

REC'D FOR TAX

2013 APR 24 AM 11:00

DUSTY RHODES
AUDITOR
HAMILTON COUNTY

Wayne Coates
Hamilton County Recorders Office
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DUSTY RHODES
COUNTY AUDITOR

SECOND AMENDMENT

TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE OVERLOOK AT EDEN PARK CONDOMINIUM

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, Exhibit D of the Declaration erroneously stated the incorrect amount of the undivided interest in the PH Unit. As a result, the Undivided Interest in the Common Elements was less than 100%.

WHEREAS, the Declarant of the Declaration, The Overlook at Eden Park, L.P., an Ohio limited partnership ("Declarant") desires to correct the previous typographical error/omission in Exhibit D of the Declaration.

WHEREAS, the Declaration at Article XX, Section 6(b) provides that the Declarant may amend the Declaration to the extent necessary to correct typographical errors or obvious factual errors the correction of which would not impair the interest of any Unit Owner other than the Declarant.

WHEREAS, the Declaration at Article VI, Section 3 states that additional rounding of the undivided interest in the Common Elements is permitted so that the total equals exactly 100%.

WHEREAS, a legal description of the Condominium Property is attached hereto and incorporated herein as Exhibit A and the updated Exhibit D to the Declaration listing the updated undivided interest in the Common Elements is attached hereto and incorporated herein as Exhibit B;

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

1. The Declaration is hereby amended for the purpose of correcting a typographical error/obvious factual error within Exhibit D pertaining to the undivided interest in the PH Unit.
2. The Declaration is hereby amended so that Exhibit D of the Declaration is deleted in its entirety and replaced with Exhibit B of this Second Amendment, which is attached hereto and incorporated herein.
3. All capitalized terms shall have the same meaning as given in the Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant of The Overlook at Eden Park Condominium, has signed this Second Amendment and indicated its consent to the same this 18th day of April, 2013.

[Signature Page Follows]

DECLARANT:

THE OVERLOOK AT EDEN PARK, L.P., an Ohio limited partnership

Paul Zeltwanger

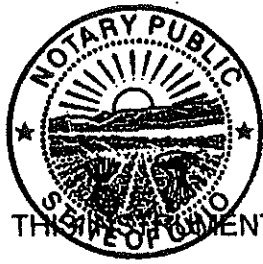
By: Paul Zeltwanger

Managing Member, Joshua LLC (OH), an Ohio limited liability company
The general partner of The Overlook at Eden Park L.P., an Ohio limited partnership

STATE OF OHIO, COUNTY OF HAMILTON, ss:

The foregoing instrument was executed and acknowledged before me this 18th day of April, 2013 by Paul Zeltwanger, the ^{Managing Member of Joshua LLC} ~~an Ohio limited liability company~~ of The Overlook at Eden Park, L.P., an Ohio limited partnership, on behalf of the partnership. ^{company, the general partner of The Overlook at Eden Park L.P., an Ohio limited Partnership.}

[Signature]
Notary Public - State of Ohio



Laurie Ann Lamb
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date, Section 147.03 O.R.C.

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

0.8393 ACRES

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 A 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.

THE ABOVE DESCRIBED REAL ESTATE IS ALL THE SAME PREMISES DESCRIBED IN OFFICIAL RECORD 9457, PAGE 5167, OF THE HAMILTON COUNTY, OHIO RECORDS. BEING THE RESULT OF A SURVEY AND PLAT DATED 04-07-05 MADE BY STEPHEN L. CAHILL P.L.S. OF ABERCROMBIE & ASSOCIATES, INC., OHIO REGISTERED SURVEYOR NUMBER 7862.

FILE:03-0185.LD1

EXHIBIT B

UPDATED EXHIBIT D TO DECLARATION

Unit No.	Square Footage	Undivided Interest In The Common Elements
2N	3,059	4.160%
2S	3,069	4.173%
3N	3,059	4.160%
3S	3,069	4.173%
4N	3,059	4.160%
4S	3,069	4.173%
5N	3,059	4.160%
5S	3,069	4.173%
6N	3,059	4.160%
6S	3,069	4.173%
7N	3,059	4.160%
7S	3,069	4.173%
8N	3,059	4.160%
8S	3,069	4.173%
9N	3,059	4.160%
9S	3,069	4.173%
10N	3,059	4.160%
10S	3,069	4.173%
11N	3,059	4.160%
11S	3,069	4.173%
12N	3,059	4.160%
12S	3,069	4.173%
PH	6,128	8.337%