

19/82 <sup>92</sup>EV

THE RAVINES AT TIMBER'S EDGE CONDOMINIUM  
(Phase VI)

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

I hereby certify that copies of the within Fifth Amendment to Declaration of Condominium Ownership for The Ravines at Timber's Edge Condominium have been filed in the Office of the County Auditor, Warren County, Ohio.

WARREN COUNTY, OHIO AUDITOR

By Nick Nelson  
Deputy

Date: 9-7-, 2000

This Instrument Prepared By:

Jody T. Klekamp, Esq.  
Keating, Musthing & Klekamp, P.L.L.  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-6400

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

THE RAVINES AT TIMBER'S EDGE CONDOMINIUM

KNOW ALL MEN BY THESE PRESENTS:

A. That Ravines at Timber's Edge, Ltd., an Ohio limited liability company is the Declarant in the Declaration of Condominium Ownership for The Ravines at Timber's Edge Condominium (Phase I) recorded in Official Record Volume 1561, Page 904 of the Warren County, Ohio records as amended by the First Amendment to Declaration of Condominium Ownership for The Ravines at Timber's Edge Condominium (Phase II) recorded in Official Record Book 1579, Page 664, of the Warren County, Ohio records, as amended by the Second Amendment to Declaration of Condominium Ownership for the Ravines at Timber's Edge Condominium (Phase III) recorded in Official Record Book 1759, Page 922 of the Warren County, Ohio records, and as amended by the Third Amendment to Declaration of Condominium Ownership for The Ravines at Timber's Edge Condominium (Phase IV) recorded in Official Record Book 1908, Page 21 of the Warren County, Ohio records, and as amended by the Fourth Amendment to Declaration of Condominium Ownership for The Ravines at Timber's Edge Condominium (Phase V) recorded in Official Record Book 1920, Page 36 of the Warren County, Ohio records (collectively, the "Declaration"), the Drawings for which are recorded in Plat Book 41, Pages 14-21 (Phase I), in Plat Book 41, Pages 58-61 (Phase II), in Plat Book 44, Pages 84-89 (Phase III), in Plat Book 48, Pages 4-7 (Phase IV) and in Plat Book 48, Pages 67-70 (Phase V), all of the Warren County, Ohio records (collectively, the "Drawings"); and

B. That Declarant, in Article 11 of the Declaration, has reserved the right to amend the Declaration and the Drawings attached as Exhibit C-1 through C-25 and all other exhibits attached thereto and made a part thereof in all ways necessary to submit additional property pursuant to Chapter 5311 of the Ohio Revised Code; and

C. That Declarant desires to submit part of the property presently described as Parcel 6 in Exhibit B to the Declaration into a new tract which will be known as "Phase VI"; and

D. That Declarant desires to submit Phase VI described in Exhibit A attached hereto and made a part hereof, together with all improvements constructed thereon, to the provisions of the Declaration and of Chapter 5311 of the Ohio Revised Code, and to make Phase VI, together with all improvements constructed thereon, a part of the Condominium Property; and

E. That Declarant desires to attach, in addition to a legal description for Phase VI in Exhibit A hereto, a legal description for Parcel 7, which is described in Exhibit B attached hereto and made a part hereof, for which Parcel 7 Declarant reserves all of the rights described in Article 11 of the Declaration.

NOW, THEREFORE, Declarant hereby declares as follows:

1. All terms used in this Amendment which are defined in the Declaration shall have the same meanings as given to them in the Declaration, except as otherwise hereinafter stated.

2. Declarant owns the property described as Phase VI in Exhibit A hereto, together with all buildings, structures, improvements and other permanent fixtures of whatsoever kind situated thereon, and all easements, rights and appurtenances belonging or pertaining thereto, and together with all articles of personal property located thereon. This property, together with all buildings, structures, improvements and other permanent fixtures of whatsoever kind situated thereon with all easements, rights and appurtenances belonging thereto and with all articles of personal property located thereon, is hereby submitted to the provisions of Chapter 5311 of the Ohio Revised Code and to the provisions of the Declaration as amended hereby, and is included in and made part of the Condominium Property, subject to the easements described in Exhibit C-26 attached hereto and made a part hereof and all other easements, restrictions, covenants and conditions of record.

3. Declarant further hereby amends the Declaration by deleting the second sentence of the first paragraph of Section 1.1 thereof and by inserting in place thereof the following:

"The Condominium Property has thirty-six (36) residential units in nine (9) separate buildings (collectively, hereinafter sometimes described and referred to as "Units"), and the Recreational Facilities."

4. Declarant further hereby amends the Declaration by adding thereto the drawings attached hereto and marked as Exhibits C-26 through C-30 to show the location, together with the particulars, of the buildings situated on Phase VI as described in Exhibit A hereto; the layout, locations, designations, dimensions, area and number of each such Unit; and the Common Areas and Facilities and Limited Common Areas and Facilities located on Phase VI. These drawings were prepared by and bear the certified statement of Paul W. Feie, registered surveyor and Eric W. Batt, registered engineer, as required by Section 5311.07 of the Ohio Revised Code.

5. Declarant further hereby amends the Declaration by adding to the legal description captioned "Exhibit A, Parcel 1" attached to the Declaration, the legal description of Phase VI described in Exhibit A attached hereto. Phase VI shall be deemed and shall be a part of "Parcel 1" of the Condominium Property as such phrase is used in the Declaration.

6. Declarant further hereby amends the Declaration by revising the legal description set forth in Exhibit B attached to the Declaration to the description attached as Exhibit B hereto and described as Parcel 7.

7. Declarant further hereby amends the Declaration by deleting therefrom Exhibit E attached to the Declaration and substituting in its place a new Exhibit E which is attached hereto.

8. Declarant hereby reserves all rights held by it pursuant to Article 11 of the Declaration with respect to what is described in Exhibit B to the original Declaration for all or any part of what is now described as Parcel 7 in Exhibit B attached hereto.

9. All provisions of the Declaration and of all exhibits thereto not affected by the foregoing Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, Ravines at Timber's Edge, Ltd., an Ohio limited liability company, by its duly authorized member has consented to all of the foregoing and have caused this instrument to be executed this 14th day of SEPTEMBER, 2000.

Signed and Acknowledged  
In The Presence Of:

RAVINES AT TIMBER'S EDGE, LTD.,  
an Ohio limited liability company

Amber McIntosh  
Print: Amber S. McIntosh

By: Robert Lowe  
Name: Robert Lowe  
Its: Managing Member

Heidi Peyton  
Print: Heidi Peyton

STATE OF OHIO )  
COUNTY OF WARREN ) ss:

The foregoing instrument was acknowledged before me this 14th day of SEPTEMBER, 2000, by ROBERT LOWE as MANAGING MEMBER of Ravines at Timber's Edge, Ltd., an Ohio limited liability company, on behalf of the limited liability company.

Heidi Peyton  
Notary Public



This Instrument Prepared By:

NOTARY PUBLIC STATE OF OHIO  
MY COMMISSION EXPIRES 11/27/05

Jody T. Klekamp, Esq.  
Keating, Muething & Klekamp, P.L.L.  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-6954

EXHIBIT A

**DESCRIPTION OF PROPERTY**  
**PHASE 6**  
**THE RAVINE AT TIMBER'S EDGE**  
**CATALINA ISLE & COLUMBIA ROAD**

August 9, 2000

262  
Pt. No. 22-~~1043~~ 043 kw

Situated in Section 22, Township 4, Range 2, City of Mason, Township of Deerfield, County of Warren, State of Ohio, and being part of that real estate conveyed to The Ravine at Timbers Edge, Ltd. by deed recorded in Official Record Volume 1436, Page 718 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Warren County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:



WOOLPERT

WOOLPERT LLP  
4141 Roslyn Drive  
Cincinnati, OH 45209-1183  
513.272.8300  
Fax: 513.272.8301  
www.woolpert.com

Commencing at the northeast corner of said Section 22;

Thence South 89°02'50" West, along the south line of said Section 22 for a distance of 617.42 feet;

Thence South 0°25'20" West, leaving the south line of said Section 22 for a distance of 872.87 feet;

Thence South 63°34'25" West for a distance of 799.47 feet to the northwest corner of Lot 1 of the Island Club Subdivision as the same is recorded in Plat Book 23, Page 99;

Thence South 15°12'00" East, along the west line of said Lot 1 of the Island Club Subdivision for a distance of 159.77 feet to the northeast corner of The Ravines at Timber's Edge Condominium as recorded in Plat Book 41, Pages 14-21;

Thence continuing along the east line of said The Ravines at Timber's Edge Condominium the following four (4) courses:

- 1) South 15°12'00" East for a distance of 89.04 feet;
- 2) South 5°26'20" East for a distance of 259.54 feet;
- 3) South 1°20'30" West for a distance of 203.02 feet;
- 4) South 7°27'55" West for a distance of 183.29 feet to the existing north right-of-way of Catalina Isle;

thence South 89°33'20" West, along the existing north right-of-way of Catalina Isle for a distance of 273.88 feet to the southwest corner of The Ravines at Timber's Edge Condominium, Phase 4 as the same is recorded in Plat Book 48, Pages 28-31 also being the **TRUE PLACE OF BEGINNING** for the land herein described;

Thence South 89°33'20" West, continuing along the existing north right-of-way of Catalina Isle for a distance of 120.20 feet;

Description of Property  
Phase 6  
The Ravine at Timber's Edge  
Catalina Isle and Columbia Road  
August 9, 2000  
Page 2

Thence North  $0^{\circ}26'40''$  West, leaving the existing north right-of-way of Catalina Isle for a distance of 159.92 feet;

Thence North  $89^{\circ}33'20''$  East for a distance of 120.20 feet to the northwest corner of said The Ravines at Timber's Edge Condominium, Phase 4;

Thence South  $0^{\circ}26'40''$  East, along the west line of said The Ravines at Timber's Edge Condominium, Phase 4 for a distance of 159.92 feet to the place of beginning and containing 0.441 acres, subject however to all covenants, conditions, reservations or easements of record contained in any instrument of record to the above described tract of land.

Being part of that real estate conveyed to The Ravine at Timbers Edge Ltd. by deed recorded in Official Record Volume 1436, Page 718 of the Warren County Recorder's Office.

This description was prepared from a field survey performed by Woolpert LLP under my direction in August 2000 with bearings based upon plat recorded in Plat Book 23, Pages 13 and 14 of the Warren County Recorder's Office.

**WOOLPERT LLP**

Paul W. Feio  
Ohio Registered Surveyor No. 6723

58109.01.103  
C:\My Documents\58109OLDS.DOC

Old - 16-22-262-043 - 4.101  
New 16-22-262-044 - Unit 3329  
New 16-22-262-045 - Unit 3331  
New 16-22-262-046 - Unit 3361  
New 16-22-262-047 - Unit 3363  
New 16-22-262-048 - Common  
Rem 16-22-262-049 - 3.666 area  
Kw

**EXHIBIT B**

**DESCRIPTION OF PROPERTY  
REMAINING AREA  
PHASE 6  
THE RAVINE AT TIMBER'S EDGE  
CATALINA ISLE & COLUMBIA ROAD  
August 9, 2000**

Situated in Section 22, Township 4, Range 2, City of Mason, Township of Deerfield, County of Warren, State of Ohio, and being part of that real estate conveyed to The Ravine at Timbers Edge, Ltd. by deed recorded in Official Record Volume 1436, Page 718 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Warren County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:



WOOLPERT

WOOLPERT LLP  
4141 Roslyn Drive  
Cincinnati, OH 45209-1183  
513.272.8100  
Fax: 513.272.8301  
www.woolpert.com

Commencing at the northeast corner of said Section 22;

Thence South 89°02'50" West, along the south line of said Section 22 for a distance of 617.42 feet;

Thence South 0°25'20" West, leaving the south line of said Section 22 for a distance of 872.87 feet;

Thence South 63°34'25" West for a distance of 799.47 feet to the northwest corner of Lot 1 of the Island Club Subdivision as the same is recorded in Plat Book 23, Page 99;

Thence South 15°12'00" East, along the west line of said Lot 1 of the Island Club Subdivision for a distance of 159.77 feet to the northeast corner of The Ravines at Timber's Edge Condominium as recorded in Plat Book 41, Pages 14-21;

Thence South 67°22'30" West for a distance of 230.93 feet;

Thence South 54°45'00" West for a distance of 105.00 feet;

Thence South 76°15'00" West for a distance of 100.00 feet;

Thence South 42°39'00" West for a distance of 7.77 feet to the **TRUE PLACE OF BEGINNING** for the land herein described;

Thence South 22°37'30" East for a distance of 233.81 feet;

Thence North 89°33'20" East for a distance of 35.04 feet;

Thence South 0°26'40" East for a distance of 25.00 feet;

Thence North 89°33'20" East for a distance of 19.21 feet;

Description of Property  
Remaining Area Phase 6  
The Ravine at Timber's Edge  
Catalina Isle and Columbia Road  
August 9, 2000  
Page 2

Thence South  $0^{\circ}26'40''$  East for a distance of 151.90 feet;

Thence South  $89^{\circ}33'20''$  West for a distance of 120.20 feet;

Thence South  $0^{\circ}26'40''$  East for a distance of 159.92 feet to the north right-of-way of Catalina Isle;

Thence along the north right-of-way of Catalina Isle the following four (4) courses:

- 1) South  $89^{\circ}33'20''$  West for a distance of 166.73 feet;
- 2) Along the arc of a curve to the right having a radius of 563.72 feet for an arc distance of 82.40 feet, the chord of said arc being subtended by a central angle of  $8^{\circ}22'29''$  and a long chord bearing North  $86^{\circ}15'26''$  West for a distance of 82.32 feet;
- 3) North  $82^{\circ}04'11''$  West for a distance of 131.23 feet;
- 4) Along the arc of a curve to the left having a radius of 597.96 feet for an arc distance of 44.71 feet, the chord of said arc being subtended by a central angle of  $4^{\circ}17'01''$  and a long chord bearing North  $84^{\circ}12'42''$  West for a distance of 44.70 feet;

Thence North  $29^{\circ}15'00''$  East, leaving the north line of Catalina Isle for a distance of 164.51 feet;

Thence North  $42^{\circ}15'00''$  East for a distance of 176.00 feet;

Thence North  $28^{\circ}00'00''$  East for a distance of 101.00 feet;

Thence North  $42^{\circ}39'00''$  East for a distance of 222.23 feet to the place of beginning and containing 3.660 acres, subject however to all covenants, conditions, reservations or easements of record contained in any instrument of record to the above described tract of land.

Being part of that real estate conveyed to The Ravine at Timbers Edge Ltd. by deed recorded in Official Record Volume 1436, Page 718 of the Warren County Recorder's Office.

16-22-262-048  
KW



**EXHIBIT B - continued**

Description of Property  
Remaining Area Phase 5  
The Ravine at Timber's Edge  
Catalina Isle and Columbia Road  
August 9, 2000  
Page 3

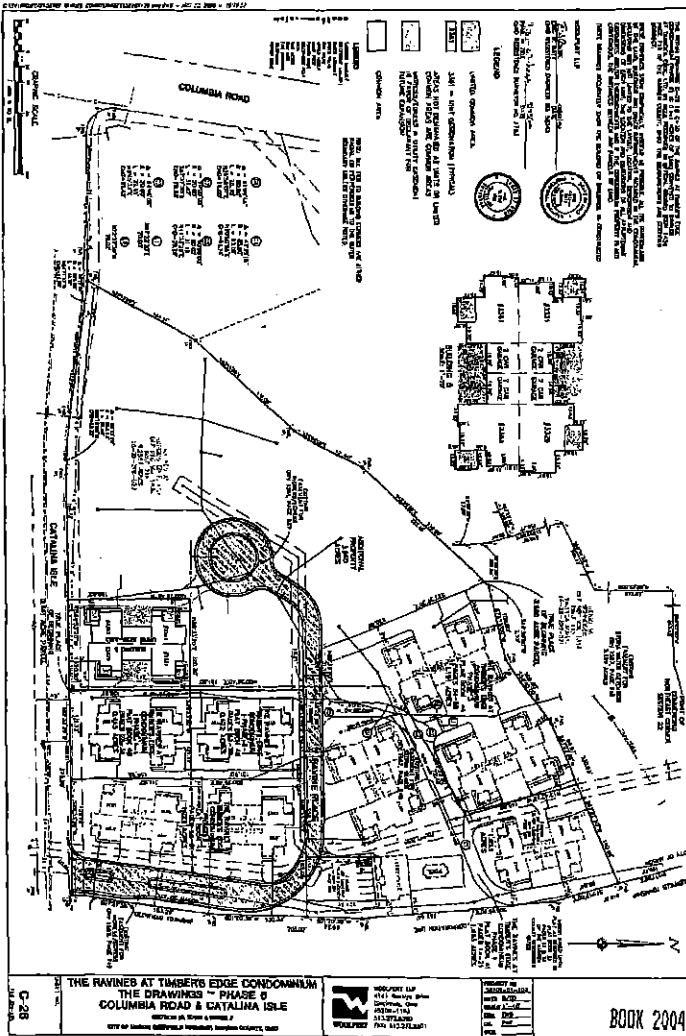
This description was prepared from a field survey performed by Woolpert LLP under my direction in August 2000 with bearings based upon plat recorded in Plat Book 23, Pages 13 and 14 of the Warren County Recorder's Office.

**WOOLPERT LLP**

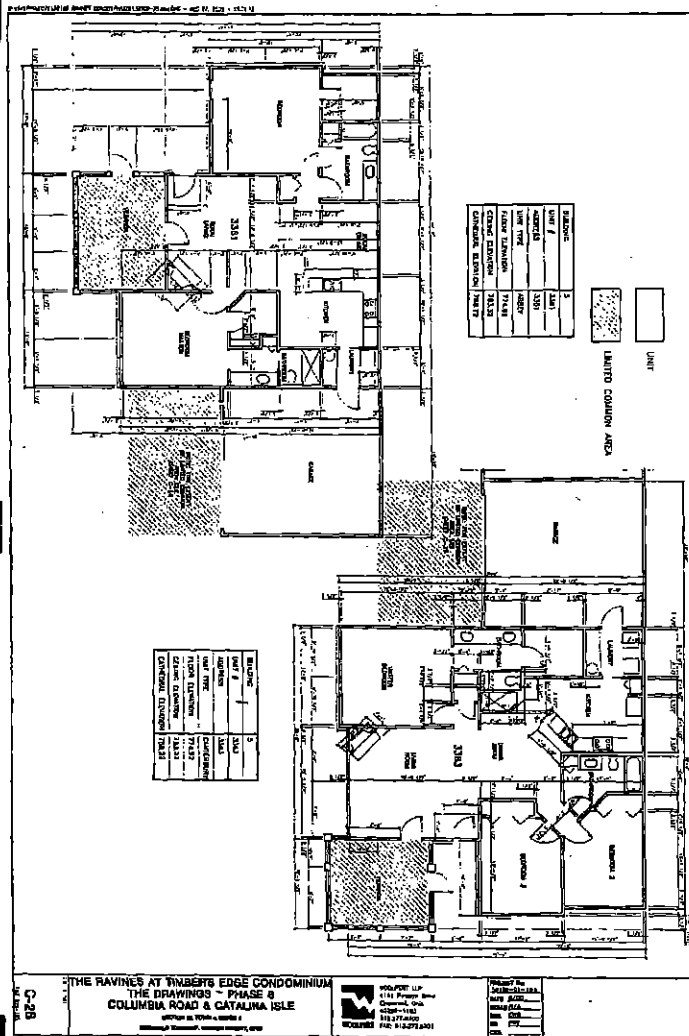
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Paul W. Feic  
Ohio Registered Surveyor No. 6723

58109.01.103  
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NO.	DATE	BY	REVISION
1	10/18/11	WJH	1
2	10/18/11	WJH	2
3	10/18/11	WJH	3
4	10/18/11	WJH	4
5	10/18/11	WJH	5
6	10/18/11	WJH	6
7	10/18/11	WJH	7
8	10/18/11	WJH	8
9	10/18/11	WJH	9
10	10/18/11	WJH	10

THE RAVINES AT TIMBERS EDGE CONDOMINIUM  
THE DRAWINGS - PHASE 8  
COLUMBIA ROAD & CATALINA ISLE

NO.	DATE	BY	REVISION
1	10/18/11	WJH	1
2	10/18/11	WJH	2
3	10/18/11	WJH	3
4	10/18/11	WJH	4
5	10/18/11	WJH	5
6	10/18/11	WJH	6
7	10/18/11	WJH	7
8	10/18/11	WJH	8
9	10/18/11	WJH	9
10	10/18/11	WJH	10

THE RAVINES AT TIMBERS EDGE CONDOMINIUM  
THE DRAWINGS - PHASE 8  
COLUMBIA ROAD & CATALINA ISLE

C-28

THE RAVINES AT TIMBERS EDGE CONDOMINIUM  
THE DRAWINGS - PHASE 8  
COLUMBIA ROAD & CATALINA ISLE



THE RAVINES AT TIMBERS EDGE CONDOMINIUM  
THE DRAWINGS - PHASE 8  
COLUMBIA ROAD & CATALINA ISLE



EXHIBIT "E"

PERCENTAGE OWNERSHIP INTEREST  
IN COMMON AREAS AND FACILITIES

THE RAVINES AT TIMBER'S EDGE CONDOMINIUM

To calculate the percentage of interest, divide the respective Unit's Par Value by the aggregate amount of Par Value for all Units.

<u>Building</u>	<u>Unit</u>	<u>Model Type</u>	<u>Par Value of Unit</u>	<u>Percentage Interest in Common Areas*</u>
14	3324 Ravine Place	Villa	100	2.5510%
14	3322 Ravine Place	Chateau	100	2.5510%
14	3326 Ravine Place	Chateau	100	2.5510%
14	3328 Ravine Place	Villa	100	2.5510%
15	3306 Ravine Place	Canterbury	120	3.0612%
15	3308 Ravine Place	Abbey	120	3.0612%
15	3296 Ravine Place	Canterbury	120	3.0612%
15	3294 Ravine Place	Canterbury	120	3.0612%
1	3307 Ravine Place	Villa	100	2.5510%
1	3305 Ravine Place	Chateau	100	2.5510%
1	3239 Ravine Place	Chateau	100	2.5510%
1	3241 Ravine Place	Villa	100	2.5510%
2	3303 Ravine Place	Villa	100	2.5510%
2	3301 Ravine Place	Chateau	100	2.5510%
2	3255 Ravine Place	Chateau	100	2.5510%
2	3257 Ravine Place	Villa	100	2.5510%

<u>Building</u>	<u>Unit</u>	<u>Model Type</u>	<u>Par Value of Unit</u>	<u>Percentage Interest in Common Areas*</u>
12A	3330 Ravine Place	Canterbury	120	3.0612%
12B	3332 Ravine Place	Abbey	120	3.0612%
12C	3310 Ravine Place	Abbey	120	3.0612%
12D	3312 Ravine Place	Canterbury	120	3.0612%
13A	3316 Ravine Place	Canterbury	120	3.0612%
13B	3314 Ravine Place	Abbey	120	3.0612%
13C	3318 Ravine Place	Abbey	120	3.0612%
13D	3320 Ravine Place	Canterbury	120	3.0612%
4A	3327 Ravine Place	Villa	100	2.5510%
4B	3325 Ravine Place	Chateau	100	2.5510%
4C	3309 Ravine Place	Chateau	100	2.5510%
4D	3311 Ravine Place	Villa	100	2.5510%
3	3323 Ravine Place	Villa	100	2.5510%
3	3321 Ravine Place	Chateau	100	2.5510%
3	3313 Ravine Place	Chateau	100	2.5510%
3	3315 Ravine Place	Villa	100	2.5510%
5	3363 Ravine Place	Canterbury	120	3.0612%
5	3361 Ravine Place	Abbey	120	3.0612%
5	3329 Ravine Place	Abbey	120	3.0616%
5	3331 Ravine Place	Canterbury	120	3.0616%



- 3 -

<u>Building</u>	<u>Unit</u>	<u>Model Type</u>	<u>Par Value of Unit</u>	<u>Percentage Interest in Common Areas*</u>
		Total:	3,920	100%

\*As additional Units are added to the Condominium, the various Unit's percentage of interest in Common Areas and Facilities above will decrease accordingly.

CONSENT OF MORTGAGEE

The Provident Bank, an Ohio banking corporation and the holder of a certain Open-End Mortgage, Security Agreement and Assignment of Rents, Income and Proceeds to the premises dated October 28, 1997 and recorded October 31, 1997 in Official Record Book 1436, Page 721 of the Warren County, Ohio Recorder's, hereby consents to the execution and delivery of the foregoing Fifth Amendment to Declaration of Condominium Ownership, with exhibits thereto (the "Declaration"), and to the filing thereof, in the office of the County Recorder of Warren County, Ohio, and further subjects the above-described mortgage to the provisions of the foregoing Declaration with attached exhibits.

IN WITNESS WHEREOF, The Provident Bank, by its authorized officer, has caused the execution of this Consent this 6<sup>th</sup> day of September, 2000.

Signed and acknowledged  
in the presence of:

THE PROVIDENT BANK

Barbara K. Walkendorf  
Print: BARBARA K. WALKENDORF

By: [Signature]  
Name: GEORGE H. FULFORD  
Its: Vice President

Christi Y. Davis  
Print: CHRISTI Y. DAVIS

STATE OF OHIO                    )  
  : ss:  
COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of September, 2000, by GEORGE H. FULFORD, as Vice President of The Provident Bank, an Ohio banking corporation, on behalf of the corporation.

Christi Y. Davis  
Notary Public

This Instrument prepared by:

TRANSFER NOT NECESSARY  
NICK NELSON, AUDITOR  
WARREN COUNTY, OHIO

Jody T. Klekamp, Esq.  
KEATING, MUETHING & KLEKAMP, P.L.L.  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202  
(513) 579-64954



CHRISTI Y. DAVIS  
Notary Public, State of Ohio  
My Commission Expires Feb. 18, 2003

185517.1

BOOK 2004 PAGE 127

BETH BEDNARD - WARREN COUNTY RECORDER  
Doc # 206655 Type: MEMO BELL  
Filed: 9/07/2006 1:51:52 PM  
Or Volume 2004 Page: 110 Returns #  
Rec'd 1027 Page: 19  
2007 RESIDENTIAL DEVELOPMENT

BOOK 2004 PAGE 128