

Type: DEE
Kind: SPECIAL INSTRUMENT (DEED)
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Fee Amt: \$180.00 Page 1 of 21
Montgomery County, OH
Brandon C. McClain County Recorder
File# 2019-00032268

21

TWELFTH AMENDMENT

To the Declaration and By-Laws
For the Condominium Development Known as
FOX RUN CONDOMINIUM SECTION II
Which Declaration and By-Laws Establishes A Plan for
Condominium Ownership and imposing Covenants,
Conditions and Restrictions

Prepared by: WILLIAM L. BOWEN
Attorney at Law
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Franklin, Ohio 45005
(513) 425-9388
(513) 425-9388 Fax
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No plat required

Over
The filing stamp of the County Auditor on
the original of this Amendment is evidence that
a copy of this Amendment has been filed
with said Auditor on the date of that filing stamp.

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Signature of the President and Secretary/Treasurer of the Association, attesting and certifying, respectively, that this change in the Association Documents reflects the affirmative vote of not less than seventy-five percent (75%) of the Lot Owners pursuant to a written ballot (it is not necessary that the Lot Owners sign the actual amendment document), will follow at the end of this Amendment before it may be recorded.

TWELFTH AMENDMENT

TO

THE DECLARATION AND THE BY-LAWS OF

CONDOMINIUM OWNERSHIP FOR

FOX RUN CONDOMINIUM SECTION II

This Amendment is made and entered into by the Association, FOX RUN SECTION II HOMEOWNERS ASSOCIATION, INC. and with the voted approval or written consent of Unit Owners holding at least seventy-five percent (75%) of the voting power of the Corporation.

(1) PURPOSE

Common usage trends and Owner involvement in the management process has changed since the drafting of the original Association Documents. A change in the Association Documents is necessary in order to protect the equity of the Unit Owners, the marketability of the Association Units and to carry out the purpose for which the Association was formed, by preserving the character of the Association Property as a homogeneous predominantly owner-occupied residential community and by preventing the Association from assuming the character of a renter-occupied apartment complex. Maintaining a predominantly owner-occupied residential community status also enables greater private and governmental financing, as well as, purchase opportunities for both existing Owners and future purchasers.

(2) PREVIOUS RECORDING INFORMATION

The Association Documents and subsequent Amendments to those documents have been recorded in the Deed Records of Montgomery County, Ohio as follows:

ITEM	DATE RECORDED	CORP No.	ROLL FRAME
Articles of Inc. of Fox Run Condominium Section II Association	3-18-74	450928	Roll B955 Fr. 1174
		DEED BOOK PAGE	PLAT ENVELOPE
Declaration of Condominium	4-01-74	74-137A06	Phase One B. 96 P. 40
First Amendment	4-08-74	74-151E06	Phase None

to the Declaration of Condominium			B. None P. None
Second Amendment to the Declaration of Condominium	1-07-75	75-009A06	Phase Two B. 98 P. 19
Third Amendment to the Declaration of Condominium	7-31-75	75-0346B02	Phase Three B. 99 P. 24
Fourth Amendment to the Declaration of Condominium	9-11-75	75-424C03	Phase Four B. 99 P. 31
Fifth Amendment to the Declaration of Condominium	12-12-75	75-587A06	Phase Five B. 99 P. 64
Sixth Amendment to the Declaration of Condominium	3-22-76	76-126D08	Phase Six B. 100 P. 20
Seventh Amendment to the Declaration of Condominium	10-19-76	76-542A01	Phase Seven B. 99 P. 64
Eighth Amendment to the Declaration of Condominium	6-03-77	77-278B06	Phase Eight B. 102 P. 41
Ninth Amendment to the Declaration of Condominium	12-28-77	77-742B07	Phase Nine B. 104 P. 37
Tenth Amendment to the Declaration of Condominium	05-16-78	78-228C08	Phase Ten B. 105 P. 21
Eleventh Amendment to the Declaration of Condominium	8-17-15	2015-045072	Phase None B. None P. None
Twelfth Amendment to the Declaration of Condominium			Phase None B. None P. None

(3) RENTAL OF ASSOCIATION UNITS

Article IX of the Declaration, entitled "Use Restrictions", as amended by the

Eleventh Amendment to the Declaration and Bylaws, Section 9.2, entitled "Lease or Rental" shall be amended by the deletion and the replacement thereof with a new Section 9.2, as follows:

9.2. Lease or Rental.

(a) The lease or rental of any Unit shall conform to the following requirements, except pursuant to one or more of the exceptions set forth below in Sections 9.2(b-d):

(1) No Owner may lease or rent less than the entire Unit.

(2) No Unit shall be rented for transient or hotel purposes, which shall be defined as any rental in which the occupants of the Unit are provided customary hotel services, such as, room service for food and beverages, maid services, or the furnishing of laundry and linen change services during the tenancy.

(3) No Unit may be leased for any other purpose than as a private single family residential dwelling.

(4) No Unit, or any portion of a Unit, may be subleased. Different tenants may not be chained to obtain the minimum leasing period of time, as for example, a lease to an agent or agency shall not be used to substitute the use or occupancy of a Unit by different individuals during the lease term.

(5) No Unit may be leased (and no lease agreement may be) for any duration of less than twelve (12) consecutive calendar months.

(6) All leases of any Unit shall be in writing.

(7) All such leases shall provide that they are subject to all of the provisions of the Declaration, the By-Laws and the Rules and Regulations of the Association, as amended, and that any failure by the lessee to comply with any of such provisions shall constitute a default under the lease.

(b) Current Leases Grandfathered (exempted) Exception.

If a Unit Owner is renting a Unit under a valid written lease (a written lease for a lease term of more than thirty (30) days, the written lease is specifically made subject to the Declaration, Bylaws, Rules and Regulations of the Association and is otherwise in compliance with the former Section 9.2), or a Unit is un-occupied (but has been rented in compliance with the Declaration, Bylaws, Rules and Regulations of the Association any time under a valid written lease in the last Six (6) months immediately preceding the date of recording of this Amendment), on the date of recording of this Amendment, then said Unit Owner shall be permitted to continue to rent said Unit under terms which do not satisfy

the lease restrictions set for herein until: (1) the expiration of the existing lease; or (2) six (6) months from the date of recording of this Amendment, whichever shall be the last to occur; but such lease shall otherwise be subject to the covenants and restrictions of the Declaration, By-Laws and the Rules and Regulations of the Association.

(c) Family/Friends Rentals; Family and Friends Shared Units Exception.

Notwithstanding the above, a Unit Owner may lease or grant the use of a Unit, or any part thereof, to an immediate family member, which is defined as a grandparent, parent, son, daughter, sibling or grandchild, provided that said lease or use shall comply with the other provisions of this Section. Joint occupancy with an owner, part owner or family member with a roommate or partner, whether or not expenses are shared, shall not be deemed a rental or lease, so long as the roommate or partner's occupancy of the premises does not arise out of a rental agreement with a third party.

(d) Undue Hardship Exception.

Notwithstanding the foregoing, the Board of the Association, at its sole and absolute discretion, shall be empowered to allow reasonable leasing of Units, upon written application, in the event of "Undue Hardship". Undue Hardship may include, but is not limited to: (i) when a Unit Owner must relocate his or her residence and has been unsuccessful in selling the Unit, after having made reasonable efforts to do so, for a period of at least one hundred eighty (180) consecutive days from the date the Unit was placed on the market (i.e. the Unit must be listed for sale with a multiple listing service); (ii) a Unit Owner dies and said Unit is being administered by his or her estate; or (iii) where a Unit Owner takes a leave of absence or temporarily relocates and intends to return to reside in the Unit. If a Unit Owner believes that he, she, they or it must lease a Unit in order to avoid Undue Hardship, then said Unit Owner must submit a written application to the Board which sets forth the circumstances necessitating the leasing, the name of the proposed lessee, if available, a copy of the lease which shall be of a term of not less than six (6) months, and such other information as the Board may reasonably require. In the event the hardship condition, as set forth above, should continue for a period of time longer than the term granted for the initial hardship period, the owner may re-apply to the Board for an additional Undue Hardship consideration, which may be extended, at the Board's option, for one (1) additional term of not less than a six (6) month period.

(e) Approval of Exempted Leases Required (Procedure):

Any Owner who intends to lease or continue an exiting lease of a Unit, on terms that do not comply with Section 9.2(a), must first send a written request to the Board, indicating with particularity if special circumstances exist that would qualify for exemptions (Grandfathered Rentals, Family/Friends Rentals, or Undue Hardship Rentals).

(1) A request must be sent for each new lease agreement, lease renewal and/or lease modification.

(2) Written requests by an Owner to lease will be reviewed on a first come, first serve basis. The Board shall notify the Owner in writing within ten (10) business days of receipt of the request, if additional information is required or whether the lease is accepted or denied. Each Board request for additional information shall extend the review response time by an additional ten (10) business days following receipt of the information requested by the Board.

(3) No exempted lease will be valid until and unless the Board approves the Owner's request in writing prior to the Owner entering into the lease (except existing grandfathered leases as defined above).

(4) A copy of each lease shall be given to the Board immediately after it is executed and in no event later than ten (10) days thereafter. Failure to provide the Board an executed copy of any lease within said time period, shall result in the lease being deemed as a violation of the Rental Restrictions of the Declaration.

(f) Remedies for Breach:

Any transaction or situation which does not comply with this Section 9.2 shall result in the Unit Owner(s) and/or the Unit being subject to (but not limited to) one or more of the following remedies: (1) the transaction shall be voidable at the option of the Board; (2) such reasonable fines and penalties, assessments and liens as the Board may authorize in accordance with the Association Documents; Eviction of the lessee by the Association and/or (3) injunctive relief. All remedies and actions shall be cumulative in nature.

(g) Burden Of Proof:

(1) The burden of proof of an exemption from the leasing restrictions of Section 9.2 shall always be upon the Unit Owner. The existence of an exemption from this Section shall be deemed to not exist until the Unit Owner has made application to the Board of the Association for an exemption, the Unit Owner provides such proof of qualification for the exemption to the Board, as the Board may reasonably require, and the Unit Owner has received written approval of the asserted exemption. An approved exemption shall automatically terminate upon the happening of any of the following events:

(a) A change in Ownership Interest of the Unit, other than that which is permitted in Section 9.2(h);

(b) The expiration of time granted by the Board for the exemption;

(c) The failure of any condition required by the Board; and/or,

(d) A change in circumstances, which would not qualify for the exemption originally requested.

(2) Upon the expiration or termination of an approved exemption, continued exempt status shall require the submission and approval of a new application for exemption status.

(h) Ownership Interest:

For purposes of this Section 9.2(g)(1), a Unit Owner's ownership of a Unit shall be deemed to be continuous even if part or all of the interest therein is transferred to a spouse or related entity (i.e., the form or manner of ownership is changed), so long as the Unit is still effectively owned by such Unit Owner. In respect to trust ownership, a lease or occupancy of a Unit to or by the grantor or the beneficiary of the trust shall be deemed as an Owner, however a transfer of ownership or lease to a nominal minority (interest of less than 10%) interest Owner from a majority interest holder in a Unit shall be deemed a sham Ownership or lease, until reasonable evidence is provided to the Board of an arms length valid lease or interest has been entered into by the parties.

(6) REAL ESTATE SUBJECT TO THIS AMENDMENT

This Amendment affects all of the real estate described on EXHIBIT A and A(1)-(9), attached hereto and made a part hereof, being all of the real property associated with the FOX RUN CONDOMINIUM SECTION II.

All of the other terms and conditions of the Declaration and By-Laws, as amended, are hereby reaffirmed.

IN WITNESS WHEREOF, on this 17 day of June, 2019, this Amendment was signed by the President of the FOX RUN SECTION II HOMEOWNERS ASSOCIATION, INC., attesting to the change and the Secretary of the Association, who certifies that the Board of Directors for the Association has received the voted approval or written consent of Unit Owners holding at least seventy-five percent (75%) of the voting power of the Association.

Signed and Acknowledged
in the Presence of:

By:

Bill Ely
Bill Ely, President

By:

Judy Whitehead

Judy Whitehead, Secretary

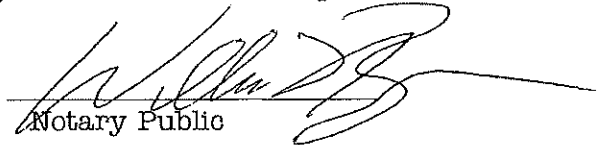
STATE OF OHIO
COUNTY OF MONTGOMERY, SS;

The foregoing instrument was acknowledged before me, a Notary Public in and for said County and State on this 17 day of June, 2019, by Bill Ely, President, and Judy Whitehead, Secretary, of FOX RUN SECTION II HOMEOWNERS ASSOCIATION, INC., an Ohio non-profit corporation, on behalf of said Corporation.

(notarial seal or stamp)



WILLIAM L. BOWEN
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 O.R.C.


Notary Public

G:\G on SEC1 Backup\CONDO\Amendment Twelfth Fox Run II (Rental Limitations no percentage 5-2-19.wpd

EXHIBIT "A"

To the Declaration establishing Fox Run Condominium Section II

Description of Real Estate

The following described real estate constitutes part of Lot No. 1 on the plat known as Fox Run Subdivision No. 1, as recorded at Plat Book 95 Page 36 of the Records of Montgomery County, Ohio:

Located in Section 15, Town 2, Range 6 M.R.S., City of Centerville, County of Montgomery, State of Ohio, and being described as follows: beginning on the south line of Overbrooke Road at the southwest corner of Oak Creek Four, Section Five as recorded in Plat Book 88, Page 59 in the Plat Records of Montgomery County, Ohio; thence along the south line of said Overbrooke Road, South eighty-five degrees ten minutes no seconds ($85^{\circ} 10' 00''$) East for five and 00/100 (5.00) feet; thence continuing along the south line of said Overbrooke Road on a curve to the left, said curve having a radius of two hundred twenty-five and 00/100 (225.00) feet and in internal angle of twenty-six degrees twenty-four minutes ten seconds ($26^{\circ} 24' 10''$), tangent to said curve at its point of beginning bearing South eighty-five degrees ten minutes no seconds ($85^{\circ} 10' 00''$) East, for one hundred three and 68/100 (103.68) feet to the true point of beginning; thence continuing in a northeasterly direction along the south line of said Overbrooke Road on a curve to the left, said curve having a radius of two hundred twenty-five and 00/100 (225.00) feet and internal angle of forty-two degrees twenty-three minutes seventeen seconds ($42^{\circ} 23' 17''$), tangent to said curve at its point of beginning bearing North sixty-eight degrees twenty-five minutes fifty seconds ($68^{\circ} 25' 50''$) East for one hundred sixty-six and 46/100 (166.46) feet; thence South sixty-five degrees thirty-nine minutes eleven seconds ($65^{\circ} 39' 11''$) East for one hundred eighty and 61/100 (180.61) feet to a new division line for land conveyed to Oak Creek Development Company by deed recorded in Book 2004, Page 313 in the Deed Records of Montgomery County, Ohio; thence along the new division line of said Oak Creek Development Company land for the following two courses: South four degrees fifty minutes no seconds ($4^{\circ} 50' 00''$) West for forty-two and 99/100 (42.99) feet; thence South eighty-five degrees ten minutes no seconds ($85^{\circ} 10' 00''$) East for one hundred sixty-nine and 77/100 (169.77) feet; thence South four degrees fifty minutes no seconds ($4^{\circ} 50' 00''$) West for one hundred forty and 11/100 (140.11) feet; thence North eighty-seven degrees twenty-five minutes no seconds ($87^{\circ} 25' 00''$) West for one hundred thirty-five and 00/100 (135.00) feet; thence South two degrees thirty-five minutes no seconds ($2^{\circ} 35' 00''$) West for one hundred two and 00/100 (102.00) feet; thence North eighty-seven degrees twenty-five minutes no seconds ($87^{\circ} 25' 00''$) West for one hundred eleven and 00/100 (111.00) feet; thence North thirty-one degrees twenty-nine minutes no seconds ($31^{\circ} 29' 00''$) West for one hundred forty-eight and 00/100 (148.00) feet; thence South eighty-four degrees forty-one minutes no seconds ($84^{\circ} 41' 00''$) West for ninety-eight and 00/100 (98.00) feet; thence North five degrees nineteen minutes no seconds ($5^{\circ} 19' 00''$) West for one hundred thirty-five and 01/100 (135.01) feet to the true point of beginning, containing two and 160/1000 (2.160) acres, more or less, subject, however, to all legal highways and easements of record. Curved distances are measured on the arc.

Note: The above-described tract is part of that land conveyed to Robert W. Booher Construction Corporation by deed recorded in Microfiche No. 73-424-D05 in the Deed Records of Montgomery County, Ohio.

EXHIBIT A-1

To the Declaration Establishing Fox Run Condominium Section II

Description of Real Estate Which Constitutes Phase 2

Located in Section 15, Town 2, Range 6 MRS, City of Centerville, County of Montgomery, State of Ohio and being two parts of Lot 1, Fox Run, Section One as recorded in book 95 page 36 in the Plat Records of Montgomery County, Ohio and being the tracts of land described as follows:

Tract 1. Beginning at the northwest corner of said Lot 1, Fox Run, Section One, said corner being in the south line of Overbrooke Road; thence with the south line of said Overbrooke Road, South eighty-five degrees ten minutes ($85^{\circ} 10'$) East for five and 00/100 (5.00) feet; thence continuing with the south line of said Overbrooke Road in a northeasterly direction on a curve to the left, with a radius of two hundred twenty-five and 00/100 (225.00) feet for one hundred three and 68/100 (103.68) feet, tangent to said curve at its beginning being last mentioned bearing; thence South five degrees nineteen minutes ($5^{\circ} 19'$) East for one hundred thirty-five and 01/100 (135.01) feet to the true point of beginning of this parcel;

thence North eighty-four degrees forty-one minutes ($84^{\circ} 41'$) East for ninety-eight and 00/100 (98.00) feet; thence South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for one hundred sixty-eight and 00/100 (168.00) feet; thence South fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$) West for one hundred and 00/100 (100.00) feet; thence North thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) West for one hundred eighty-six and 70/100 (186.70) feet; thence North five degrees nineteen minutes ($5^{\circ} 19'$) West for twenty-seven and 31/100 (27.31) feet to the point of beginning, containing 0.438 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio. Curve distance is measured on the arc.

Tract 2. Beginning at the northwest corner of said Lot 1, Fox Run, Section One, said corner being in the south line of Overbrooke Road; thence with the south line of said Overbrooke Road, South eighty-five degrees ten minutes ($85^{\circ} 10'$) East for five and 00/100 (5.00) feet; thence continuing with the south line of said Overbrooke Road in a northeasterly direction on a curve to the left, with a radius of two hundred twenty-five and 00/100 (225.00) feet for one hundred three and 68/100 (103.68) feet, tangent to said curve at its beginning being last mentioned bearing; thence South five degrees nineteen minutes ($5^{\circ} 19'$) East for one hundred sixty-two and 32/100 (162.32) feet; thence South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for one hundred eighty-six and 70/100 (186.70) feet to the true point of beginning of this parcel;

thence north fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$)

East for one hundred and 00/100 (100.00) feet; thence North thirty-one degrees twenty-nine minutes (31° 29') West for twenty and 00/100 (20.00) feet; thence South eighty-seven degrees twenty-five minutes (87° 25') East for one hundred eleven and 00/100 (111.00) feet; thence South two degrees thirty-five minutes (2° 35') West for one hundred twenty-four and 04/100 (124.04) feet; thence South sixty-seven degrees thirteen minutes twenty-two seconds (67° 13' 22") West for forty-seven and 00/100 (47.00) feet; thence North eighty degrees two minutes twenty seconds (80° 02' 20") West for forty-seven and 52/100 (47.52) feet; thence North sixty-one degrees zero minutes (61° 00') West for eighty-two and 00/100 (82.00) feet; thence North thirty-one degrees twenty-nine minutes (31° 29') West for thirty-five and 00/100 (35.00) feet to the point of beginning, containing 0.442 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio. Curve distance is measured on the arc.

Exhibit A-2

TRI-CITY ENGINEERING COMPANY

CIVIL ENGINEERS AND SURVEYORS

2101 EMBURY PARK ROAD

DAYTON, OHIO 45414

TELEPHONE 275-4502



ABRAHAM BODENSTEIN

DON MEEK

LUIS RIANCHO

A. J. BRUMBERG

July 11, 1975

Description of Fox Run Condominium Section II Phase 2

Located in Section 15, Town 2, Range 6 MRS, City of Centerville, County of Montgomery, State of Ohio and being part of Lot 1, Fox Run, Section I, as recorded in book 95 page 36 in the Plat Records of Montgomery County, Ohio, and being a tract of land described as follows:

Beginning at a point in the south line of Overbrooke Road, said point being the northwest corner of Fox Run Condominium Section II Phase 1 as recorded in book 96 page 40 in the Plat Records of Montgomery County, Ohio; thence with the west line of said Fox Run Condominium Section II Phase 1 and with its southward extension, said extension being the west line of Fox Run Condominium Section II Phase 2 as recorded in book 98 page 19 in the Plat Records of Montgomery County, Ohio, South five degrees nineteen minutes ($5^{\circ} 19'$) East for one hundred sixty-two and $32/100$ (162.32) feet; thence continuing with the west line of said Fox Run Condominium Section II Phase 2; South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for one hundred eighty-six and $70/100$ (186.70) feet to the true point of beginning;

thence continuing with the west line of said Fox Run Condominium Section II Phase 2 on the following two courses: South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for thirty-five and $00/100$ (35.00) feet; and South sixty-one degrees zero minutes ($61^{\circ} 00'$) East for eighty-two and $00/100$ (82.00) feet; thence South seventeen degrees fifty-five minutes thirty seconds ($17^{\circ} 55' 30''$) West for ninety and $13/100$ (90.13) feet; thence South fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$) West for seventy and $00/100$ (70.00) feet; thence North thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) West for one hundred sixty-five and $00/100$ (165.00) feet; thence North fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$) East for ninety-eight and $04/100$ (98.04) feet to the point of beginning, containing 0.413 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Don F. Meek, Registered Surveyor, State of Ohio.

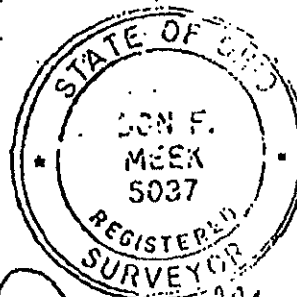


Exhibit A-3

TRI-CITY ENGINEERING COMPANY

CIVIL ENGINEERS AND SURVEYORS
2151 EMBURY PARK ROAD
DAYTON, OHIO 45414

TELEPHONE 278-4803



ABRAHAM BODENSTEIN
DON HEEK
LUIS RIANCHO
A. J. BRUMBERG

August 27, 1975
Description of Fox Run
Section II - Phase Four

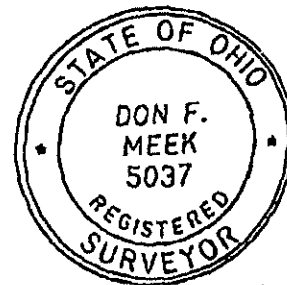
Located in Section 15, Town 2, Range 6 MRs, City of Centerville, County of Montgomery, State of Ohio and being part of Lot 1, Fox Run, Section One as recorded in book 95 page 36 in the Plat Records of Montgomery County, Ohio and being a tract of land described as follows:

beginning at a point in the south line of Overbrooke Road, said point being the northwest corner of Fox Run Condominium, Section II, Phase One as recorded in book 96 page 40 in the Plat Records of Montgomery County, Ohio; thence with the west line of said Fox Run Condominium, Section II, Phase One, and with its southward extension, said extension being the west line of Fox Run Condominium, Section II, Phase Two, as recorded in book 98 page 19 in the Plat Records of Montgomery County, Ohio, South five degrees nineteen minutes zero seconds ($5^{\circ} 19' 00''$) East for one hundred sixty-two and $32/100$ (162.32) feet; thence continuing with the west line of said Fox Run Condominium, Section II, Phase Two on the following two courses: South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for two hundred twenty-one and $70/100$ (221.70) feet, and South sixty-one degrees zero minutes ($61^{\circ} 00'$) East for eight-two and $00/100$ (82.00) feet to the true point of beginning of this parcel;

thence continuing with the west line of said Fox Run Condominium, Section II, Phase Two on the following two courses: South eighty degrees two minutes twenty seconds ($80^{\circ} 02' 20''$) East for forty-seven and $52/100$ (47.52) feet, and North sixty-seven degrees thirteen minutes twenty-two seconds ($67^{\circ} 13' 22''$) East for forty-seven and $00/100$ (47.00) feet; thence South twenty-two degrees forty-six minutes thirty-eight seconds ($22^{\circ} 46' 38''$) East for one hundred seventy-six and $78/100$ (176.78) feet to a point in the south line of said Lot 1, Fox Run, Section I; thence with the south line of said Lot 1, Fox Run, Section I, South sixty-seven degrees thirteen minutes twenty-two seconds ($67^{\circ} 13' 22''$) West for one hundred ninety-six and $00/100$ (196.00) feet; thence North thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) West for one hundred twenty-five and $01/100$ (125.01) feet to a point in the south line of Fox Run Condominium, Section II, Phase Three as recorded in plat book 99 page 24 in the Plat Records of Montgomery County, Ohio; thence with

Page 2, Cont. Description dtd. August 27, 1975, 74-32

the south line of said Fox Run Condominium, Section II, Phase Three on the following two courses: North fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$) East for seventy and 00/100 (70.00) feet, and North seventeen degrees fifty-five minutes thirty seconds ($17^{\circ} 55' 30''$) East for ninety and 13/100 (90.13) feet to the point of beginning, containing 0.770 acres more or less, and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Don F. Meek, Registered Surveyor, State of Ohio.



Don F. Meek

EXHIBIT A-4

Description of Fox Run Condominium Section II, Phase 5

Located in Section 15, Town 2, Range 6 MRS, City of Centerville, County of Montgomery, State of Ohio and being part of Lot 1, Fox Run, Section I, as recorded in Book 95 Page 36 in the Plat Records of Montgomery County, Ohio and being a tract of land described as follows:

Beginning at a point in the south line of Overbrooke Road, said point being the northwest corner of Fox Run Condominium, Section II, Phase 1 as recorded in book 96 page 40 in the Plat Records of Montgomery County, Ohio; thence with the west and south lines of said Fox Run Condominium, Section II, Phase 1 on the following four courses:

South five degrees nineteen minutes ($5^{\circ} 19'$) East for one hundred thirty-five and 01/100 (135.01) feet, North eighty-four degrees forty-one minutes ($84^{\circ} 41'$) East for ninety-eight and 00/100 (98.00) feet, South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for one hundred forty-eight and 00/100 (148.00) feet, and South eighty-seven degrees twenty-five minutes ($87^{\circ} 25'$) East for one hundred eleven and 00/100 (111.00) feet; thence South two degrees thirty-five minutes ($2^{\circ} 35'$) West for fifty-four and 00/100 (54.00) feet to the true point of beginning of this parcel;

thence South seventy-one degrees fifty-eight minutes fifty-seven seconds ($71^{\circ} 58' 57''$) East for two hundred twenty-one and 70/100 (221.70) feet; thence South two degrees thirty-five minutes ($2^{\circ} 35'$) West for one hundred five and 38/100 (105.38) feet to a point in the south line of said Lot 1, Fox Run, Section I; thence with the south line of said Lot 1, Fox Run, Section I, South sixty-seven degrees thirteen minutes twenty-two seconds ($67^{\circ} 13' 22''$) West for one hundred fifty-two and 70/100 (152.70) feet; thence North twenty-two degrees forty-six minutes thirty-eight seconds ($22^{\circ} 46' 38''$) West for one hundred seventy-six and 78/100 (176.78) feet; thence North two degrees thirty-five minutes ($2^{\circ} 35'$) East for seventy and 04/100 (70.04) feet to the point of beginning, containing 0.740 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio, September 18, 1975.

EXHIBIT A-5

September 18, 1975

Description of Fox Run Condominium, Section II, Phase 6

Located in Section 15, Town 2, Range 6 MRs, City of Centerville, County of Montgomery, State of Ohio and being part of Lot 1 on the plat known as Fox Run, Section I as recorded in book 95 page 36 in the Plat Records of Montgomery County, Ohio and being a tract of land described as follows:

beginning at a point in the south line of Overbrooke Road, said point being the northwest corner of Fox Run Condominium, Section II, Phase I as recorded in book 96 page 40 in the Plat Records of Montgomery County, Ohio; thence with the west and south lines of said Fox Run Condominium, Section II, Phase I on the following four courses: South five degrees nineteen minutes (5° 19') East for one hundred thirty-five and 01/100 (135.01) feet, North eighty-four degrees forty-one minutes (84° 41') East for ninety-eight and 00/100 (98.00) feet, South thirty-one degrees twenty-nine minutes (31° 29') East for one hundred forty-eight and 00/100 (148.00) feet, and South eighty-seven degrees twenty-five minutes (87° 25') East for one hundred eleven and 00/100 (111.00) feet to the true point of beginning of this parcel;

thence continuing with a south line of said Fox Run Condominium, Section II, Phase I, North two degrees thirty-five minutes (2° 35') East for one hundred two and 00/100 (102.00) feet; thence continuing with the south line of said Fox Run Condominium, Section II, Phase I, and with its eastward extension, South eighty-seven degrees twenty-five minutes (87° 25') East for two hundred thirteen and 70/100 (213.70) feet; thence South two degrees thirty-five minutes (2° 35') West for two hundred fifteen and 00/100 (215.00) feet; thence North seventy-one degrees fifty-eight minutes fifty-seven seconds (71° 58' 57") West for two hundred twenty-one and 70/100 (221.70) feet; thence North two degrees thirty-five minutes (2° 35') East for fifty-four and 00/100 (54.00) feet to the point of beginning, containing 0.910 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio.

Exhibit A-6

TRI-CITY ENGINEERING COMPANY

CIVIL ENGINEERS AND SURVEYORS

2181 EMOURY PARK ROAD

DAYTON, OHIO 45414

TELEPHONE 278-4803



ABRAHAM BODENSTEIN

DON MEER

LUIB RIANCHO

A. J. BRUNERS

June 25, 1976

Description of Section Two, Phase 7
Fox Run Condominium

Located in Section 15, Town 2, Range 6 MRs, City of Centerville,
County of Montgomery, State of Ohio and being part of Lot 1, Fox Run,
Section One as recorded in book 95 page 36 in the Plat Records of
Montgomery County, Ohio and being a tract of land described as follows:

beginning at the northwest corner of said Lot 1, Fox Run, Section One, said corner being in the south line of Overbrooke Road; thence with the south line of said Overbrooke Road, South eighty-five degrees ten minutes ($85^{\circ} 10'$) East for five and 00/100 (5.00) feet; thence continuing with the south line of said Overbrooke Road in a northeasterly direction on a curve to the left, with a radius of two hundred twenty-five and 00/100 (225.00) feet for one hundred three and 68/100 (103.68) feet, tangent to said curve at its beginning being last mentioned bearing; thence South five degrees nineteen minutes ($5^{\circ} 19'$) East for one hundred sixty-two and 32/100 (162.32) feet; thence South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for one hundred eighty-six and 70/100 (186.70) feet; thence South fifty-eight degrees thirty-one minutes ($58^{\circ} 31'$) West for ninety-eight and 04/100 (98.04) feet; thence North thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) West for two hundred seventy-nine and 00/100 (279.00) feet to a point in the west line of said Lot 1, Fox Run, Section One; thence with the west line of said Lot 1, Fox Run, Section One, North four degrees fifty minutes ($4^{\circ} 50'$) East for one hundred twenty and 00/100 (120.00) feet to the point of beginning, containing 0.897 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio. Curve distance is measured on the arc.

EXHIBIT A-7

located in Section 15, Town 2, Range 6, 18th, City of Fairbairn, County of Montgomery, State of Ohio and being part of Lot 1, Fox Run, Section One, as recorded in book 95, page 36 in the Plat Records of Montgomery County, Ohio, and being a tract of land described as follows:

beginning at a point in the west line of said Lot 1, Fox Run, Section One, said point being South four degrees fifty minutes ($4^{\circ} 50'$) East and one hundred twenty and 00/100 (120.00) feet from the northwest corner of said Lot 1, Fox Run, Section One; thence South thirty-one degrees twenty-nine minutes ($31^{\circ} 29'$) East for five hundred sixty-nine and 01/100 (569.01) feet to a point in the north line of said Lot 1, Fox Run, Section One; thence with the south line of said Lot 1, Fox Run, Section One, on the following two courses: South sixty-seven degrees thirteen minutes twenty-two seconds ($67^{\circ} 13' 22''$) West for one hundred one and 12/100 (101.12) feet, and South eighty-five degrees seven minutes fifty-one seconds ($85^{\circ} 07' 51''$) West for two hundred forty-nine and 80/100 (249.80) feet to a point in the west line of said Lot 1, Fox Run, Section One; thence with the west line of said Lot 1, Fox Run, Section One on the following two courses: North four degrees twenty-nine minutes thirty seconds ($4^{\circ} 29' 30''$) East for one hundred eighty-six and 61/100 (186.61) feet, and North four degrees fifty minutes ($4^{\circ} 50'$) East for three hundred sixty and 87/100 (360.87) feet to the point of beginning, containing 2.206 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by A. Bodenstein, Registered Surveyor, State of Ohio.

EXHIBIT A-8

December 9, 1977
Description of Fox Run Condominium
Section II - Phase 9

Located in Section 15, Town 2, Range 6 MRs, City of Centerville, County of Montgomery, State of Ohio, and being part of Lot 2, of Fox Run, Section 2, as recorded in book 103 page 40 in the Plat Records of Montgomery County, Ohio, and being a tract of land described as follows:

beginning at the northwest corner of said Section 2; thence with the north line of said Section 2, on the following two courses: South eighty-five degrees ten minutes ($85^{\circ} 10'$) East for one hundred eight and $32/100$ (108.32) feet, and South fifty-eight degrees twenty-two minutes twenty seconds ($58^{\circ} 22' 20''$) East for twelve and $00/100$ (12.00) feet; thence South two degrees thirty-five minutes ($2^{\circ} 35'$) West for one hundred fifty-five and $00/100$ (155.00) feet; thence South forty-four degrees five minutes four seconds ($44^{\circ} 05' 04''$) East for one hundred five and $46/100$ (105.46) feet; thence South two degrees thirty-five minutes ($2^{\circ} 35'$) West for one hundred sixty-five and $00/100$ (165.00) feet to a point in the south line of said Fox Run, Section 2; thence with the south line of said Fox Run, Section 2, South sixty-seven degrees thirteen minutes twenty-two seconds ($67^{\circ} 13' 22''$) West for one hundred thirty-five and $27/100$ (135.27) feet to the southwest corner of said Fox Run, Section 2; thence with the west lines of said Fox Run, Section 2, on the following three courses: North two degrees thirty-five minutes ($2^{\circ} 35'$) East for three hundred twenty and $39/100$ (320.39) feet, North eighty-seven degrees twenty-five minutes ($87^{\circ} 25'$) West for seventy-eight and $70/100$ (78.70) feet, and North four degree fifty minutes ($4^{\circ} 50'$) East for one hundred forty and $11/100$ (140.11) feet to the point of beginning, containing 1.093 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Don F. Meek, Registered Surveyor, State of Ohio, dated December 9, 1977.

TRI-CITY ENGINEERING COMPANY

CIVIL ENGINEERS AND SURVEYORS

2101 EMBURY PARK ROAD

DAYTON, OHIO 45414

TELEPHONE 276-4803



ABRAHAM BODENSTEIN

DON MEEK

LUIS RIANCHO

L. J. BAUMBERG

EXHIBIT A-9

**December 9, 1977
Description of Fox Run Condominium
Section II - Phase 10**

Located in Section 15, Town 2, Range 6 MRS, City of Centerville, County of Montgomery, State of Ohio, and being part of Lot 2, of Fox Run, Section 2, as recorded in book 103 page 40 in the Plat Records of Montgomery County, Ohio, and being a tract of land described as follows:

beginning at the northwest corner of Fox Run, Section 2, as recorded in book 103 page 40 in the Plat Records of Montgomery County, Ohio; thence with the north line of said Fox Run, Section 2, on the following two courses: South eighty-five degrees ten minutes (85° 10') East for one hundred eight and 32/100 (108.32) feet, and South fifty-eight degrees twenty-two minutes twenty seconds (58° 22' 20") East for twelve and 00/100 (12.00) feet to the true point of beginning of this parcel;

thence South fifty-eight degrees twenty-two minutes twenty seconds (58° 22' 20") East for four hundred thirty-three and 94/100 (433.94) feet to the easternmost corner of said Fox Run, Section 2; thence with the south lines of said Fox Run, Section 2, on the following two courses: South fifty-five degrees thirty-six minutes twenty-seven seconds (55° 36' 27") West for one hundred three and 42/100 (103.42) feet, and South sixty-four degrees four minutes forty-five seconds (64° 04' 45") West for two hundred fifty and 39/100 (250.39) feet; thence North two degrees thirty-five minutes (2° 35') East for one hundred sixty-five and 00/100 (165.00) feet; thence North forty-four degrees five minutes four seconds (44° 05' 04") West for one hundred five and 46/100 (105.46) feet; thence North two degrees thirty-five minutes (2° 35') East for one hundred fifty-five and 00/100 (155.00) feet to the point of beginning, containing 1.558 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, according to a survey of said premises by Don F. Meek, Registered Surveyor, State of Ohio, dated December 9, 1977.