

RTAL 2002

SUBSEQUENT AMENDMENT NO. 3 TO MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF MACINTOSH FARMS, A PLANNED RESIDENTIAL COMMUNITY, DELETING A PARCEL OF REAL ESTATE CONTAINING APPROXIMATELY 310 ACRES FROM THE OPERATION OF THE MASTER DECLARATION

THIS SUBSEQUENT AMENDMENT NO. 3 TO MASTER DECLARATION ("Subsequent Amendment No. 3") made as of the 4th day of May, 2001 by MACINTOSH DEVELOPMENT CORPORATION, an Ohio corporation.

PREAMBLE

A. On August 6, 1986, Zaremba-MacIntosh Co., an Ohio corporation (the "Original Declarant") recorded a document entitled Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, a Planned Residential Community, Broadview Heights, Ohio (the "Master Declaration"), the Master Declaration being recorded in Volume 86-4890, Page 60 of Cuyahoga County Records. Unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Master Declaration.

B. On July 7, 1989, the Original Declarant recorded a document entitled First Supplement to the Master Declaration (the "First Supplement"), the First Supplement being recorded in Volume 89-3325, Page 26 of Cuyahoga County Records.

C. On February 6, 1995, the Original Declarant recorded a document entitled Designation of Successor Declarant designating MacIntosh Development Corporation, an Ohio corporation, as a successor Declarant (the "Declarant") of its rights under the Master Declaration, the Designation of Successor Declarant being recorded in Volume 95-00859, Page 6 of Cuyahoga County Records.

D. On April 27, 1995 the Declarant recorded a document entitled Second Supplement to the Master Declaration (the "Second Supplement"), the Second Supplement being recorded in Volume 95-03067, Page 11 of Cuyahoga County Records.

E. The term "Property" as defined in the Master Declaration includes a parcel of real estate containing approximately 310 acres situated on the east side of Broadview Road, Broadview Heights, Ohio (the "East Parcel").

F. Section 1.3(b) of the Master Declaration reserved unto the Declarant the right to amend the Master Declaration to delete lands from the Property and thereby free such lands from the provisions of the Master Declaration.

G. Both the Declarant and MacIntosh Land Company Limited Partnership, an Ohio limited partnership, the owner of the East Parcel ("Owner") desire to delete the East

Parcel from the operation of the Master Declaration pursuant to Section 1.3(b) of the Master Declaration.

NOW, THEREFORE, pursuant to the provisions of Section 1.3(b) of the Master Declaration, the Declarant hereby amends the Master Declaration by deleting the East Parcel from the operation of the Master Declaration (a legal description of the East Parcel is attached hereto and made a part hereof as Exhibit "A"), and MacIntosh Land Company Limited Partnership, the Owner of the East Parcel, hereby agrees to such deletion by joining into this Subsequent Amendment No. 3.

Except as otherwise provided, the provisions of the Master Declaration, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, MacIntosh Development Corporation has signed this Subsequent Amendment No. 3 this 4th day of May, 2001.

Signed in the presence of:

MACINTOSH DEVELOPMENT CORPORATION, an Ohio corporation

Brian E. Blainey
Print Name Brian E. Blainey

By: Nathan Zarembo
Nathan Zarembo, its President

Rozie Barton
Print Name Rozie Barton

"Declarant"

MACINTOSH LAND COMPANY LIMITED PARTNERSHIP, an Ohio limited partnership

By: MacIntosh Land Investment Corporation, an Ohio corporation, its General Partner

Brian E. Blainey
Print Name Brian E. Blainey

By: Nathan Zarembo
Nathan Zarembo, its Secretary

Rozie Barton
Print Name Rozie Barton

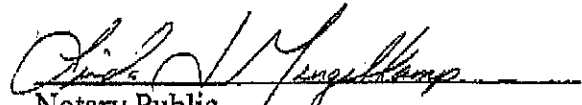
"Owner"

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STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named MACINTOSH DEVELOPMENT CORPORATION, an Ohio corporation, by Nathan Zarembo, its President, and MACINTOSH LAND COMPANY LIMITED PARTNERSHIP, an Ohio limited partnership, by its General Partner, MacIntosh Land Investment Corporation, an Ohio corporation, by Nathan Zarembo, its Secretary, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, individually and as such officers, and the free act and deed of said Corporations and said Limited Partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Cleveland, Ohio, this 4th day of May, 2001.


Notary Public

*Linda J. Mangelkamp
Notary Public - State of Ohio
Recorded In Lake County
Commission Expires April 19, 2006*

This Instrument Prepared By:

Richard A. Rosner, Attorney At Law
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.
Suite 2600, Tower At Erieview
1301 East Ninth Street
Cleveland, Ohio 44114-1824
(216) 696-3311

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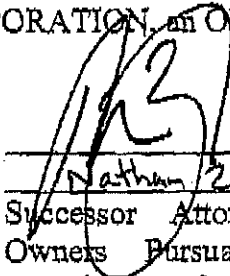
APPROVAL

The undersigned hereby approves and joins into this Subsequent Amendment
No. 3.

MACINTOSH FARMS COMMUNITY
ASSOCIATION, INC., an Ohio non-profit
corporation

By: MACINTOSH DEVELOPMENT
CORPORATION, an Ohio corporation

By:



Nathan Zarembo
Successor Attorney-in-Fact for
Owners Pursuant to Section
15.11(a) of the Master
Declaration

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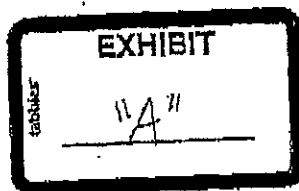
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Legal Description

Situated in the City of Broadview Heights, County of Cuyahoga and State of Ohio and known as being part of Original Brecksville Township Lot Nos. 63 and 64, and is further described as follows;

Beginning at an iron pin monument in the southwest corner of said Original Lot No. 64, said point also being the intersection of the centerline of Broadview Road (60 feet wide) and Boston Road (60 feet wide):

- Course I Thence North $00^{\circ}30'00''$ West, along the centerline of said Broadview Road, 1160.32 feet to a point;
- Course II Thence North $88^{\circ}34'39''$ East, 336.43 feet to a point;
- Course III Thence North $00^{\circ}30'00''$ West, 200.00 feet to a point;
- Course IV Thence South $88^{\circ}34'39''$ West, 336.43 feet to a point in the centerline of said Broadview Road;
- Course V Thence North $00^{\circ}30'00''$ West, along said centerline, 732.44 feet to a point;
- Course VI Thence North $89^{\circ}28'53''$ East, 163.00 feet to a point;
- Course VII Thence North $00^{\circ}30'00''$ West, 198.00 feet to a point in the south line of said Original Lot No. 63;
- Course VIII Thence North $89^{\circ}28'53''$ East, along said Lot Line, 708.19 feet to a point;
- Course IX Thence North $00^{\circ}30'00''$ West, 143.13 feet to a point;
- Course X Thence South $89^{\circ}43'27''$ West, 871.20 feet to a point in the centerline of said Broadview Road;
- Course XI Thence North $00^{\circ}30'00''$ West, along said centerline, 80.00 feet to a point;
- Course XII Thence North $89^{\circ}43'27''$ East, 871.20 feet to a point;



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Legal Description
293.6 Acres

- Course XIII Thence North $00^{\circ} 30' 00''$ West, 601.00 feet to a point;
- Course XIV Thence South $89^{\circ} 43' 27''$ West, 641.20 feet to a point;
- Course XV Thence North $00^{\circ} 30' 00''$ West, 100.00 feet to a point;
- Course XVI Thence South $89^{\circ} 43' 27''$ West, 230.00 feet to a point in the centerline of said Broadview Road;
- Course XVII Thence North $00^{\circ} 30' 00''$ West, along said centerline, 440.35 feet to a point;
- Course XVIII Thence North $88^{\circ} 20' 06''$ East, 4039.51 feet to a point in the east line of said Original Lot No. 63;
- Course XIX Thence South $00^{\circ} 21' 50''$ East, along the east line of said Original Lot No. 63 and Original Lot No. 64, 3426.64 feet to a point;
- Course XX Thence South $88^{\circ} 34' 39''$ West, 803.25 feet to a point;
- Course XXI Thence South $01^{\circ} 17' 36''$ East, 200.00 feet to a point in the north right-of-way line of said Boston Road;
- Course XXII Thence South $88^{\circ} 34' 39''$ West, along said north right-of-way, 100.00 feet to a point;
- Course XXIII Thence North $01^{\circ} 17' 36''$ West, 200.00 feet to a point;
- Course XXIV Thence South $88^{\circ} 34' 39''$ West, 100.00 feet to a point;
- Course XXV Thence South $01^{\circ} 17' 36''$ East, 200.00 feet to a point in said north right-of-way line;
- Course XXVI Thence South $88^{\circ} 34' 39''$ West, along said north right-of-way, 200.00 feet to a point;
- Course XXVII Thence North $01^{\circ} 17' 36''$ West, 200.00 feet to a point;
- Course XXVIII Thence South $88^{\circ} 34' 39''$ West, 110.00 feet to a point;

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Legal Description
293.8 Acres

- Course XXIX Thence South $01^{\circ} 17' 36''$ East, 179.95 feet to a point of curvature;
- Course XXX Thence along an arc of a curve deflecting to the left an arc distance of 31.46 feet to a point, said curve having a radius of 20.00 feet and a chord which bears South $46^{\circ} 21' 29''$ East, 28.32 feet;
- Course XXXI Thence South $88^{\circ} 34' 39''$ West, along said north right-of-way, 100.00 feet to a point;
- Course XXXII Thence along an arc of a curve deflecting to the left an arc distance of 31.37 feet to a point of tangency, said curve having a radius of 20.00 feet and a chord which bears North $43^{\circ} 39' 31''$ East, 28.25 feet;
- Course XXXIII Thence North $01^{\circ} 17' 36''$ West, 180.05 feet to a point;
- Course XXXIV Thence South $88^{\circ} 34' 39''$ West, 710.00 feet to a point;
- Course XXXV Thence South $01^{\circ} 17' 36''$ East, 200.00 feet to a point in said north right-of-way;
- Course XXXVI Thence South $88^{\circ} 34' 39''$ West, along said north right-of-way line, 200.00 feet to a point;
- Course XXXVII Thence North $01^{\circ} 17' 36''$ West, 200.00 feet to a point;
- Course XXXVIII Thence South $88^{\circ} 34' 39''$ West, 200.00 feet to a point;
- Course XXXIX Thence South $01^{\circ} 17' 36''$ East, 230.00 feet to a point in the centerline of said Boston Road;
- Course XL Thence South $88^{\circ} 34' 39''$ West, along said centerline, 1550.99 feet to a point at the Place of Beginning and containing 309.5993 Acres of land as surveyed and described in March, 1986, by Joseph Gutaskey, P.S. 7567, be the same, more or less, but subject to all legal highways and easements of record. Bearings used herein are based on an assumed meridian and are intended to indicate angles only.