AMENDMENT

TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR

FOX RUN CONDOMINIUM

This Amendment is made and entered into this 14 day of August, 1973 for the purpose of amending the condominium Declaration for Fox Run Condominium so as to annex additional real estate to that condominium plan. Said original Declaration of Condominium for Fox Run Condominium was recorded on May 31, 1973 at Microfiche number 73-281-A10 of the Deed Records of Montgomery County, Ohio.

(A) Compliance with Requirements of Declaration of Condominium. In accordance with the requirements of Section 3.1 on page 6 of said Declaration of Condominium, this annexation of additional property is made within two years from the date the original Declaration was recorded, for the purpose of adding certain contiguous real property as was described in Exhibit "D" of said Declaration. The building structure and the number of units being added to the condominium plan by this Amendment are as described in Section 3.1(b) of the Declaration. At the time this Amendment is executed and recorded ninety-five (95%) percent of the total voting power of the Association, as is provided in Section 5.2 on page 9 of the Declaration; accordingly, this Amendment complies with the requirements of Secton 14.2 on page 22 of the Declaration which states that ninety-five (95%) percent of the voting power of the Association is necessary in order to amend the Declaration during the first forty (40) years following its original recording. Upon the basis that the Declarant is still the owner and record title holder of certain of the condominium units included in the original Declaration, the power of attorney granted to Declarant under the provisions of Section 3.1 (f) on page 7 of the Declaration remains and continues to be a power of attorney couples with an interest.

(B) Additional Exhibits. The Declaration is further amended by the addition thereto of Exhibit A1 which constitutes the legal description of the real property being annexed to the condominium plan by this Amendment, and by the addition of Exhibits B1 and C1 which constitute the plot plan and floor plan drawings of the real property being annexed to the condominium plan by this Amendment. Said Exhibits are attached to this Amendment.

(C) References to Exhibits A, B and C. The Declaration is hereby further amended so as to provide that each and every reference therein to Exhibit A shall be deemed to read "Exhibits A and A1 of this Declaration as amended."

The Declaration is hereby further amended so as to provide that each and every reference therein to Exhibit B shall be deemed to read "Exhibits B and B1 of this Declaration as amended."

This Declaration is hereby further amended so as to provide that each and every reference therein to Exhibit C shall be deemed to read "Exhibits C and C1 of this Declaration as amended."

(D) Descriptions of Buildings. Section 2.2, entitled Description of Buildings, on page 5 of the Declaration, is hereby amended as follows:

In the first and second lines at the top of page 5 the words "five (5)" are hereby amended to read "six (6)".

In lines five and six on page 5 the words "and with all other buildings containing six (6) similar townhouse condominium units.", are hereby amended to read "and with buildings Two through Five containing six (6) similar townhouse condominium units, and with building Six containing four (4) similar townhouse condominium units."

(E) Number of Units. Section 2.3 entitled Number of Units, on page 5 of the Declaration, is hereby amended by changing the number "thirty-two (32) to the number "thirty-six (36)".

(F) Percentage Interest in the Common Area. Section 2.6 entitled Percentage Interest in the Common Area, on page 5 of the Declaration is hereby amended as follows:

The number "thirty-two (32)" on page 5 is hereby amended to read "thirty-six (36)".

The percentage interests for the various condominium units are hereby amended to read as follows:

Unit	Percent	Unit	Percent	Unit	Percent	Unit	Percent
5821	3.13%	5841	3.04%	5859	2.60%	5877	2.83%
5823	2.67%	5843	2.60%	5861	2.60%	5879	2.83%
5825	2.94%	5845	3.04%	5863	2.83%	5881	2.60%
5829	3.13%	5847	2.45%	5865	3.04%	5883	3.04%
5831	2.60%	5849	2.60%	5867	2.60%	5885	2.45%
5833	2.83%	5851	3.04%	5869	3.04%	5887	2.60%
5835	2.60%	5853	2.83%	5871	2.45%	5889	3.04%
5837	2.60%	5855	2.60%	5873	2.60%	5891	2.45%
5839	2.83%	5857	2.83%	5875	3.04%	5893	3.04%

(There is no unit numbered 5827)

(G) Maximum Monthly Assessment. Section 6.3, entitled Maximum Monthly Assessment, on page 11 of the Declaration, is hereby amended by adding to it a listing of the additional condominium units which are added to the condominium plan through this Amendment and by setting forth the assessment amounts applicable to those additional units:

Unit Number	Annual Assessment	Monthly Installment
5821	$380.28	$31.69
5823	$325.92	$27.16
5825	$357.84	$28.82
5829	$380.28	$31.69

(H) No Other Changes. With the exception of the amendments set forth above, no changes or revisions are effected in the condominium Declaration.

IN WITNESS WHEREOF, this Amendment to the aforesaid Declaration of Condominium has been executed on the date first above mentioned by the Declarant ROBERT W. BOOHER CONSTRUCTION CORP. as owner and record title holder of the real estate being added to the condominium plan through this Amendment and of certain of the condominium units created by the recording of the original Declaration, through the signature of its sole officer who serves as President, Treasurer and Secretary of said Ohio corporation. This Amendment has also been executed on the same date by the various owners of units and their respective mortgagees whose names are set forth on Exhibit Z which is attached hereto and made a part hereof as fully as if it were rewritten herein, being all of the owners of units conveyed by the Declarant heretofore and their respective mortgagees, by and through the execution of this Amendment by the Declarant under the power of attorney coupledwith an interest set forth in Section 3.1 (f) on page 7 of the Declaration, so as to evidence the consent and prior written approval of said owners and mortgagees to this Amendment to the Declaration.

Signed and acknowledged in the presence of:

_____

_____

ROBERT W. BOOHER CONSTRUCTION CORP.

By /S/ ROBERT W. BOOHER

Robert W. Booher, President, Treasurer and Secretary

Signed and acknowledged in the presence of:

_____

_____

ROBERT W. BOOHER CONSTRUCTION CORP.,
As Attorney-In-Fact

By /S/ ROBERT W. BOOHER

Robert W. Booher, President, Treasurer and Secretary

STATE OF OHIO :
: SS.
COUNTY OF MONTGOMERY :

Before me, a Notary Public in and for said County and State, personnally appeared ROBERT W. BOOHER CONSTRUCTION CORP., and Ohio corporation, by and through its sole officer, ROBERT W. BOOHER, its President, Treasurer and Secretary, who acknowledged that he did execute the foregoing condominium Amendment for and on behalf of said corporation and that the same is the free act and deed of said corporation and of himself individually and as such officer for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Montgomery County, Ohio, this 14 day of August, 1973.

/S/
Notary Public

STATE OF OHIO :
: SS.
COUNTY OF MONTGOMERY :

Before me, a Notary Public in and for said County and State, personnally appeared ROBERT W. BOOHER CONSTRUCTION CORP., and Ohio corporation, as attorney-in-fact for the various owners of units and their respective mortgagees whose names are set forth in Exhibit Z attached hereto and made a part hereof as fully as if completely rewritten herein, by and through the signature of its sole officer, ROBERT W. BOOHER, its President, Treasurer and Secretary, who acknowledged that he did execute the foregoing instrument for and on behalf of said corporation as attorney-in-fact, and that the same is the free act and deed of said corporation as attorney-in-fact and of himself individually and as such officer for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Montgomery County, Ohio this 14 day of August, 1973.

/S/
Notary Public

STATE OF OHIO :
: SS.
COUNTY OF MONTGOMERY

ROBERT W. BOOHER, being first duly cautioned and sworn, deposes and says that he is the President of ROBERT W. BOOHER CONSTRUCTION CORP., and Ohio corporation being the Declarant which established Fox Run Condominium and which executed the above Amendment to the Declaration for said condominium. Affiant says further that a copy of the above Amendment has been mailed, postage prepaid, by certified mail to all unit owners and all mortgagees having bonafide liens of record against any unit contained within the plan for Fox Run Condominium.

/S/ ROBERT W. BOOHER
Robert W. Booher

Sworn to before me and subscribed in my presence by the said Robert W. Booher this 14 day of August, 1973.

/S/
Notary Public

These Instruments Prepared by: JAMES R. GOULD, a partner in the firm of Gould, Bailey, Farquhar & Green, 200 Talbott Tower, Dayton, Ohio 45402, for the exclusive use of ROBERT W. BOOHER CONSTRUCTION CORP., an Ohio corporation, and solely for use with regard to the development of the specific parcel of real estate described in Exhibit "A" to the Declaration establishing a condominium plan for the Fox Run Condominium, together with such real estate as may subsequently be annexed as part of said condominium plan. Any reproduction or other use of all or any part of the language contained herein is expressly prohibited except with regard to the sale, financing, or insuring of any condominium unit contained in this plan or the administration of this condominium development.

Copyright, © , 1973 by James R. Gould. All rights reserved. No portion of these instruments may be reproduced, copied or used without the prior express consent of the copyright holder, except as noted above.

EXHIBIT A1

To the Declaration as amended, establishing Fox Run Condominium.

Description of Real Estate

Situated in the City of Centerville, County of Montgomery and State of Ohio and in Section 15, Town 2, Range 6 M.R.S., and being more particularly described as follows:

Beginning at the southeast corner of Lot No. 1017 of Oak Creek Four, Section Five-"A" as recorded in Plat Book 92, Page 85 in the Plat Records of Montgomery County, Ohio; thence South four degrees fifty minutes no seconds (4°50'00") West for one hundred sixty-six and 00/000 (166.00) feet; thence North sixty-five degrees thirty-nine minutes eleven seconds (65°39'11") West for one hundred eighty and 61/100 (180.61) feet to the east right-of-way of Overbrook Road as platted in Oak Creek Four, Section Five as recorded in Book 88, Page 59 in the Plat Records of Montgomery County, Ohio; thence along the east right-of-way line of said Overbrooke Road on a curve to the left for eighty-three and 29/100 (83.29) feet, said curve having a radius of two hundred twenty-five and 00/100 (225.00) feet and an internal angle of twenty-one degrees twelve minutes thirty-three seconds (21°12'33"), tangent to said curve at its point of beginning being North twenty-six degrees two minutes thirty-three seconds (26°02'33") East; thence North four degrees fifty minutes no seconds (4°50'00") East continuing along the east line of said Overbrook Road for twenty-four and 27/100 (24.27) feet to the southwest corner of said Lot No. 1017; thence South eighty-five degrees ten minutes no seconds (85°10'00") East along the south line of said Lot No. 1017 for one hundred fifty-five and 11/100 (155.00) feet to the point of beginning, containing no and 503/1000 (0.503 acres, more or less, subject, however, to all legal highways and easements of record. Curved distances are measured on the arc.

Prior Deed Reference: Microfiche Number 73-358-E05.

EXHIBIT Z

To the Declaration for Fox Run Condominium.

Unit No.	Name of Owner	Unit No.	Name of Owner
5893	Robert and Marjorie Ebert	5867	Ruth Thunn
5891	Carolyn J. Rosener	5865	Jay S. and Ida M. Haverstick
5889	Wesley M. and M. Louise Steinhilber	5863	Carolyn Davies
5887	Terence P. and Diane M. Torbeck	5859	John W. and Kathleen B. Brombacher
5885	Steve D. Smith	5861	David J. and Madeline T. Tibone
5883	Nancy R. Cooke	5857	Robert V. and Glennis A. Hoffman
5881	Peggy J. Houser	5855	Robert J. and Hildegard Schindler
5879	William J. and Voleta Prater	5853	James M. and Doris M. Miller
5877	Robert W. and Jacqueline B. Evers	5851	Donald D. and Doris J. Zoller
5875	Ronald J. and Donna L. Browne	5849	Elizabeth L. Schiller
5873	William A. and Patricia B. Nicol	5847	James D. and Shirley M. Roberts
5871	Robert A. and Marylou Stemper	5943	Samuel A. and Elizabeth L. Mays
5869	William H. and Doris L. Ewry	5845	Margaret G. Gummer

Mortgagees

State Fidelity Federal Savings and Loan Association
Winters National Bank and Trust Company
(both of Dayton, Ohio)