

THIRD SPECIAL AMENDMENT TO DECLARATION
OF CONDOMINIUM OWNERSHIP

MACINTOSH FARMS CONDOMINIUM NO. 2

BROADVIEW HEIGHTS, OHIO

TO CORRECT PERCENTAGE INTERESTS OF UNITS

This will certify that copies of this Third Special Amendment to Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 2 have been filed in the office of the County Auditor, Cuyahoga County, Ohio.

Date: _____, 2003

Cuyahoga County Auditor

By: _____
Deputy Auditor

This Instrument Prepared By:

Richard A. Rosner, Attorney at Law
Kahn Kleinman A Legal Professional Association
2600 Erieview Tower
1301 East Ninth Street
Cleveland, Ohio 44114-1824
(216) 696-3311

THIRD SPECIAL AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR MACINTOSH FARMS CONDOMINIUM NO. 2
BROADVIEW HEIGHTS, OHIO
TO CORRECT PERCENTAGE INTERESTS OF UNITS

WHEREAS, MacIntosh Development Corporation, an Ohio corporation, hereinafter referred to as "Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") with the Bylaws attached thereto, and Drawings incorporated by reference therein, on April 10, 1995, with the Cuyahoga County Recorder, the Declaration being recorded in Volume 95-02546, Page 53 et seq. of Cuyahoga County Deed Records and the Drawings being recorded in Plat Volume 104, Pages 57-68 of Cuyahoga County Condominium Map Records and thereby submitted Phase No. I of the MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by First Amendment to the Declaration of Condominium Ownership recorded on July 14, 1995 with the Cuyahoga County Recorder in Volume 95-05639, Page 54 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 106, Page 2 et seq. of Cuyahoga County Condominium Map Records and re-recorded with the Cuyahoga County Recorder in Volume 95-05699, Page 7 et seq. of Cuyahoga County Deed Records, and the Drawings in Plat Volume 106, Page 28 et seq. and Plat Volume 107, Page 32, and thereby submitted Phase No. II of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Second Amendment to the Declaration of Condominium Ownership recorded on August 21, 1995 with the Cuyahoga County Recorder in Volume 95-06892, Page 22 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 106, Page 90-99 and Plat Volume 107, Pages 00-14 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. III of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Third Amendment to the Declaration of Condominium Ownership recorded on October 19, 1995 with the Cuyahoga County Recorder in Volume 95-08945, Page 56 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 107, Pages 73-98 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. IV of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Fourth Amendment to the Declaration of Condominium Ownership recorded on January 23, 1996 with the Cuyahoga County Recorder in Volume 96-00537, Page 4 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume

109, Page 99 and in Plat Volume 110, Pages 00-21 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. V of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Fifth Amendment to the Declaration of Condominium Ownership recorded on June 18, 1996 with the Cuyahoga County Recorder in Volume 96-05732, Page 18 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 111, Pages 28-35 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. VI of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Sixth Amendment to the Declaration of Condominium Ownership recorded on September 3, 1996 with the Cuyahoga County Recorder in Volume 96-08655, Page 41 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 112, Pages 61-68 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. VII of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Seventh Amendment to the Declaration of Condominium Ownership recorded on September 30, 1996 with the Cuyahoga County Recorder in Volume 96-09638, Page 57 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 112, Pages 94-99 and Plat Volume 113, Pages 00-01 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. VIII of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Eighth Amendment to the Declaration of Condominium Ownership recorded on December 20, 1996 with the Cuyahoga County Recorder in Volume 96-12483, Page 22 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 114, Pages 11-15 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. IX of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Ninth Amendment to the Declaration of Condominium Ownership recorded on March 6, 1997 with the Cuyahoga County Recorder in Volume 97-01916, Page 50 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 114, Pages 71-81 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. X of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Tenth Amendment to the Declaration of Condominium Ownership recorded on April 11, 1997 with the Cuyahoga County Recorder in Volume 97-03188, Page 34 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 115, Pages 34-47 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XI of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Eleventh Amendment to the Declaration of Condominium Ownership recorded on July 31, 1997 with the Cuyahoga County Recorder in Volume 97-07489, Page 50 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 116, Pages 58-62 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XII of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Twelfth Amendment to the Declaration of Condominium Ownership recorded on August 27, 1997 with the Cuyahoga County Recorder in Volume 97-08552, Page 16 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 117, Pages 10-47 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XIII of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Thirteenth Amendment to the Declaration of Condominium Ownership recorded on October 16, 1997 with the Cuyahoga County Recorder in Volume 97-10553, Page 25 et seq. of Cuyahoga County Deed Records and the Drawings in Plat Volume 117, Pages 85-95 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XIV of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Fourteenth Amendment to the Declaration of Condominium Ownership recorded on January 30, 1998 with the Cuyahoga County Recorder in Volume 98-00911, Page 13 et seq. of Cuyahoga County Records and the Drawings in Plat Volume 119, Pages 52-62 of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XV of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Affidavit of Interest in Real Property Pursuant to Ohio Revised Code Section 5301.252 recorded on August 3, 1998 with the Cuyahoga County Recorder as Document No. 822848 corrected the addresses for Unit Nos. 17-41, 17-42, 17-43, 17-44 and 17-45 of MacIntosh Farms Condominium No. 2, Broadview Heights, Cuyahoga County, Ohio, which addresses were incorrectly set forth in the Fourteenth Amendment to the Declaration of Condominium Ownership; and

WHEREAS, Declarant by Special Amendment to Declaration of Condominium Ownership recorded on March 1, 1999 with the Cuyahoga County Recorder as Document No. 199903010227 of Cuyahoga County Records thereby amended an inconsistency contained in Article V, Section 2 of the bylaws of The MacIntosh Farms Condominium No. 2 Owners' Association, Inc.; and

WHEREAS, Declarant by Fifteenth Amendment to Declaration of Condominium Ownership recorded on September 20, 2000 with the Cuyahoga County Recorder as Document No. 200009200158 of Cuyahoga County Deed Records and the Drawings in Plat Volume 135, Page 57, et seq. of Cuyahoga County Condominium Map Records, and thereby submitted Phase

No. XVI of MacIntosh Farms Condominium No. 2 to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Second Special Amendment to Declaration of Condominium Ownership recorded on January 18, 2001 with the Cuyahoga County Recorder as AFN200101180474 of Cuyahoga County Deed Records thereby corrected the square footages and percentage interests of Unit Nos. 17-16 and 17-25; and

WHEREAS, Declarant by Sixteenth Amendment to Declaration of Condominium Ownership recorded on April 4, 2002 with the Cuyahoga County Recorder as Document No. 200204090616 of Cuyahoga County Records and the Drawings in Plat Volume 142, Page 56 et. seq. of Cuyahoga County Condominium Map Records, and thereby submitted Phase No. XVII, as the final phase, of MacIntosh Farms Condominium No. 2, to the provision of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Exhibit "3" attached to an incorporated into the Sixteenth Amendment inadvertently set forth an incorrect percentage of ownership interest for Unit No. 17-03, which percentage of ownership interest shown was different from other Units of identical square footage; and

WHEREAS, Exhibit "3" inadvertently set forth an incorrect address for Unit No. 17-05; and

WHEREAS, pursuant to the terms of Article XII(B)(5) of the Declaration, the Declarant and the Board each have the right to file a Special Amendment to the Declaration to correct clerical, typographical or obvious factual errors in the Declaration or any Exhibit thereto or any supplement of amendment thereto and other documents governing the Condominium Development, the correction of which would not impair the interest of any Unit Owner or Mortgagee; and

WHEREAS, pursuant to the rights granted to the Board under Article XII (B) of the Declaration, the Board desires to record this Third Special Amendment to correct the clerical, typographical or factual errors and inconsistencies contained in Exhibit "3" of the Sixteenth Amendment by correcting the percentage of ownership interest shown attributable to Unit 17-03 to be equal to other Units of identical square footage, and by thereafter recalculating the correct resulting percentage of ownership interest for all Units and by indicating the correct address for said Unit 17-05; and

WHEREAS, the correction of these errors will not materially impair the interest of any Unit Owner or Mortgagee.

NOW, THEREFORE, the Board, pursuant to the authority of Article XII(B) of the Declaration hereby declares that the Declaration be and the same is hereby amended by this Third Special Amendment as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration).

1. The percentage interest of each Unit in the Common Areas and Facilities as set forth in Exhibit "3" of the Sixteenth Amendment (which Exhibit "3" supplements the Exhibit "E" of the Declaration) is hereby amended to be as set forth in Exhibit "A" attached hereto and made a part hereof.

2. The Unit Address for Unit No. 17-05 as shown in Exhibit "3" of the Sixteenth Amendment is hereby amended to read 2045 Foxglove Lane as set forth in Exhibit "A" attached hereto and made a part hereof.

3. Except as amended hereinbefore and herein, the Declaration and all amendments thereto shall remain in full force and effect.

4. Consent to this Third Special Amendment to the Declaration is hereby exercised by the Board on behalf of the Unit Owners and their mortgagees pursuant to Articles XI and XII of the Declaration.

The said MacIntosh Development Corporation, as Declarant, as aforesaid, has caused its name to be signed to these presents as of this 20th day of December, 2002.

MACINTOSH FARMS CONDOMINIUM NO. 2
OWNER'S ASSOCIATION, INC.

By: John P. Baraona
John Baraona, its President

By: Jeffrey Lechak
Jeffrey Lechak, its Secretary

STATE OF OHIO)
) SS.
COUNTY OF ~~CUYAHOGA~~ ^{SUMMIT})

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named MACINTOSH FARMS CONDOMINIUM NO. 2 OWNER'S ASSOCIATION, INC., an Ohio non-profit corporation, by John Baraona, its President, and Jeffrey Lechak, its Secretary, who acknowledged that they executed the within instrument and further acknowledged that they did examine and read the same, that such execution was the free act and deed of said association and was their free act and deed both individually and in their capacity as such officers.

IN TESTIMONY WHEREOF, I have herein set my hand and notarial seal this 20th
day of December, 2002.

Nancy Anne Wargo
Notary Public

NANCY-ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2006
Recorded in Summit County

EXHIBIT "A"

TO THIRD SPECIAL AMENDMENT TO DECLARATION OF CONDOMINIUM
OWNERSHIP FOR MACINTOSH FARMS CONDOMINIUM NO. 2

<u>UNIT NO.</u>	<u>PHASE NO.</u>	<u>UNIT ADDRESS</u>	<u>UNIT TYPE</u>	<u>SQUARE FOOTAGE</u>	<u>PERCENTAGE INTEREST IN COMMON AREAS AND FACILITIES AND PERCENTAGE INTEREST IN COMMON EXPENSES, COMMON ASSESSMENTS, COMMON SURPLUS, COMMON PROFITS AND COMMON LOSSES</u>
15-41	I	1755 Cortland Lane	Gables C	1,838	1.343%
15-42	I	1765 Cortland Lane	Gables B	2,295	1.686%
15-43	I	1775 Cortland Lane	Gables A	1,711	1.250%
17-08	II	2075 Foxglove Lane	B	2,255	1.648%
17-09	II	2070 Foxglove Lane	A	1,711	1.250%
17-10	II	2060 Foxglove Lane	B	2,255	1.648%
17-11	II	2050 Foxglove Lane	C	1,814	1.326%
17-06	III	2055 Foxglove Lane	C	1,814	1.326%
17-07	III	2065 Foxglove Lane	A	1,711	1.250%
17-12	III	2040 Foxglove Lane	C	1,814	1.326%
17-13	III	2030 Foxglove Lane	A	1,711	1.250%
17-14	III	2020 Foxglove Lane	C	1,814	1.326%
17-15	III	2010 Foxglove Lane	A	1,711	1.250%
17-60	IV	2130 Weatherwood Lane	B	2,255	1.648%
17-61	IV	2140 Weatherwood Lane	A	1,711	1.250%
17-62	IV	2150 Weatherwood Lane	B	2,255	1.648%
17-63	IV	2160 Weatherwood Lane	C	1,814	1.326%
17-64	IV	2155 Weatherwood Lane	B	2,255	1.648%
17-65	IV	2145 Weatherwood Lane	A	1,711	1.250%
17-58	V	2110 Weatherwood Lane	B	2,255	1.648%
17-59	V	2120 Weatherwood Lane	C	1,814	1.326%
17-66	V	2135 Weatherwood Lane	B	2,255	1.648%
17-67	V	2125 Weatherwood Lane	C	1,814	1.326%

<u>UNIT NO.</u>	<u>PHASE NO.</u>	<u>UNIT ADDRESS</u>	<u>UNIT TYPE</u>	<u>SQUARE FOOTAGE</u>	<u>PERCENTAGE INTEREST IN COMMON AREAS AND FACILITIES AND PERCENTAGE INTEREST IN COMMON EXPENSES, COMMON ASSESSMENTS, COMMON SURPLUS, COMMON PROFITS AND COMMON LOSSES</u>
17-68	V	2115 Weatherwood Lane	A	1,711	1.250%
17-69	V	2105 Weatherwood Lane	C	1,814	1.326%
17-50	VI	1950 Deerhaven Lane	B	2,255	1.648%
17-51	VI	1960 Deerhaven Lane	A	1,711	1.250%
17-52	VI	1955 Deerhaven Lane	C	1,814	1.326%
17-53	VI	1945 Deerhaven Lane	A	1,711	1.250%
17-46	VII	1910 Deerhaven Lane	C/M	1,426	1.042%
17-47	VII	1920 Deerhaven Lane	B	2,255	1.648%
17-48	VII	1930 Deerhaven Lane	A	1,711	1.250%
17-49	VII	1940 Deerhaven Lane	B	2,255	1.648%
17-54	VIII	1935 Deerhaven Lane	B	2,255	1.648
17-55	VIII	1925 Deerhaven Lane	A	1,711	1.250%
17-56	VIII	1915 Deerhaven Lane	C/M	1,426	1.042%
17-57	VIII	1905 Deerhaven Lane	B	2,255	1.648%
17-29	IX	1820 Hickory Lane	B	2,255	1.648%
17-30	IX	1810 Hickory Lane	A	1,711	1.250%
17-16	X	1805 Hickory Lane	A	1,711	1.250%
17-17	X	1815 Hickory Lane	C	1,814	1.326%
17-20	X	1845 Hickory Lane	A	1,711	1.250%
17-21	X	1855 Hickory Lane	B	2,255	1.648%
17-22	X	1865 Hickory Lane	A	1,711	1.250%
17-23	X	1875 Hickory Lane	B	2,255	1.648%
17-24	XI	1870 Hickory Lane	A	1,711	1.250%
17-25	XI	1860 Hickory Lane	B/M	1,723	1.259%
17-26	XI	1850 Hickory Lane	C/M	1,426	1.042%
17-27	XI	1840 Hickory Lane	C	1,814	1.326%
17-28	XI	1830 Hickory Lane	B	2,255	1.648%

<u>UNIT NO.</u>	<u>PHASE NO.</u>	<u>UNIT ADDRESS</u>	<u>UNIT TYPE</u>	<u>SQUARE FOOTAGE</u>	<u>PERCENTAGE INTEREST IN COMMON AREAS AND FACILITIES AND PERCENTAGE INTEREST IN COMMON EXPENSES, COMMON ASSESSMENTS, COMMON SURPLUS, COMMON PROFITS AND COMMON LOSSES</u>
17-18	XII	1825 Hickory Lane	A	1,711	1.250%
17-19	XII	1835 Hickory Lane	B	2,255	1.648%
17-35	XIII	1765 Tanhollow Trail	B	2,255	1.648%
17-36	XIII	1775 Tanhollow Trail	C	1,814	1.326%
17-37	XIII	1780 Tanhollow Trail	A	1,711	1.250%
17-38	XIII	1770 Tanhollow Trail	B	2,255	1.648%
17-31	XIV	1725 Tanhollow Trail	C	1,814	1.326%
17-32	XIV	1735 Tanhollow Trail	B	2,255	1.648%
17-33	XIV	1745 Tanhollow Trail	C/M	1,426	1.042%
17-34	XIV	1755 Tanhollow Trail	B	2,255	1.648%
17-39	XIV	1760 Tanhollow Trail	C/M	1,426	1.042%
17-40	XIV	1750 Tanhollow Trail	B	2,255	1.648%
17-41	XV	1740 Tanhollow Trail	B	2,255	1.648%
17-42	XV	1730 Tanhollow Trail	A	1,711	1.250%
17-43	XV	1720 Tanhollow Trail	C	1,814	1.326%
17-44	XV	1710 Tanhollow Trail	B	1,723	1.259%
17-45	XV	1700 Tanhollow Trail	C/M	1,426	1.042%
17-04	XVI	2035 Foxglove Lane	B	2,255	1.648%
17-05	XVI	2045 Foxglove Lane	A	1,711	1.250%
17-01	XVII	2005 Foxglove Lane	C	1,814	1.326%
17-02	XVII	2015 Foxglove Lane	B/M	1,723	1.259%
17-03	XVII	2025 Foxglove Lane	A	1,711	1.250%

TOTAL:

100%