

**FOURTH AMENDMENT  
(ADDING FIFTH PHASE) TO  
DECLARATION OF CONDOMINIUM  
FOR**

200700004448  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
02-08-2007 At 09:03 am.  
DECLAR AMEN 80.00  
OR Book 766 Page 1494 - 1500

*OR BK 766 Page 1501*

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

200700004448  
CUGINI & CAPOCCIA BUILDERS INC  
156 GREEN MEADOWS DR S  
LEWIS CENTER OH 43035

**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**

Provisions contained in any deed or other instrument  
for the conveyance of a dwelling which restrict the  
sale, rental or use of the property because of race or  
color are invalid under federal law and are unenforce-  
able

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 18<sup>th</sup> day December, 2006.

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 expended 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 \_\_\_\_\_-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 M-269", Unit M-277", "Unit M-285" and "Unit M-293." 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/twenty-fifth (1/29<sup>th</sup>). 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.

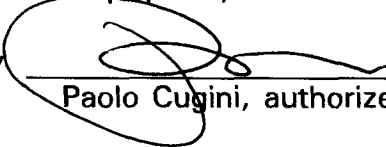
8. Effects of Expansion. Upon the filing for record of this Amendment to the Declaration adding the property described in Exhibit A to the Condominium Property:

- 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 18<sup>th</sup> day of December, 2006.

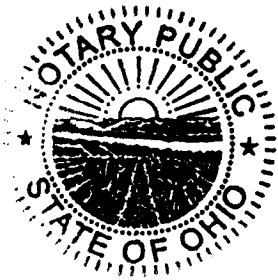
CCBI Murphy's X, LLC

By   
Paolo Cugini, authorized member

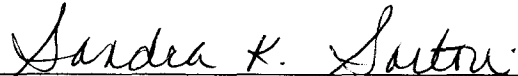
STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

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 18 day of December 2006.



SANDRA K. SARTORI  
Notary Public, State of Ohio  
My Commission Expires  
05-24-09

  
Notary Public

DECLARATION OF CONDOMINIUM  
THE VILLAGE AT MURPHY'S CROSSING CONDOMINIUM

Legal Description - Property Added  
Fourth Amendment, 1.098 Acres

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 1.098 acres of land, more or less, said 1.098 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, said 1.098 acres being more particularly described as follows:

Beginning, for reference, at the centerline intersection of West Olentangy Street, Murphy's Parkway and Village Point Drive, said intersection also being in the northerly line of said Farm Lot 30 and in the southerly line of Farm Lot 31; thence S82°21'56"E, with the centerline of said West Olentangy Street, with the northerly line of Murphy's Park Section 1, as the same is numbered and delineated upon the recorded plat, of record in Plat Cabinet 2, Slides 647A-647C, Recorder's Office, Delaware County, Ohio, with the northerly line of said Farm Lot 30 and with the southerly line of said Farm Lot 31, a distance of 787.80 feet to a point at a northeasterly corner of said Section 1; thence S07°06'53"W, with the easterly line of said 13.742 acre tract, with an easterly line of said Section 1 and with the westerly line of that 1.9 acre tract of land designated as Tract I and described in the deed to Stovar-Nevitt Partners, of record in Deed Book 600, Page 570, Recorder's Office, Delaware County, Ohio, a distance of 602.65 feet to a 3/4-inch (I.D.) iron pipe found at the southeasterly corner of The Village at Murphy's Crossing Condominium Third Amendment (1.418 acres) as the same is designated and delineated upon the recorded plat of record in Official Record Volume 748, Page 195, the same being the northeasterly corner of The Village at Murphy's Crossing Condominium First Amendment (0.589 acre) as the same is designated and delineated upon the recorded plat of record in Official Record Volume 700, Page 106, both being of record in the Recorder's Office Delaware County, Ohio; thence westwardly and north westwardly with the southerly line of said Third Amendment (1.418 acres) and with the northerly line of said First Amendment (0.589 acre) the following four (4) courses and distances:

1. N82°21'56"W, a distance of 92.63 feet to a point;
2. N39°42'06"W, a distance of 24.66 feet to a point in a curve;
3. Southwesterly with the arc of a curve to the right, having a radius of 33.00 feet, an arc length of 40.81 feet, a central angle of 70°51'30" and a chord that bears S62°12'18"W, a chord distance of 38.26 feet to a point of tangency;
4. N82°21'56"W, a distance of 84.96 feet to the true point of beginning; at the northwesterly corner of said First Amendment (0.589 acre);

Thence, from said true point of beginning, S07°27'57"W, with the westerly line of said First Amendment (0.589 acre), a distance of 71.42 feet to a northeasterly corner of The Village at Murphy's Crossing Condominium Phase I, as the same is designated and delineated upon the recorded plat of record in Cabinet 3, Slide 551, Recorder's Office, Delaware County, Ohio;

Thence N82°21'43"W, in part with the northerly line of said Phase I, a distance of 363.00 feet to a point,

Thence N7°38'17"E, a distance of 219.19 feet to a point;

Thence S82°21'43"E, a distance of 120.00 feet to a point;

Thence S7°38'17"W, a distance of 120.78 feet to a point;

Thence S82°21'43"E, a distance of 154.50 feet to a point in the westerly line of said Third Amendment (1.419 acres);

Thence S7°37'45"W, with the westerly line of said Third Amendment (1.418 acre) a distance of 27.00 feet to the south westernmost corner of said Third Amendment (1.418 acres);

Thence S82°21'56"E, with the southerly line of aid Third Amendment (1.418 acres) a distance of 88.28 feet to the true point of beginning and containing 1.098 acres of land, more or less.

05088507

DECLARATION OF CONDOMINIUM  
THE VILLAGE AT MURPHY'S CROSSING CONDOMINIUM

Legal Description - Property Added  
Fourth Amendment, 1.098 Acres  
(Continued)

Subject to all rights-of-way, easements and restrictions, if any, of previous record.

We hereby state that the foregoing description was prepared from information obtained from an actual field survey conducted by Bauer, Davidson & Merchant, Inc. in November of 2006.

The bearings given in the foregoing description are based on the bearing of S82°21'56"E for the centerline of West Olentangy Street as it is shown and delineated upon the recorded plat of Murphy Park Section 1, Cabinet 2, Slides 647A, 647B and 647C, Recorder's Office, Delaware County, Ohio.

BAUER, DAVIDSON & MERCHANT, INC.  
Consulting Engineers


  
Gatis Erenpreiss  
Professional Surveyor No. 5572

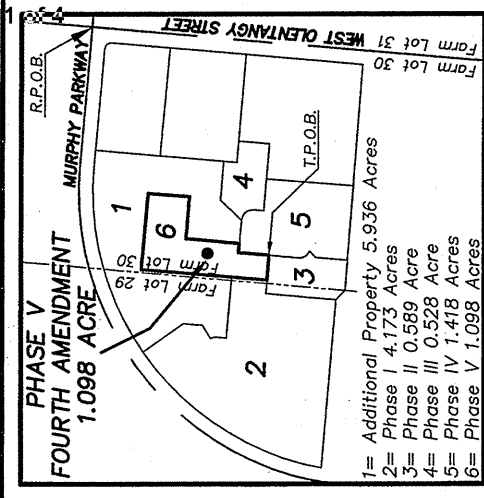


Exhibit B				<u>Square Footage</u>	
<u>Unit</u>	<u>Address</u>	<u>Bed-rooms(1)</u>	<u>Baths</u>	<u>Living Area</u>	<u>Basement or crawl space</u>
A-127	127 Murphy's Crossing Drive	4	3	2,387	952
A-133	133 Murphy's Crossing Drive	2	2½	2,322	1,236
A-139	139 Murphy's Crossing Drive	3	3	2,247	952
B-104	104 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
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

OR 766 Page 1501



**SITE MAP**  
(NOT TO SCALE)

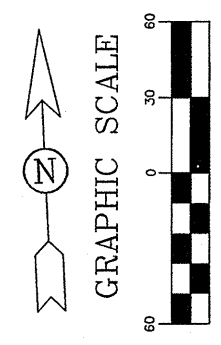
All areas not designated as Limited Common Elements or by Unit Designation are Common Elements.

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 1.098 acres of land, more or less, said 1.098 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.

The bearings given in this plat are based on the bearing of S82°21'56"E for the centerline of West Olentangy Street as it is delineated upon the recorded plat of Murphy's Park Section 1, Cabinet 2, Slides 647A, 647B and 647C, Recorder's Office, Delaware County, Ohio.

**MURPHY PARKWAY**  
**VILLAGE POINTE DRIVE**

Reference Point of Beginning for Description of 1.098 Acres



( IN FEET )  
1 inch = 60 ft.

*Revised 2-8-07 Fee: 124.00  
Andrew D Brenner / L.V.  
OR BK 766 Page 1501-1503  
Stored Cab 3 Slide 795  
200700004449*

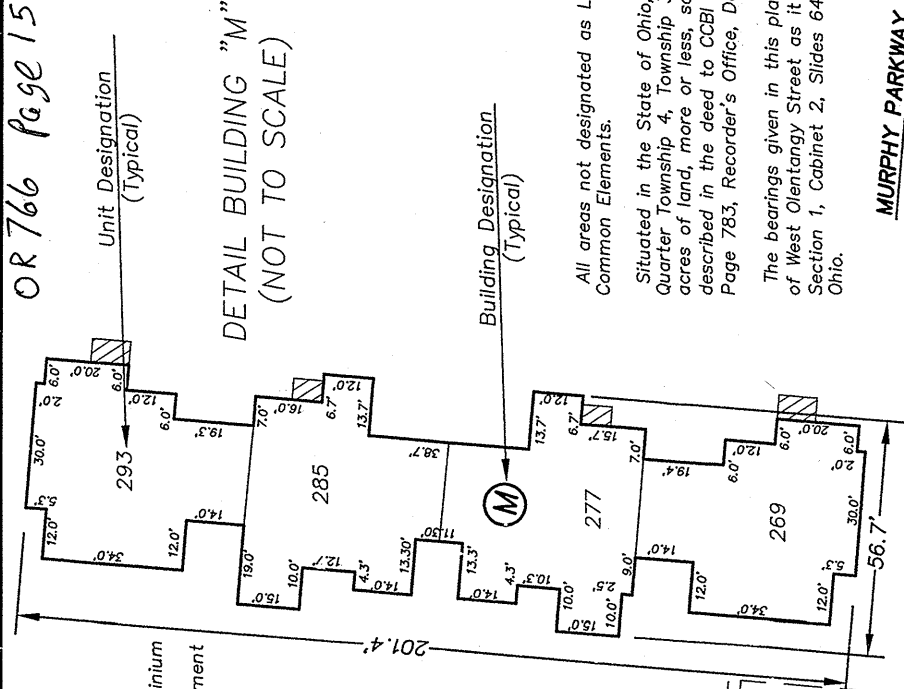
- Easement Reference
- 1) O.R.V. 489, P. 1029 Columbus Southern Power Company 10' wide easement centered on electric cable as installed
  - 2) O.R.V. 480, P. 486 Columbia Gas of Ohio 10' wide easement centered on pipeline as installed

**DRAWINGS FOR**  
**THE VILLAGE AT MURPHY'S CROSSING**  
**CONDOMINIUM**  
**PHASE V**  
**FOURTH AMENDMENT**

CITY OF POWELL,  
DELAWARE COUNTY, OHIO

**BAUER, DAVIDSON & MERCHANT, INC.**  
Consulting Engineers

255 Green Meadows Drive S.  
Westerville, Ohio 43081  
(614) 846-3393



**DETAIL BUILDING "M"**  
(NOT TO SCALE)

Unit Designation (Typical)

Building Designation (Typical)

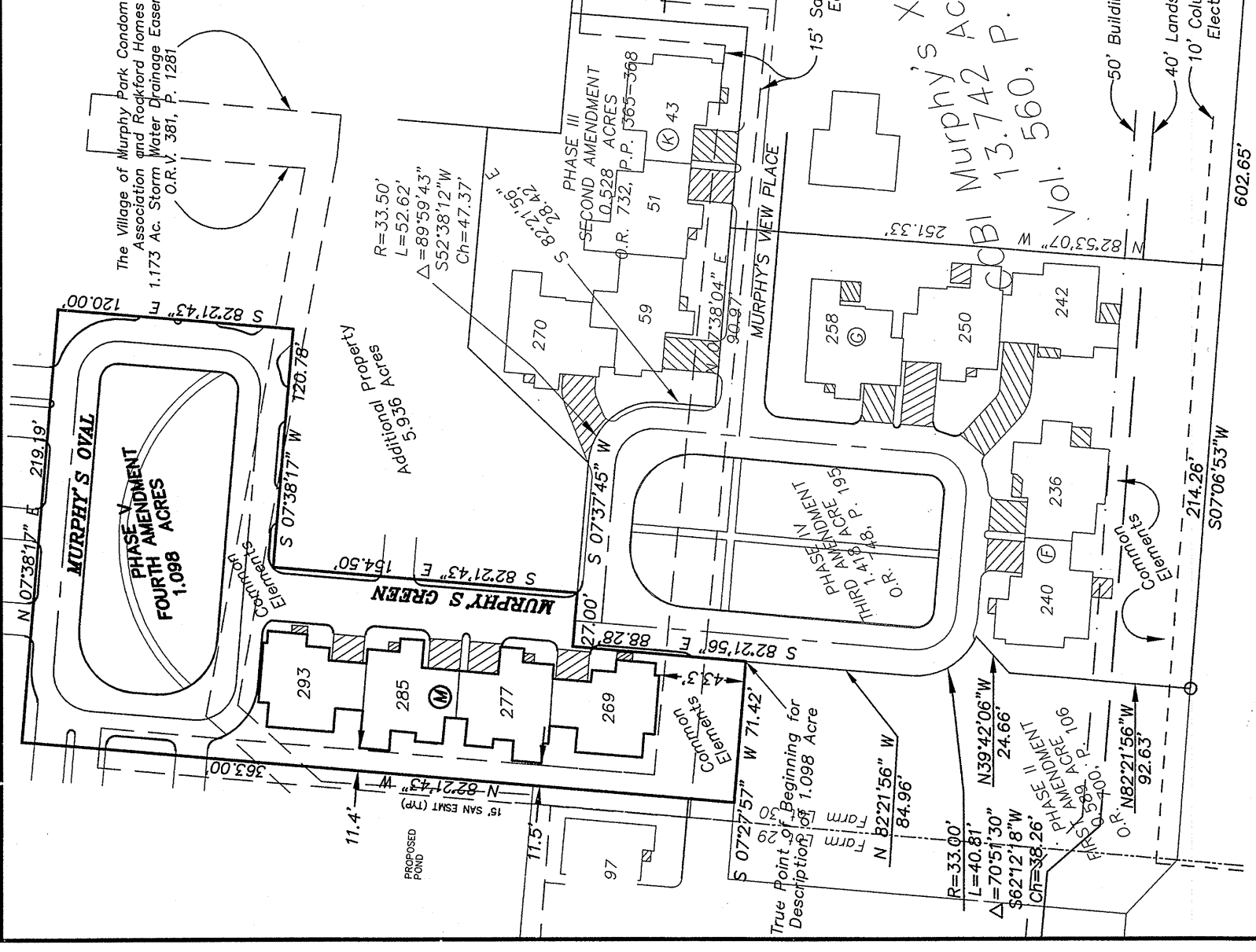
Delaware County  
The Grantor Has Complied With  
Section 319.202 Of The R.C.  
DATE 2-8-07 Transfer Tax Paid  
TRANSFERRED TO THE COUNTY  
Delaware County Auditor By: *TRH*

Stovar-Nevitt Partners  
Tract I 1.9 Acres  
D.B. 600, P. 570

200700004449  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
02-08-2007 At 09:03 am  
PLAT  
OR Book 766 Page 1501 - 1503A

**LEGEND**

- = 3/4-Inch (I.D.) Iron Pipe Set (with plastic cap in top marked B.D.M. #1)
- = 3/4-Inch (I.D.) Iron Pipe Found
- 293=Unit Designation (Typical)
- Ⓜ = Building Designation
- ▨ = Limited Common Elements



**BAUER, DAVIDSON & MERCHANT, INC.**  
CONSULTING ENGINEERS

**ROBERT LOUIS FIORITA**  
I certify that these drawings, consisting of sheets 2 through 4, accurately shows each building of The Village at Murphy's Crossing Condominium Phase V Fourth Amendment, as constructed.

BY: *Gatis Erenpreiss*  
Professional Surveyor No. 5572

BY: *Robert Louis Fiorita*  
Registered Architect No. 9138



PROJECT NO. 193-96  
DATE 12/19/2006  
NCL FOR COMET

PHONE (614) 848-0082  
FAX (614) 848-0082  
CUGINI & CAPOCCIA BUILDER INC.

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

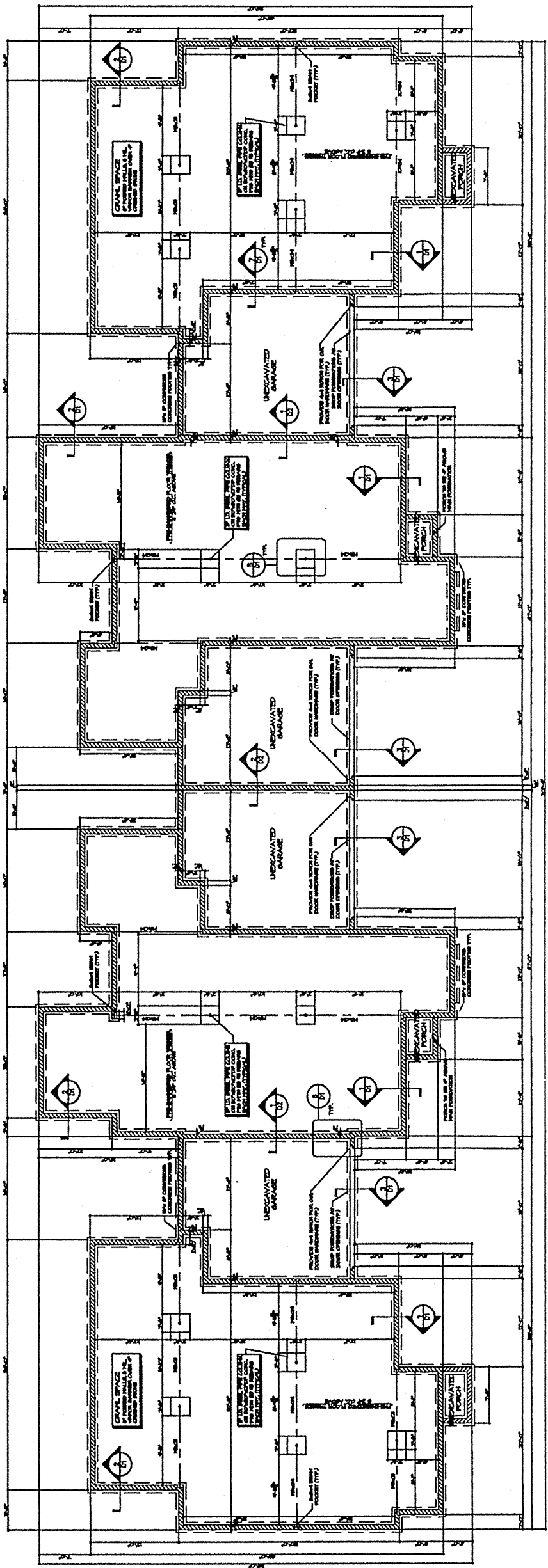
PLAT DRAWING  
BUILDING "M"

CONTRACTOR:  
188 GREEN MEADOWS DRIVE SOUTH  
WESTERVILLE, OHIO 43081

SHEET NUMBER  
A1

THE VILLAGE AT MURPHY'S CROSSING UNITS 22, 23, 24 & 25

OR 766 Page 1502



UNIT 22  
BRENTWOOD  
253 MURPHY'S GREEN

UNIT 23  
DAVENPORT  
255 MURPHY'S GREEN

UNIT 24  
DAVENPORT  
271 MURPHY'S GREEN

UNIT 25  
BRENTWOOD  
264 MURPHY'S GREEN

BUILDING FOUNDATION PLAN (REFER TO TYPICAL CORRESPONDING "A" DRAWINGS FOR DETAILS OF EACH UNIT)  
SCALE: 1/8" = 1'-0"

CONTRACTOR:  
CUGINI & CAPOCCIA BUILDER INC.  
100 GREEN MEADOWS DRIVE SOUTH  
WESTERVILLE, OHIO 43081  
PHONE: (614) 848-0082  
FAX: (614) 848-0080

PROJECT NO.: 193-96  
DATE: 12/19/2006  
SHEET NO. FOR CONCT.

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

PLAT DRAWING  
BUILDING "M"

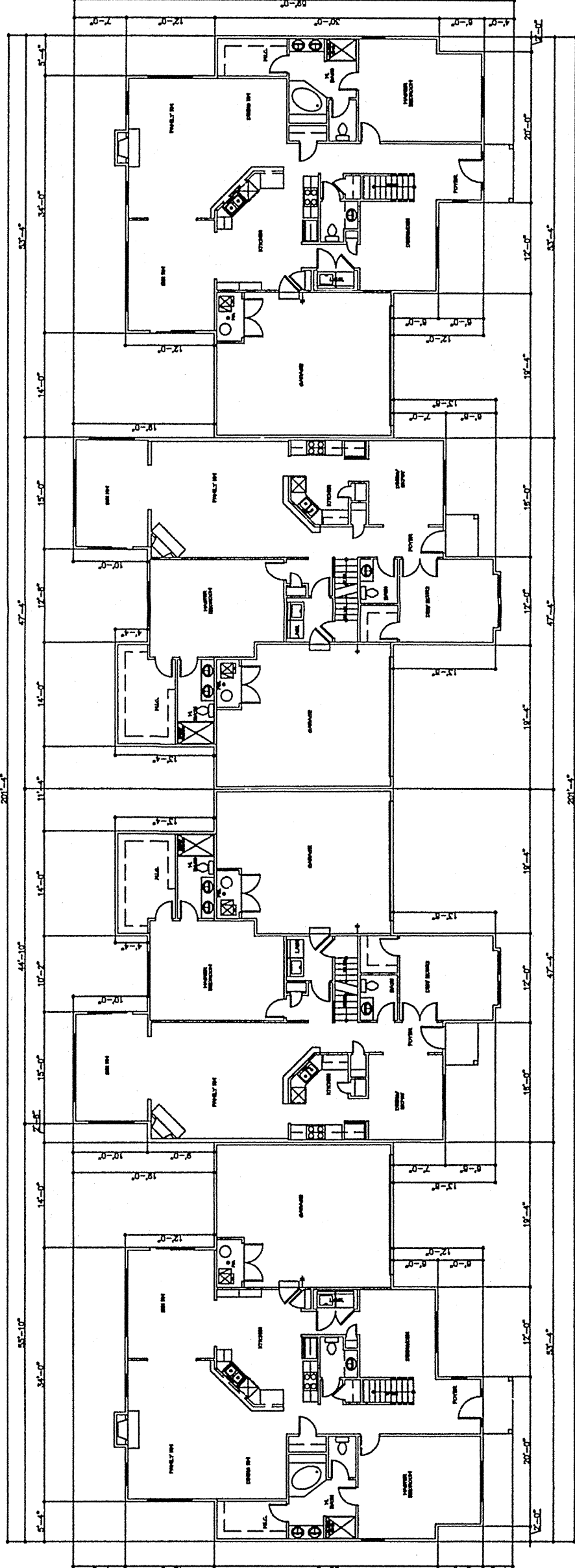
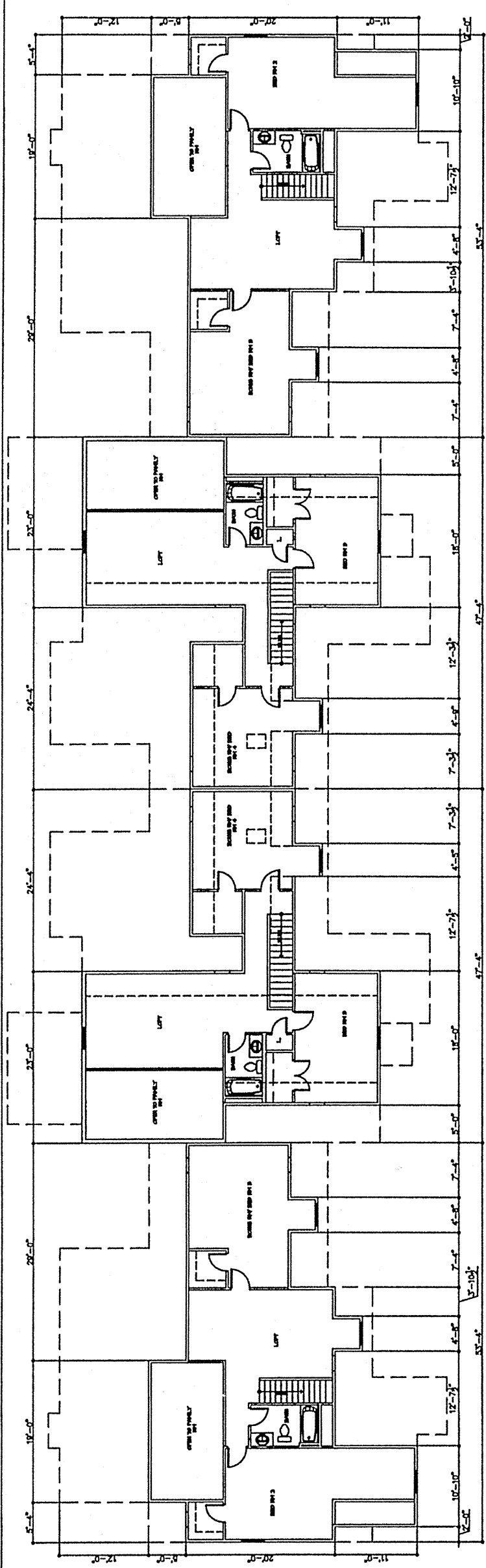
REVISIONS

A2

UNIT NUMBER

OR 766 Page 1503

THE VILLAGE AT MURPHY'S CROSSING UNITS 22, 23, 24 & 25



UNIT 22  
CRENTWOOD  
245 MURPHY'S GREEN

UNIT 23  
DAVENPORT  
255 MURPHY'S GREEN

UNIT 24  
DAVENPORT  
271 MURPHY'S GREEN

UNIT 25  
CRENTWOOD  
284 MURPHY'S GREEN

BUILDING FIRST & SECOND FLOOR PLANS (REFER TO TYPICAL CORRESPONDING "A" DRAWINGS FOR DETAILS OF EACH UNIT)

