

FIFTH AMENDMENT

(ADDING SIXTH PHASE) TO

DECLARATION OF CONDOMINIUM

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ANDREW D BRENNER
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DECLAR AMEN 64.00
OR Book 780 Page 1310 - 1315

200700013191
PEAK TITLE

**The Village at
Murphy's Crossing
Condominium**

EXPANDING THE CONDOMINIUM

Todd A Hanks

Delaware County Auditor

by: *Tracy Hedges*

This instrument prepared by

**Kenton L. Kuehnle
Allen Kuehnle Stovall & Neuman, LLP
21 West Broad Street
Columbus, Ohio 43215**

AMENDMENT TO DECLARATION

This Amendment to the Declaration of Condominium for The Village at Murphy's Crossing Condominium, ("the Condominium"), expanding and submitting additional property to the condominium is made as of this 25 day April, 2007.

Background

CCBI Murphy's X, LLC, an Ohio limited liability company, ("Declarant"), is the owner in fee simple of all the real property hereinafter described and the improvements thereon and appurtenances thereto.

The Declarant has submitted certain property to the provisions of Section 5311 of the Ohio Revised Code by the filing of a Declaration of Condominium (the "Declaration") of The Village at Murphy's Crossing. The Declaration is recorded in Official Record Volume 601 Page 1529, and the drawings are recorded in Cabinet 3, Slide 551, all of the Delaware County, Ohio Records.

The Declarant, pursuant to Article XVIII of the Declaration, reserved the right to expand the Condominium property by amending the Declaration to add the property (described in Exhibit C of the Declaration as the "Additional Property"), and improvements thereon and appurtenances thereto, to the original condominium. By this instrument, the Declarant is adding the property described in Exhibit A to this Amendment to the Condominium.

Declaration

Declarant, the sole owner of the Additional Property, hereby submits the portion of the Additional Property described on Exhibit A to this Amendment, to the provisions of Chapter 5311 of the Ohio Revised Code, and hereby amends the Declaration of Condominium as follows:

1. Definitions. All terms used herein shall have the same meanings as those terms are defined in the Declaration.
2. Additional Property Added. A legal description of the property being added to the Condominium is attached hereto as "Exhibit A" and incorporated herein by this reference.
3. Name. The Condominium, as expanded hereby, shall continue to be named "The Village at Murphy's Crossing Condominium".
4. Purposes. The purposes of the Condominium shall continue to be as set forth in the Declaration (encompassing the additional property added hereby).

5. Improvements Description. The property being added by this amendment consists of a 1.491-Acre tract of land, on which is situated 1 residential building containing 4 Units. Improvements on such property are compatible in terms of quality of construction, principal materials used, and architectural style and design to the improvements now a part of the Condominium Property.

6. Units.

a. Unit Designation. The Units added to the Condominium are designated on the drawings filed simultaneously herewith, by a unit number which is referenced on the drawings filed herewith. The Units added in this phase are designated as "Unit H-000", "Unit H-000", "Unit H-000" and "Unit H-000." A listing of the proper Unit designations for all Units in the Condominium is attached as Exhibit B.

b. Composition of Units. Each Unit added hereby consists of the space in the building designated on the drawings filed simultaneously herewith, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration.

c. Unit Locations. The location of each Unit added hereby is shown on the Drawings filed simultaneously herewith.

7. Common and Limited Common Elements.

a. Common Elements. All of the property described in Exhibit A, including all of the land and all improvements thereon and appurtenances thereto, except those portions labeled or described herein or in the amendment to the Drawings filed herewith as a part of a Unit, are Common Elements.

b. Limited Common Elements. Those portions of the Common Elements that are added hereby that are labeled or designated "LCE" or "limited common elements" on the Drawings filed herewith, are Limited Common Elements. These Limited Common Elements are reserved for the exclusive use of the Units which those improvements are designed to serve, in accordance with the provisions of the Declaration and as designated on the Drawings.

c. Undivided Ownership of Common Elements. The undivided interest in the Common Elements appurtenant to all Units in the Condominium as expanded hereby, and as thereby allocated and reallocated, are shown in the attached Exhibit B, and are all equal to one/thirty-third ($1/33^{\text{rd}}$). The Common Elements shall be owned by the Unit owners as tenants in common, and ownership thereof shall remain undivided. No Unit owner may waive or release any rights in the Common Elements. Further, the undivided interest in the Common Elements of a Unit shall not be separated from the Unit to which it appertains.

8. Effects of Expansion. Upon the filing for record of this Amendment to the Declaration adding the property described in Exhibit A to the Condominium Property:

a. the property shall hereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that property had been initially part of the Condominium Property, that is, the rights, easements, covenants, restrictions and assessment plan shall run with and will and bind such property in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the original Condominium Property;

b. the owner or owners of Units within such property shall thereupon become members of the Condominium Association, to the same extent, with the same effect, subject to the same obligations, and imbued with the same rights, as all other members; and

c. in all other respects, all of the provisions of the Declaration shall include and apply to such property, and to the owners, mortgagees and lessees of Units thereon, with equal meaning and of like force and effect.

Drawings, as required by the Ohio Revised Code, are filed herewith showing the information required with respect to the property added by this amendment.

IN WITNESS WHEREOF, this amendment has been executed on behalf of the Declarant on this 25 day of April, 2007.

CCBI Murphy's X, LLC

By



Paolo Cugini, authorized member

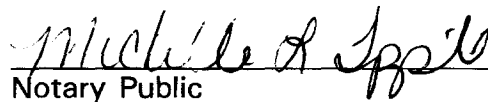
STATE OF OHIO
COUNTY OF FRANKLIN, SS:

Before me, a notary public, personally appeared Paolo Cugini, authorized member of CCBI Murphy's X, LLC, an Ohio limited liability company, the Declarant in the foregoing instrument, who acknowledged the execution of this instrument to be the signatory's free act and deed, on behalf of the Declarant, for the uses and purposes set forth herein.

In Witness whereof, I have hereunto set my name this 25 day of April, 2007.



MICHELLE L. TIPPLE
Notary Public, State of Ohio
My Commission Expires
05-19-2008


Notary Public

<u>Unit</u>	<u>Address</u>	Exhibit B		<u>Square Footage</u>	
		<u>Bed-rooms(1)</u>	<u>Baths</u>	<u>Living Area</u>	<u>Basement or crawl space</u>
A-127	127 Murphy's Crossing Drive	4	3	2,387	952
A-133	133 Murphy's Crossing Drive	2	2½	2,322	1,236
A-139	139 Murphy's Crossing Drive	3	3	2,247	952
B-104	104 Murphy's Crossing Drive	4	3	2,387	952
B-110	110 Murphy's Crossing Drive	2	2½	2,322	1,236
B-116	116 Murphy's Crossing Drive	3	3	2,247	952
B-122	122 Murphy's Crossing Drive	2	2½	2,096	988
C-119	119 Murphy's Crossing Drive	4	3	2,387	952
C-125	125 Murphy's Crossing Drive	2	2½	2,322	1,236
D-97	97 Murphy's Crossing Drive	4	3	2,387	952
D-103	103 Murphy's Crossing Drive	2	2½	2,096	988
D-109	109 Murphy's Crossing Drive	2	2½	2,092	1,034
E-92	92 Murphy's Crossing Drive	3	2½	2,413	1,491
E-245	245 Murphy's Green	3	2½	2,319	1,422
E-253	253 Murphy's Green	4	2½	2,411	1,545
E-261	261 Murphy's Green	4	2½	2,411	1,236
F-236	236 Murphy's Green	2	2	1,597	1,597
F-240	240 Murphy's Green	3	2½	2,431	1,396
G-242	242 Murphy's Green	3	2½	2,099	1,487
G-250	250 Murphy's Green	3	2½	2,399	1,413
G-258	258 Murphy's Green	3	2½	2,399	1,413
* H-31	31 Murphy's View Place	4	3	2,387	952
* H-37	37 Murphy's View Place	3	2½	2,431	1,396
* H-42	42 Murphy's View Place	3	2½	2,487	1,549
* H-48	48 Murphy's View Place	3	2½	2,431	1,396

(1) Some Units Contain a loft and bonus room (some bonus rooms are unfinished)

* Unit added by this amendment

<u>Unit</u>	<u>Address</u>	Exhibit B		<u>Square Footage</u>	
		<u>Bed-rooms(1)</u>	<u>Baths</u>	<u>Living Area</u>	<u>Basement or crawl space</u>
K-43	43 Murphy's View Place	3	2½	2,540	1,556
K-51	51 Murphy's View Place	4	3	2,539	1,571
K-59	59 Murphy's View Place	3	2½	2,487	1,549
K-270	270 Murphy's Green	4	3	2,539	1,571
M-269	269 Murphy's Green	3	2½	2,540	1,556
M-277	277 Murphy's Green	3	2½	2,522	1,534
M-285	285 Murphy's Green	3	2½	2,522	1,534
M-293	293 Murphy's Green	3	2½	2,540	1,556

(1) Some Units Contain a loft and bonus room (some bonus rooms are unfinished)

* Unit added by this amendment

**Situated in the State of Ohio, County of Delaware, City of Powell, being in Farm Lot 30, Quarter Township 4, Township 3, Range 19, United States Military Lands, containing 1.491 acres of land, more or less, said 1.491 acres being part of that 13.742 acre tract of land described in the deed to CCBI Murphy's X, LLC, of record in Official Record Volume 560, Page 783, Recorder's Office, Delaware County, Ohio.*