

WAYNE COUNTY TAX MAP

Initials SOP FILE# 2021-1642

DATE 5/13/2021

IDENT. OG 052 (UW-987)

**AMENDMENT NUMBER FOURTEEN TO
 THE DECLARATION ESTABLISHING A PLAN FOR
 CONDOMINIUM OWNERSHIP
 UNDER CHAPTER 5311 OF THE OHIO REVISED CODE
 FOR
 HERITAGE BLACKBERRY CONDOMINIUM
 (ESTABLISHING PHASE TWELVE)**

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: 5-14-21

Jarra Underwood, Wayne County Auditor

By: *Diane Schreiner*
 Deputy Auditor
Diane Schreiner

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



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AMENDMENT NUMBER FOURTEEN

TO

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

HERITAGE BLACKBERRY CONDOMINIUM

(ESTABLISHING PHASE TWELVE)

WWM PROPERTIES, LTD., an Ohio Limited Liability Company, hereinafter referred to as the “Declarant”, as the owner in fee simple of the Condominium Property to be added to and become part of Heritage Blackberry Condominium, hereby makes the following Amendment (“this Amendment”) to the Declaration of Condominium Ownership for Heritage Blackberry 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 Heritage Blackberry 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 578, Page 839 et seq., and the Drawings being recorded in Wayne County Plat Records Volume 28, Page 185 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 Heritage Blackberry Condominium;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as “Phase Two”), together with the buildings thereon (hereinafter referred to as the “Phase Two 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 “Amendment Number One to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Two)”, together with the Drawings recorded in connection therewith, said Amendment Number One being recorded in Wayne County Official Records Volume 598, Pages 1066-1073, and said Drawings being recorded in Wayne County Plat Records Volume 28, Pages 310-321;

WHEREAS, the Declaration was further amended, as to matters other than expansion of the Condominium, by Declarant and Heritage Blackberry Condominium Association, Inc. by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Amendment Number Two to the Declaration of Condominium Ownership for Heritage Blackberry Condominium", said Amendment Number Two being recorded in Wayne County Official Records Volume 601, Pages 2398-2400;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Three"), together with the building thereon (hereinafter referred to as the "Phase Three Building") 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 "Amendment Number Three to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Three)", together with the Drawings recorded in connection therewith, said Amendment Number Three being recorded in Wayne County Official Records Volume 622, Pages 105-113, and said Drawings being recorded in Wayne County Plat Records Volume 29, Pages 9-14;

WHEREAS, the Declaration was further amended, as to matters other than expansion of the Condominium, by Declarant and Heritage Blackberry Condominium Association, Inc. by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Amendment Number 4 to the Declaration of Condominium Ownership for Heritage Blackberry Condominium", said Amendment Number 4 being recorded in Wayne County Official Records Volume 640, Pages 326-329;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Four"), together with the buildings thereon (hereinafter referred to as the "Phase Four 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 "Amendment Number Five to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Four)", together with the Drawings recorded in connection therewith, said Amendment Number Five being recorded in Wayne County Official Records Volume 665, Pages 1519-1529, and said Drawings being recorded in Wayne County Plat Records Volume 29, Pages 280-285;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Five"), together with the building thereon (hereinafter referred to as the "Phase Five Building") 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 "Amendment Number Six to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Five)", together with the Drawings recorded in connection therewith, said Amendment Number Six being recorded in Wayne County Official Records Volume 721, Pages 2215-2225, and said Drawings being recorded in Wayne County Plat Records Volume 29, Pages 528-533;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Six"), together with the building thereon (hereinafter referred to as the "Phase Six Building") 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 "Amendment Number Seven to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Six)", together with the Drawings recorded in connection therewith, said Amendment Number Seven being recorded in Wayne County Official Records Volume 786, Pages 1083-1094, and said Drawings being recorded in Wayne County Plat Records Volume 30, Pages 276-281;

WHEREAS, the Declaration was further amended by Declarant and Heritage Blackberry Condominium Association, Inc. by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Amendment Number Eight to the Declaration of Condominium Ownership for Heritage Blackberry Condominium", said Amendment Number Eight being recorded in Wayne County Official Records Volume 809, Pages 1080-1084;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Seven"), together with the buildings thereon (hereinafter referred to as the "Phase Seven 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 "Amendment Number Nine to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Seven)", together with the Drawings recorded in connection therewith, said Amendment Number Nine being recorded in Wayne County Official Records Volume 810, Pages 560-573, and said Drawings being recorded in Wayne County Plat Records Volume 30, Pages 404-413;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Eight"), together with the building thereon (hereinafter referred to as the "Phase Eight Building") 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 "Amendment Number Ten to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Eight)", together with the Drawings recorded in connection therewith, said Amendment Number Ten being recorded in Wayne County Official Records Volume 823, Pages 2574-2587, and said Drawings being recorded in Wayne County Plat Records Volume 30, Pages 465-470;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Nine"), together with the building thereon (hereinafter referred to as the "Phase Nine Building") 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 "Amendment Number Eleven to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Nine)", together with the Drawings recorded in connection therewith, said Amendment Number Eleven being recorded in Wayne County Official Records Volume 885, Pages

3974-3987, and said Drawings being recorded in Wayne County Plat Records Volume 31, Pages 319-324;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Eleven"), together with the buildings thereon (hereinafter referred to as the "Phase Eleven 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 "Amendment Number Thirteen to Declaration of Condominium Ownership for Heritage Blackberry Condominium (Establishing Phase Eleven)", together with the Drawings recorded in connection therewith, said Amendment Number Thirteen being recorded in Wayne County Official Records Volume 908, Pages 4258-4273, and said Drawings being recorded in Wayne County Plat Records Volume 32, Pages 161-170;

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

WHEREAS, Declarant has constructed on the Phase Twelve Land one (1) building containing four (4) Units, for a total of four (4) Units (hereinafter referred to as the "Phase Twelve Building");

WHEREAS, the general architectural design, quality, appearance, and materials used in the construction of the Phase Twelve Building 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, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight, Phase Nine, Phase Ten, and Phase Eleven, and the Common Elements surrounding the same;

WHEREAS, the Units in Phase Twelve and the Common Elements in Phase Twelve shall be subject to the same uses, purposes, covenants, and restrictions as the Units in Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight, Phase Nine, Phase Ten, and Phase Eleven, and the Common Elements in Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight, Phase Nine, Phase Ten, and Phase Eleven, and shall be subject, as one single Condominium, to the provisions of the Declaration;

WHEREAS, when the Phase Twelve Land and the Phase Twelve Building 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 Twelve Land, Phase Twelve Building, 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 Twelve Land (described on **EXHIBIT "A"** attached hereto), which together with the Phase Twelve Building 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 Heritage Blackberry 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 Twelve are the same as in the original Declaration, except that Phase Twelve contains one (1) building, containing four (4) Units, for a total of four (4) Units in Phase Twelve.

(b) Other improvements located on the Phase Twelve 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 Heritage Blackberry Condominium, Phase 12.

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 SEVENTY-SIX (76) 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 Twelve Land, being the land

described on **EXHIBIT "A" (Legal Description of Condominium Property – Phase Twelve)** 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, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve)** 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 28, Page 185, et seq., as amended by the Drawings recorded in Wayne County Plat Volume 28, Pages 310-321, as amended by the Drawings recorded in Wayne County Plat Volume 29, Pages 9-14, as amended by the Drawings recorded in Wayne County Plat Volume 29, Pages 280-285, as amended by the Drawings recorded in Wayne County Plat Volume 29, Pages 528-533, as amended by the Drawings recorded in Plat Volume 30, Pages 276-281, as amended by the Drawings recorded in Plat Volume 30, Pages 404-413, and as amended by the Drawings recorded in Plat Volume 30, Pages 465-470, as amended by the Drawings recorded in Plat Volume 31, Pages 319-324, as amended by the Drawings recorded in Plat Volume 32, Pages 18-23, as amended by the Drawings recorded in Plat Volume 32, Pages 161-170, are hereby amended by adding thereto the Drawings for Heritage Blackberry Condominium, Phase 12, to be recorded concurrently with this Amendment Number Fourteen.

8. Each owner of a Unit in Phases One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve of the Condominium shall have all easement rights described in the Declaration, including but not limited to the following easement rights set forth in Article XV, Section 1 (Easements of Enjoyment; Limitations) of the Declaration:

In addition, every Unit owner shall have a non-exclusive right and easement of access to and from his, her or its Unit, over the private streets in the Condominium to North Crown Hill Road.

NOTE: Phase Three of the Condominium contains no Units; it consists entirely of the recreational building and related improvements, all of which are part of the Common Elements of the Condominium.

9. Except as amended by this Amendment Number Fourteen, 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, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Amendment Number Fourteen by its duly Authorized Member this 17 day of May, 2021.

WWM PROPERTIES, LTD.

By: 

Ken Weaver, Authorized Member

STATE OF OHIO)
)
WAYNE COUNTY) ss:

The foregoing instrument was acknowledged before me this 12 day of May, 2021, by **Ken Weaver, Authorized Member**, on behalf of **WWM PROPERTIES, LTD., an Ohio Limited Liability Company.**

Louise W Keating

Notary Public



LOUISE W. 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 Twelve)

See attached captioned "Boundary description of Heritage Blackberry Condominium, Phase 12 , EW 2266CL" prepared by Mark E. Purdy, P.S. #7307, of Shaffer, Johnston, Lichtenwalter & Associates, Inc., which is incorporated herein and made a part hereof.

RESERVING UNTO WWM PROPERTIES, LTD., its successors and assigns a perpetual non-exclusive easement over the premises herein for use of roadways and extensions thereof; use of and installation of all utility lines and easements all for the benefit of future expandable portions of Heritage Blackberry Condominium.

TOGETHER WITH THE FOLLOWING DRIVE & UTILITY EASEMENTS (previously created in connection with Heritage Blackberry Condominium, Phases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11):

Boundary description for drive & utility easement for Heritage Blackberry, Phases 1 and 2 (Job No. EW 2266CA)

Situated in the City of Orrville, County of Wayne, State of Ohio and known as being a part of Lot No. 3644 in the Heritage Blackberry Allotment, Phase 1 as recorded in Volume 28, Page 180 of Wayne County Plat Records and further bound and described as follows:

Commencing at the northeast corner of said Lot 3644; thence S 00° 24' 14" W, 205.55 feet along the easterly line of said Lot 3644 to a point and the principal place of beginning of the easement herein described;

THENCE WITH THE FOLLOWING TEN (10) COURSES:

- 1) thence continuing S 00° 24' 14" W, 50.00 feet along the easterly line of said Lot 3644 to a point;
- 2) thence N 89° 35' 46" W, 111.28 feet to a point of curvature;
- 3) thence southwesterly 20.80 feet along the arc of a curve deflecting to the left, said curve having a radius of 49.00 feet, a central angle of 24° 19' 28" and a chord which bears S 78° 14' 30" W, 20.65 feet to a point;
- 4) thence S 66° 04' 47" W, 364.70 feet to a point of curvature;
- 5) thence southwesterly 41.06 feet along the arc of a curve deflecting to the left, said curve having a radius of 49.00 feet, a central angle of 48° 00' 22" and a chord which bears S 42° 04' 35" W, 39.87 feet to a point;
- 6) thence N 71° 55' 36" W, 50.00 feet to a point of curvature;

- 7) thence northeasterly 82.95 feet along the arc of a curve deflecting to the right, said curve having a radius of 99.00 feet, a central angle of 48° 00' 24" and a chord which bears N 42° 04' 36" E, 80.54 feet to a point;
- 8) thence N 66° 04' 47" E, 364.70 feet to a point of curvature;
- 9) thence northeasterly 42.03 feet along the arc of a curve deflecting to the right, said curve have a radius of 99.00 feet, a central angle of 24° 19' 28" and a chord which bears N 78° 14' 30" E, 41.71 feet to a point;
- 10) thence S 89° 35' 46" E, 111.28 feet to the place of beginning.

This description was prepared by Mark E. Purdy, P.S. #7307.

Boundary description for drive & utility easement for Heritage Blackberry, Phases 3, 4, and 5:

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

And known as being a part of Lot 3644 in the Blackberry Farm Allotment, Phase 1 as recorded in Volume 28, Page 180 of Wayne County Plat Records and further bound and described as follows:

Commencing at the northwest corner of said Lot 3644; thence South 08° 35' 27" East, 297.90 feet along the westerly line of said Lot 3644 to a point; thence South 87° 22' 44" East, 181.62 feet to a point; thence North 55° 28' 28" East, 127.05 feet to a point; thence South 34° 31' 32" East, 117.79 feet to a point of curvature; thence southwesterly 48.68 feet along the arc of a curve deflecting to the left, said curve having a radius of 99.00 feet, a central angle of 28° 10' 18" and a chord which bears South 32° 09' 33" West, 48.19 feet to a point and the principal place of beginning of the easement herein described;

THENCE WITH THE FOLLOWING SIX (6) COURSES:

1. South 71° 55' 36" East, 50.00 feet to a point;
2. South 18° 04' 24" West, 95.18 feet to a point of curvature;
3. Southwesterly 24.07 feet along the arc of a curve deflecting to the left, said curve having a radius of 49.00 feet, a central angle of 28° 09' 00" and a chord which bears South 03° 59' 54" West, 23.83 feet to a point;
4. South 79° 55' 24" West, 50.00 feet to a point of curvature;
5. Northeasterly 48.64 feet along the arc of a curve deflecting to the right, said curve having a radius of 99.00 feet, a central angle of 28° 09' 00" and a chord which bears North 03° 59' 54" East, 48.15 feet to a point;
6. North 18° 04' 24" East, 95.18 feet to the principal place of beginning.

This survey made and description prepared by Mark E. Purdy, P.S. 7307, on September 30, 2008 (Job No. EW 2266CC).

Boundary description of drive & utility easement for Heritage Blackberry Condominium, Phase 6 (Job No. EW 2266CF)

Situated in the City of Orrville, County of Wayne, State of Ohio;

Known as being a part of Lot 3644 in Blackberry Farm Allotment, Phase 1 as recorded in Volume 28, Page 180 of Wayne County Plat Records and further bounded and described as follows:

Commencing at the northwest corner of said Lot 3644;

Thence S 08° 35' 27" E, 468.70 feet along a westerly line of said Lot 3644 to a point;

Thence N 81° 24' 33" E, 91.44 feet to a point;

Thence N 55° 28' 28" E, 93.10 feet to a point;

Thence S 42° 42' 20" E, 149.97 feet to a point and the principal place of beginning of the easement herein described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

- 1) N 79° 55' 24" E, 50.00 feet to a point;
- 2) S 10° 04' 36" E, 36.05 feet to a point;
- 3) S 79° 55' 24" W, 50.00 feet to a point;
- 4) N 10° 04' 36" W, 36.05 feet to the principal place of beginning.

This description was prepared by Mark E. Purdy, P.S. #7307, on September 23, 2014 (Job No. EW 2266CF).

Boundary description of Heritage Blackberry Condominium, Phase 7 Drive & Utility Easement (Job No. EW 2266CG)

Situated in the City of Orrville, County of Wayne, State of Ohio;

Known as being a part of Lot 3644 in Blackberry Farm Allotment, Phase 1 as recorded in Volume 28, Page 180 of Wayne County Plat Records and further bounded and described as follows:

Commencing at the northwest corner of said Lot 3644;

Thence S 08° 35' 27" E, 575.03 feet along a westerly line of said Lot 3644 to a point;

Thence N 81° 24' 33" E, 160.89 feet to a point;

Thence N 69° 51' 04" E, 53.09 feet to a point;

Thence N 79° 55' 24" E, 34.67 feet to a point;

Thence S 35° 43' 05" E, 27.73 feet to a point and the principal place of beginning of the easement herein described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

- 1) N 79° 55' 24" E, 50.00 feet to a point;
- 2) S 10° 04' 36" E, 118.53 feet to a point;
- 3) S 79° 55' 24" W, 50.00 feet to a point;
- 4) N 10° 04' 36" W, 118.53 feet to the principal place of beginning.

TOGETHER WITH THE FOLLOWING DRIVE AND UTILITY EASEMENT:

Boundary description of Heritage Blackberry Condominium, Phase 11 drive & utility easement (Job No. EW 2266CK)

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

Known as being a part of Lot 3644 in Blackberry Farm Allotment, Phase 1 as recorded in Volume 28; Page 180 of Wayne County Plat Records and further bounded and described as follows:

Commencing at the northwest corner of said Lot 3644;

Thence S 08° 35' 27" E, 642.91 feet along a westerly line of said Lot 3644 to a capped pin marked "S.J.L., INC." found;

Thence S 20° 12' 18" W, 45.67 feet along a westerly line of said Lot 3644 to a point;

Thence S 89° 35' 46" E, 171.09 feet to a point;

Thence N 79° 55' 24" E, 116.32 feet to a point and the principal place of beginning of the easement herein described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. continuing **N 79° 55' 24" E, 50.00** feet to a point;
2. **S 00° 24' 14" W, 155.75** feet to a point;
3. **N 89° 35' 46" W, 50.00** feet to a point;
4. **N 00° 43' 47" E, 146.66** feet to the principal place of beginning.

[End of Exhibit "A"]

Heritage Blackberry Condominium

EXHIBIT "B"

Allocation of Common Element Interests Among Condominium Units
(Phases One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve)

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Unit No.	Type	Number of Rooms	Gross Interior Finished SF (1st floor)	Undivided % Interest in Common Elements
<u>Phase One Units:</u>				
1751	Candleberry (basement)	6	1225	1.218
1753	Candleberry (basement)	6	1225	1.218
1755	Candleberry (slab)	6	1225	1.218
1757	Baycrest (slab)	7	1225	1.218
1759	Candleberry (basement)	6	1225	1.218
1761	Baycrest (basement)	7	1225	1.218
1763	Candleberry (slab)	6	1225	1.218
1765	Candleberry (slab + sunroom)	7	1401	1.393
1750	Legacy (basement)	9	1504	1.493
1752	Legacy (basement)	9	1504	1.493
1754	Candleberry (basement)	6	1225	1.218
1756	Candleberry (bsmt + sunroom)	7	1401	1.393
1758	Baycrest (slab)	7	1225	1.218
1760	Candleberry (slab)	6	1225	1.218
1767	Baycrest (basement)	7	1225	1.218
1769	Candleberry (basement)	6	1225	1.218
1771	Candleberry (slab)	6	1225	1.218
1773	Baycrest (slab)	7	1225	1.218

Phase Two Units:

1783	Candleberry (slab)	6	1225	1.218
1785	Candleberry (bsmt + sunroom)	7	1401	1.393
1787	Baycrest (slab)	7	1225	1.218
1789	Baycrest (basement)	7	1225	1.218
1775	Candleberry (basement)	6	1225	1.218
1777*	Baycrest (bsmt + 3-season room)	7	1257	1.249
1779	Baycrest (basement)	7	1225	1.218
1781	Candleberry (bsmt + sunroom)	7	1401	1.393
1874*	Candleberry (slab + 3-season rm)	6	1257	1.249
1876	Candleberry (bsmt + sunroom)	7	1401	1.393
1878	Baycrest (slab + sunroom)	8	1401	1.393
1880	Candleberry (bsmt + sunroom)	7	1401	1.393
1882	Candleberry (slab + sunroom)	7	1401	1.393
1884	Legacy (basement)	9	1504	1.493
1886*	Baycrest (slab + 3-season room)	7	1257	1.249
1888	Legacy (basement)	9	1504	1.493

*NOTE: Plat in Vol. 28, Pg. 311 is amended accordingly for these units.

Heritage Blackberry Condominium

EXHIBIT "B"

Allocation of Common Element Interests Among Condominium Units
(Phases One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve)

Page 2

NOTE: Phase Three of the Condominium contains no Units; it consists entirely of the recreational building and related improvements, all of which are part of the Common Elements of the Condominium.

Unit No.	Type	Number of Rooms	Gross Interior Finished SF (1st floor)	
<u>Phase Four Units:</u>				
1762	Baycrest (basement)	7	1225	1.218
1764	Candleberry (basement)	6	1225	1.218
1766	Kensington (slab)	6	1098	1.091
1768	Campton (slab)	5	1046	1.040
<u>Phase Five Units:</u>				
1858	Candleberry (bsmt + sunroom)	7	1401	1.393
1860	Baycrest (slab)	7	1225	1.218
1862	Legacy [new] (basement)	9	1475	1.464
1864	Candleberry (slab + sunroom)	7	1401	1.393
<u>Phase Six Units:</u>				
1850	Candleberry (bsmt + sunroom)	7	1401	1.393
1852	Candleberry (bsmt + sunroom)	7	1401	1.393
1854	Candleberry (bsmt + sunroom)	7	1401	1.393
1856	Baycrest[new](bsmt + 3-season rm)	7	1257	1.249
<u>Phase Seven Units:</u>				
1833	Legacy [new] (basement)	9	1475	1.464
1835	Legacy [new] (basement)	9	1475	1.464
1837	Candleberry (slab)	6	1225	1.218
1839	Candleberry (slab + sunroom)	7	1401	1.393
1841	Candleberry (bsmt + sunroom)	7	1401	1.393
1843	Candleberry (bsmt + sunroom)	7	1401	1.393
<u>Phase Eight Units:</u>				
1770	Candleberry (slab)	6	1225	1.218
1772	Candleberry (slab + sunroom)	7	1401	1.393
1774	Candleberry (bsmt + sunroom)	7	1401	1.393
1776	Candleberry (bsmt + sunroom)	7	1401	1.393

Heritage Blackberry Condominium

EXHIBIT "B"

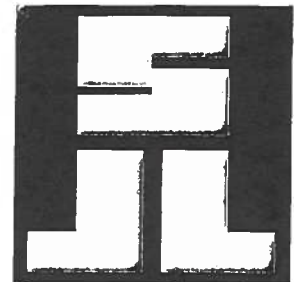
Allocation of Common Element Interests Among Condominium Units
(Phases One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve)

Page 3

Unit No.	Type	Number of Rooms	Gross Interior Finished SF	
<u>Phase Nine Units:</u>				
1778	Candleberry (slab)	6	1225	1.218
1780	Candleberry (slab + sunroom)	7	1401	1.393
1782	Candleberry (bsmt + sunroom)	7	1401	1.393
1784	Candleberry (bsmt + sunroom)	7	1401	1.393
<u>Phase Ten Units:</u>				
1786	Candleberry (slab)	6	1225	1.218
1788	Candleberry (slab + sunroom)	7	1401	1.393
1790	Candleberry II (bsmt + sunroom)	7	1401	1.393
1792	Candleberry (basmt + sunroom)	7	1401	1.393
<u>Phase Eleven Units:</u>				
1817	Candleberry (slab + sunroom)	7	1401	1.393
1819	Candleberry II (slab)	6	1225	1.218
1821	Candleberry (basement)	6	1225	1.218
1823	Candleberry (bsmt + sunroom)	7	1401	1.393
1825	Candleberry (slab)	6	1225	1.218
1827	Candleberry (slab + sunroom)	7	1401	1.393
1829	Candleberry II (bsmt + sunroom)	7	1401	1.393
1831	Candleberry (bsmt + sunroom)	7	1401	1.393
<u>Phase Twelve Units:</u>				
1725	Baycrest (slab)	7	1225	1.218
1727	Candleberry (slab + sunroom)	7	1401	1.393
1729	Candleberry II (bsmt + sunroom)	7	1401	1.393
1731	Candleberry (bsmt + sunroom)	7	1401	1.393
TOTALS			100596	100.000

[End of Exhibit B]

**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



Boundary description of Heritage Blackberry Condominium, Phase 11

EW 2266CK

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

Known as being a part of Lot 3644 in Blackberry Farm Allotment, Phase 1 as recorded in Volume 28; Page 180 of Wayne County Plat Records and further bounded and described as follows:

Commencing at the northwest corner of said Lot 3644;

Thence S 08° 35' 27" E, 642.91 feet along a westerly line of said Lot 3644 to a capped pin marked "S.J.L., INC." found;

Thence S 20° 12' 18" W, 45.67 feet along a westerly line of said Lot 3644 to a point and the principal place of beginning of the parcel herein described:

THENCE WITH THE FOLLOWING FIVE (5) COURSES:

1. S 89° 35' 46" E, 171.09 feet to a point;
2. N 79° 55' 24" E, 166.32 feet to a point;
3. S 00° 24' 14" W, 155.75 feet to a point;
4. N 89° 35' 46" W, 379.82 feet to a point on a westerly line of aforesaid Lot 3644;
5. N 20° 12' 18" E, 133.39 feet along a westerly line of said Lot 3644 to the principal place of beginning and containing within said bounds 1.086 acres of land, more or less, and subject to all legal highways and easements of record.

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