

REC'D FOR TRAC...

2013 JUL -3 AM 10:56

Wayne Coates
Hamilton County Recorders Office
Doc #: 13-0090517 Type: DE
Filed: 07/03/13 11:17:06 AM \$60.00
Off.Rec.: 12355 02525 F B10 6 481

DUSTY RHODES
AUDITOR
HAMILTON COUNTY

THIRD AMENDMENT

1235502525F

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

NON-CONFORMING DOCUMENT
ADDITIONAL RECORDING FEE
(ORC §17.114)

SEE: PB 437 PG 86

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, Exhibit B of the Declaration and the Drawings, as amended from time to time thereafter, erroneously identified 2 parking spaces as Common Elements rather than Limited Common Elements appurtenant to a Unit.

WHEREAS, The Declaration at Article XX, Section 6(b) allows the Board of the Association to amend the Declaration in any manner necessary to correct clerical or typographical errors or obvious factual errors in the Declaration or an exhibit to the Declaration.

WHEREAS, the Declaration states at Article III, Section 2(d) that the Convertible Unit PH has been assigned 4 parking spaces, but Exhibit B of the Declaration and the Drawings reflect that only 2

parking spaces were assigned to Convertible Unit PH while 2 additional spaces were designated as Common Elements.

WHEREAS The Board of the Association desires to amend the Declaration and the Drawings accordingly and MB Real Estate, Inc., a Delaware Corporation d/b/a MB Real Estate Delaware, Inc., as the owner of Convertible Unit PH desires to consent to the same.

NOW, THEREFORE, pursuant to the powers set forth in the Declaration, the Board of the Association 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 B of the Declaration and the Drawings pertaining to the parking spaces assigned to Convertible Unit PH. Specifically, the two Common Element Parking Spaces shown on garage level 3 of Exhibit B shall be designated as Limited Common Elements appurtenant to Convertible Unit PH.

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

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

4. 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.

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

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

7. 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 28th day of June, 2013.

[SIGNATURE PAGES FOLLOW]

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 Convertible Unit PH, does hereby consent to this Third Amendment.

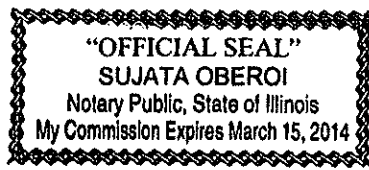
MB REAL ESTATE, INC., a Delaware Corporation, d/b/a MB Real Estate Delaware, Inc.

Mark Bailin
By: MARK BAILIN
Its: PRESIDENT

Illinois
STATE OF OHIO
COUNTY OF HAMILTON, SS: As page

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 Well Shepardson LLC
300 Pike Street, Suite 400
Cincinnati, OH 45202
Phone: 513-621-2100

T:\Joshua One - 8307\Overlook at Eden Park condos - .001\Amendment 3.doc

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, 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.

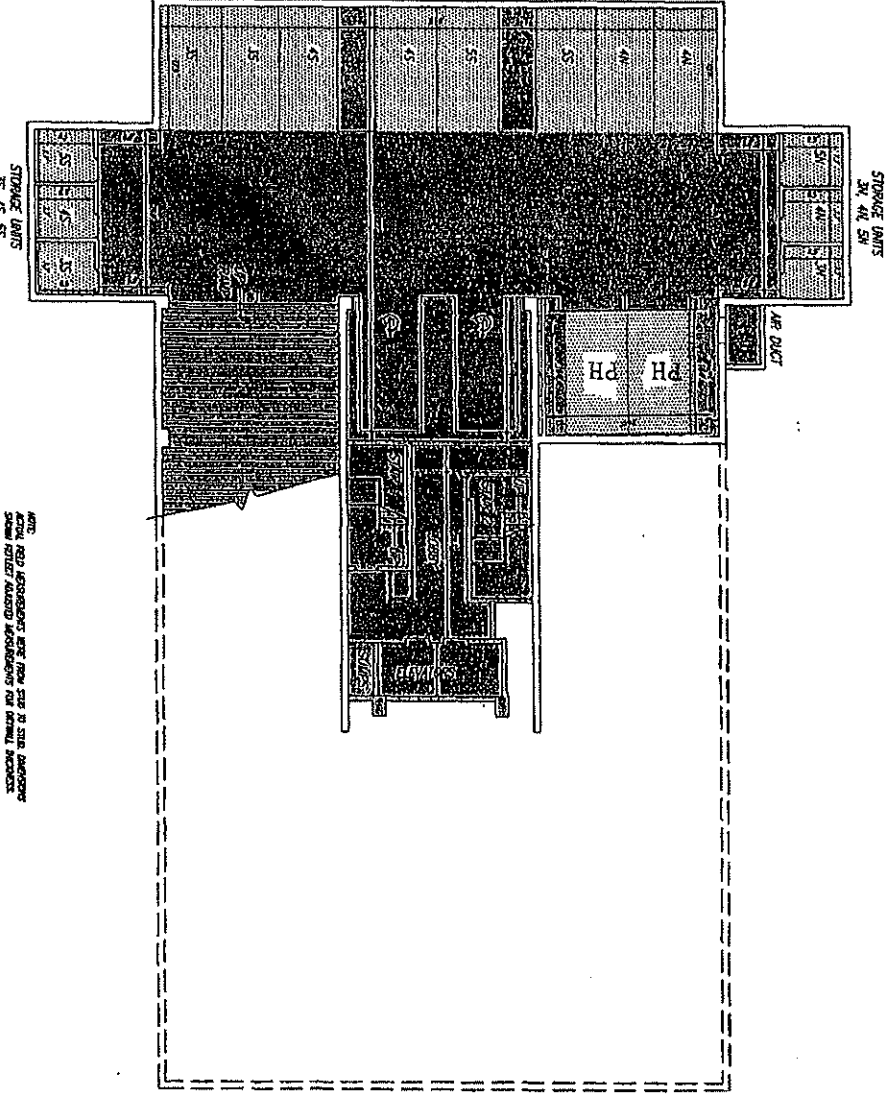
Bearings used in this legal description are based on a random bearing system relative to W.B. Dodds subdivision as recorded in Plat Book 4, Page 284 of the Hamilton County, Ohio Records.

10865 1107

ALL PARKING SPACES SHOWN ARE
(NOT YET COMPLETED)

LEGEND
 [Symbol] Unit
 [Symbol] Under Common Element
 [Symbol] Common Element



I HEREBY CERTIFY THAT THE SE-DETAILED DRAWINGS ON PAGES 2 AND 11
 ACCURATELY SHOW THE BUILDING AS CONSTRUCTED.
 T. Haggard
 CIVIL ENGINEER
 ONE DEPARTMENTAL AVENUE SUITE 200



NOTE: REED REVISIONS ARE FROM SET TO STATE COMPLIANCE
 CHANGE REFLECT REVISIONS FOR ORIGINAL PROJECT.

CHANGE LIST - J

EXHIBIT B-2

| | | | |
|---|--|--|---|
|  <p>Abercrombie & Associates, Inc. Civil Engineers/Surveyors 1277 Campbell Road • Dayton, OH 45424 913-363-6141 www.a1277.com</p> | <p>CONDOMINIUM UNIT PLAN</p> <p>THE OVERLOOK AT EDGY PARK CONDOMINIUM W.B. HOODS SUBDIVISION CITY OF CINCINNATI HAMILTON COUNTY, OHIO</p> | <p>DATE: 2-19-00</p> <p>BY: H. Haggard</p> <p>FOR: T. Abercrombie</p> <p>SCALE: 1/8"=1'-0"</p> |  |
| | <p>12-018530</p> <p>2</p> <p>11</p> | <p>11</p> | <p>11</p> |