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CUYAHOGA COUNTY, OHIO

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FIRST SUPPLEMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF MacINTOSH FARMS, A PLANNED RESIDENTIAL COMMUNITY

THIS FIRST SUPPLEMENT TO DECLARATION ("First Supplement") made as of the 9th day of May, 1989 by ZAREMBA-MacINTOSH CO., an Ohio corporation (the "Declarant").

PREAMBLE

A. On or about August 6, 1986 Declarant recorded a document entitled Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, A Planned Residential Community ("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. Section 15.11 of the Master Declaration reserved unto the Declarant the right to amend, modify or waive the provisions of the Master Declaration if in its judgment the purposes of the general plan of the Dwelling Units will be better served by such modification, provided no such amendment, modification or waiver shall materially and adversely affect the value of existing Dwelling Units or shall prevent a Dwelling Unit from being used by an Owner in the same manner that said Dwelling Unit was used prior to the adoption of said amendment, modification or waiver.

C. Exhibit "D" of the Master Declaration sets forth the legal descriptions of the Recreation Property and two (2) parcels situated at the Broadview Road/MacIntosh Lane entrance of the Property.

D. The Declarant, in accordance with the provisions of Section 15.11 of the Master Declaration, desires to amend the legal descriptions set forth in Exhibit "D" of the Master Declaration.

NOW, THEREFORE, pursuant to the provisions of Section 15.11 of the Master Declaration, the Declarant hereby supplements and amends the Master Declaration by deleting the real property described as Exhibit "D" therein and substitutes in lieu thereof the real property described in Exhibit "D" attached hereto and made a part hereof.

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

This document filed for records by U S Title as an accommodation only. It has not been examined as to its execution or as to its effect upon title.

Accan 89-122

IN WITNESS WHEREOF, Zaremba-MacIntosh Co. has signed this documents this 4th day of May, 1989.

Signed in the presence of:

ZAREMBA-MacINTOSH CO., an Ohio corporation

Stephanie Lemley
Marilyn Malusi

By: [Signature]
Nathan Zaremba Vice President
"Declarant"

STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named ZAREMBA-MacINTOSH CO., an Ohio corporation, by Nathan Zaremba, its Vice President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said corporation and his free act and deed personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 4th day of May, 1989.

Stephanie Lemley
NOTARY PUBLIC

This Instrument Prepared By:
Richard A. Rosner, Attorney at Law
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.
1300 Bond Court Building
Cleveland, Ohio 44114
(216) 696-3311

STEPHANIE LEMLEY
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 09-29-92

The undersigned hereby approves this First Supplement.

MacINTOSH FARMS COMMUNITY ASSOCIATION, INC.

By: [Signature]

ZAREMBA-MacINTOSH CO., an Ohio corporation

By: NATHAN ZAREMBA,
Attorney-in-fact for Owners pursuant
to Section 15.11 of the Master
Declaration

poly systems corporation

335 Broadview Road
Cleveland, Ohio 44131
216/524-9098

- Environmental Systems Design
- Zoning Studies / Land Use Planning
- Construction Contractor's Support Services

ENTRANCE PARCEL SITUATED ON THE NORTH SIDE OF
MacINTOSH LANE AT THE INTERSECTION OF BROADVIEW ROAD

LEGAL DESCRIPTION
OF A PARCEL OF LAND
TO BE SUBDIVIDED FROM PERMANENT PARCELS
585-010-002 AND 585-016-001
BROADVIEW HEIGHTS, OHIO

Parcel "A"

Situated in the City of Broadview Heights, County of Cuyahoga and State of Ohio, and known as being part of Original Royalton Township Lot Number 25, further known as being part of a parcel of land conveyed to Zaremba-MacIntosh Co. by deed recorded in Volume 86-1442, Page 34 of the Cuyahoga County Deed Records, further bounded and described as follows:

Beginning at a point on the centerline of Broadview Road (60 feet wide), at its intersection with the easterly prolongation of the northerly right-of-way line of MacIntosh Lane, said point being 1784.84 feet distant from the intersection of said centerline and the centerline of Boston Road (60 feet wide) as measured along the centerline of Broadview Road, said point also being the PRINCIPAL PLACE OF BEGINNING;

Thence South-89°-03'-05"-West along said easterly prolongation and northerly right-of-way line a distance of 178.97 feet to a point of curvature thereon;

Thence along said northerly right-of-way line along the arc of a curve deflecting to the left, having a radius of 780.00 feet and a chord of 220.61 feet which bears South-80°-55'-17"-West a distance of 221.36 feet to a point of reverse curvature thereon;

Thence along said northerly right-of-way line along the arc of a curve deflecting to the right, having a radius of 720.00 feet and a chord of 29.00 feet which bears South-73°-56'-43"-West a distance of 29.00 feet to a point, said point also being the southeast corner of Phase I, Parcel "A" of MacIntosh Farms Condominium No. 1, as recorded in Volume 61, Page 75 of the Cuyahoga County Condominium Map Records;

Thence North-14°-54'-03"-West along the easterly line of said Parcel "A" a distance of 57.00 feet to a southerly corner of Phase III, Parcel "C" of MacIntosh Farms Condominium No. 1, as recorded in Volume 64, Page 00-23 of the Cuyahoga County Condominium Map Records;

Thence North-56°-58'-42"-East along an easterly line of said Parcel "C" a distance of 71.17 feet to an easterly corner thereof;

Thence North-23°-43'-05"-East along an easterly line of said Parcel "C" a distance of 100.00 feet to the most easterly corner thereof;

Legal Description

Of a Parcel Of Land To Be Subdivided
 from Permanent Parcels 585-010-002 and 585-016-001
 Parcel "A"
 Page Two

Thence North-66°-16'-53"-West along a northerly line of said Parcel "C" a distance of 75.00 feet to an interior corner thereof;

Thence North-01°-16'-55"-West along an easterly line of said Parcel "C" a distance of 39.00 feet to an angle point thereon;

Thence North-03°-20'-39"-West along an easterly line of said Parcel "C" a distance of 82.17 feet to the southwesterly corner of Phase V, Parcel "A" of MacIntosh Farms Condominium No. 1;

Thence North-89°-03'-05"-East along the southerly line of said Parcel "A" a distance of 88.95 feet to the southeasterly corner thereof, said point also being the southwesterly corner of Phase vi, Parcel "F" of MacIntosh Farms Condominium No. 1;

Thence South-62°-42'-39"-East along the southerly line of said Parcel "F" a distance of 104.29 feet to the southeasterly corner thereof, said point also being the northwesterly corner of a parcel of land conveyed to Edward F. and P.L. Zastawny by deed recorded in Volume 13846, Page 349 of the Cuyahoga County Deed Records;

Thence South-00°-30'-00"-East along the westerly line of said parcel of land and a parcel of land conveyed to T.L. Tibbitts by deed recorded in Volume 15314, Page 989 of the Cuyahoga County Deed Records a distance of 228.29 feet to the southwest corner of land so conveyed to T.L. Tibbitts;

Thence North-89°-03'-05"-East along the southerly line of land so conveyed to T.L. Tibbitts a distance of 180.16 feet to a point of curvature thereon;

Thence along said southerly line along the arc of a curve deflecting to the left, having a radius of 20.00 feet and a chord of 28.17 feet which bears North-44°-16'-33"-East a distance of 31.26 feet to a point on the westerly right-of-way line of Broadview Road (60 feet wide);

Thence North-89°-03'-05"-East, perpendicular to said westerly right-of-way line a distance of 30.00 feet to a point on the centerline of said Broadview Road;

Legal Description
Of a Parcel Of Land To Be Subdivided
from Permanent Parcels 585-010-002 and 585-016-001
Parcel "A"
Page Three

Thence South-00°-30'-00"-East along said centerline a distance of 39.84 feet to the PRINCIPAL PLACE OF BEGINNING and containing 1.2486 acres of land, be the same more or less but subject to all legal highways.

January 18, 1989
psc Project Number 7533

7835 Broadview Road
Cleveland, Ohio 44131
216/524-9098

- Environmental Systems Design
- Zoning Studies - Land Use Planning
- Construction Contractor's Support Services

ENTRANCE PARCEL SITUATED ON THE SOUTH SIDE OF
MacINTOSH LANE AT THE INTERSECTION OF BROADVIEW ROAD

LEGAL DESCRIPTION
OF A PARCEL OF LAND TO BE SUBDIVIDED
FROM PERMANENT PARCEL 585-016-001
BROADVIEW HEIGHTS, OHIO

Parcel "B"

Situated in the City of Broadview Heights, County of Cuyahoga and State of Ohio, and known as being part of Original Royalton Township Lot Number 25, further known as being part of a parcel of land conveyed to Zarembo-MacIntosh Co. by deed recorded in Volume 86-1442, Page 34 of the Cuyahoga County Deed Records, further bounded and described as follows:

Beginning at a point on the centerline of Broadview Road (60 feet wide), at its intersection with the easterly prolongation of the southerly right-of-way line of MacIntosh Lane as recorded in Volume 235, Page 78 of the Cuyahoga County Map Records, said point being 1664.84 feet distant from the intersection of said centerline and the centerline of Boston Road (60 feet wide) as measured along the centerline of Broadview Road, said point also being the PRINCIPAL PLACE OF BEGINNING;

Thence South-00°-30'-00"-East along said centerline a distance of 20.00 feet to a point thereon, said point also being the northeast corner of a parcel of land conveyed to Dennis M. Millard, et. al. by deed as recorded in Volume 83-0886, Page 62 of the Cuyahoga County Deed Records;

Thence South-89°-03'-05"-West, perpendicular to said centerline and along the northerly line of land so conveyed to Dennis M. Millard, et. al. a distance of 230.00 feet to the northwesterly corner thereof;

Thence South-00°-30'-00"-East along the westerly line of land so conveyed to Dennis M. Millard, et. al. a distance of 100.90 feet to the southwestly corner thereof, said point also being on the northerly line of a parcel of land conveyed to Wm.&B.&M.&M. Kilarsky by deed as recorded in Volume 15679, Page 69 of the Cuyahoga County Deed Records;

Thence South-88°-47'-43"-West along the northerly line of land so conveyed to Wm.&B.&M.&M. Kilarsky a distance of 210.48 feet to the northwesterly corner thereof;

Thence South-00°-30'-00"-East along the westerly line of land so conveyed to Wm.&B.&M.&M. Kilarsky a distance of 39.69 feet to a point thereon; said point also being the southeast corner of Phase VI, Parcel "D" of MacIntosh Farms Condominium No. 1;

Thence South-89°-03'-05"-West along the Northerly line of said Parcel "D" a distance of 88.41 feet to an easterly corner of Phase IV, Parcel "B" of MacIntosh Farms Condominium No. 1;

Legal Description

Of a Parcel Of Land To Be Subdivided
from Permanent Parcel 585-016-001

Parcel "B"

Page Two

Thence North-61°-56'-55"-West along a northerly line of said Parcel "B" a distance of 48.82 feet to a northerly corner thereof;

Thence South-89°-03'-05"-West along the northerly line of said Parcel "B" a distance of 40.78 feet to a point;

Thence along the arc of a curve deflecting to the left, having a radius of 40.00 feet and a chord of 46.34 feet which bears North-18°-32'-54"-West a distance of 49.43 feet to a point;

Thence North-36°-03'-05"-East along an easterly line of Phase III, Parcel "A" of MacIntosh Farms Condominium No. 1 a distance of 65.18 feet to a northeasterly corner thereof;

Thence North-13°-56'-55"-West along an easterly line of said Parcel "A" a distance of 42.72 feet to a point, said point also being on the southerly right-of-way line of MacIntosh Lane (60 feet wide), as recorded in Volume 235, Page 78 of the Cuyahoga County Map Records;

Thence along said southerly right-of-way line along the arc of a curve deflecting to the left, having a radius of 780.00 feet and a chord of 156.00 feet which bears North-83°-18'-44"-East a distance of 156.26 feet to a point of reverse curvature thereon;

Thence continuing along said southerly right-of-way line along the arc of a curve deflecting to the right, having a radius of 300.00 feet and a chord of 135.87 feet which bears South-89°-20'-19"-East a distance of 137.06 feet to a point of reverse curvature thereon;

Thence continuing along said southerly right-of-way line along the arc of a curve deflecting to the left, having a radius of 360.00 feet and a chord of 92.10 feet which bears South-83°-35'-58"-East a distance of 92.35 feet to a point of tangency thereon;

Thence North-89°-03'-05"-East along said southerly right-of-way line and easterly prolongation thereof a distance of 215.64 feet to a point on the centerline of Broadview Road (60 feet wide), said point also being the PRINCIPAL PLACE OF BEGINNING and containing 1.3590 acres of land, be the same more or less but subject to all legal highways.

January 18, 1989

psc Project Number 7533

7835 Broadview Road
Cleveland, Ohio 44131
216/524-9098

- Environmental Systems Design
- Zoning Studies & Land Use Planning
- Construction Contractor's Support Services

RECREATION AREA PARCEL SITUATED ON THE NORTH SIDE OF MacINTOSH LANE

LEGAL DESCRIPTION
OF A PARCEL OF LAND
TO BE SUBDIVIDED FROM PERMANENT PARCEL S85-016-002
BROADVIEW HEIGHTS, OHIO

Parcel "C":

Situated in the City of Broadview Heights, County of Cuyahoga and State of Ohio, and known as being part of Original Royalton Township Lot Number 25, further known as being part of a parcel of land conveyed to Zaremba-MacIntosh Co. by deed recorded in Volume 86-1442, Page 34 of the Cuyahoga County Deed Records, further bounded and described as follows:

Beginning at a point on the centerline of MacIntosh Lane (60 feet wide), as recorded in Volume 235, Page 78 of the Cuyahoga County Map Records, said point also being 1160.19 feet distant from the intersection of the centerline of MacIntosh Lane with the centerline of Broadview Road, State Route 176 (60 feet wide) as measured along the centerline of MacIntosh Lane;

Thence South-75°-00'-00"-West along said centerline a distance of 162.98 feet to a point thereon;

Thence North-15°-00'-00"-West, perpendicular to said centerline, a distance of 30.00 feet to a point on the northerly right-of-way line of MacIntosh Lane (60 feet wide); said point also being the PRINCIPAL PLACE OF BEGINNING;

Thence continuing along said right-of-way line South-75°-00'-00"-West a distance of 101.42 feet to a point of curvature thereon;

Thence continuing along said right-of-way line along the arc of a curve deflecting to the left, having a radius of 1030.00 feet and a chord of 147.47 feet which bears South-70°-53'-41"-West a distance of 147.60 feet to a point of reverse curvature thereon;

Thence continuing along said right-of-way line along the arc of a curve deflecting to the right, having a radius of 498.83 feet and a chord of 232.07 feet which bears South-80°-14'-26"-West a distance of 234.21 feet to a point of compound curvature thereon;

Thence continuing along said right-of-way line along the arc of a curve deflecting to the left, having a radius of 709.92 feet and a chord of 49.96 feet which bears North-84°-17'-31"-West a distance of 49.98 feet to a point thereon;

Thence North-18°-15'-42"-East a distance of 165.96 feet to a point;

Legal Description
Of a Parcel Of Land To Be Subdivided
From Permanent Parcel 585-016-002
Parcel "C"
Page Two.

Thence North-01°-44'-00"-East a distance of 38.00 feet to a point;

Thence North-88°-16'-00"-West a distance of 28.00 feet to a point;

Thence North-01°-44'-00"-East a distance of 56.00 feet to a point;

Thence South-88°-16'-00"-East a distance of 28.00 feet to a point;

Thence North-01°-44'-00"-East a distance of 36.00 feet to a point;

Thence North-88°-24'-53"-East a distance of 381.88 feet to a point, said point also being the most northerly corner of Phase VI, Parcel "G" of MacIntosh Farms Condominium No. 1;

Thence South-24°-46'-38"-East along the westerly line of said Parcel "G" a distance of 155.67 feet to a point, said point also being the most westerly corner of Phase V, Parcel "C" of MacIntosh Farms Condominium No. 1;

Thence South-15°-00'-00"-East along the westerly line of said Parcel "C" a distance of 49.57 feet to a point on the northerly right-of-way line of MacIntosh Lane (60 feet wide); said point also being the PRINCIPAL PLACE OF BEGINNING and containing 2.6623 acres of land, be the same more or less but subject to all legal highways.

January 18, 1989
psc Project Number 7533