

REC'D FOR TRAFFIC

2013 JUL -3 AM 10:56

DUSTY RINGOLD
AUDITOR
HAMILTON COUNTY

Wayne Coates
Hamilton County Recorders Office
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SEE: PB 437 PGS 87-89

**FOURTH AMENDMENT
TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE OVERLOOK AT EDEN PARK CONDOMINIUM
("FOURTH AMENDMENT")**

WHEREAS, on May 12, 2008, certain real property, which land and buildings are described in Exhibit A attached hereto and made a part hereof (hereinafter the "Condominium Property"), was submitted to the provisions of Chapter 5311 of the Ohio Revised Code for the purpose of providing that said real property would be owned pursuant to the type of ownership known as Condominium and that the said real property would be known as The Overlook at Eden Park Condominium; and

WHEREAS, the Declaration of Condominium Ownership (hereinafter, the "Declaration") was recorded on June 3, 2008 in Official Record Vol. 10865, Page 1066 et seq. of the records of the Recorder of Hamilton County, Ohio and the Drawings for the Condominium (the "Drawings") were recorded at Plat Book 416, Pages 30-40 of the Recorder of Hamilton County, Ohio; and

WHEREAS, the First Amendment to the Declaration (hereinafter, the "First Amendment") was recorded on August 11, 2008 in Official Record Book 10922, Page 1834 et seq. of the Official Records of the Hamilton County, Ohio Recorder and First Amended Drawings were recorded on the same date in Plat Book 417, Page 15 of the plat records of the Hamilton County, Ohio Recorder;

WHEREAS, the Second Amendment to the Declaration (hereinafter, the "Second Amendment") was recorded on April 24, 2013 in Official Record Book 12297, Page 1382 et seq. of the Official Records of the Hamilton County, Ohio Recorder.

WHEREAS, the Third Amendment to the Declaration to the Declaration (hereinafter, the Third Amendment") was recorded on July 3 2013 in Official Record Book 12955 Page 7525 et seq. of the Official Records of the Hamilton County, Ohio Recorder.

WHEREAS, MB Real Estate, Inc., a Delaware Corporation d/b/a MB Real Estate Delaware, Inc. is the owner of Units 8S, 9S, 10N, 11N, 12N, and PH and desires to reassign and reallocate the respective Limited Common Element parking spaces appurtenant to the respective Units.

WHEREAS, the Declaration at Article XX, Section 8 provides that the Declaration may be amended to reallocate Limited Common Elements.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby amends the Declaration as follows:

1. In pursuance of the right and option set forth in Article XX, Section 8 of the Declaration, MB Real Estate, Inc., a Delaware Corporation d/b/a MB Real Estate Delaware, Inc., as the sole owner of Units 8S, 9S, 10N, 11N, 12N and PH, hereby amends the Declaration to reallocate the garage spaces as set forth herein with the approval of the Association.

2. Notwithstanding any previous Amendments to the Declaration, garage spaces allocated to each Unit as Limited Common Elements shall be located as shown on the drawings attached hereto as Exhibit B.

3. The Declaration is hereby amended so that Exhibit B, pages 2-4 (Exhibit B-2, Exhibit B-3, and Exhibit B-4) of the Declaration, as amended, are deleted in their entirety and replaced with Exhibit B of this Fourth Amendment, which is attached hereto and incorporated herein. The Condominium Drawings are likewise amended accordingly.

4. All capitalized terms shall have the same meaning as given in the Declaration.

5. Except to the extent that they are modified or amended by this instrument, either specifically or implicitly, all provisions of the Declaration shall continue in full force and effect.

6. The invalidity or unenforceability of any term, provisions, covenant or condition set forth in this Fourth Amendment, or any part thereof, shall affect or impair the validity, enforceability or effect of the remainder of this Fourth Amendment.

7. The captions of the sections of this Fourth Amendment are merely labels to assist in locating the various provisions hereof and shall not be considered when interpreting or construing the amendment.

8. Each pronoun used herein shall be singular or plural and male, female or neuter, as the context or the number and gender of its antecedent may require. All incidental grammatical changes that might be necessary to make the provisions of this amendment apply to one or several persons shall be assumed in all cases as though fully and properly expressed.

IN WITNESS WHEREOF, the undersigned Association and Owner have executed this instrument this 20th day of June, 2013.

In witness whereof, SCOTT M. SLOVIN, the President of The Overlook at Eden Park Condominium (the "Association") being duly sworn, does hereby certify that this Amendment was duly adopted according to Article XX of the Declaration.

THE OVERLOOK AT EDEN PARK
CONDOMINIUM ASSOCIATION, INC., an Ohio
non-profit corporation

Scott M. Slovin

By: SCOTT M. SLOVIN

Its: PRESIDENT

STATE OF OHIO
COUNTY OF HAMILTON, SS:

This instrument was executed and acknowledged before me by SCOTT M. SLOVIN the PRESIDENT of The Overlook at Eden Park Condominium Association, an Ohio non-profit corporation, on behalf of said corporation this 27th day of JUNE, 2013.

Debbe A. Levin
Notary Public



DEBBE A. LEVIN
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C

In witness whereof, MB Real Estate, Inc., a Delaware Corporation d/b/a MB Real Estate Delaware, Inc., as owner of Units 8S, 9S, 10N, 11N, 12N and PH does hereby consent to this Fourth Amendment.

MB REAL ESTATE, INC., a Delaware Corporation,
d/b/a MB Real Estate Delaware, Inc.

Mark Bailin
By: MARK BAILIN
Its: PRESIDENT

Witness

STATE OF OHIO
COUNTY OF HAMILTON, SS: Supape

This instrument was executed and acknowledged before me by MARK BAILIN, the PRESIDENT of MB Real Estate, Inc., a Delaware Corporation, d/b/a MB Real Estate, Delaware, Inc., on behalf of said company this 28 day of JUNE, 2013.

Sujata Oberoi
Notary Public

THIS INSTRUMENT PREPARED BY:

Laurie A. Lamb, Esq.
Beckman Weil Shepardson LLC
300 Pike Street, Suite 400
Cincinnati, OH 45202
Phone: 513-621-2100

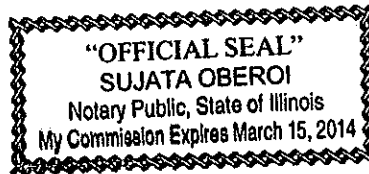


EXHIBIT A

Situate in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Units No. 2N, 2S, 3N, 3S, 4N, 4S, 5N, 5S, 6N, 6S, 7N, 7S, 8N, 8S, 9N, 9S, 10N, 10S, 11N, 11S, 12N, 12S, and PH of The Overlook at Eden Park Condominium, as described and set forth in the Declaration of Condominium Ownership for The Overlook at Eden Park Condominium, and the By-Laws and Drawings attached thereto, recorded in Official Record Book 10865, Page 1066, and recorded in Plat Book 416, Pages 30-40, of the records of Hamilton County, Ohio, as amended by that certain First Amendment to the Declaration of Condominium Ownership for The Overlook at Eden Park Condominium, as recorded in Official Record Book 10922, Page 1834 and recorded in Plat Book 417, Page 15, of the records of Hamilton County, Ohio and that certain Second Amendment to the Declaration of Condominium Ownership for The Overlook at Eden Park Condominium, recorded in Official Record Book 12297, Page 1382 of the records of the Hamilton County, Ohio, and that Third Amendment to the Declaration of Condominium Ownership for The Overlook at Eden Park Condominium, recorded in Official Record Book 10355 Page 0505 of the records of Hamilton County, Ohio, together with the percentage of ownership in the Common Elements declared by the Declaration, as amended, to be appurtenant to the above Units, and together with the exclusive right to use all of the Limited Common Elements identified in the Declaration and on the Condominium Drawings, as amended, as being for the sole and exclusive use of said Units.

The above property being described in the Declaration as:

Situate in the City of Cincinnati, Hamilton County, Ohio and being part of Lots 23, 24 and 25 of W.B. Dodds Subdivision as Recorded in Plat Book 4, Pages 284 and 285 of the Hamilton County, Ohio Records.

Beginning at the Northwest Corner of said Lot 25 of W.B. Dodds Subdivision, thence along the westerly line of said Lot 25, South 01°32'00" West, 88.00 Feet to the real place of beginning of the herein described tract, said point being witnessed by an existing iron pin and cap which is 0.24 feet West, thence leaving the Westerly line of said Lot 25, South 88°30'00" East, 208.82 feet to a point in the Westerly right of way of Luray Avenue said point being witnessed by an existing iron pin and cap which is 0.28 feet East, thence along the Westerly right of way of Luray Avenue, along a curve deflecting to the right, having a radius of 1,005.00 feet, a distance of 166.07 feet, the chord of said curve bears South 06°20'06" East, 165.88 feet to a point, said point being witnessed by an existing 1" iron pipe which is 0.80 feet South and 0.23 feet East; thence leaving the Westerly right of way of Luray Avenue, North 88°30'00" West, 231.53 feet to a point in the Westerly line of Lot 23 of said W.B. Dodd's subdivision, said point being witnessed by an existing cross notch which is 0.73 feet South; thence along the westerly line of said W.B. Dodd's subdivision, North 01°32'00" East, 164.33 feet to the place of beginning.

Thus containing 0.8393 acres of land and being subject to all easements and restrictions of record.

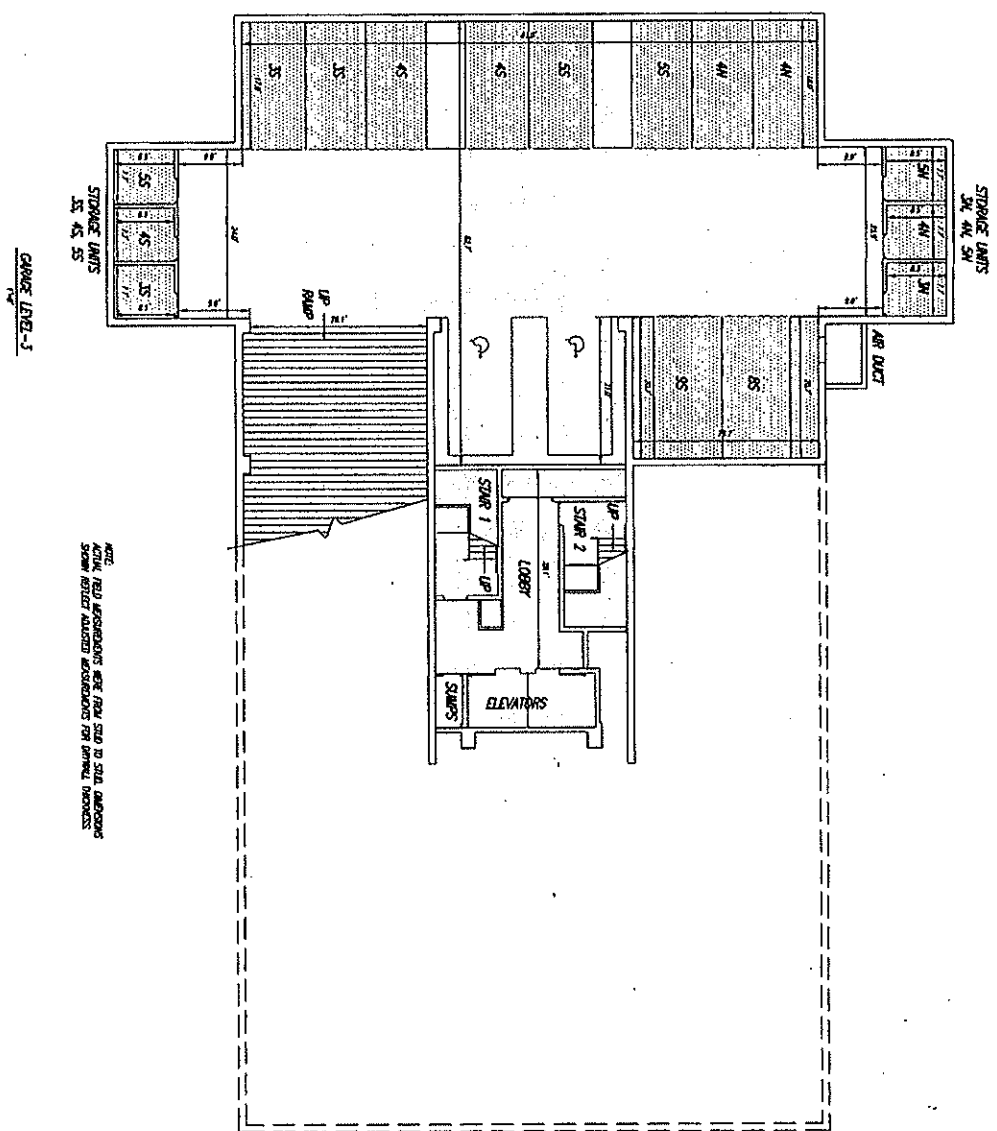
Bearings used in this legal description are based on a random bearing system relative to W.B. Dodds subdivision as recorded in Plat Book 4, Page 284 of the Hamilton County, Ohio Records.

LEGEND
 [Symbol] Unit
 [Symbol] Limited Common Element
 [Symbol] Common Element

REFER TO THE "AS-BUILT" DRAWINGS ON PAGES 2 THRU 11
 ACCORDING TO THE BUILDING AS CONSTRUCTED.

BY: [Signature]
 AND REGISTERED PROFESSIONAL ENGINEER NO. 52008

ALL PARKING SPACES SHOWN ARE
 (NOT YET COMPLETED)






NOTE: RAMP AND STAIRS ARE FOR USE BY THE GARAGE
 AND SHOULD BE MAINTAINED AS SUCH FOR THE GARAGE.

EXHIBIT B-2

<p>Abercrombie & Associates, Inc. Civil Engineers/Surveyors 1122 Campbell Drive - Columbus, OH 43261-1101 614-291-5757 www.abercombie-associates.com</p>	<p>CONDOMINIUM UNIT PLAN</p> <p>THE OVERLOOK AT EDEN PARK CONDOMINIUM W.B. WOODS SUBDIVISION CITY OF CINCINNATI HAMILTON COUNTY, OHIO</p>	<p>DATE: 2-18-08</p> <p>BY: H. Haggard</p> <p>FOR: T. Abercrombie</p> <p>SCALE: 1/8"=1'-0"</p>	
	<p>PROJECT NO. 03-01537/111-0000</p>		

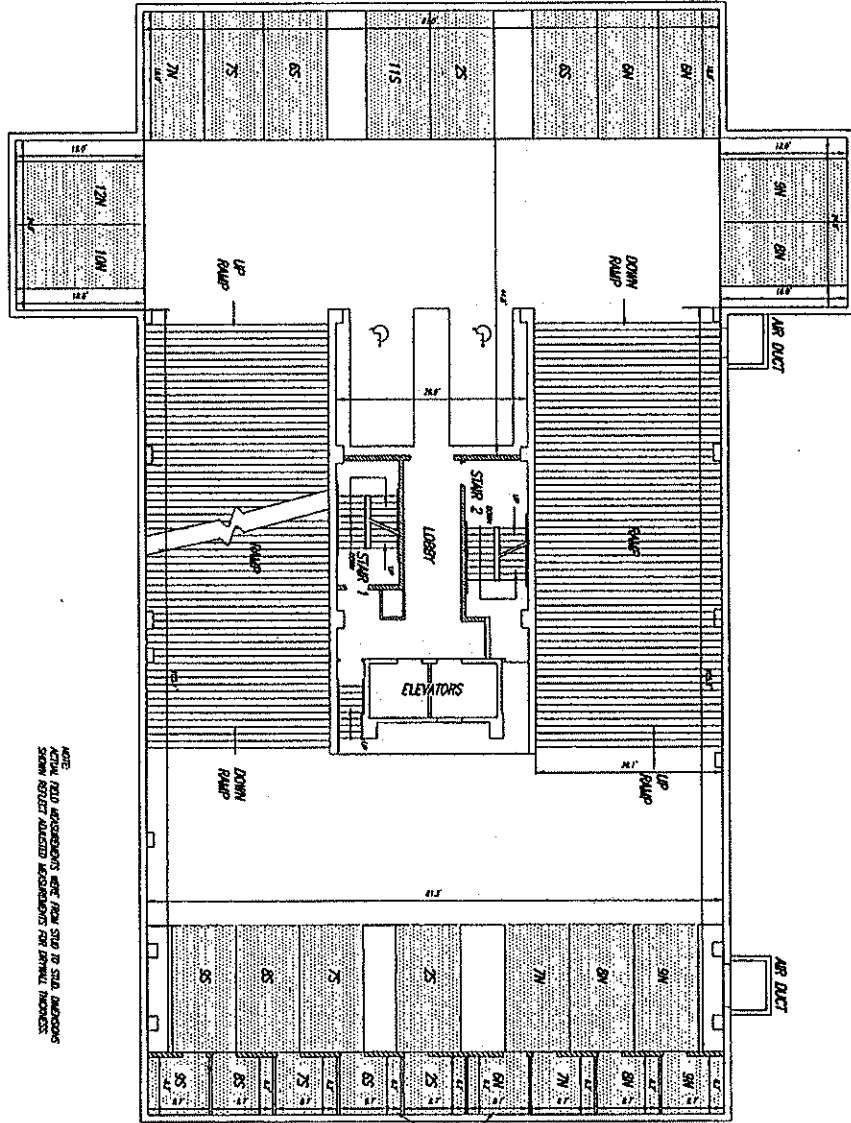
ALL PARKING SPACES SHOWN ARE
(NOT YET COMPLETED)

LEGEND

-  Units
-  Limited Common Elements
-  Common Elements

I HEREBY CERTIFY THAT THE AS-BUILT DIMENSIONS ON PAGES 2 THRU 11 ACCURATELY SHOW THE BUILDING AS CONSTRUCTED.

TO: JAMES ABERCROMBIE
ONE WESTBURY PROFESSIONAL SERVICES, SUITE 200
COLUMBUS, OHIO 43260



CHARGE LEVEL - 2A, 2A

NOTE: ALL UNIT DIMENSIONS WERE FROM STUD TO STUD. DIMENSIONS FROM FLOOR TO FLOOR ARE SHOWN FOR ALL UNITS.

STORAGE UNITS
BS, BR, BS, BR, BS, BR, BS

EXHIBIT B-3

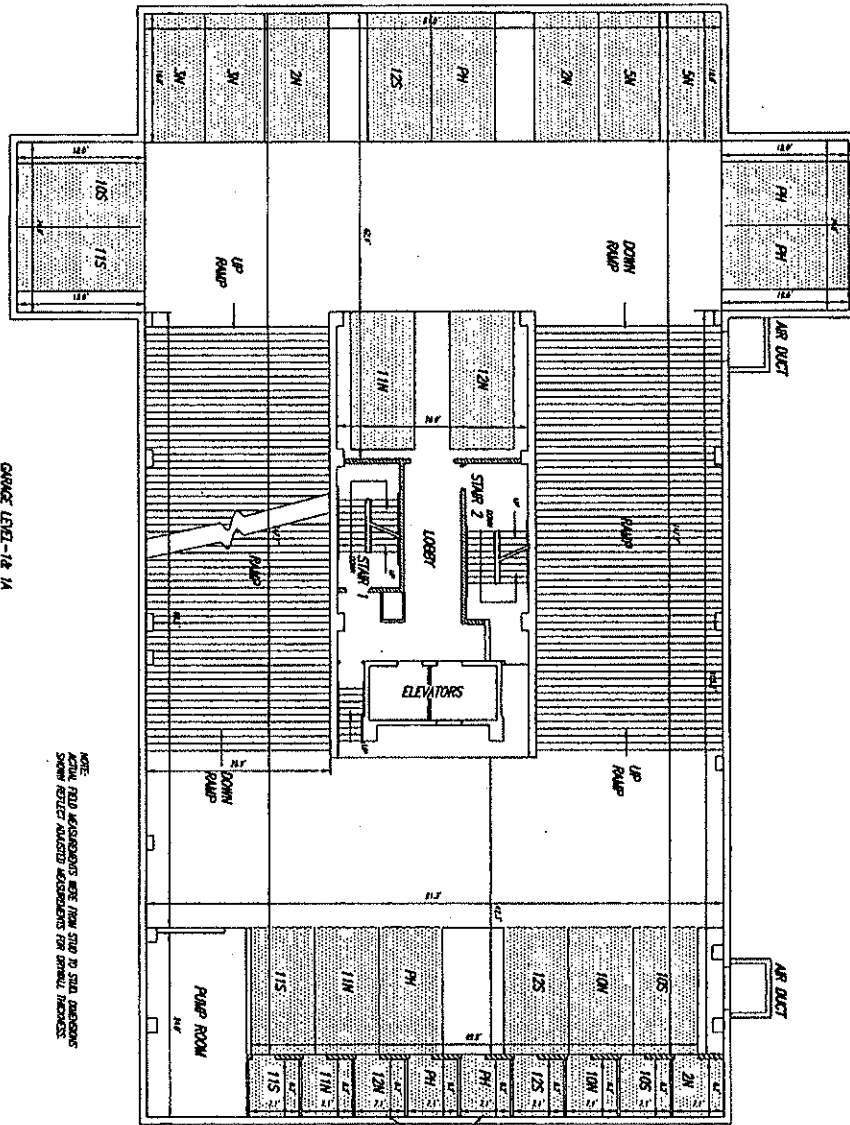
 <p>Abercrombie & Associates, Inc. Civil Engineers/Surveyors Columbus Professional Center - Suite 128 2127 Columbus Road - Columbus, Ohio 43261-2941 614-882-5357 www.abercrombie-associates.com</p>	<p>CONDOMINIUM UNIT PLAN</p> <p>THE OVERLOOK AT EDEN PARK CONDOMINIUM N.B. WOODS SUBDIVISION CITY OF CINCINNATI HAMILTON COUNTY, OHIO</p>	<p>DATE: 2-18-08</p> <p>BY: H. Hoggard</p> <p>FOR: T. Abercrombie</p> <p>SCALE: 1/8" = 1'-0"</p>		
	<p>12-01-08</p>	<p>11</p>		

ALL PARKING SPACES SHOWN ARE
(NOT YET COMPLETED).

LEGEND
 [Symbol] Unit
 [Symbol] Limited Common Element
 [Symbol] Common Element

1. REFER TO THE 15-UNIT DEVELOPMENT ON PAGES 2 THRU 11
 ACCORDING TO THE RECORD AS CONSTRUCTION.

2. THESE DEVELOPMENTS
 AND RELATED PROFESSIONAL DOCUMENT NO. 2008





GARAGE LEVEL - 1A

NOTE: FIELD MEASUREMENTS WERE TAKEN FROM THE STAIR TO STAIR DIMENSIONS SHOWN. EXISTING ADJUSTED MEASUREMENTS FOR OTHER DIMENSIONS.

STORAGE UNITS
 2N, 10N, 10S, 11N, 11S, 12N, 12S, 13N, 13S, 14N, 14S, 15N, 15S, 16N, 16S, 17N, 17S, 18N, 18S, 19N, 19S, 20N, 20S, 21N, 21S, 22N, 22S, 23N, 23S, 24N, 24S, 25N, 25S, 26N, 26S, 27N, 27S, 28N, 28S, 29N, 29S, 30N, 30S, 31N, 31S, 32N, 32S, 33N, 33S, 34N, 34S, 35N, 35S, 36N, 36S, 37N, 37S, 38N, 38S, 39N, 39S, 40N, 40S, 41N, 41S, 42N, 42S, 43N, 43S, 44N, 44S, 45N, 45S, 46N, 46S, 47N, 47S, 48N, 48S, 49N, 49S, 50N, 50S, 51N, 51S, 52N, 52S, 53N, 53S, 54N, 54S, 55N, 55S, 56N, 56S, 57N, 57S, 58N, 58S, 59N, 59S, 60N, 60S, 61N, 61S, 62N, 62S, 63N, 63S, 64N, 64S, 65N, 65S, 66N, 66S, 67N, 67S, 68N, 68S, 69N, 69S, 70N, 70S, 71N, 71S, 72N, 72S, 73N, 73S, 74N, 74S, 75N, 75S, 76N, 76S, 77N, 77S, 78N, 78S, 79N, 79S, 80N, 80S, 81N, 81S, 82N, 82S, 83N, 83S, 84N, 84S, 85N, 85S, 86N, 86S, 87N, 87S, 88N, 88S, 89N, 89S, 90N, 90S, 91N, 91S, 92N, 92S, 93N, 93S, 94N, 94S, 95N, 95S, 96N, 96S, 97N, 97S, 98N, 98S, 99N, 99S, 100N, 100S, 101N, 101S, 102N, 102S, 103N, 103S, 104N, 104S, 105N, 105S, 106N, 106S, 107N, 107S, 108N, 108S, 109N, 109S, 110N, 110S, 111N, 111S, 112N, 112S, 113N, 113S, 114N, 114S, 115N, 115S, 116N, 116S, 117N, 117S, 118N, 118S, 119N, 119S, 120N, 120S, 121N, 121S, 122N, 122S, 123N, 123S, 124N, 124S, 125N, 125S, 126N, 126S, 127N, 127S, 128N, 128S, 129N, 129S, 130N, 130S, 131N, 131S, 132N, 132S, 133N, 133S, 134N, 134S, 135N, 135S, 136N, 136S, 137N, 137S, 138N, 138S, 139N, 139S, 140N, 140S, 141N, 141S, 142N, 142S, 143N, 143S, 144N, 144S, 145N, 145S, 146N, 146S, 147N, 147S, 148N, 148S, 149N, 149S, 150N, 150S, 151N, 151S, 152N, 152S, 153N, 153S, 154N, 154S, 155N, 155S, 156N, 156S, 157N, 157S, 158N, 158S, 159N, 159S, 160N, 160S, 161N, 161S, 162N, 162S, 163N, 163S, 164N, 164S, 165N, 165S, 166N, 166S, 167N, 167S, 168N, 168S, 169N, 169S, 170N, 170S, 171N, 171S, 172N, 172S, 173N, 173S, 174N, 174S, 175N, 175S, 176N, 176S, 177N, 177S, 178N, 178S, 179N, 179S, 180N, 180S, 181N, 181S, 182N, 182S, 183N, 183S, 184N, 184S, 185N, 185S, 186N, 186S, 187N, 187S, 188N, 188S, 189N, 189S, 190N, 190S, 191N, 191S, 192N, 192S, 193N, 193S, 194N, 194S, 195N, 195S, 196N, 196S, 197N, 197S, 198N, 198S, 199N, 199S, 200N, 200S.

FIRST AMENDMENT
 EXHIBIT B-4

 <p>Abercrombie & Associates, Inc. Civil Engineers/Surveyors 20000 Professional Center - Suite 118 1111 Cambridge Road - Columbus, OH 43261-1241 614-383-5737 www.abercrombie-associates.com</p>	<p>CONDOMINIUM UNIT PLAN</p> <p>THE OVERLOOK AT EDEN PARK CONDOMINIUM W.B. WOODS SUBDIVISION CITY OF CINCINNATI HAMILTON COUNTY, OHIO</p>	<p>2-18-08</p> <p>Prepared by: H. Hogyard Checked by: T. Abercrombie</p> <p>Scale: 1/8" = 1'-0"</p>	
	<p>11</p>	<p>11</p>	<p>11</p>