

011302

FIFTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
WORTHINGTON GLEN CONDOMINIUM

This fifth amendment to the Declaration of WORTHINGTON GLEN CONDOMINIUM is made on or as of the 17th day of January, 1989.

Recitals

A. Worthington Glen Condominium is a condominium created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio ("the Condominium Act") by the filing of the Declaration of Worthington Glen Condominium, and the Drawings thereof, recorded, respectively, in Official Record Volume 11960, at page A-01, and Condominium Plat Book 41, at page 70, both of the records of the Recorder of Franklin County, Ohio, and all amendments thereto.

B. Pursuant to the provisions of Article XVII of the Declaration, and the provisions of the Condominium Act, the undersigned, Worthington Glen, Inc., an Ohio corporation ("the Declarant"), desires by this amendment to add additional property to the Condominium, which additional property, hereinafter described, meets all of the criteria and qualifications for addition to the Condominium described in that Article.

Declaration

NOW THEREFORE, Declarant, the sole owner of the property hereinafter described to be added to the Condominium, hereby declares the Condominium Property of the Condominium to be expanded by addition of the property hereinafter described, and hereby amends the Declaration as follows:

1. Definitions. All terms used herein shall have the same meanings as those terms have as used and defined in the Declaration.

2. Additional Property Added. The legal description of the portion of the property added hereby to the Condominium Property, consisting of 2.629 acres of the additional property, is described in the attachment hereto, marked "Exhibit A", and hereby made a part hereof.

(continued next page)

CERTIFICATE OF AUDITOR

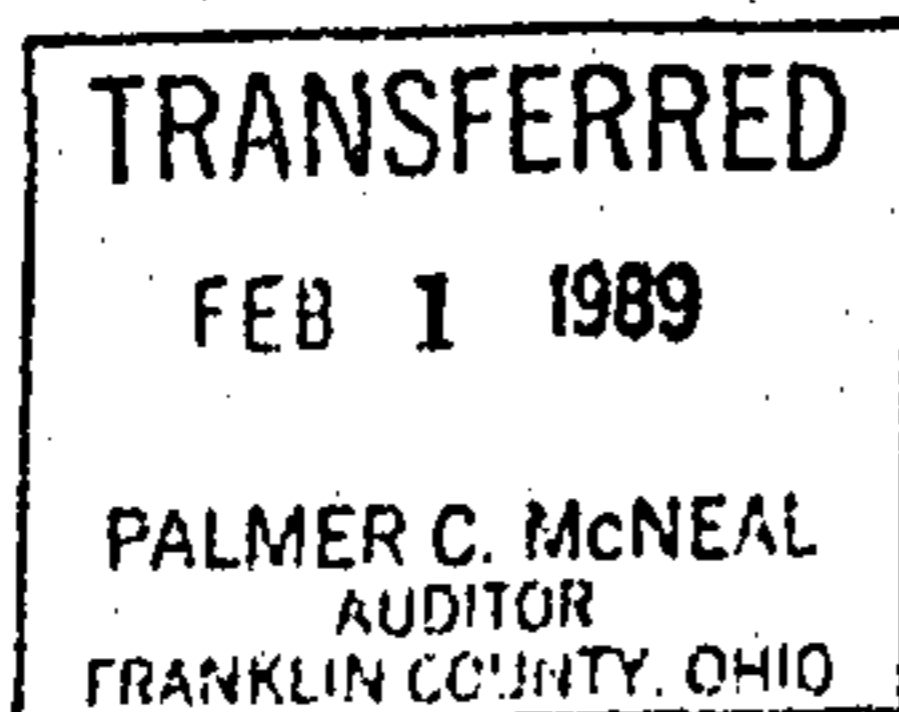
A copy of this Fifth Amendment to the Declaration for Worthington Glen Condominium, together with the Fifth Amendment to the Drawings attached thereto, were filed with this office on February 1, 1989.

Palmer C. McNeal
Franklin County Auditor

FOR REFERENCE PLEASE SEE

CONDOMINIUM PLAT BOOK NO. 43 PAGE 39-45

By Thomas M. Lang
Deputy Auditor



TIME 1:00 P
RECORDED FRANKLIN CO., OHIO

FEB - 1 1989

JOSEPH W. TESTA, RECORDER
RECORDER'S FEE \$ 182.20

A sketch drawing showing the location of the property added hereby, and its relationship to the property already a part of the Condominium, is attached hereto, marked "Exhibit B", and hereby made a part hereof.

3. Name. The Condominium, as expanded hereby, shall continue to be named "Worthington Glen 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. Improvement Description. The additional property added to the Condominium Property hereby contains three townhouse style buildings, each containing six dwelling units, and containing, in all, a total of eighteen (18) dwelling units, and expanding the Condominium to include a total of one hundred eighty-five (185) Units. The buildings are two stories high, with concrete block foundations, built of wood frame, with wood siding, cedar and aluminum trim, and asphalt shingle roofs, all built in contemporary style. Each dwelling unit has a concrete front stoop and a rear patio area containing a concrete pad. Some end Units have attached one-car garages. Also on the additional property added hereby are sidewalks, green and landscaped areas, and private asphalt drives and parking areas. There are no recreation facilities a part of this additional property. Improvements on the property added hereby 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. Each of the Units added to the Condominium hereby is designated on the amendment to the Drawings filed simultaneously herewith, and attached hereto (although the same may be detached herefrom upon filing by the Franklin County Recorder and filed in separate records), labeled "Fifth Amendment to Worthington Glen Condominium Condominium Drawings", by a Unit designation, which is a number or numbers corresponding with the building number, a dash, and a capitalized letter of the alphabet. A listing of the proper Unit designations of the Units added hereby (and the proper Unit designations of all other Units in the Condominium) is set forth on the exhibit attached hereto, marked "Exhibit C", and hereby made a part hereof. The Unit designation of each Unit added hereby is also shown on the sketch site plan attached hereto, marked "Exhibit D", and hereby made a part hereof.

b. Composition of Units. Each Unit added hereby consists of the space in the building designated on the amendment to the Drawings filed simultaneously herewith with that Unit's Unit designation, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration. The type of each Unit is shown on the attached Exhibit C, which also describes the composition of each type of Unit. Floor plan layouts and elevation drawings for the Units and buildings added hereby are shown on the Fifth Amendment to the Drawings filed simultaneously herewith.

c. Unit Locations. The location of each Unit added hereby is shown on the amendment to the Drawings

filed simultaneously herewith, and is also shown on the sketch drawing attached as Exhibit D. Each Unit has direct access over Common Areas leading directly to Sancus Boulevard, a public street.

7. Common and Limited Common Areas.

a. Common Areas. All of the additional property hereby added hereto, 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 Areas.

b. Limited Common Areas. Those portions of the Common Areas that are added hereby that are labeled or designated "limited common areas" on the amendment to the Drawings filed herewith are Limited Common Areas. These Limited Common Areas consist of an outside stoop and a patio contiguous to and appurtenant to each Unit. In each case, a Limited Common Area is reserved for the exclusive use of the Unit or Units which those improvements are designed or designated to serve.

c. Undivided Interests. The undivided interest in the Common Areas of each Unit in the Condominium, as expanded hereby, and as thereby allocated and re-allocated, are as designated on the attached Exhibit C, and, in each case, is based on a par value, as provided in the Declaration, and as shown on Exhibit C. The Common Areas 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 Areas. Further, the undivided interest of a Unit in the Common Areas 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 additional property to the Condominium Property:

a. the added portion shall thereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that added portion had been provided herein as constituting part of the Condominium Property, that is, the rights, easements, covenants, restrictions and assessment plan set forth therein shall run with and bind the added portion in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the Condominium Property;

b. the owner or owners of the added portion shall thereupon become members, 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 additional portion, and to the owners, mortgagees and

lessees thereof, with equal meaning and of like force and effect.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 17th day of January, 1989.

Signed and acknowledged in the presence of:

WORTHINGTON GLEN, INC.

Robert Danner
Richard L. Loveland

By

William L. Moorhead
William L. Moorhead, Treasurer

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

This instrument was acknowledged before me by William L. Moorhead, Treasurer of Worthington Glen, Inc., an Ohio corporation, on its behalf, this 17th day of January, 1989.

Richard L. Loveland

Notary Public

RICHARD L. LOVELAND
ATTORNEY AT LAW
NOTARY PUBLIC FOR THE STATE OF OHIO
LIFETIME COMMISSION

This instrument prepared by Richard L. Loveland, attorney at law, 50 West Broad Street, Columbus, Ohio 43215.

EXHIBIT A

FIFTH AMENDMENT
 DECLARATION OF CONDOMINIUM
 WORTHINGTON GLEN CONDOMINIUM

Legal Description, Property Added
 (2.629 Acres)

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 1, Township 2, Range 18, United States Military Lands, containing 2.629 acres of land, more or less, said 2.629 acres being part of that 24.959 acre tract of land described in the deed to WORTHINGTON GLEN, INC., of record in Official Record 11927A13, Recorder's Office, Franklin County, Ohio, said 2.629 acres of land being more particularly described as follows:

Beginning, for reference, at a railroad spike in the centerline of Park Road and in the westerly line of said Section 1, said spike being at the northwesterly corner of said 24.959 acre tract; thence S-3°10'25"W, with the westerly line of said 24.959 acre tract, a distance of 510.40 feet to a point; thence S-3°06'00"W, with the westerly line of said 24.959 acre tract, a distance of 530.13 feet to a point at the southwesterly corner of said 24.959 acre tract; thence S-87°02'04"E, a distance of 221.34 feet to a point on a curve; thence northeastwardly, with the arc of a curve to the left having a radius of 1040.00 feet, a central angle of 25°24'55" and a chord that bears N-19°20'01"E, a chord distance of 457.55 feet to a point; thence S-86°47'09"E, a distance of 235.34 feet to the true point of beginning;

Thence, from said true point of beginning, S-86°47'09"E, a distance of 235.06 feet to a point;

Thence S-03°12'51"W, a distance of 107.50 feet to a point;

Thence N-80°13'39"E, a distance of 317.09 feet to a point;

Thence S-11°56'00"E, a distance of 205.29 feet to a point;

Thence N-87°02'04"W, a distance of 631.75 feet to a point;

Thence northwardly, with the arc of a curve to the left having a radius of 1275.00 feet, a central angle of 10°46'54" and a chord that bears N-11°23'14"E, a chord distance of 239.57 feet to the true point of beginning and containing 2.629 acres of land, more or less.

The bearings given in the foregoing description correspond to the bearings shown on the recorded plat of DEDICATION PLAT OF PARK ROAD, SANCUS BOULEVARD, WELLINGSHIRE BOULEVARD AND EASEMENTS in Plat Book 67, Page 90, Recorder's Office, Franklin County, Ohio.

Description prepared by Bauer, Davidson & Merchant, Inc., by John W. McCombs, Ohio Professional Surveyor No. 6661.

Tax Parcel No: 610-166633 (Part)

Last Transfer: ORV 11927A13

Declarant's Mailing Address: Worthington Glen, Inc.
 P. O. Box 1023
 Columbus, Ohio 43216

EXHIBIT B

FIFTH AMENDMENT TO WORTHINGTON GLEN CONDOMINIUM

DECLARATION OF CONDOMINIUM
Site Plan, Entire Property

Reference Point of Beginning
for Description of 2.629 Ac

PARK ROAD

Additional Property
Parcel 4
2.509 Ac

Declaration of
Condominium for
Worthington Glen
Condominium
1.997 Ac.

Additional Property
Parcel 3
0.007 Ac.

Second Amendment to
Worthington Glen Condominium
3.831 Ac.

True Point of Beginning for Description
of 2.629 Ac.

Fifth Amendment to
Worthington Glen Condominium
2.629 Ac.

Fourth Amendment to
Worthington Glen Condominium
1.314 Ac.

Additional Property
Parcel 1
9.316 Ac.

BAUER, DAVIDSON & MERCHANT, INC.
Consulting Engineers
655 Green Meadows Drive South
P.O. Box 15C Powell, Ohio 43005

Scale 1" = 200'
December 19, 1988
Order No 3783-88

- ① S 5°10'25"W 510.40'
- ② S 3°06'00"W 530.13'
- ③ S 87°02'00"E 221.34'
- ④ B = 1240.00' A = 25°24'55"
Ch = 457.55' N 19°20'01"E
- ⑤ S 86°47'09"E 235.34'
- ⑥ S 86°47'09"E 235.00'
- ⑦ S 3°12'51"W 107.50'
- ⑧ N 80°13'30"E 317.09'
- ⑨ S 11°56'00"E 205.29'
- ⑩ N 87°02'04"W 631.75'
- ⑪ B = 1275.00' A = 10°46'54"
Ch = 239.57' N 11°23'14"E

12939E19

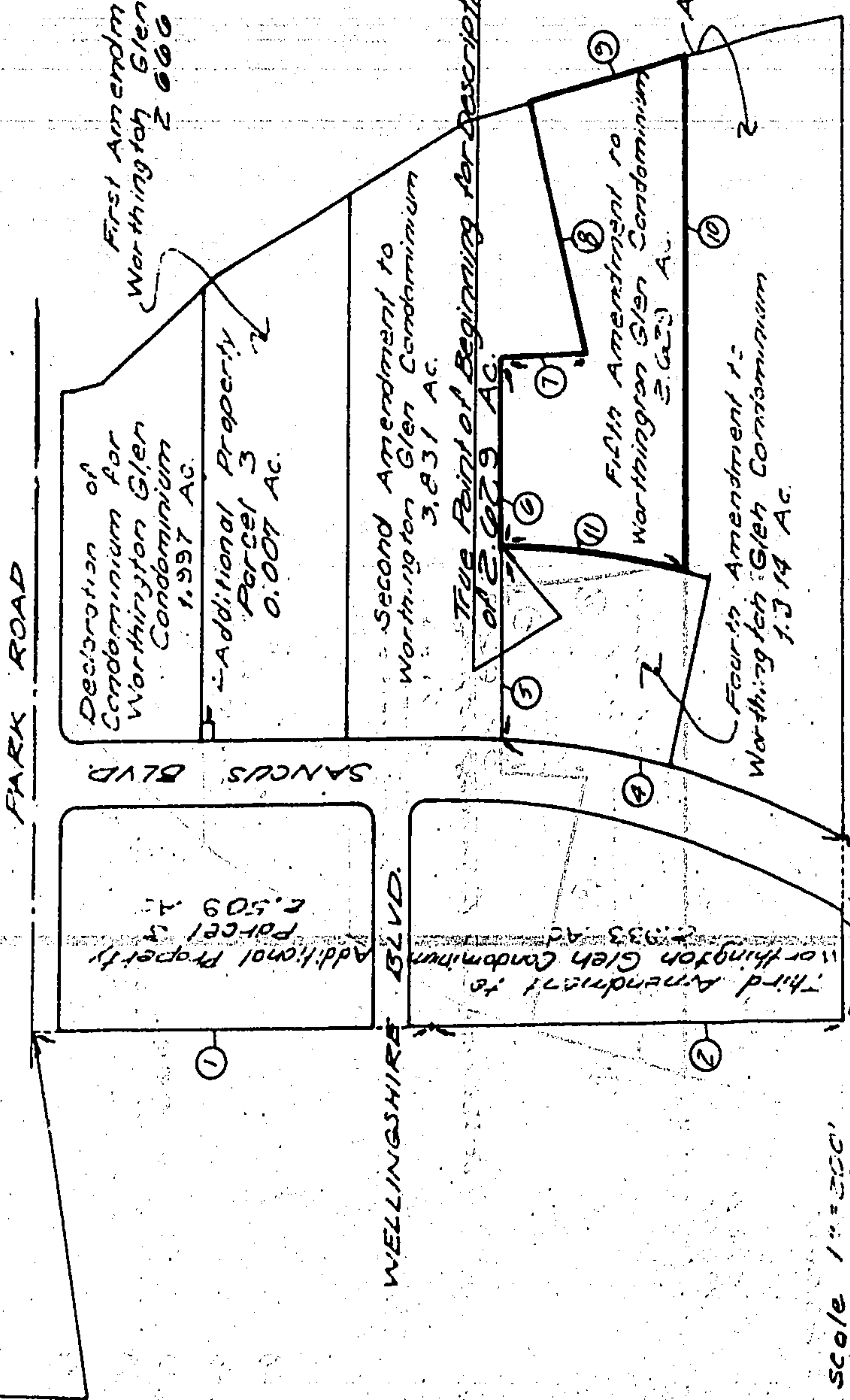


EXHIBIT C

FIFTH AMENDMENT
DECLARATION OF CONDOMINIUM
WORTHINGTON GLEN CONDOMINIUMUnit Information

I. EXISTING UNITS:

<u>Unit Designation</u>	<u>Building</u>	<u>Type</u>	<u>Par Value</u>	<u>Undivided Interest</u>
1-A	1	3BR-G	1.06	.578
1-B	1	2BR	1.00	.53
1-C	1	2BR	1.00	.53
1-D	1	2BR	1.00	.53
1-E	1	2BR	1.00	.53
1-F	1	2BR	1.00	.53
2-A	2	2BR	1.00	.53
2-B	2	2BR	1.00	.53
2-C	2	2BR	1.00	.53
2-D	2	2BR	1.00	.53
2-E	2	2BR	1.00	.53
2-F	2	3BR-G	1.06	.57
3-A	3	3BR-G	1.06	.57
3-B	3	2BR	1.00	.53
3-C	3	2BR	1.00	.53
3-D	3	2BR	1.00	.53
3-E	3	2BR	1.00	.53
3-F	3	2BR	1.00	.53
4-A	4	2BR	1.00	.53
4-B	4	2BR	1.00	.53
4-C	4	2BR	1.00	.53
4-D	4	2BR	1.00	.53
5-A	5	2BR	1.00	.53
5-B	5	2BR	1.00	.53
5-C	5	2BR	1.00	.53
5-D	5	2BR	1.00	.53
5-E	5	2BR	1.00	.53
5-F	5	3BR-G	1.06	.57
6-A	6	3BR-G	1.06	.57
6-B	6	2BR	1.00	.53
6-C	6	2BR	1.00	.53
6-D	6	2BR	1.00	.53
6-E	6	2BR	1.00	.53
6-F	6	3BR-G	1.06	.57
7-A	7	3BR-G	1.06	.57
7-B	7	2BR	1.00	.53
7-C	7	2BR	1.00	.53
7-D	7	2BR	1.00	.53
7-E	7	2BR	1.00	.53
7-F	7	3BR-G	1.06	.57
8-A	8	2BR	1.00	.53
8-B	8	2BR	1.00	.53
8-C	8	2BR	1.00	.53
8-D	8	2BR	1.00	.53
8-E	8	2BR	1.00	.53
8-F	8	2BR	1.00	.53

EXHIBIT C
(Continued)

I. EXISTING UNITS (Continued):

<u>Unit Designation</u>	<u>Building</u>	<u>Type</u>	<u>Par Value</u>	<u>Undivided Interest</u>
9-A	9	2BR	1.00	.538
9-B	9	2BR	1.00	.53
9-C	9	2BR	1.00	.53
9-D	9	2BR	1.00	.53
9-E	9	2BR	1.00	.53
9-F	9	2BR	1.00	.53
10-A	10	2BR	1.00	.53
10-B	10	2BR	1.00	.53
10-C	10	2BR	1.00	.53
10-D	10	2BR	1.00	.53
11-A	11	3BR-G	1.06	.57
11-B	11	2BR	1.00	.53
11-C	11	2BR	1.00	.53
11-D	11	2BR	1.00	.53
11-E	11	2BR	1.00	.53
11-F	11	2BR	1.00	.53
12-A	12	2BR	1.00	.53
12-B	12	2BR	1.00	.53
12-C	12	2BR	1.00	.53
12-D	12	2BR	1.00	.53
12-E	12	2BR	1.00	.53
12-F	12	3BR-G	1.06	.57
13-A	13	3BR-G	1.06	.57
13-B	13	2BR	1.00	.53
13-C	13	2BR	1.00	.53
13-D	13	2BR	1.00	.53
13-E	13	2BR	1.00	.53
13-F	13	3BR-G	1.06	.57
14-A	14	3BR-G	1.06	.57
14-B	14	2BR	1.00	.53
14-C	14	2BR	1.00	.53
14-D	14	2BR	1.00	.53
14-E	14	2BR	1.00	.53
14-F	14	3BR-G	1.06	.57
15-A	15	2BR	1.00	.53
15-B	15	2BR	1.00	.53
15-C	15	2BR	1.00	.53
15-D	15	2BR	1.00	.53
15-E	15	2BR	1.00	.53
15-F	15	2BR	1.00	.53
16-A	16	2BR	1.00	.53
16-B	16	2BR	1.00	.53
16-C	16	2BR	1.00	.53
16-D	16	2BR	1.00	.53
16-E	16	2BR	1.00	.53
16-F	16	2BR	1.00	.53
17-A	17	2BR	1.00	.53
17-B	17	2BR	1.00	.53
17-C	17	2BR	1.00	.53
17-D	17	2BR	1.00	.53
17-E	17	2BR	1.00	.53
17-F	17	2BR	1.00	.53

EXHIBIT C
(Continued)

I. EXISTING UNITS (Continued):

<u>Unit Designation</u>	<u>Building</u>	<u>Type</u>	<u>Par Value</u>	<u>Undivided Interest</u>
18-A	18	3BR-G	1.06	.578
18-B	18	2BR	1.00	.53
18-C	18	2BR	1.00	.53
18-D	18	2BR	1.00	.53
18-E	18	2BR	1.00	.53
18-F	18	3BR-G	1.06	.57
24-A	24	3BR-G	1.06	.57
24-B	24	2BR	1.00	.53
24-C	24	2BR	1.00	.53
24-D	24	2BR	1.00	.53
24-E	24	2BR	1.00	.53
24-F	24	3BR-G	1.06	.57
36-A	36	3BR-G	1.06	.57
36-B	36	2BR	1.00	.54
36-C	36	2BR	1.00	.54
36-D	36	2BR	1.00	.54
36-E	36	2BR	1.00	.54
36-F	36	3BR-G	1.06	.57
37-A	37	3BR-G	1.06	.57
37-B	37	2BR	1.00	.54
37-C	37	2BR	1.00	.54
37-D	37	3BR-G	1.06	.57
38-A	38	2BR	1.00	.54
38-B	38	2BR	1.00	.54
38-C	38	2BR	1.00	.54
38-D	38	2BR	1.00	.54
39-A	39	3BR-G	1.06	.57
39-B	39	2BR	1.00	.54
39-C	39	2BR	1.00	.54
39-D	39	3BR-G	1.06	.57
40-A	40	3BR-G	1.06	.57
40-B	40	2BR	1.00	.54
40-C	40	2BR	1.00	.54
40-D	40	2BR	1.00	.54
41-A	41	2BR	1.00	.54
41-B	41	2BR	1.00	.54
41-C	41	2BR	1.00	.54
41-D	41	2BR	1.00	.54
42-A	42	2BR	1.00	.54
42-B	42	2BR	1.00	.54
42-C	42	2BR	1.00	.54
42-D	42	2BR	1.00	.54
43-A	43	3BR-G	1.06	.57
43-B	43	2BR	1.00	.54
43-C	43	2BR	1.00	.54
43-D	43	2BR	1.00	.54
43-E	43	2BR	1.00	.54
43-F	43	3BR-G	1.06	.57

EXHIBIT C
(Continued)

I. EXISTING UNITS (Continued):

<u>Unit Designation</u>	<u>Building</u>	<u>Type</u>	<u>Par Value</u>	<u>Undivided Interest</u>
19-A	19	3BR-G	1.06	.57%
19-B	19	2BR	1.00	.54
19-C	19	2BR	1.00	.54
19-D	19	2BR	1.00	.54
20-A	20	2BR	1.00	.54
20-B	20	2BR	1.00	.54
20-C	20	2BR	1.00	.54
20-D	20	2BR	1.00	.54
20-E	20	2BR	1.00	.54
21-A	21	2BR	1.00	.54
21-B	21	2BR	1.00	.54
21-C	21	2BR	1.00	.54
21-D	21	2BR	1.00	.54
21-E	21	2BR	1.00	.54
21-F	21	3BR-G	1.06	.57
26-A	26	3BR-G	1.06	.57
26-B	26	2BR	1.00	.54
26-C	26	2BR	1.00	.54
26-D	26	2BR	1.00	.54
26-E	26	2BR	1.00	.54
26-F	26	2BR	1.00	.54

II. UNITS ADDED HEREBY:

<u>Unit Designation</u>	<u>Building</u>	<u>Type</u>	<u>Par Value</u>	<u>Undivided Interests</u>
22-A	22	3BR-G	1.06	.57%
22-B	22	2BR	1.00	.54
22-C	22	2BR	1.00	.54
22-D	22	2BR	1.00	.54
22-E	22	2BR	1.00	.54
22-F	22	3BR-G	1.06	.57
23-A	23	2BR	1.00	.54
23-B	23	2BR	1.00	.54
23-C	23	2BR	1.00	.54
23-D	23	2BR	1.00	.54
23-E	23	2BR	1.00	.54
23-F	23	2BR	1.00	.54
25-A	25	3BR-G	1.06	.57
25-B	25	2BR	1.00	.54
25-C	25	2BR	1.00	.54
25-D	25	2BR	1.00	.54
25-E	25	2BR	1.00	.54
25-F	25	3BR-G	1.06	.57
			Total	<u>100.00%</u>

EXHIBIT C
(Continued)

Type Information

Type

2BR A two bedroom townhouse Unit consisting of a one-room unfinished basement, a half bath, kitchen with dinette and a living room on the first floor, and two bedrooms and a full bath on the second floor. Units on the ends of buildings contain approximately 1412 gross interior square feet, while interior Units contain approximately 1422 gross interior square feet.

3BR-G A three bedroom townhouse Unit identical to the 2BR except that it contains an attached garage at the first floor level and an additional bedroom above the garage at the second floor level. These Units are always at the ends of buildings and contain approximately 1823 gross interior square feet, including space in the attached garage.

Par Values

<u>Type</u>	<u>Par Values</u>
2BR	1.00
3BR-G	1.06

