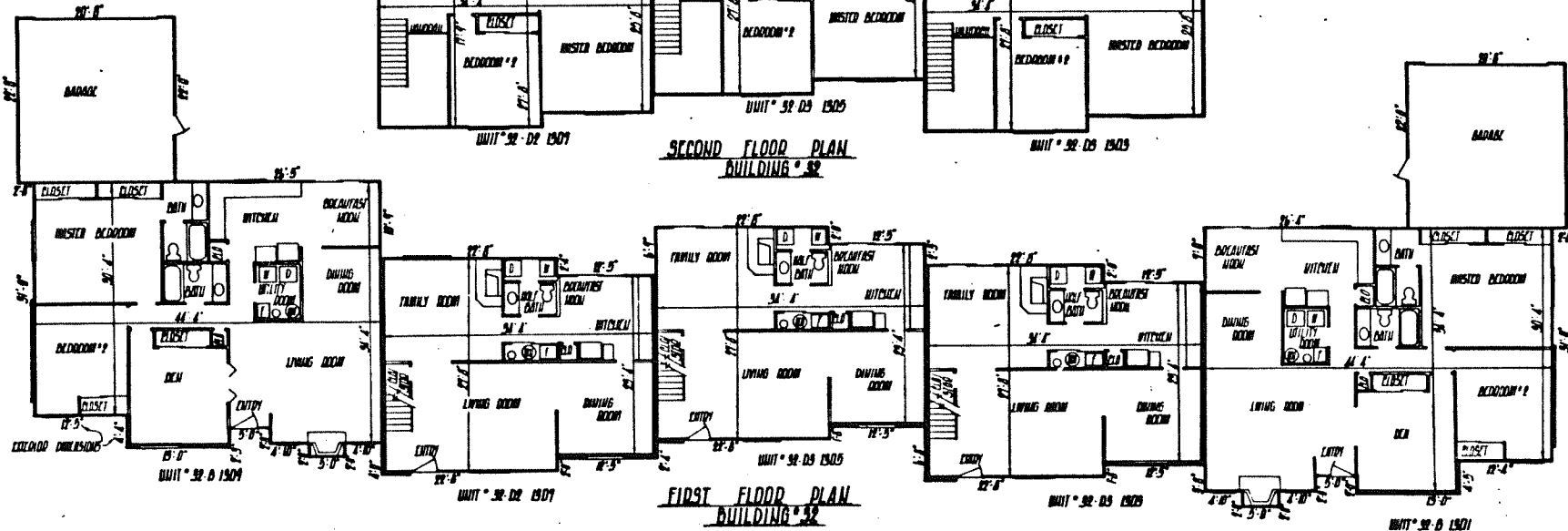


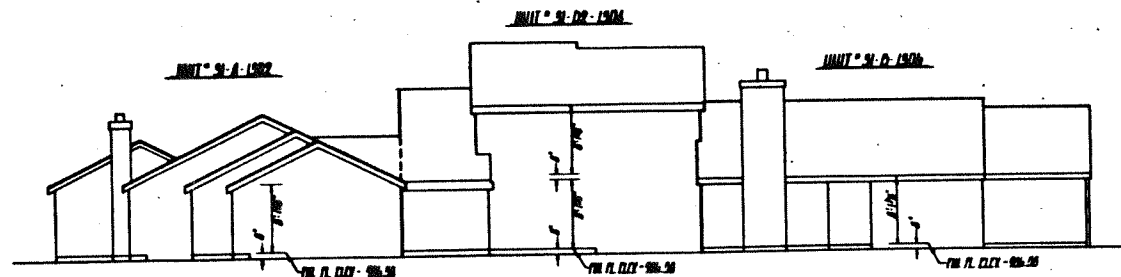
DETACHED GARAGE PLAN
(SEE SHEET 1 OF 3 FOR LOCATIONS)

**SECOND FLOOR PLAN
BUILDING * 92**

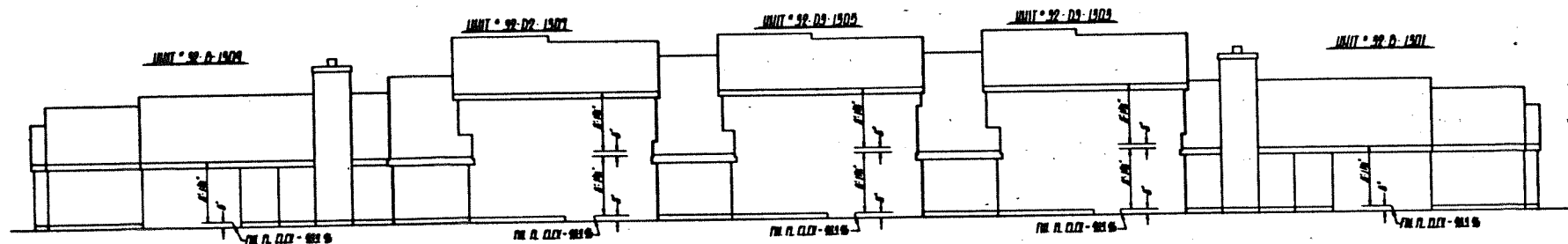


**FIRST FLOOR PLAN
BUILDING * 92**





VERTICAL UNIT DIMENSIONS - BUILDING #31



VERTICAL UNIT DIMENSIONS - BUILDING #32

GREENBRIER COMMONS

CONDOMINIUM

PARCEL XIII

CONTAINING 10.44 ACRES

LOCATED IN

SECTION 20, TOWNSHIP 2, RANGE 6 N. RD. 3

CITY OF CENTERVILLE - MONTGOMERY COUNTY, OHIO

SCALE: 1/8" = 1'-0"

JULY, 1981

THIS INSTRUMENT WAS PREPARED BY:
JOHN W. JUDGE ENGINEERING CO.
1801 EAST DAVENPORT ROAD
METTERIDGE, OHIO 45429



BLDG #31 - FRONT - NORTH END



BLDG #31 - FRONT - SOUTH END



BLDG #32 - FRONT



BLDG #32 - FRONT



BLDG #31 - REAR



BLDG #32 - REAR

BUILDING PHOTOGRAPHS

PHOTO DATE ~ 7-14-81



50°49'50"E 34.90'

GREENBRIER COMMONS
CONDOMINIUM
PARCEL III
CONTAINING 1.04 ACRES
UNITED IN
SECTION 10, TOWNSHIP 6 N, RANGE 6 N, EL
CITY OF CLEVELAND ~ CUYAHOGA COUNTY, OHIO
MAY 1981

THE ABOVE MAP WAS PREPARED BY
JAMES W. JONES ENGINEERING CO.
10000 W. 100th ST., CLEVELAND, OHIO 44130

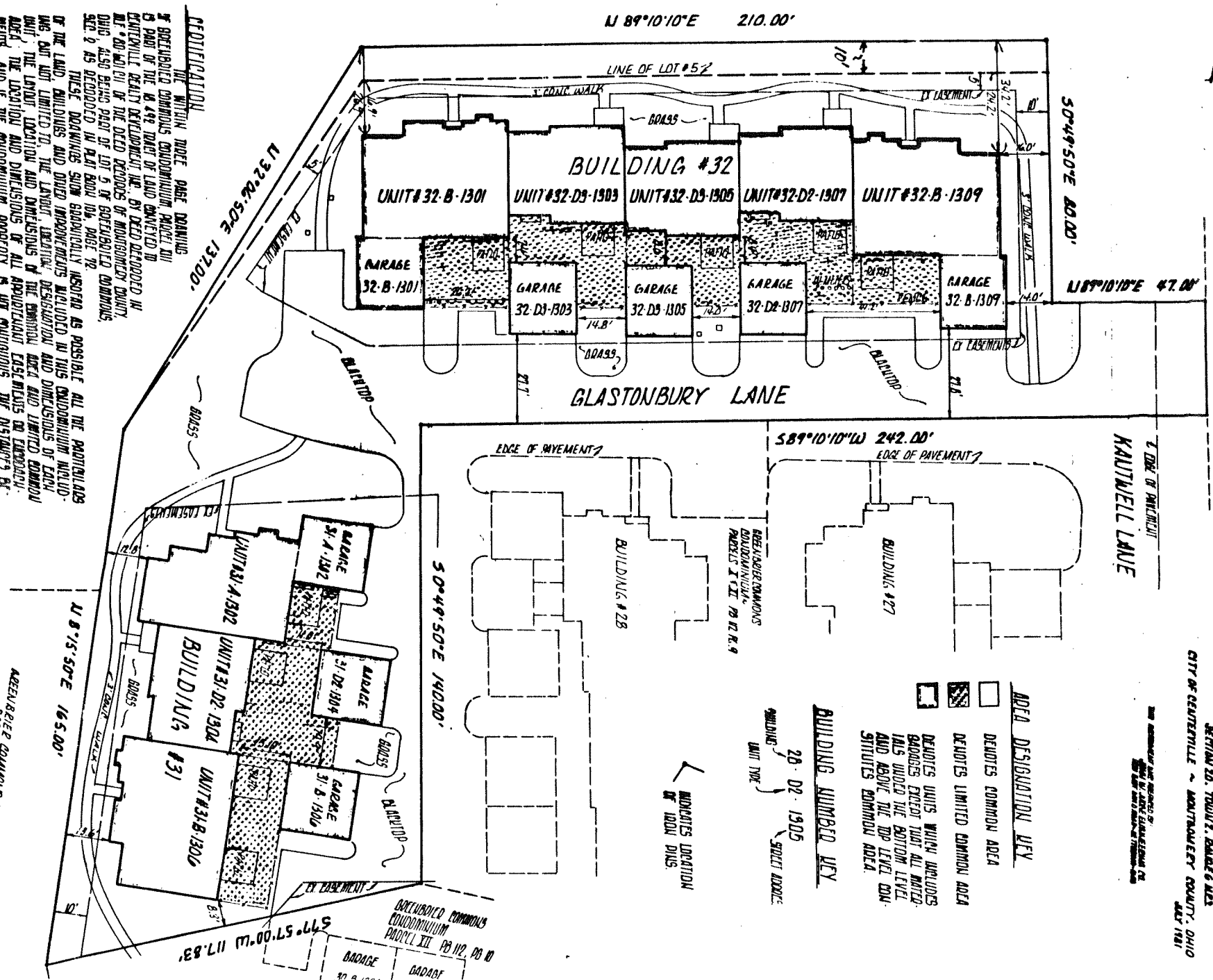
AREA DESIGNATION KEY

- ☐ DENOTES COMMON AREA
- ☒ DENOTES LIMITED COMMON AREA
- ☒ DENOTES UNITS WHICH INCLUDES GARAGES EXCEPT THOSE AT WATER LEVELS UNDER THE BOTTOM LEVEL AND ABOVE THE TOP LEVEL CONSTITUTES COMMON AREA.

BUILDING NUMBER KEY

- 20 - 02 - 1905
- SHADING UNIT TYPE
- SPECIES ADJUST

INDICATES LOCATION OF IRON PILES



CERTIFICATION
I, THE UNDERSIGNED, JAMES W. JONES, ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF OHIO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED ON THE MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THESE DRAWINGS ACCURATELY SHOW THE BUILDINGS AS CONSTRUCTED.

James W. Jones
JAMES W. JONES ENGINEERING CO.

James W. Jones
JAMES W. JONES ENGINEERING CO.

81 375A12

EXHIBIT C

John W. Judge Engineering Company

CONSULTANT ENGINEERING

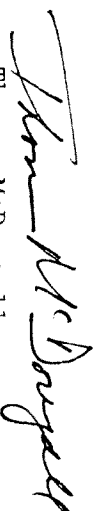
1201 EAST DAVID ROAD DAYTON, OHIO 45429

Description of an Easement for
Storm Drainage Improvements
for Greenbrier Commons Condominium

Situate in Section 20, Town 2, Range 6 MRs, City of Centerville, Montgomery County, Ohio and being an easement for storm drainage improvements upon the 18.492 acre tract of land conveyed to Centerville Realty Development, Inc. as recorded in Microfiche 80-601C11 of the Deed Records of Montgomery County, Ohio and being an easement more particularly described as follows:

Starting at a point on the west boundary line of a tract of land conveyed to Acro Realty Company, Inc. as recorded in Book 2242, Page 502 of the Deed Records of Montgomery County, Ohio, said point also being the northeast corner of Greenbrier Commons Condominium Parcel X as re-recorded in Book 112, Page 9 of the Plat Records of Montgomery County, Ohio; thence S 89° 10' 10" W with the north boundary line of said Greenbrier Commons Condominium, Parcel X a distance of 47.00 feet to a point; thence N 00° 49' 50" W a distance of 80.00 feet to the true place of beginning of this description;

thence from said true place of beginning S 89° 10' 10" W a distance of 210.00 feet to a point; thence S 32° 06' 50" W a distance of 137.00 feet to a point; thence S 08° 15' 50" W a distance of 48.43 feet to a point, said point also being the northeast corner of Greenbrier Commons Condominium, Parcel II as recorded in Book 104, Page 26 of the Plat Records of Montgomery County, Ohio; thence S 89° 10' 10" W with the south line of said Parcel II a distance of 10.13 feet to a point; thence N 8° 15' 50" E a distance of 50.03 feet to a point; thence N 23° 42' 11" E a distance of 169.91 feet to a point; thence S 85° 55' 53" E a distance of 224.65 feet to a point; thence S 00° 49' 50" E a distance of 22.00 feet to the place of beginning.



Thomas McDougall
Registered Surveyor No. 6588
July 22, 1981



EXHIBIT D-1

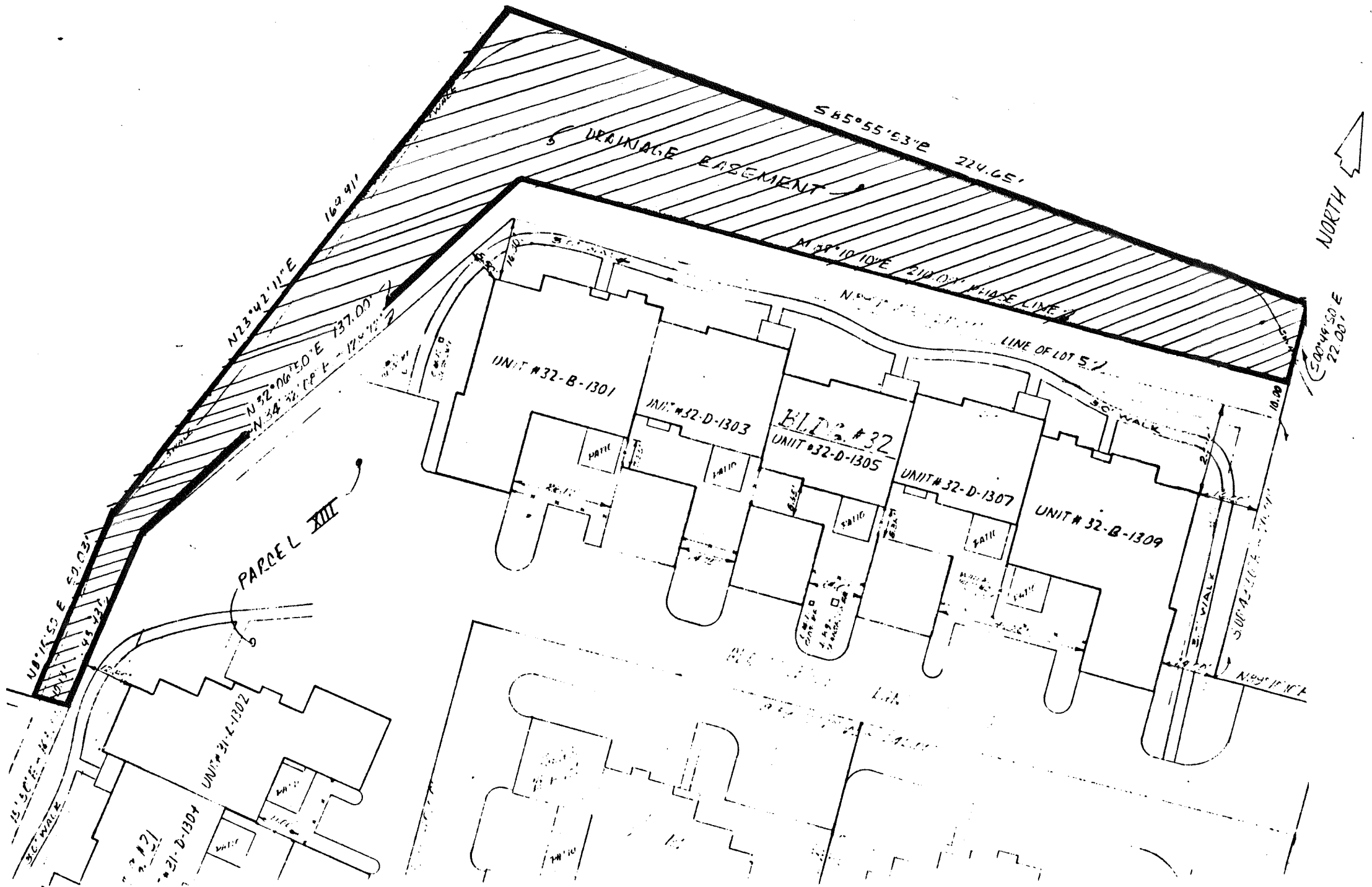


EXHIBIT "D" - PERCENTAGE OF OWNERSHIP IN THE
COMMON AREAS (Continued)

UNIT DESIGNATION	PERCENTAGE
25-D-3-1316	1.27
25-B-1318	1.04
26-A-6803	.85
26-B-6805	1.04
26-B-6807	1.04
26-A-6809	.85
27-B-6811	1.04
27-A-6813	.85
27-B-6815	1.04
27-A-6817	.85
28-A-1314	1.04
28-D-2-1316	1.20
28-D-2-1318	1.20
28-A-1320	.85
29-B-1311	1.04
29-C-1313	1.20
29-D-1315	1.27
29-A-1317	.85
30-B-1308	1.04
30-C-1310	1.20
30-A-1312	.85
31-A-1302	.85
13-D-2-1304	1.20
13-B-1306	1.04
32-B-1301	1.04
32-D-3-1303	1.27
32-D-3-1305	1.27
32-D-2-1307	1.20
32-B-1309	1.04

1.04 - 11
1.27 4
85 - 8
120 - 6

98.92%

GARAGE UNIT DESIGNATION

GARAGE UNIT DESIGNATION	PERCENTAGE
11-G-1	.06
11-G-2	.06
13-G-1	.06
13-G-2	.06
13-G-3	.06
13-G-4	.06
13-G-5	.06
13-G-6	.06
14-G-1	.06
14-G-2	.06
15-G-1	.06
15-G-2	.06
15-G-3	.06
15-G-4	.06
16-G-1	.06
16-G-2	.06
17-G-1	.06
17-G-2	.06
TOTAL	100.00%

1.06%

E - 2

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

UNIT DESIGNATION	PERCENTAGE
11-3-1201	1.39
11-2-1203	1.24
11-1-1205	.96 +12
11-1-1207	.96 +06
11-1-1209	.96 +06
11-A-1211	.83
12-1-1200	.96 +06
12-1-1202	.96 +06
12-C-1204 <i>Known</i>	1.33
12-1-1206	.96 +06
12-1-1208	.96 +06
14-A-1210	.83
14-3-1212	1.39
14-2-1214	1.24
14-C-6850	1.33
14-1-6852	.96
14-1-6854	.96
15-1-1237	.96 +06
15-3-1235	1.39
15-2-1233	1.24 +06
15-B-1231	1.33
16-3-1229	1.39 +06
16-2-1227	1.24
16-2-1225	1.24
16-3-1223	1.39 +06
16-A-1221	.83 +06
17-3-1219	1.40 +06
17-2-1217	1.24
17-1-1215	.96 +12
17-A-1213	.83
18-A-1151	.85
18-C-2-1153	1.08
18-C-3-1155	1.26
18-B-1157	1.04
19-A-6851	.85
19-C-2-6855	1.08
19-C-3-6857	1.26
19-B-6859	1.08
20-A-1187	.85
20-C-3-1185	1.26
20-C-2S-1183	1.26
20-B-1181	1.04
21-A-1175	.85
21-C-3-1173	1.26
21-B-1171	1.04
22-B-1169	1.04
22-C-2-1167	1.08
22-C-2S-1165	1.26
22-C-2S-1163	1.26
22-B-1161	1.04
23-D2-1301	1.20
23-D3-1303	1.27
23-D2-1305	1.20
23-B-1307	1.04
24-B-1302	1.04
24-D3-1304	1.27
24-D2-1306	1.20
24-D3-1308	1.27
25-B-1310	1.04
25-D-3-1312	1.27
25-D-2-1314	1.20

ZAVOKOS

Warrick 1302

BEARDSLEY

old 1152

1324

Warrick 1302

Warrick

Barrett 5184

EXHIBIT "F"
CONSENT OF MORTGAGEE TO TWELFTH AMENDMENT TO
GREENBRIER COMMONS CONDOMINIUM

The undersigned, THE LYON REALTY COMPANY, A CALIFORNIA CORPORATION, SUCCESSOR IN INTEREST TO CONTINENTAL ILLINOIS REALTY, A CALIFORNIA CORPORATION, SUCCESSOR IN INTEREST TO CONTINENTAL ILLINOIS REALTY, A CALIFORNIA REAL ESTATE INVESTMENT TRUST, (see Affidavit Deed MF80245C11) the holder of a certain Open-End Mortgage and assignment of Rents executed by Ohio Midwest Development Corporation, an Ohio Corporation, and dated December 1, 1978, and recorded in Mortgage Record 78-1711A01 of the Mortgage Records of Montgomery County, Ohio, as assigned by instrument dated November 13, 1979, recorded in Mortgage Records 79-164D10 of the Mortgage Records of Montgomery County, Ohio, hereby consents to the execution of this Amendment to the Declaration of Condominium Ownership with the Exhibits thereto, and to the filing thereof in the office of the County Recorder of Montgomery County, Ohio, and further subject to the above described Mortgage to the provisions of this Declaration of Condominium Ownership.

IN WITNESS WHEREOF, The Lyon Realty Company, a California Corporation, successor in interest to Continental Illinois Realty, a California Corporation, Successor in interest to Continental Illinois Realty, a California Real Estate Investment Trust, by William Lyon, its President, and Richard S. Robinson, its Assistant Secretary, have set their hands this 7th day of August, 1981.

SIGNED IN THE PRESENCE OF:

Witness Joni H. Dunn
Joni H. Dunn
Witness

THE LYON REALTY COMPANY, A CALIFORNIA CORPORATION, SUCCESSOR IN INTEREST TO CONTINENTAL ILLINOIS REALTY, A CALIFORNIA CORPORATION, SUCCESSOR IN INTEREST TO CONTINENTAL ILLINOIS REALTY, A CALIFORNIA REAL ESTATE INVESTMENT TRUST

By [Signature]
AS William Lyon, President

By [Signature]
AS Richard S. Robinson,
Assistant Secretary

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:

Before me, a Notary Public in and for said County and State, personally appeared The Lyon Realty Company, a California Corporation, as successor in interest to Continental Illinois Realty, a California Real Estate Investment Trust, by William Lyon, its President, and Richard S. Robinson, its Assistant Secretary, personally known to me to be the same persons whose names are subscribed to the foregoing instrument and acknowledged that they did sign the foregoing instrument and that the same is a free act and deed of them personally and as Officers.

IN WITNESS WHEREOF, I have set my hand and official seal this 7th day of August, 1981.

[Signature]
Notary Public

This Instrument Prepared By:

Harry G. Ebeling of
Pickrel, Schaeffer and Ebeling
Attorneys at Law
2700 Winters Bank Tower
Dayton, Ohio 45423
(513) 223-1130



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EXHIBIT H

AMENDED

ARTICLES OF INCORPORATION OF
GREENBRIER COMMONS UNIT OWNERS' ASSOCIATION

27 206C02 -



TED W. BROWN
Secretary of State

Certificate

474212

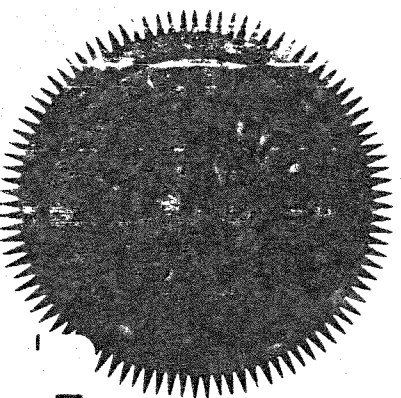
It is hereby Certified that the Secretary of State of Ohio has custody of the
Records of Incorporation and Miscellaneous Filings; that said records show
the filing and recording of: AMA AGS OF

GREENBRIER COMMONS UNIT OWNERS' ASSOCIATION

United States of America
STATE OF OHIO
Office of the Secretary of State

Recorded on Roll E332 at Frame 1012 of the
Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State, at the City of
Columbus, Ohio, this 21ST day of OCTOBER, A. D. 1977



Ted W. Brown
TED W. BROWN
Secretary of State

Number 474212
Apr 'ved By RB
Fe 10-21-77
Date 4/5/80 10:51a

MC832-1013

CERTIFICATE
OF
AMENDED ARTICLES OF INCORPORATION
OF
GREENBRIER COMMONS UNIT OWNERS' ASSOCIATION

Phillip T. Montanus, President and Roger B. Galewood,
Secretary of Greenbrier Commons Unit Owners' Association, a non-profit corporation with its principal office located in the City of Centerville, Montgomery County, Ohio, do hereby certify that a meeting of the voting members of said corporation entitled to vote on the proposal to adopt the Amended Articles as contained in the following resolution was duly called and held to consider the adoption of such Amended Articles on the 2nd day of August, 1977, at which meeting voting members possessing not less than seventy-five per cent of the total votes of all members were present, and that by the affirmative vote of members entitled to exercise not less than seventy-five per cent of the total voting power of the corporation on such proposal the following resolution was adopted:

RESOLVED, that the following Amended Articles of Incorporation shall be and the same are hereby adopted to supersede and take the place of the existing Articles of Incorporation and all previous amendments thereto, if any:

AMENDED ARTICLES OF INCORPORATION

OF

GREENBRIER COMMONS UNIT OWNERS' ASSOCIATION

FIRST: The name of the corporation shall be Greenbrier Commons Unit Owners' Association (the "Association").

SECOND: The principal office of the Association shall be in the City of Centerville, Montgomery County, Ohio.

77 706C04-

THIRD.
formed are:

The purpose for which the Association is
EC 32-1014

(a) To serve as the unit owner's association for Greenbrier Commons Condominium constructed upon the real property (the "Land") described in attached Exhibit A and for any and all additional condominiums hereafter constructed upon the real property (the "Additional Land") described in attached Exhibit B, or the real property (the "Option Land") described in attached Exhibit B-1 if event the Option Land is acquired by the Declarant (in which Additional Land for all purposes hereunder), all of which exhibits are hereby incorporated herein;

(b) To promote and serve the common good and general welfare of the condominium units constructed and to be constructed on the Land and Additional Land by maintaining green areas and private streets and by normally owned and maintained by municipal governments, administering and enforcing covenants and restrictions, for the general good of all such condominiums and fulfilling the more specific functions hereinafter set forth;

(c) To operate, and maintain the bath house, swimming pool, and related facilities (the "Recreational Facility") constructed on the Additional Land described in attached Exhibit C;

(d) To exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in the Declaration of Condominium Ownership for Greenbrier Commons Condominium recorded in the office of the Recorder of Montgomery County, Ohio, as the same may be amended from time to time as provided therein;

(e) To have and exercise any and all powers, rights, and privileges which a corporation organized under Chapter 1702 of the Ohio Revised Code may now or hereafter have or exercise by law, provided that if any activities of the Association should disqualify it from tax-exempt status under the Internal Revenue laws of the United States, notwithstanding any other provisions hereof, the Trustees of the Association may, in their sole discretion, discontinue any activity that would so disqualify the Association;

(f) To take any action necessary, expedient, incidental, appropriate or convenient to the carrying out of the foregoing purposes; and

(g) Without limiting the generality of the foregoing, and in furtherance of the aforesaid purposes, to;

(i) establish rules and regulations for the use of the Land, and any portion of the Additional Land which may be subsequently submitted by Declarant, its successors and assigns, to the Declaration including without limitation rules and regulations for use of the Recreational Facility;

(ii) obtain, deposit in insured savings accounts, retain and disburse funds;

- (iii) pay all expenses incident to the conduct of the affairs of the Association, including, but not limited to all licenses, taxes, or governmental charges levied or imposed against the property of the Association, and fix, levy, collect and enforce payment by any lawful means, of charges or assessments to defray these costs;
- (iv) acquire (by gift, purchase or otherwise) own, hold, improve, build upon, operate, and maintain real or personal property in connection with the affairs of the Association;
- (v) administer and enforce terms, conditions, covenants, restrictions and regulations upon, under and subject to which the Land or any part of the Additional Land which may be subsequently submitted by Declarant, its successors and assigns, to the Declaration, and to fix and provide any such terms, conditions, covenants, restrictions and regulations, and administer, enforce, alter, amend, change, add to, extend, waive, or terminate, in whole or in part, any of the same;
- (vi) employ a managing agent and delegate there- to any or all of the Association's rights and obligations, in accordance with the Declaration and Bylaws of the Corporation;
- (vii) upon approval of members exercising not less than seventy-five (75) percent of the voting power of members, convey, dedicate, sell, lease, transfer or otherwise dispose of all or any part of the real or personal property of the Association in accordance with the Declaration; and
- (viii) participate in mergers and consolidations with other non-profit corporations or- ganized for similar purposes, provided that any such merger or consolidation shall have the assent of members exercis- ing not less than seventy-five (75) per- cent of the voting power of members.

COURT Albert G. Oakes, not True on behalf of Abner D. Goldstein, 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, (the "Declarant") as successor in interest to Greenbrier Limited and as present fee-simple owner of the Land and Additional Land, and every person or entity who is hereafter a record owner of fee-simple title to a Unit submitted to the Greenbrier Commons Condominium whether a Residential Unit or Garage Unit constructed on the Land or portions of the Additional Land which may be submitted to the Declarant, from time to time, shall upon becoming such a record owner be a member of the Association. The membership of any such owner shall be appurtenant to and may not be separated from ownership of such Unit.

All members of the Association shall have the right to hold office, to have access to the Recreational Facility, and to invite guests to use the Recreational Facility in accordance with rules and regulations established by the Association. Persons in the family of a member who live with the member, but who are not themselves members, shall have all privileges of membership, except the right to vote and hold office.

FIFTH: Until the earlier of (1) the date the Declarant notifies the Board of Trustees of this Association that Declarant has submitted to the Declaration all Residential Units it desires to submit to the Declaration, (2) November 24, 1982, or (3) a date at which eighteen (18) continuous months have passed during which the Declarant has continuously owned less than twenty-five (25) percent of all the Residential Units submitted to Declaration a total of eight hundred (800) votes may be cast on any matter for which a vote of the Association's members is desired or required and each member who is record owner of a Residential Unit shall be entitled to cast one vote for each such Unit so owned and the Declarant shall be entitled to cast the remaining votes. After the earlier of the aforesaid dates, the total number of votes which may be cast on any matter shall equal one hundred votes and each owner or group of owners shall be entitled to the number of votes equal to the total of the percentage of ownership in the Common Areas and Facilities applicable to his Unit Ownership as set forth in the Declaration.

If at any time two or more members are record owners of a single Residential Unit, each of such members shall be entitled to cast such portion of the one vote attributed to such Residential Unit as is equal to his proportionate share of the record ownership of such Residential Unit.

SIXTH: The affairs of the Association shall be governed by a Board of Trustees composed of the following Five (5) persons:

<u>Name</u>	<u>Address</u>	<u>Initial Term</u>
Richard H. Turk	231 South LaSalle Suite 1607 Chicago, IL 60604	Four years from the date these Amended Articles are adopted by the members
Roger B. Gatewood	231 South LaSalle Suite 1607 Chicago, IL 60604	Three years from said date
Philip T. Montanus	1225 East Alexander Bellwood Drive Centerville, OH 45459	Two years' from said date

Thomas P. Martin

1207 Chevington Court
Centerville, OH 45459

One Year
from said date

Thomas E. Bidde

1221 Chevington Court
Centerville, OH 45459

One Year
from said date

Hereafter from time to time the affairs of the Association shall be managed by a Board of an odd number of persons, not less than three, nor more than five. Such Trustees shall serve and be elected or selected as provided in the Bylaws.

SEVENTH: The total assessment payable to the Association by its members shall be the amount determined by the Board of Trustees under Article XV of the Bylaws.

EIGHTH: No part of the net earnings of the Association shall be distributed to its members, Trustees, or Officers, or any private person, provided that the Association shall be authorized to reimburse any Trustee, Officer or member for actual expenses incurred on behalf of the Association.

NINTH: The Association may be dissolved with the written consent of Unit Owners possessing not less than seventy-five (75) percent of the total votes of all members. Upon dissolution of the Association, other than when incident to a merger or consolidation, the Board of Trustees shall after paying or making provisions for the payment of all liabilities of the Association, dispose of all of the assets of the Association pursuant to a plan of disposition and distribution adopted by members of the Association exercising not less than seventy-five (75) percent of the total votes of the Association; or if no such plan is adopted, pursuant to a plan adopted by a majority of the Board of Trustees.

TENTH: Amendment of these Articles shall require the consent of members exercising the same percentage as set forth in the first sentence of Article Ninth.

ELEVENTH: These Amended Articles of Incorporation take the place of and supersede the existing Articles of Incorporation and all previous amendments thereto, if any.

IN WITNESS WHEREOF, said Philip T. Montanus,
President, and Roger B. Gatewood, Secretary of Greenbrier
Commons Unit Owners' Association acting for and on behalf of
said non-profit corporation, have hereunto subscribed their
names and caused the seal, if any, of said non-profit corporation to be hereunto affixed this 27th day of September
1977.

By:

President

By:

Secretary

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