

FIFTH AMENDMENT

(ADDING SIXTH PHASE) TO

DECLARATION OF CONDOMINIUM

ORV. 780 Pg. 1316
Stored Cels at 800 **FOR**

200700013191
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
04-26-2007 At 01:09 pm.
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 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 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 ($1/33^{rd}$). 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.

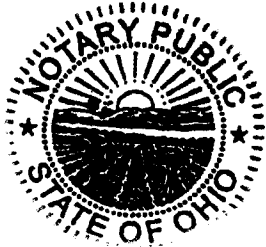
CCBI Murphy's X, LLC

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

| 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 |
| * 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

| 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> |
| 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

**Situating 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.*



GRAPHIC SCALE

(IN FEET)

1 inch = 60 ft.

Recorded this
26th day of April 2007
1:00 PM
200700013192

Easement Reference
1) O.R.V. 469, 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

Delaware County

The Grantor Has Complied With

Section 319.202 Of The R.C.

DATE *4 April 2007* Transfer Tax Paid *0*

TRANSFERRER OR TRANSFEREE NOT NECESSARY

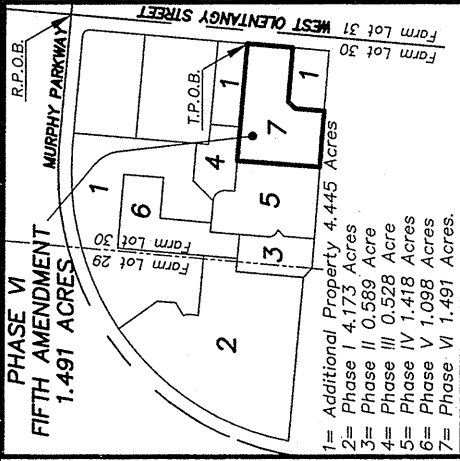
Delaware County Auditor By: *[Signature]*

200700013192
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
04-26-2007 At 01:09 PM.
FLAT
OR Book 780 Page 1316 - 1319

stand Cas at 800-800
Tran, LLC
1,409 AC.
Vol. 569, P. 777

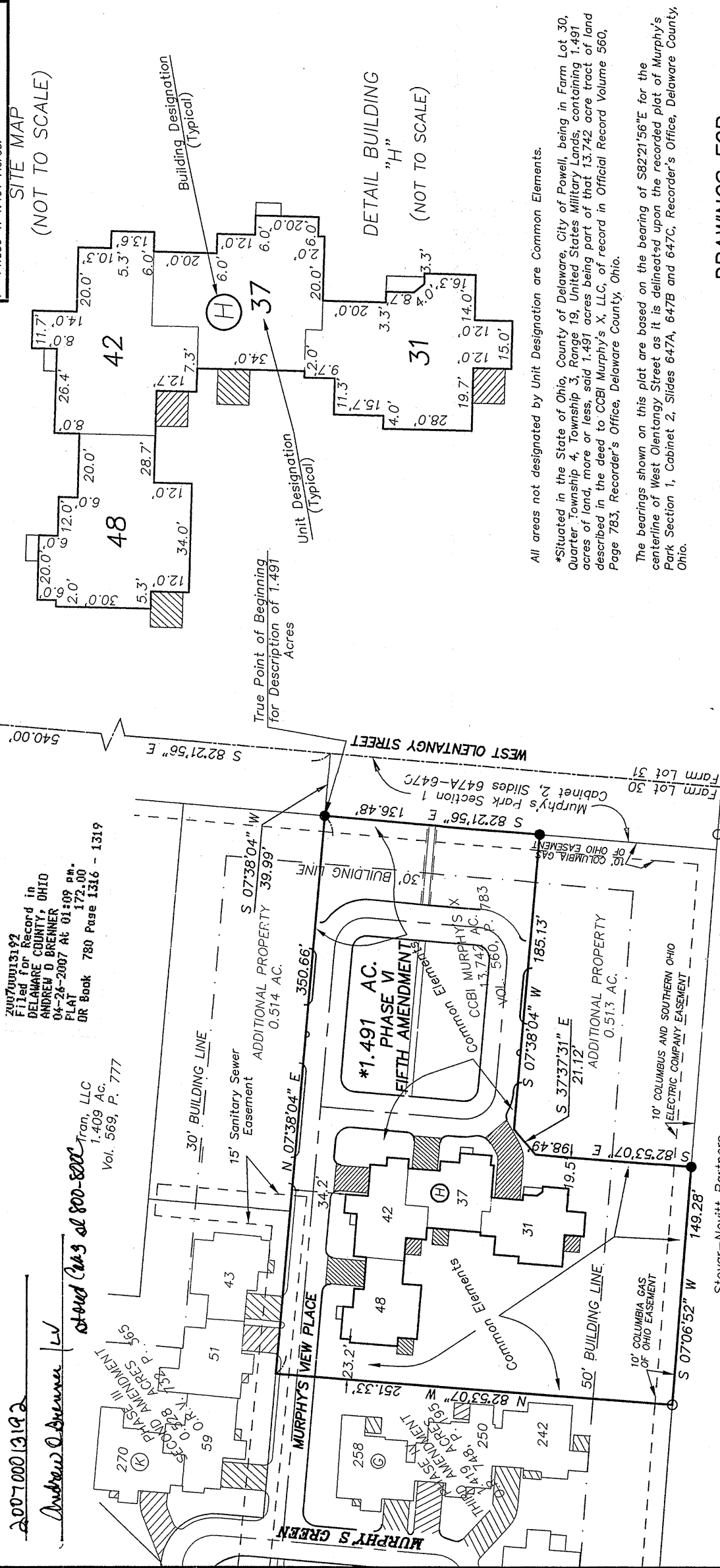
1= Additional Property 4.445 Acres
2= Phase I 4.173 Acres
3= Phase II 0.589 Acre
4= Phase III 0.528 Acre
5= Phase IV 1.418 Acres
6= Phase V 1.098 Acres
7= Phase VI 1.491 Acres.

SITE MAP
(NOT TO SCALE)



MURPHY PARKWAY
VILLAGE POINTE DRIVE

Reference Point of
Beginning for Description
of 1.491 Acres



True Point of Beginning
for Description of 1.491
Acres

Unit Designation
(Typical)

DETAIL BUILDING
"H"
(NOT TO SCALE)

All areas not designated by Unit Designation are Common Elements.

*Sited 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.

The bearings shown on 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.

DRAWINGS FOR THE VILLAGE AT MURPHY'S CROSSING CONDOMINIUM PHASE VI FIFTH AMENDMENT

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
- 48 = Unit Designation (Typical)
- ① = Building Designation (Typical)
- ▨ = Limited Common Elements



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

CITY OF POWELL,
DELAWARE COUNTY, OHIO

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

BAUER, DAVIDSON & MERCHANT, INC.
CONSULTING ENGINEERS

BY *[Signature]* 4-13-07

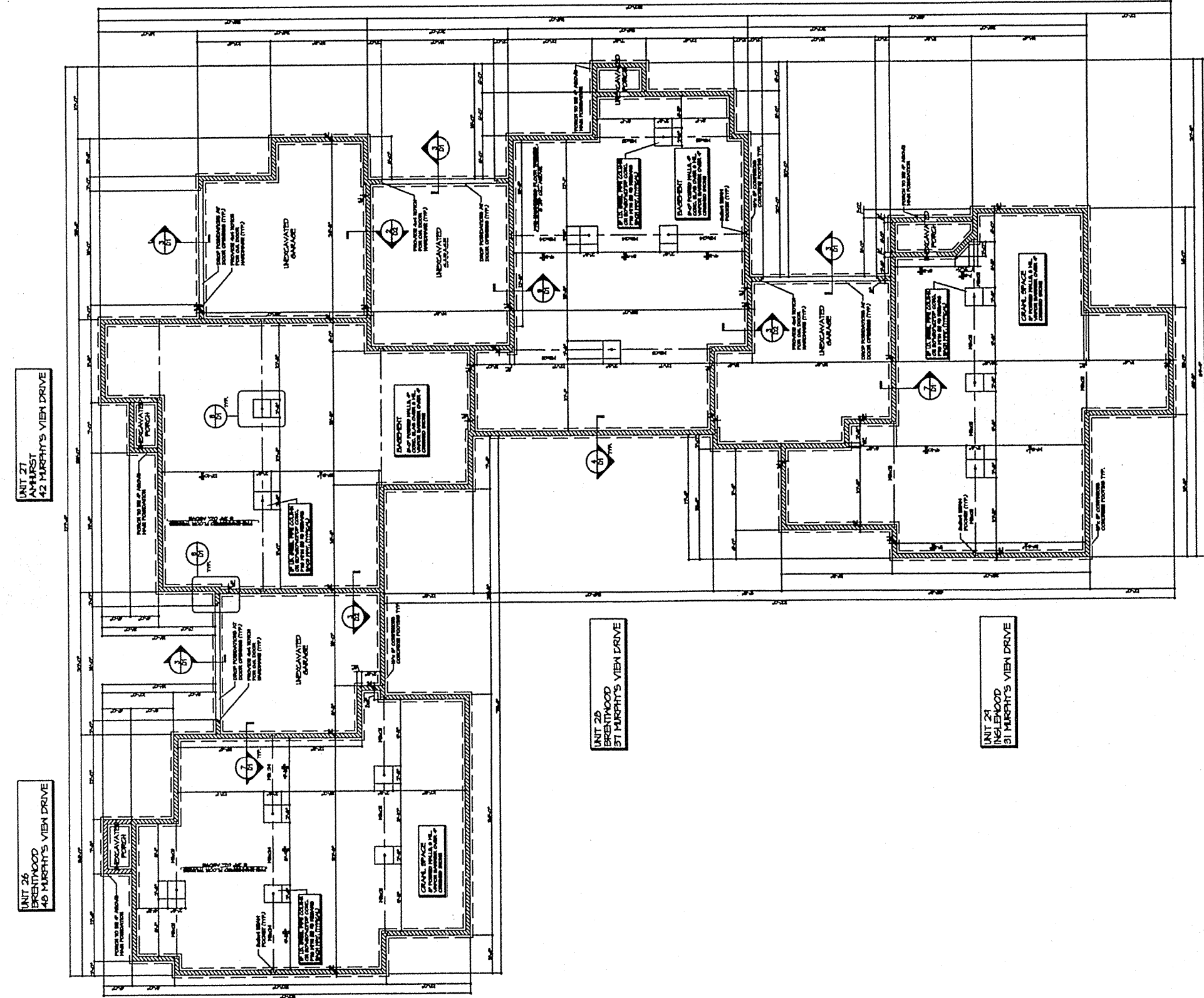
Professional Surveyor No. 5572

ROBERT LOUIS FIORITA
I certify that these drawings, consisting of 1 sheet, accurately reflect the location of each building of the Village at Murphy's Crossing Condominium Phase VI Fifth Amendment, as constructed.



Stovar-Nevitt Partners
Tract 11.9 Acres
D.B. 600, P. 570

OR 780/1317



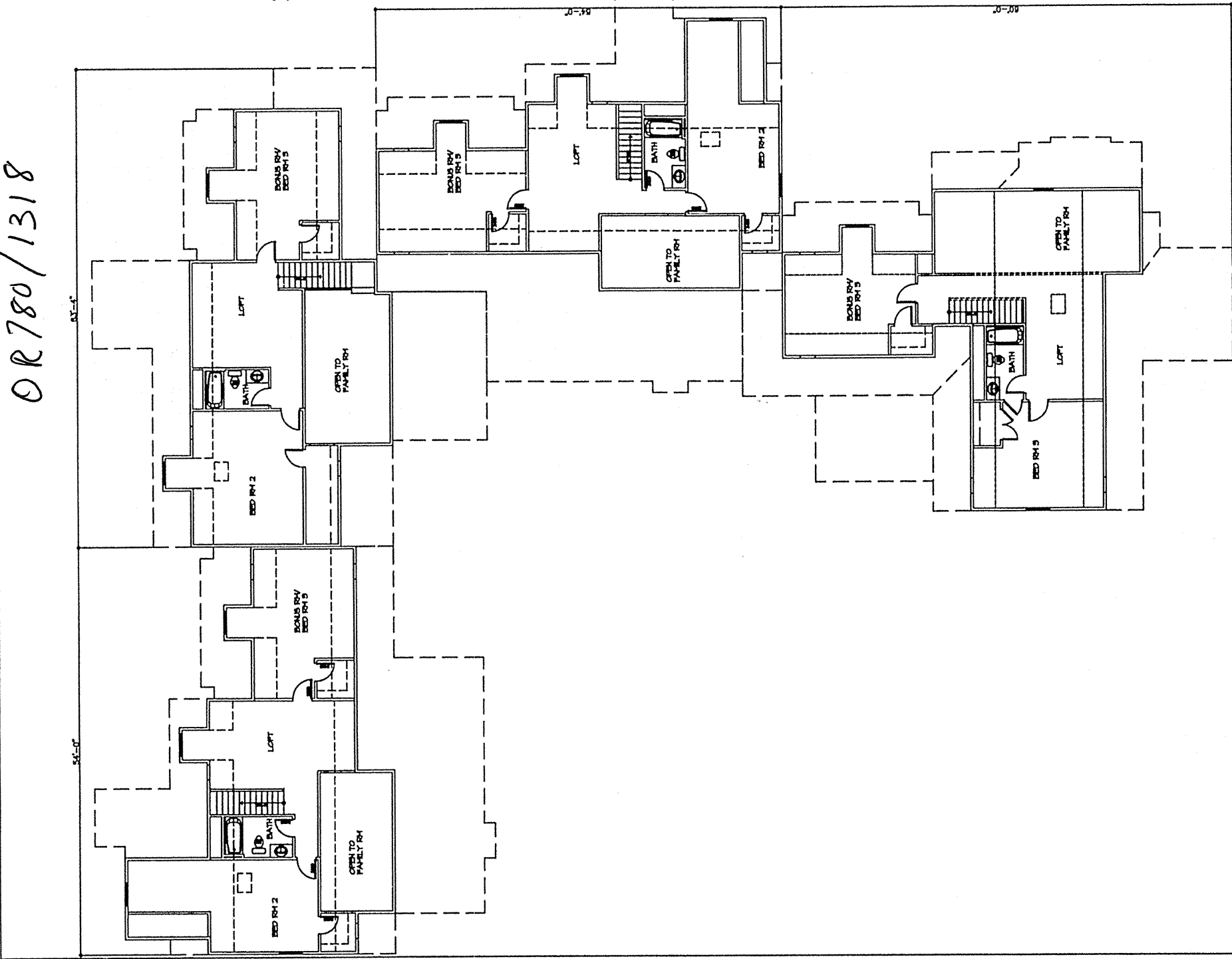
BUILDING FOUNDATION PLAN (REFER TO TYPICAL CORRESPONDING "A" DRAWINGS FOR DETAILS OF EACH UNIT)

SCALE 1/8" = 1'-0"

SHEET NUMBER

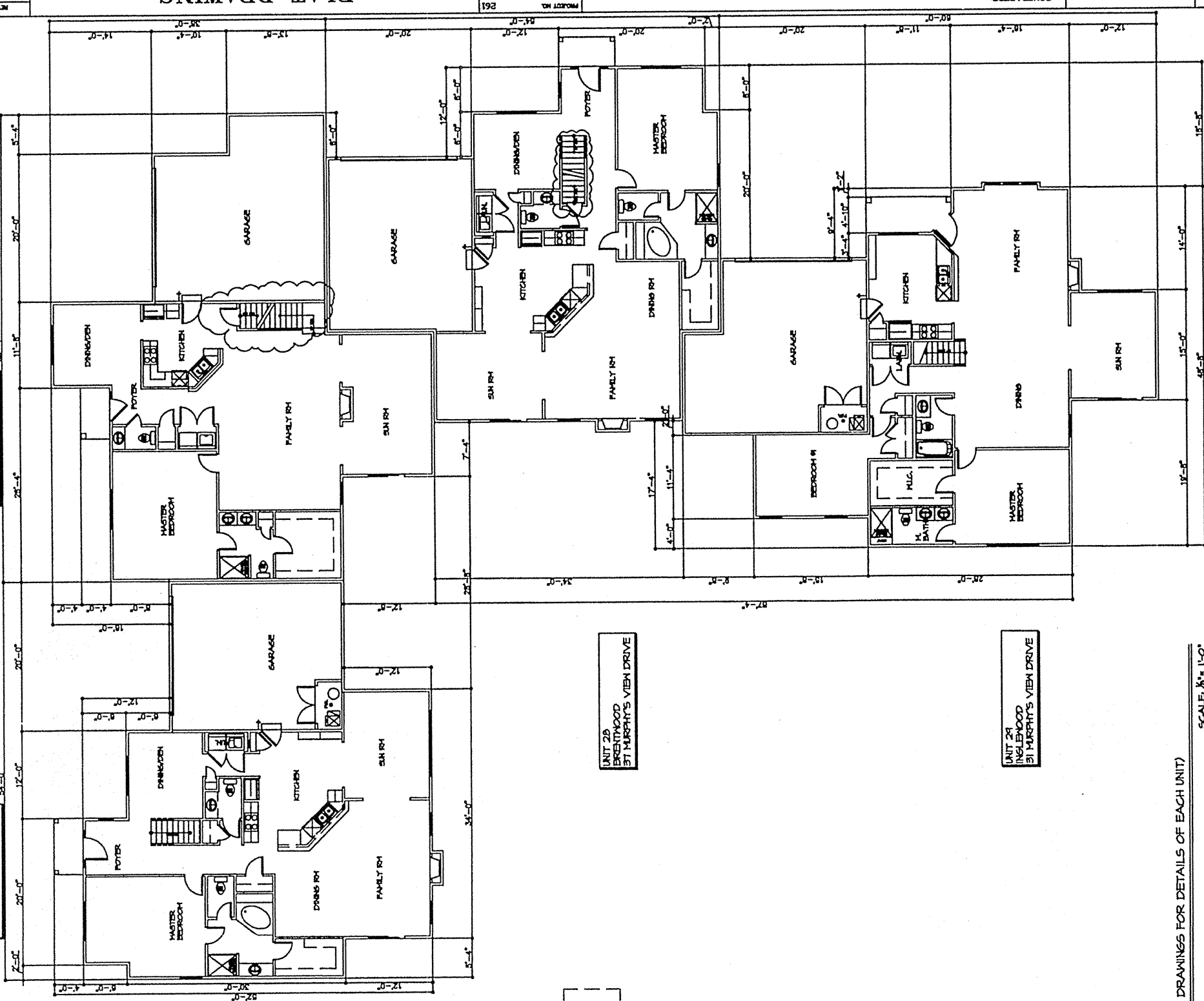
1A

OR 780/1318



UNIT 26
BRENTWOOD
40 MURPHY'S VIEIN DRIVE

UNIT 27
ANNUST
42 MURPHY'S VIEIN DRIVE



UNIT 28
BRENTWOOD
31 MURPHY'S VIEIN DRIVE

UNIT 29
INGLENWOOD
31 MURPHY'S VIEIN DRIVE

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

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

PLAT DRAWING "H"

CONTRACTOR:
CUGINI & CAPOCCIA BUILDER INC.
155 GREEN MEADOWS DRIVE SOUTH
WESTERVILLE, OHIO 43081
PHONE: (614) 848-0082
FAX: (614) 848-0082
PROJECT NO. E61
DATE 4/16/2007
REL. FOR CONSTR.

THE VILLAGE AT MURPHY'S CROSSING UNITS 26, 27, 28 & 29

A2

0R 780/1319

THE VILLAGE AT MURPHY'S CROSSING UNITS 26, 27, 28 & 29

