

WAYNE COUNTY TAX MAP

Initials SDP FILE# 2022-3474

DATE 9 / 6 / 2022

IDENT. WC.035

Filed for Record in Wayne County, Ohio
202200010539 09/06/2022 03:10 PM COPY
Jane Carmichael Rec Fees: \$400.00
COND OR Vol 33 Pgs 235 - 244

This Conveyance has been examined and the
Grantor has complied with Section 319 202
Of the Revised Code.

FEE \$
EXEMPT

JARRA L. UNDERWOOD, County Auditor

AMT. PD \$2.50 DATE 9 / 6 / 22

JARRA L. UNDERWOOD, AUDITOR

Amy L Murray DEPUTY
Amy L Murray

Filed for Record in Wayne County, Ohio
202200010540 09/06/2022 03:10 PM COPY
Jane Carmichael Rec Fees: \$82.00
D&B OR Vol 945 Pgs 3287 - 3293

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**AMENDMENT NUMBER TWO TO
THE DECLARATION ESTABLISHING A PLAN FOR
CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5311 OF THE OHIO REVISED CODE
FOR
BEESON PLACE CONDOMINIUM
(ESTABLISHING PHASE TWO)**

This will certify that copies of this Declaration, together with the Drawings
attached thereto as Exhibits have been filed in the Office of the County
Auditor, Wayne County, Ohio.

Dated: 9/6/2022

Jarra Underwood, Wayne County Auditor

By: Amy L Murray
Deputy Auditor

This instrument prepared by:
John T. Keating, Esq.
Keating Law Offices, LLP
141 East Liberty Street
Wooster, Ohio 44691
telephone: (330) 262-2916

AMENDMENT NUMBER TWO
TO
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
BEESON PLACE CONDOMINIUM
(ESTABLISHING PHASE TWO)

WEAVER CUSTOM HOMES, INC., an Ohio corporation, hereinafter referred to as the "Declarant", as the owner in fee simple of the Condominium Property to be added to and become part of Beeson Place Condominium, hereby makes the following Amendment ("this Amendment") to the Declaration of Condominium Ownership for Beeson Place Condominium.

WITNESSETH:

WHEREAS, the Declarant submitted certain property (hereinafter referred to as "Phase One"), together with the buildings thereon (hereinafter referred to as the "Phase One Buildings") and other improvements, to the provisions of Chapter 5311 of the Ohio Revised Code, by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Declaration of Condominium Ownership for Beeson Place Condominium, Phase One", together with the Drawings and Bylaws recorded in connection therewith, the Declaration of Condominium Ownership being recorded in Wayne County Official Records Volume 916, Page 3744 et seq., and the Drawings being recorded in Wayne County Plat Records Volume 32, Page 254 et seq. (the Declaration, Bylaws, and Drawings are hereinafter collectively referred to as the "Declaration");

WHEREAS, Declarant reserved the right and option in Article XX of the Declaration to submit from time to time any part or parts of that certain land referred to and described in the Declaration as "the Additional Property", and submit all buildings and improvements thereon to the provisions of the Declaration, and thereby cause said part or parts, and said buildings and improvements, to become part of Beeson Place Condominium;

WHEREAS, the Declaration was amended, as to matters other than expansion of the Condominium, by Beeson Place Condo Association, Inc., an Ohio non-profit corporation, by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Amendment Number One to the Declaration of Condominium Ownership for Beeson Place Condominium", said Amendment Number One being recorded in Wayne County Official Records Volume 926, Pages 2185-2187;

WHEREAS, Declarant owns the land described on **EXHIBIT "A"** attached hereto and made a part hereof (hereinafter referred to as the "Phase Two Land"), which land is part of the Additional Property described in the Declaration;

WHEREAS, Declarant has constructed on the Phase Two Land one (1) Buildings containing three (3) Units, and one (1) Buildings containing two (2) units, for a total of five (5) Units (hereinafter referred to as the "Phase Two Buildings");

WHEREAS, the general architectural design, quality, appearance, and materials used in the construction of the Phase Two Buildings and the landscaping of the Common Elements surrounding the same are substantially the same as the architectural design, quality, appearance, materials, and landscaping on the Buildings in Phase One and the Common Elements surrounding the same;

WHEREAS, the Units in Phase Two and the Common Elements in Phase Two shall be subject to the same uses, purposes, covenants, and restrictions as the Units in Phase One and the Common Elements surrounding the same, and shall be subject, as one single Condominium, to the provisions of the Declaration;

WHEREAS, when the Phase Two Land and the Phase Two Buildings and the other improvements constructed thereon are added to the existing Condominium as hereafter provided, the undivided interest of each Unit in the combined Common Elements shall be re-established as set forth in **EXHIBIT "B"** attached hereto and made a part hereof;

WHEREAS, Declarant has determined to submit the Phase Two Land, Phase Two Buildings, and all other improvements thereon, to the provisions of the Declaration and the provisions of Chapter 5311, Ohio Revised Code;

NOW, THEREFORE, Declarant hereby declares as follows:

1. All of the above recitals are incorporated into and made a part of this Amendment. All terms used in this Amendment which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration, unless expressly otherwise provided herein or unless the context requires otherwise.

2. Declarant is the owner of the Phase Two Land (described on **EXHIBIT "A"** attached hereto), which together with the Phase Two Buildings and all other improvements thereon, all easements, rights, and appurtenances belonging thereto and all articles of personal property existing thereon for the common use of the Unit Owners, is hereby submitted to the provisions of Chapter 5311, Ohio Revised Code, and the provisions of the Declaration, as amended by this Amendment, and is hereby included in and made a part of Beeson Place Condominium (hereinafter collectively referred to as "the Condominium Property").

3. Article VI of the Declaration is amended and supplemented in the following respects:

(a) The "Units" in Phase Two are the same as in the original Declaration, except that Phase Two contains one (1) Building containing three (3) Units, and one (1) Building containing two (2) Units, for a total of five (5) Units.

(b) Other improvements located on the Phase Two Land include driveways, landscaping, and underground and above-ground conduits and facilities for utilities.

(c) The unit designation of each Unit and its undivided interest in the Common Elements, in the common profits for distribution, and in the common expenses for assessments, are set forth on **EXHIBIT "B"** attached hereto, which exhibit is hereby substituted for the Exhibit "B" attached to the Declaration.

(d) Voting rights in the Association shall be in accordance with the "one-unit, one-vote" rule set forth in Article VIII, Section 3 of the Declaration.

(e) The layout, location, designation, and dimensions of the Buildings and of each Unit, the number of rooms in each Unit, the approximate area of each Unit in square feet, the layout, location, and dimensions of the Common Elements and Limited Common Elements to which each Unit has access, the location and dimensions of appurtenant easements, and other particulars, are shown graphically on the Drawings for Beeson Place Condominium, Phase 2.

4. The Declaration is hereby amended by adding the following to Article IV, Section 1 (Purposes):

Declarant, in order to establish a plan of condominium ownership for the Condominium Property, hereby subjects the Condominium Property to the provisions of Chapter 5311, Ohio Revised Code. The Condominium Property is hereby divided into TEN (10) separately designated and legally described freehold estates, hereinafter described and referred to as "Units", and ONE (1) freehold estate, hereinafter described and referred to as the "Common Elements."

5. EXHIBIT "A" of the Declaration is hereby supplemented by adding thereto and making a part thereof the Phase Two Land, being the land described on **EXHIBIT "A" (Legal Description of Condominium Property - Phase Two)** of this Amendment.

6. The Declaration is hereby amended by eliminating EXHIBIT "B" thereof and substituting in its place **EXHIBIT "B" (Allocation of Common Element Interests Among Condominium Units - Phases One and Two)** attached to and made a part of this Amendment. Any reference in the Declaration to EXHIBIT "B" shall henceforth be deemed a reference to **EXHIBIT "B"** of this Amendment.

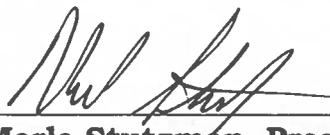
7. The Drawings recorded in Wayne County Plat Volume 32, Pages 254-263 are hereby amended by adding thereto the Drawings for Beeson Place Condominium, Phase 2, to be recorded concurrently with this Amendment Number Two.

8. Each owner of a Unit in Phase Two of the Condominium shall have all easement rights described in the Declaration, including but not limited to the easement rights set forth in Article XV (Easements of Enjoyment; Limitations) of the Declaration.

9. Except as amended by this Amendment Number Two, all of the terms and provisions, including but not limited to all rights, privileges and obligations contained in the original Declaration, the original Drawings, and the original Bylaws of the Unit Owners' Association, as originally executed and recorded, and as previously amended, shall remain in full force and effect.

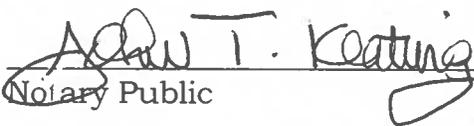
IN WITNESS WHEREOF, the Declarant has executed this Amendment Number Two by its duly authorized officer this 2nd day of September, 2022.

**WEAVER CUSTOM HOMES, INC.,
an Ohio corporation**

By: 
Merle Stutzman, President

STATE OF OHIO)
) ss:
WAYNE COUNTY)

The foregoing instrument was acknowledged before me this 2nd day of September, 2022, by **Merle Stutzman, as President of Weaver Custom Homes, Inc., an Ohio corporation**, on behalf of said corporation. This is an acknowledgement certificate; no oath or affirmation was administered to the signer.


Notary Public



JOHN T. KEATING
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

EXHIBIT "A"

Legal Description of Condominium Property

(Phase Two)

Situated in the City of Wooster, County of Wayne, and State of Ohio:

Known as being Lot Number 9894 in Beeson Place Subdivision as recorded in Volume 32, Page 160 of Wayne County Plat Records.

Permanent Parcel Number: 64-00713.003

RESERVING UNTO WEAVER CUSTOM HOMES, INC., its successors and assigns, a perpetual non-exclusive easement over the above-described premises for use of roadways and extensions thereof, and use of and installation of all utility lines and easements, all for the benefit of the Additional Property, regardless of whether or not the Additional Property is actually added to the Condominium.

TOGETHER WITH THE BENEFITS AND SUBJECT TO THE BURDENS OF THE FOLLOWING ACCESS EASEMENT FOR BEESON PLACE CONDOMINIUM, PHASE 2, IN ACCORDANCE WITH MASTER DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED IN WAYNE COUNTY OFFICIAL RECORDS VOLUME 908, PAGES 3907-3921:

Boundary description of Access Easement on Lot 9894

Known as being a part of Lot 9864 in the Beeson Place Subdivision as recorded in Volume 32, Page 160 of Wayne County Plat Records and further bounded and described as follows;

Beginning at the southeast corner of said Lot 9894 and the principal place of beginning of the easement herein described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. S 78° 14' 20" W, 16.00 feet along the south line of Lot 9894, also being on a north line of a 20' alley to a point;
2. N 11° 45' 32" W, 120.21 feet to a point to a point on the north line of Lot 9894;
3. N 78° 15' 43" E, 16.00 feet along the north line of Lot 9894 to a point;
4. S 11° 45' 32" E, 120.20 feet along the east line of Lot 9894 to the principal place of beginning.

Beeson Place Condominium

EXHIBIT "B"

**Allocation of Common Element Interests
Among Condominium Units (Phases One and Two)**

<u>Unit Number</u>	<u>Number of Rooms</u>	<u>Square Feet</u>	<u>Undivided Interest in in Common Elements</u>
<i><u>Phase One Units:</u></i>			
Unit #216	8	2609	10%
Unit #218	8	2509	10%
Unit #220	8	2545	10%
Unit #222	8	2577	10%
Unit #224	8	2545	10%
<i><u>Phase Two Units:</u></i>			
Unit #227	8	2494	10%
Unit #229	8	2588	10%
Unit #237	8	2524	10%
Unit #239	8	2559	10%
Unit #241	8	2524	10%
TOTALS			<hr/> 100.00%