

45-

VOL 957 PAGE 101

025740

SECOND AMENDED DECLARATION
OF CONDOMINIUM OWNERSHIP
under Chapter 5311 of the Ohio Revised Code
for
SHERBROOK CONDOMINIUM
PHASE I AND PHASE IIA AND IIB

7/20, 1990

This is to certify that copies of the Second Amended Declaration and Drawings for Sherbrook Condominium Phase IIB have been filed this date with the Auditor of Stark County, Ohio.

William R. Down
Auditor of Stark County

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C-REF	
CORP'D	11

Larry A. Zink
Larry A. Zink
ZINK, ZINK & ZINK CO., L.P.A.
3711 Whipple Ave., NW
Canton, OH 44718
(216) 492-2225

RECORDED THIS DATE
JANET WEIR GRIFFITH
STARK COUNTY RECORDER
90 JUL 20 AM 11:21
FEE 5.25

SECOND AMENDMENT TO
DECLARATION OF SHERBROOK CONDOMINIUM

This Second Amendment to the Declaration of Sherbrook Condominium made this 16th day of July, 1990 by Francis General Construction, Inc. (hereinafter referred to as Declarant) pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio. Declarant has also executed the First Amendment to Declaration of Sherbrook Condominium dated March 5, 1990 and recorded in Volume 911, Page 777, and as appearing in Condominium Plat Book 3, Page 79, of the Official Stark County Records.

WITNESSETH:

WHEREAS, Declarant has heretofore executed a Declaration of Condominium Ownership dated June 19, 1989 known as Sherbrook Condominium which was filed for record with the Stark County, Ohio, Recorder's Office and recorded on June 22, 1989 in Volume 823, Page 453 of the Stark County, Ohio, Official Records and included in said Declaration is a description of the Condominium Property along with a Plot Plan of said property which is recorded in Vol. 3, Page 65 of the Condominium Plat Records;

WHEREAS, pursuant to Article XVII of the Declaration, Declarant has reserved the right to amend the original Declaration for the purpose of expanding and adding additional property to the condominium, said additional property being described in Exhibit D to the Declaration; and

WHEREAS, Declarant has now determined to add a portion of the additional property to the original development so that said property shall become Condominium Property in all respects and be

subject to the same requirements and conditions as the present Condominium Property in Sherbrook Condominium; and

WHEREAS, Declarant has determined to add portions of said land to the Condominium Property;

NOW, THEREFORE, Declarant does hereby submit the following amendments to the Declaration of Condominium Ownership of Sherbrook Condominium for the purpose of submitting to condominium ownership, pursuant to Chapter 5311 of the Revised Code of Ohio, part of the additional property described in Exhibit D of the Declaration.

1) ARTICLE I "THE LAND" A legal description of the land located in the City of North Canton, Stark County, Ohio, which is hereby submitted to the provisions of the Condominium Law constituting the Condominium Property is attached hereto as Exhibit A-1.

2) ARTICLE III "BUILDING DESCRIPTIONS" is hereby amended as follows:

The description and composition of the buildings are set forth in Exhibit G of the Declaration. Exhibit G of the First Amendment is attached hereto to include the buildings situated on Exhibit A-1.

3) Exhibit C, Percentage Interest, to the Declaration is hereby deleted and Exhibit C attached hereto is substituted in lieu thereof and all references in the Declaration to Exhibit C shall mean Exhibit C as amended from time to time.

4) Exhibits A-2 and A-3 of the Declaration are amended to include the property, buildings and units which are now part of the Condominium as the same are set forth in Exhibit A-2 attached hereto.

5) Pursuant to Paragraph 14 of Article I of the Declaration, "drawings" shall include the drawings attached hereto as Exhibit B-1-9.

6) Exhibit D of the Declaration is hereby deleted and Exhibit D attached hereto is substituted.

7) The original Declaration and Bylaws, original drawings and other Exhibits to the Declaration as each have been amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 16 day of July, 1990.

Arline Merrill
[Signature]

DECLARANT:
FRANCIS GENERAL CONSTRUCTION, INC.
By Frank P. Francis
Frank P. Francis, President

STATE OF OHIO
STARK COUNTY

Before me, a notary public, personally appeared the above named Frank P. Francis, President of Francis General Construction, Inc., who stated that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16 day of July, 1990.

[Signature]
Notary Public
LARRY A. ZINK, Atty. At Law
Notary Public, State of Ohio
My Commission has no expiration date
Under Section 147.03 R.C.

This instrument prepared by
Larry A. Zink
Zink, Zink & Zink Co., L.P.A.
3711 Whipple Ave. N.W.
Canton, Ohio 44718

HAMMONTREE & ASSOCIATES, LIMITED
Consulting Engineers - Planners - Surveyors

R. JAMES HAMMONTREE, P.E., P.S.
BRUCE M. BAIR, P.E., P.S.
LAWRENCE D. PHILLIPS, P.E., P.S.
HAROLD L. LAURILA, P.S.
RONALD P. DOHY, P.S.
GARY L. TOUSSANT, P.S.
JOSE E. TOLEDO, P.E., P.S.
JOHN W. FENTON, P.E.
RICHARD R. COOK, P.E., P.S.
CHARLES F. HAMMONTREE, P.E., P.S.
JAMES C. BOLLIBON, P.E.

TREEMORE BUILDING
5233 STONEHAM ROAD
NORTH CANTON, OHIO 44720

PHONE (216) 499-8817
FAX (216) 499-0149

MICHAEL L. DECKER, P.S.
RICHARD J. FAULHABER, P.E., P.S.
ROSS A. NICHOLSON, P.E.
KEITH A. BENNETT, P.E.
DANIEL J. GRINSTEAD, P.E.

January 12, 1990

DESCRIPTION OF SHERBROOK CONDOMINIUM PHASE IIB, 0.907 ACRE TRACT

Situated in the City of North Canton, County of Stark, State of Ohio and known as being part of Out Lot 58 and Out Lot 59; and also known as being part of the Northeast Quarter of Section 7 (T-11, R-8):

Beginning at a 1 1/2" iron bar found at the northeast corner of said Northeast Quarter of Section 7; thence S03°50'00"W along the east line of Section 7, a distance of 1319.33 feet to a point and the true place of beginning;

- 1.) Thence continuing S03°50'00"W along the west line of North Canton City Lot 1794 a distance of 11.92 feet to a 1" iron bar found;
- 2.) Thence S03°41'24"W continuing along the west line of said Lot 1794 and the west line of North Canton City Lots 1793, 1792, 1791 and 1790, a distance of 186.27 feet to an axle found;
- 3.) Thence S76°56'52"W along the north line of North Canton City Lots 1781, 1780 and 1779 a distance of 158.11 feet to a point;
- 4.) Thence N18°35'36"W a distance of 115.64 feet to a point;
- 5.) Thence N03°50'00"E a distance of 56.15 feet to a point;
- 6.) Thence S86°10'00"E, a distance of 28.95 feet to a point;
- 7.) Thence N03°50'00"E, a distance of 81.39 feet to a point;

CANTON
216-499-8817

ORLANDO
407-895-0889

PITTSBURGH
412-281-3882

LAKE WALES
813-676-7911

EXHIBIT
A-1

Description of Sherbrook Condominium Phase IIB,
0.907 Acre Tract
Page 2
January 12, 1990

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8.) Thence S86°03'33"E a distance of 166.00 feet to a point and the true place of beginning;

The above described tract of land encloses and comprises part of a tract that was conveyed to Francis General Construction, Inc. by a deed recorded in Volume 751, Page 787 of the Stark County Official Record and contains 0.907 acres of which 0.045 acres are in Outlot 58 and 0.862 acres are in Outlot 59 as surveyed by Ronald P. Dohy, P.S. #6175 of Hammontree and Associates, Limited, Engineers and Surveyors of North Canton, Ohio in January, 1990.

The basis of bearings is N03°50'00"E the west line of a 3.352 acre tract recorded in Volume 751, Page 787 Stark County Official Record.

HAMMONTREE & ASSOCIATES, LIMITED

SHERBROOK CONDOMINIUM PHASE III A

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT, KNOWN AS BEING THE SHERBROOK CONDOMINIUM PHASE III A, DO HEREBY ACKNOWLEDGE THE MAKING OF THE SAME TO BE OUR FREE ACT AND DEED.

WITNESSETH
 STATE OF IOWA
 COUNTY OF POLK
 PHASE III A CONDO PB 3 PG 65

PHASE III A CONDO PB 3 PG 65
 PHASE III A
 1.003 AC.

PHASE III A CONDO PB 3 PG 65
 PHASE III A
 1.003 AC.



DAVID J. BODO Registered Surveyor 6320

RECORDED FOR RECORD THIS DAY OF _____ PAGE 198
 RECORDED IN CONDOMINIUM PLAT BOOK _____

STARY COUNTY RECORDER
 ALL AREAS OF LAND WITHIN THE LOTS ARE THAT SHERBROOK CONDOMINIUM PHASE III A. THE BOUNDARIES OF THE FAMILY UNITS OR AS LIMITED COMMON AREAS ARE COMMON AREAS.

- INDICATES FAMILY UNITS
- INDICATES LIMITED COMMON AREAS (LCA)
- INDICATES COMMON AREA

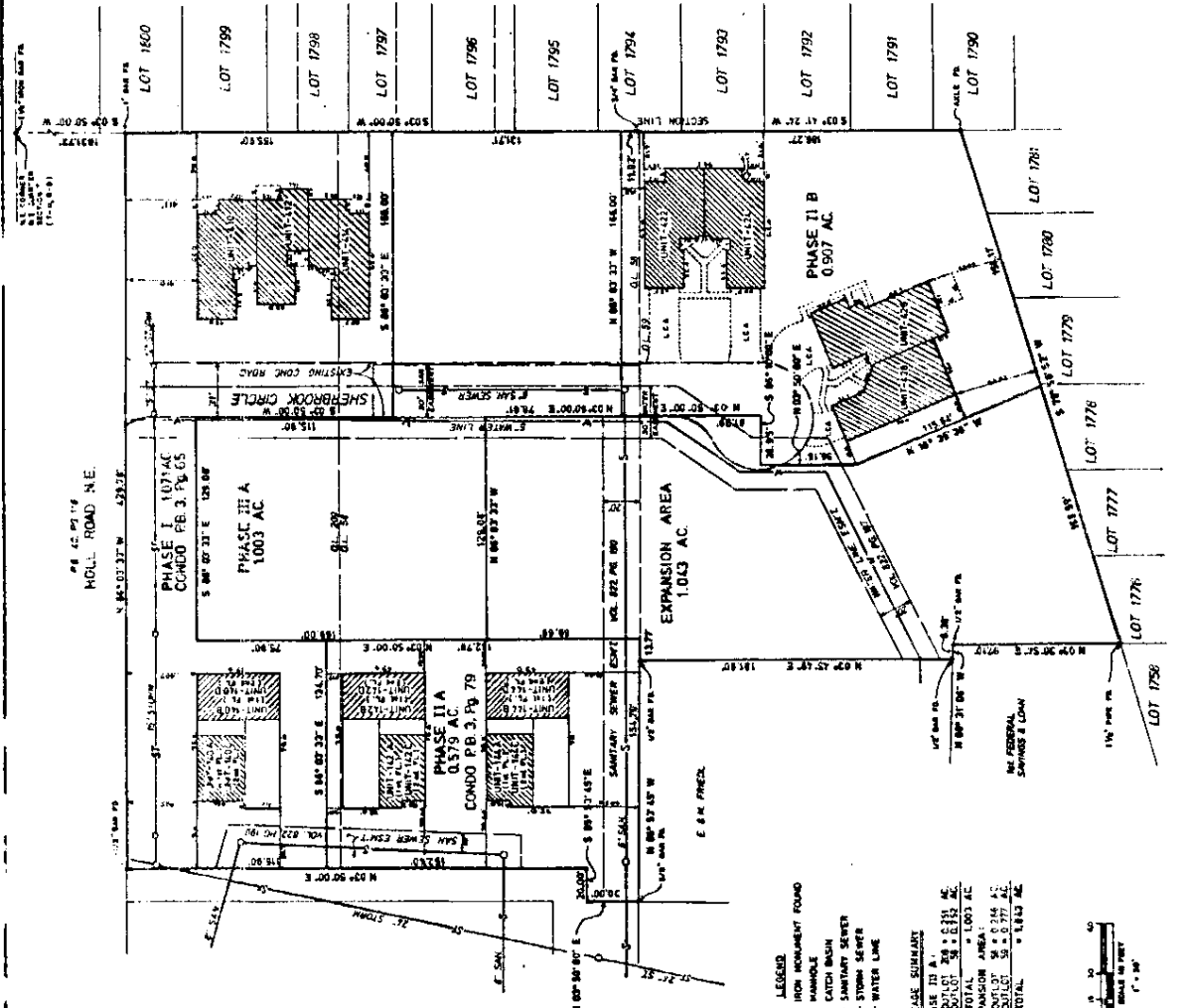
ALL BUILDING DIMENSIONS SHOWN ON THIS BOUNDARY & SITE PLAN ARE EX-TENSOR WALL MEASUREMENTS.
 NO OCCUPATION UNLESS NOTED.
 BASIS OF MEASUREMENTS: N 87° 30' 00" E, WEST LINE OF 3.350 AC TRACT (75/707)

DATA USED FOR SURVEY:
 BOUNDARY & SITE PLAN, SHERBROOK CONDO PHASE III A - HANCOCK & ASS. LTD. 1/27/70-1/27/70
 DEEDS - 204/172, 204/173, 204/174, 204/175, 204/176, 204/177, 204/178, 204/179
 DEDICATION PLAT - PB 3A PG 116
 CONDOMINIUM PLAT - PB 3 PG 65

BOUNDARY AND SITE PLAN
 SHERBROOK CONDOMINIUM PHASE III, 1.003 AC.
 LOTS 1776-1799, PHASE III A, POLK COUNTY, IOWA
 11-17-83, CITY OF NORTH CAROLINA
 SHERBROOK CONDO

PREPARED BY
 DAVID BODO & ASSOCIATES
 508 CANTON ROAD, ESTATE 204
 CARROLLTON, OHIO 44615
 (216) 637-2439

DATE: 11-17-83
 SHEET: 198 OF 198

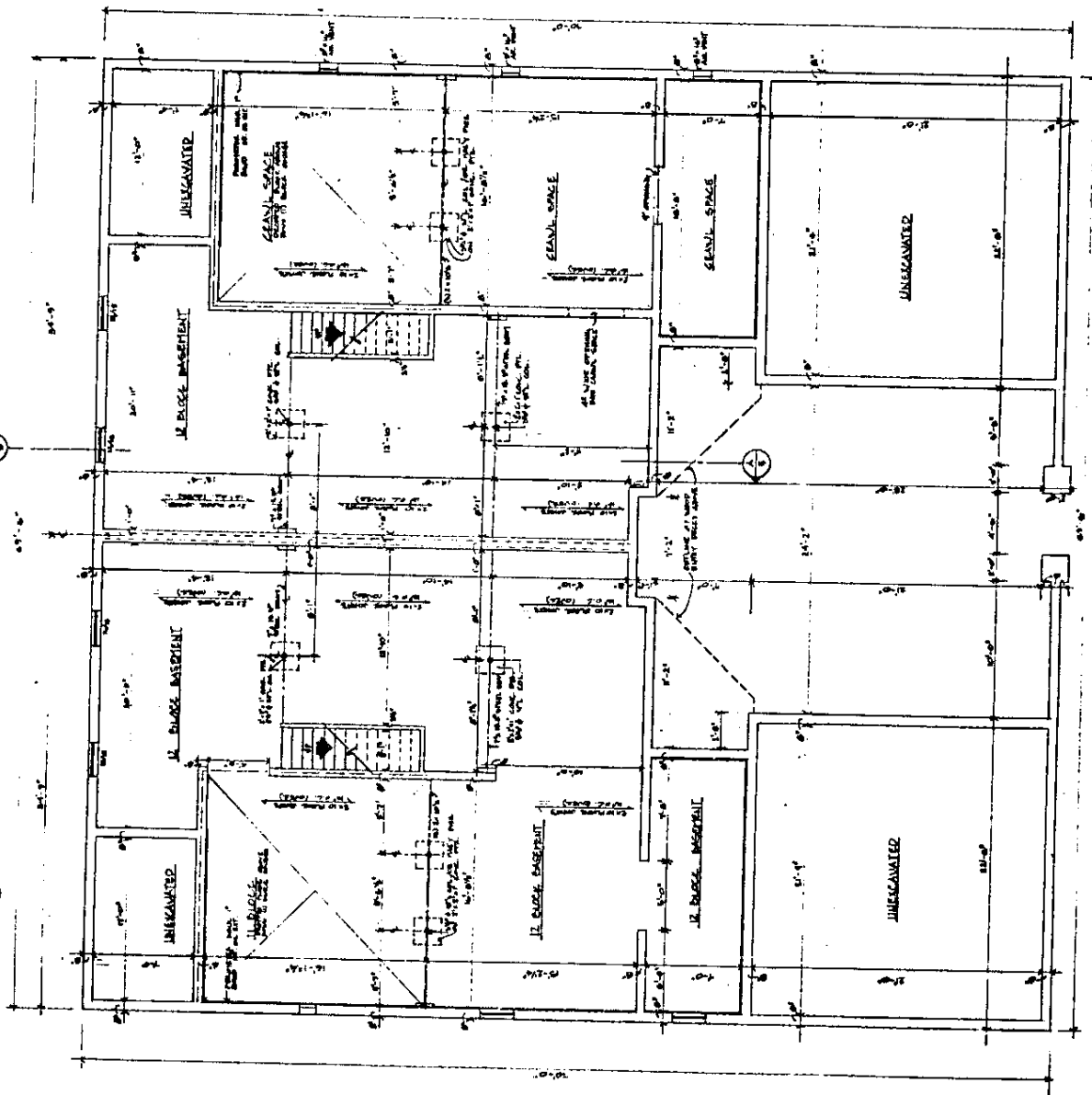


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EXHIBIT

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.

Thomas W. Conner, Jr., dated June 2, 1970



FOUNDATION/BASEMENT PLAN SCALE: 1/4" = 1'-0"

EXHIBIT
B-1

PROPOSED 2 UNIT CONDOMINIUM - RANCH/RANCH
SHERBROOK CONDOMINIUMS
HOLL ROAD, NORTH CANTON, OHIO
FRANCIS GENERAL CONSTRUCTION, INC.



DATE: November 18, 1969

1/4" = 1'-0"



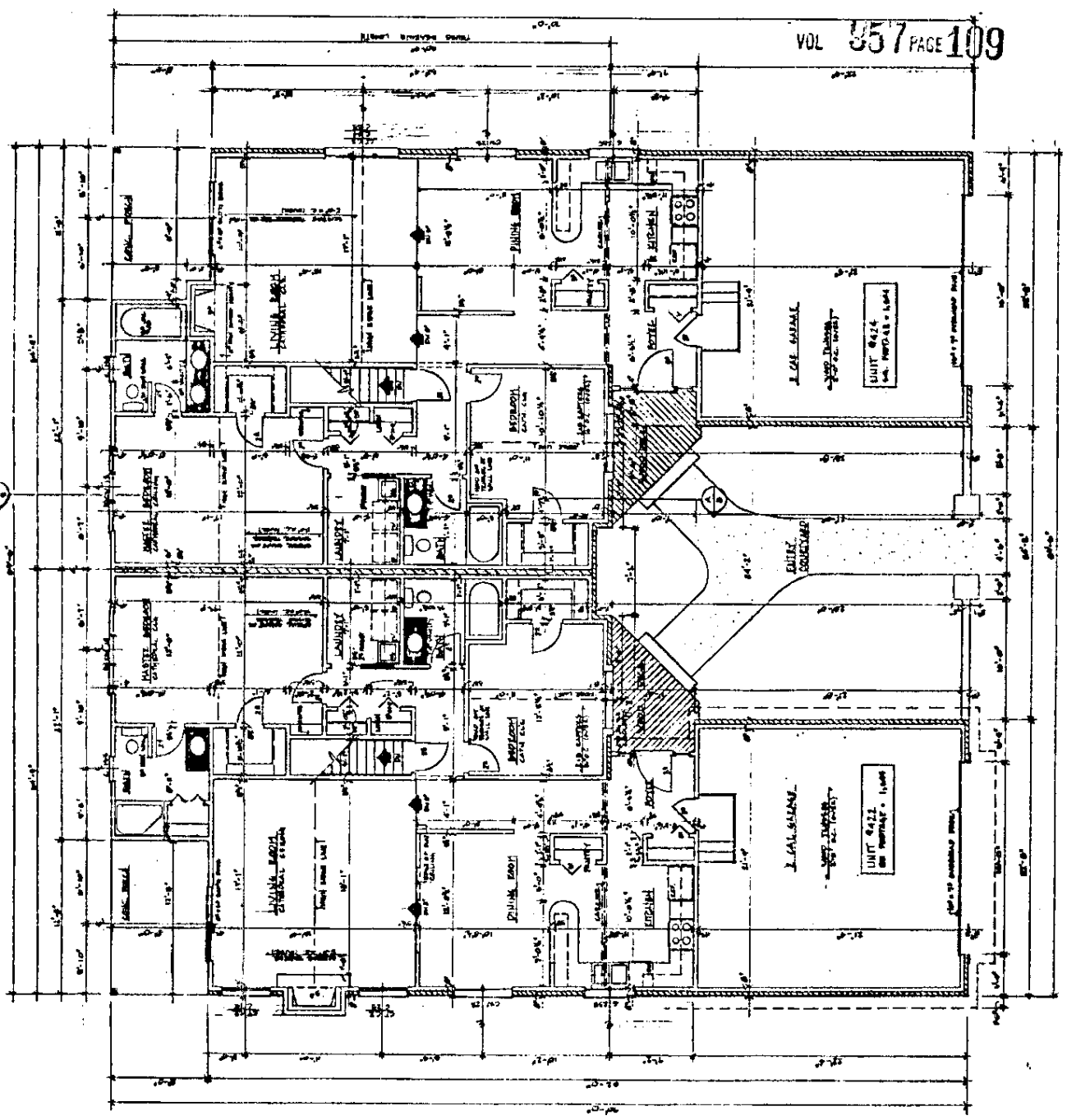
DATE: January 11, 1990

PROPOSED 2 UNIT CONDOMINIUM - RANCH/RANCH
SHERBROOK GARDENS CONDOMINIUMS
HOLL ROAD - NORTH CANTON, OHIO
FRANCIS GENERAL CONSTRUCTION, INC.

DATE: 01/11/90

Thomas R. Koenig
Dated June 21, 1990

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.

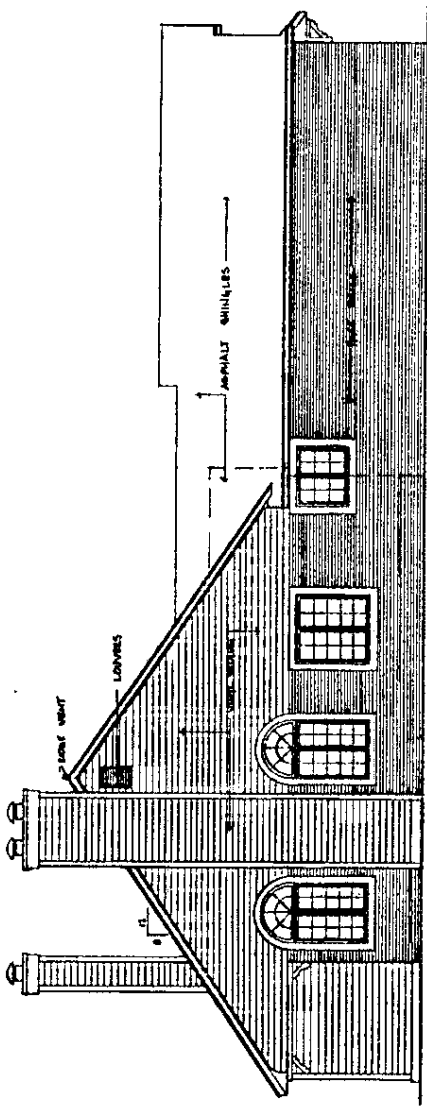


FIRST FLOOR PLAN SCALE: 1/8" = 1'-0"

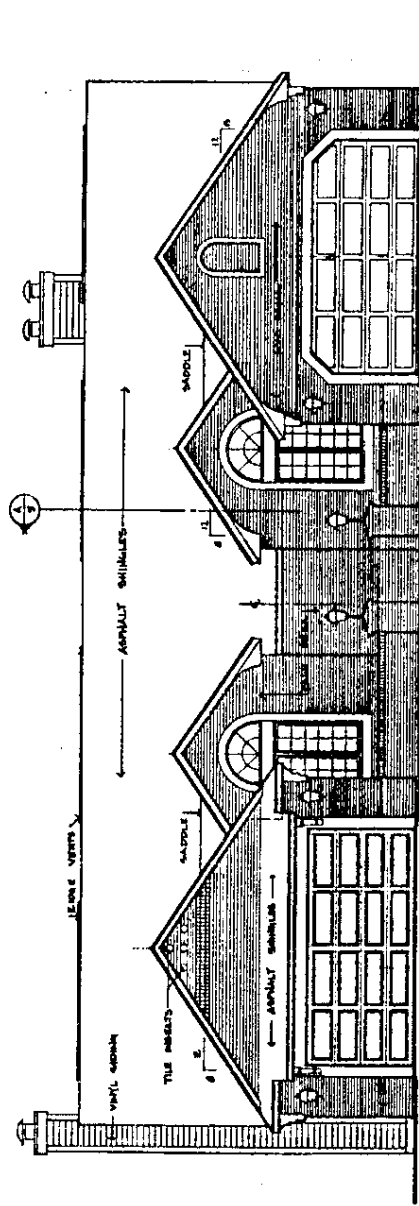
B-2

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.

Thomas W. King, Dated June 21, 1970



LEFT SIDE ELEVATION SCALE: 1/4" = 1'-0"



FRONT ELEVATION SCALE: 1/4" = 1'-0"

B-3

PROPOSED 2 UNIT CONDOMINIUM - RANCH/RANCH
SHERBROOK - NORTH CANTON, OHIO
FRANCIS GENERAL CONSTRUCTION, INC.

DATE: 6/21/70

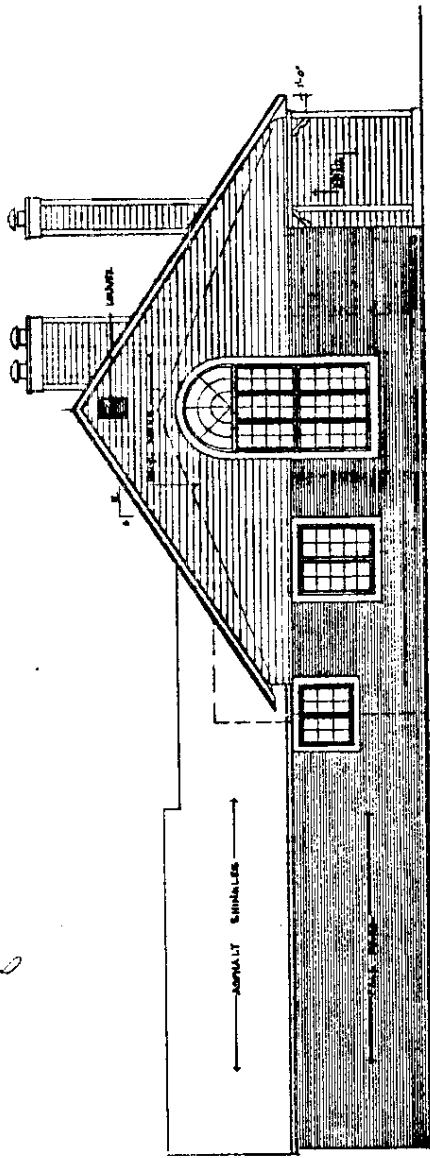


DATE: 6/21/70

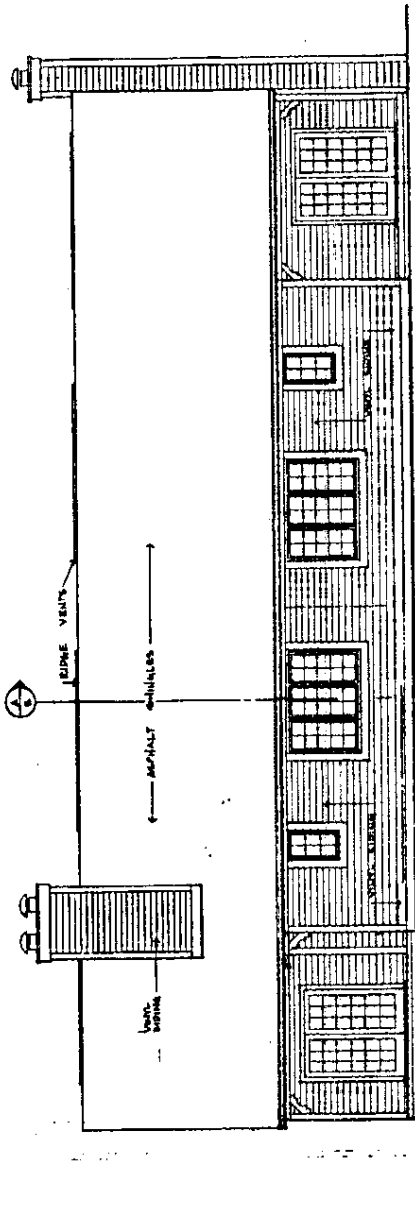
3

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.

Thomas Blumgartner Dated June 21, 1910



RIGHT SIDE ELEVATION SCALE: 1/4" = 1'-0"



REAR ELEVATION SCALE: 1/4" = 1'-0"

B-4

PROPOSED 2 UNIT CONDOMINIUM + RANCH/RANCH
 GHERBROOK CONDOMINIUMS
 HOLT ROAD - NORTH CANTON, OHIO
 FRANCIS GENERAL CONSTRUCTION, INC.

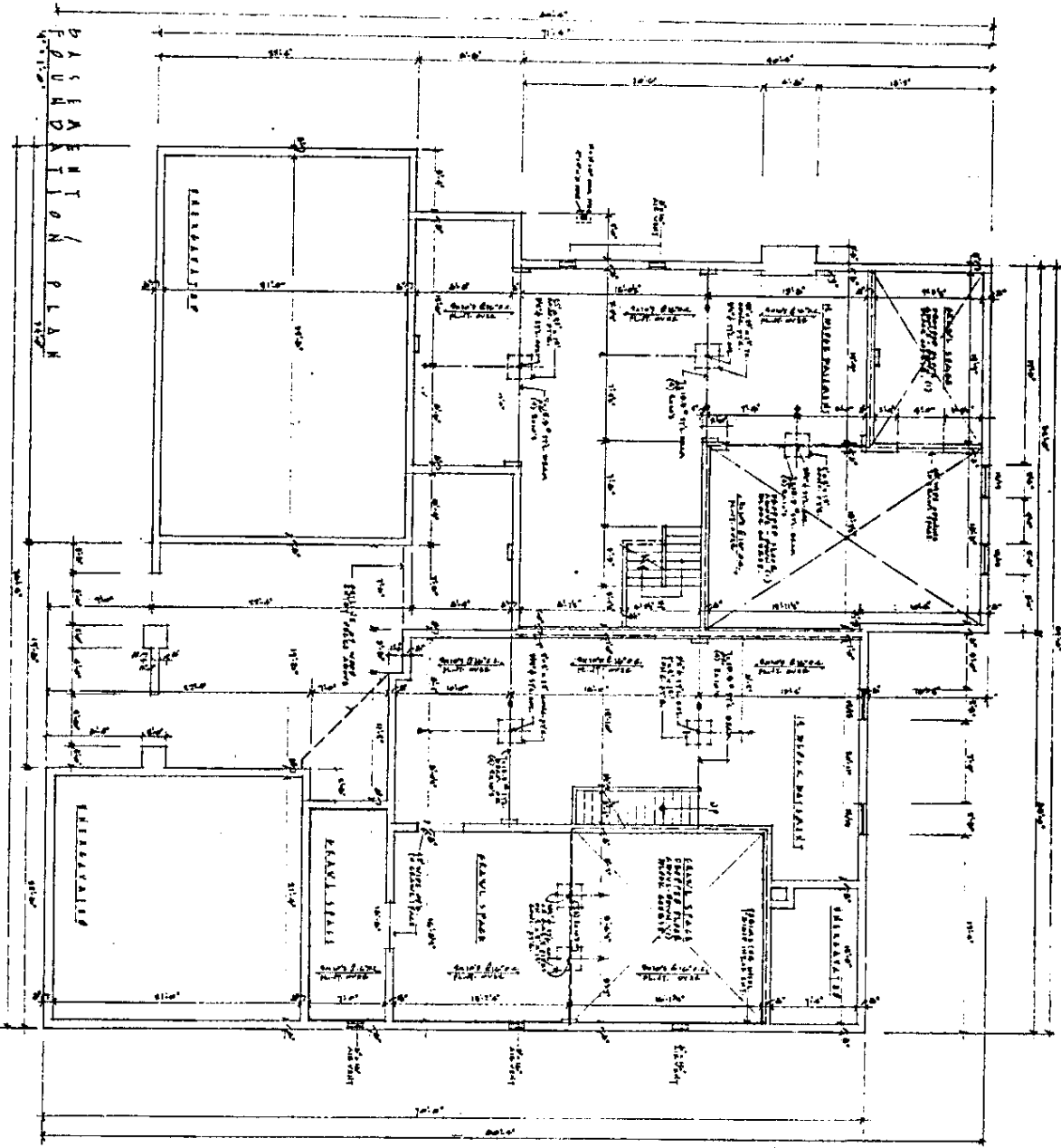
DATE: JANUARY 11, 1910



DATE: JANUARY 11, 1910


4

18-8



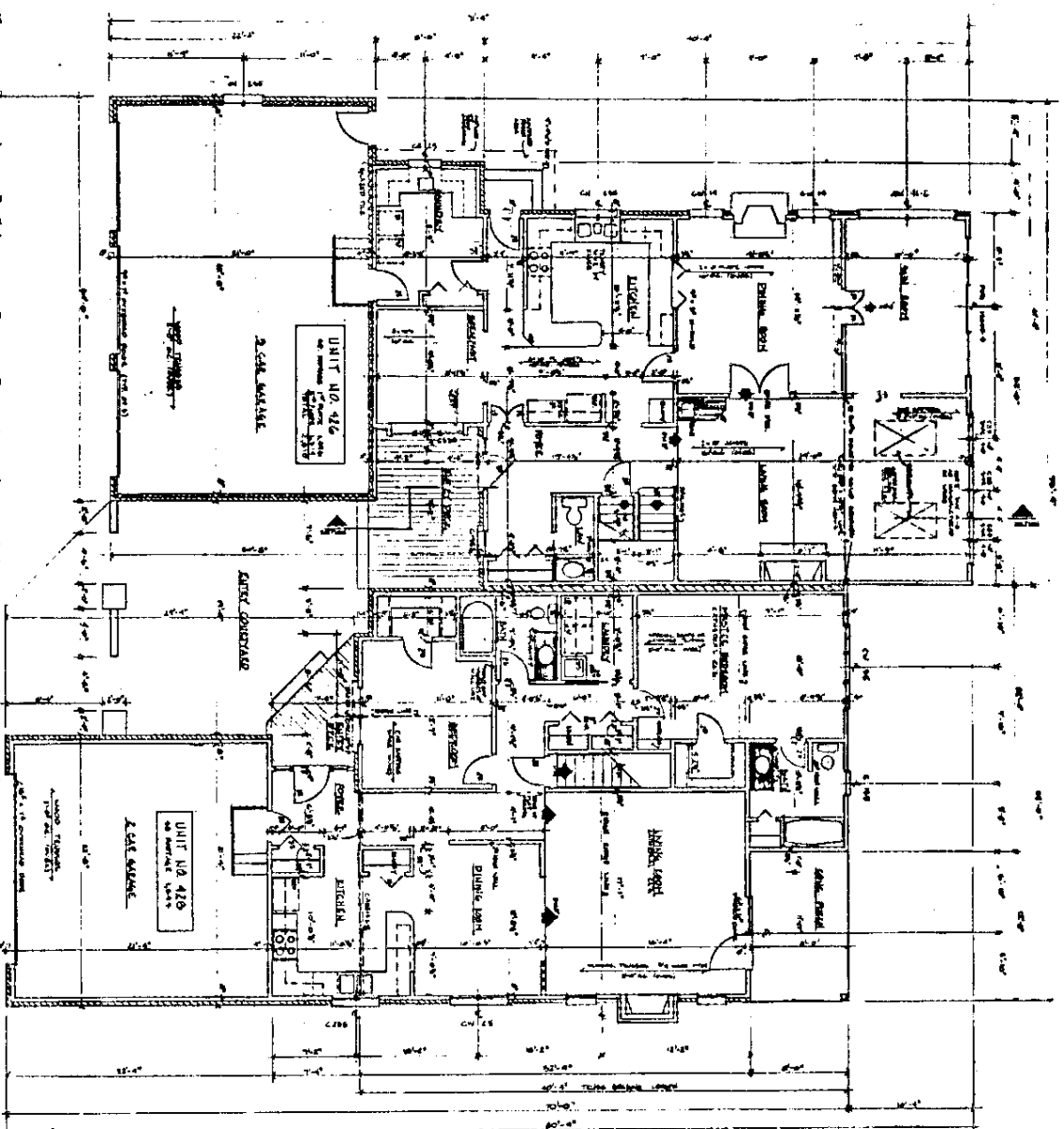
The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.

Richard W. Burdette Dated June 21, 90

2		PROPOSED 2 UNIT CONDOMINIUM BUILDING SHERBROOK CONDOMINIUMS HOLL ROAD NORTH CANTON, OHIO FRANCIS GENERAL CONSTRUCTION, INC.	EB/WH/MS 11
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9-9

The undersigned licensed professional architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.
Francis General Construction, Inc. dated June 21 70



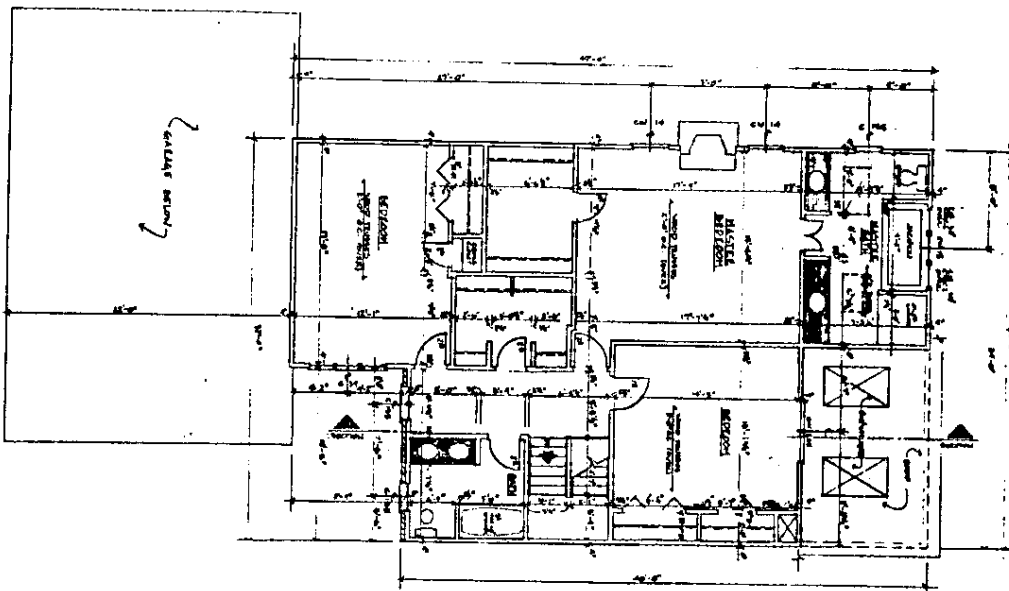
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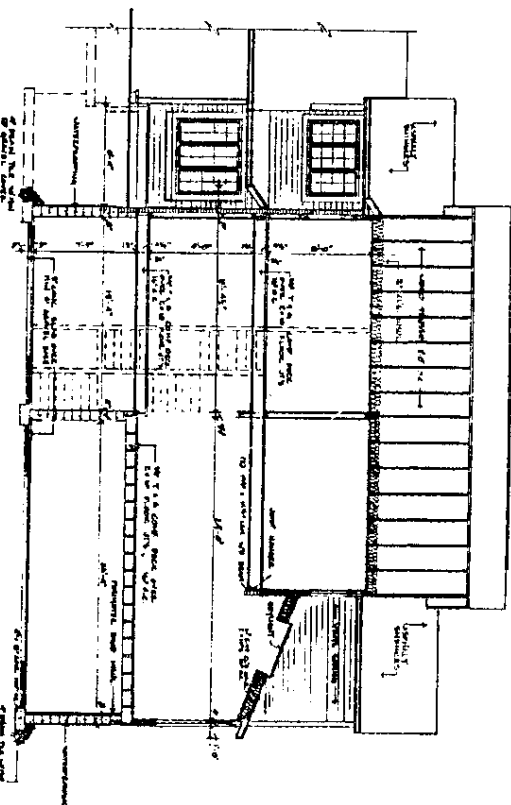
PROPOSED 2 UNIT CONDOMINIUM BUILDING
SHERBROOK CONDOMINIUMS
HOLL ROAD NORTH CANTON, OHIO
FRANCIS GENERAL CONSTRUCTION, INC.

NO.	DATE	DESCRIPTION

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.
Thomas R. Humphreys, Dated June 21, '70



2ND FLOOR PLAN SCALE: 1/8\"/>



BUILDING SECTION SCALE: 1/8\"/>

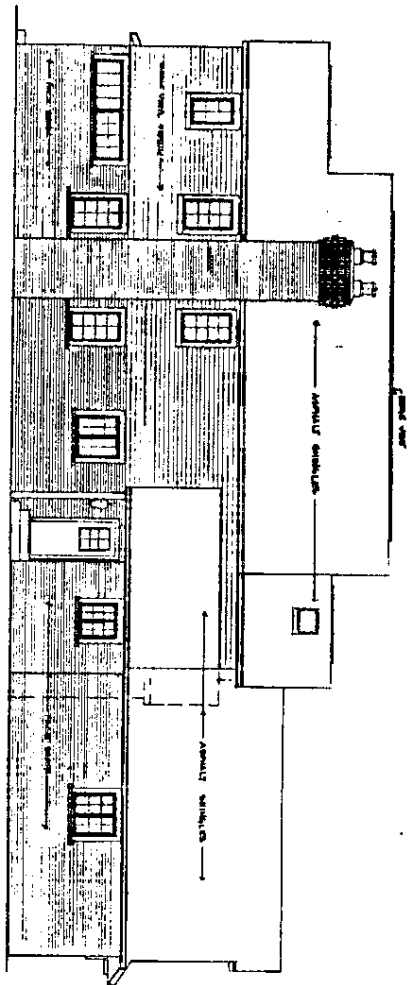
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PROPOSED 2 UNIT CONDOMINIUM BUILDING
 SHERBROOK CONDOMINIUMS
 HOLL ROAD NORTH CANTON, OHIO
 FRANCIS GENERAL CONSTRUCTION, INC.

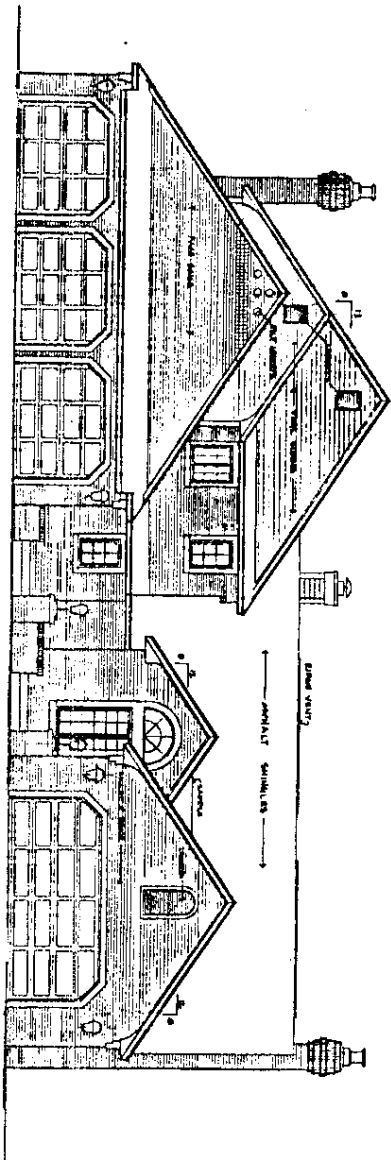
Checked by	
Designed by	
Drawn by	
Scale	
Date	

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.
Francis General Construction, Inc.
 Dated June 21, 1970



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

8-9

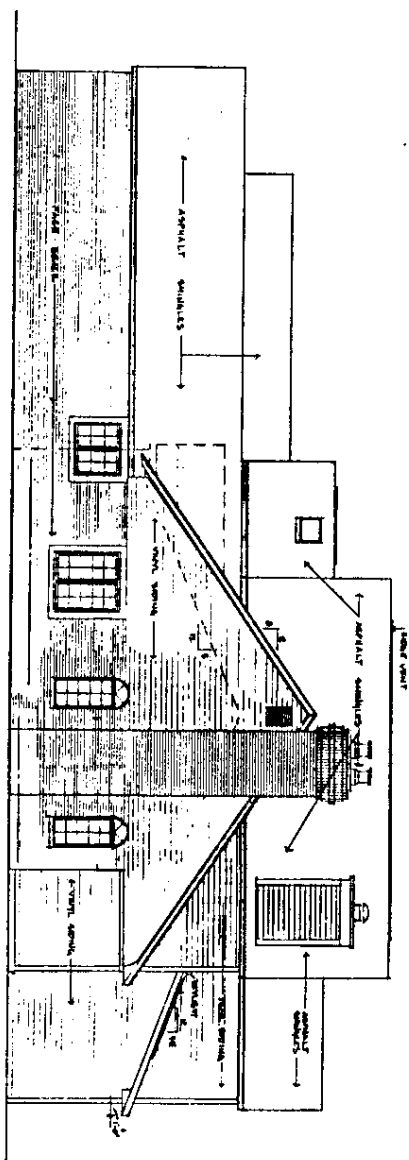
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PROPOSED 2 UNIT CONDOMINIUM BUILDING
 SHERBROOK CONDOMINIUMS
 ROLL ROAD NORTH CANTON, OHIO
 FRANCIS GENERAL CONSTRUCTION, INC.

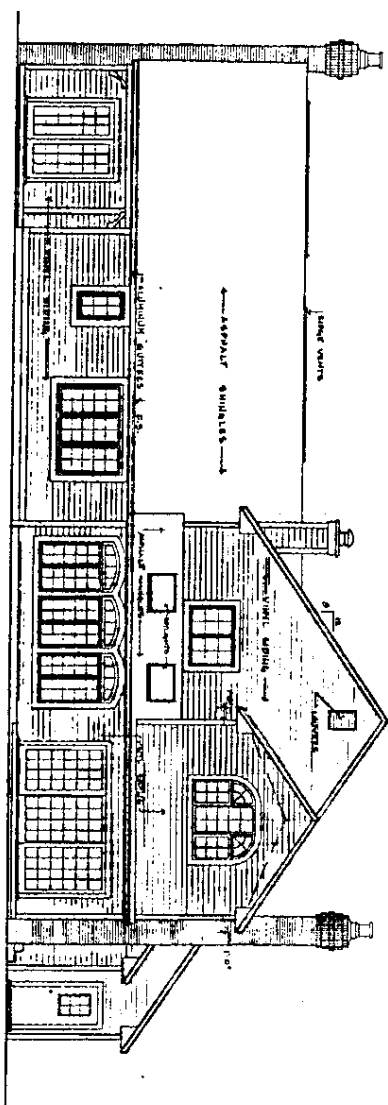
NO.	DATE	REVISIONS

The undersigned licensed professional Architect certifies that this drawing graphically shows all of the particulars of the building represented in the drawing as constructed.
 Francis Cunningham, Jr. Dated June 21 90



RIGHT SIDE ELEVATION

SCALE: 1/4\"/>



REAR ELEVATION

SCALE: 1/4\"/>

B-9

6



PROPOSED 2 UNIT CONDOMINIUM BUILDING
 SHERBROOK CONDOMINIUMS
 HOLL ROAD NORTH CANTON, OHIO
 FRANCIS GENERAL CONSTRUCTION, INC.

DATE	6/21/90
BY	FRANCIS CUNNINGHAM, JR.
CHECKED BY	
APPROVED BY	

SHERBROOK CONDOMINIUM PHASE I, II A, AND IIB
 DECLARATION EXHIBIT C
 PERCENTAGE INTEREST IN OWNERSHIP OF COMMON AREA
 AND SHARE OF COMMON EXPENSE

<u>Phase I</u>		
<u>Building 140</u>	<u>Square Feet</u>	<u>Percentage of Common Area</u>
Unit A	1062	3.97%
Unit B	1207	4.52%
Unit C	1062	3.97%
Unit D	1207	4.52%
<u>Sherbrook Circle</u>		
Unit 410	1644	6.15%
Unit 412	1846	6.91%
Unit 414	1644	6.15%
<u>Phase II A</u>		
<u>Building 142</u>		
Unit A	1118	4.19%
Unit B	1207	4.52%
Unit C	1118	4.19%
Unit D	1207	4.52%
<u>Building 144</u>		
Unit A	1118	4.19%
Unit B	1207	4.52%
Unit C	1118	4.19%
Unit D	1207	4.52%
<u>Phase IIB</u>		
<u>Sherbrook Circle</u>		
Unit 422	1644	6.15%
Unit 424	1644	6.15%
Unit 426	2810	10.52%
Unit 428	1644	6.15%
Total	26,714	100%

EXHIBIT
 C

June 29, 1990

Description of a 1.003 Acre Parcel
of Land for Sherbrook Condominium Phase IIIA

Situated in the City of North Canton, County of Stark and
State of Ohio:

Being a part of the Northeast Quarter of Section 7, Township
11 of Range 8 and being known as part of Out Lots 58, 59, and
209 as conveyed to Francis General Construction, Inc. by
Warranty Deed as recorded in Stark County Official Record
Volume 751, Page 787 and being more particularly described as
follows:

Beginning at a 1 1/2" iron bar found on the Northeast corner
of the Northeast Quarter of Section 7;

Thence S 3° 50' 00" W along the East line of Section 7, a
distance of 1187.62 feet to a point, said point being the
TRUE PLACE OF BEGINNING;

Thence continuing S 3° 50' 00" W along the section line and
the West line of North Canton City Lots 1797, 1796, 1795, and
1794, a distance of 131.71 feet to a point;

Thence N 86° 03' 33" W, a distance of 166.00 feet to a point
on the West curb line of Sherbrook Circle;

Thence N 3° 50' 00" E along said Sherbrook Circle, a distance
of 78.61 feet to a point;

Thence N 86° 03' 33" W, a distance of 129.08 feet to a point;

Thence N 3° 50' 00" E, a distance of 169.00 feet to a point;

Thence S 86° 03' 33" E, a distance of 129.08 feet to a point
on the West curb line of Sherbrook Circle;

Thence S 3° 50' 00" W along said Sherbrook Circle, a distance
of 115.90 feet to a point;

EXHIBIT
D-1

DAVID BODO & ASSOCIATES
Professional Surveyors
P.O. Box 396
Carrollton, Ohio 44615 • 216-627-9639

DAVID BODO & ASSOCIATES • Professional Surveyors • P.O. Box 396 • Carrollton, Ohio 44615 • 216-627-363

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June 29, 1990

Thence S 86° 03' 33" E, a distance of 166.00 feet to the TRUE PLACE OF BEGINNING and containing 1.003 acres of land of which 0.251 acres are located in Outlot 209 and 0.752 acres are located in Outlot 58 as surveyed by David J. Bodo, Ohio Registered Surveyor Number 6321 in June, 1990.

The Basis of Bearing for this survey was the West line of a 3.352 acre tract and the Bearing of N 3° 50' 00" E was taken from the description of said 3.352 acre tract as recorded in Volume 751, Page 787 of the Stark County Official Record.



DAVID BODO & ASSOCIATES • Professional Surveyors • P.O. Box 396 • Carrollton, Ohio 44615 • 216-627-3639

June 29, 1990

Description of a 1.043 Acre Parcel of Land for
Sherbrook Condominium Phase III Expansion Area

Situated in the City of North Canton, County of Stark and
State of Ohio:

Being a part of the Northeast Quarter of Section 7, Township
11 of Range 8 and being known as part of Out Lots 58 and 59
as conveyed to Francis General Construction, Inc. by
Warranty Deed as recorded in Stark County Official Record
Volume 751, Page 787 and being more particularly described as
follows:

Beginning at a 1 1/2" iron bar found on the Northeast corner
of the Northeast Quarter of Section 7;

Thence S 3° 50' 00" W along the East line of Section 7, a
distance of 1319.33 feet to a point;

Thence N 86° 03' 33" W, a distance of 166.00 feet to a point
on the West curb line of Sherbrook Circle, said point being
the TRUE PLACE OF BEGINNING;

Thence S 3° 50' 00" W, a distance of 81.39 feet to a point;

Thence N 86° 10' 00" W, a distance of 28.95 feet to a point;

Thence S 3° 50' 00" W, a distance of 56.15 feet to a point;

Thence S 18° 35' 36" E, a distance of 115.64 feet to a point;

Thence S 76° 56' 52" W along the North line of North Canton
City Lots 1778, 1777 and 1776, a distance of 155.59 feet to a
1 1/2" pipe found;

Thence N 3° 50' 00" E along the East line of lands now or
formerly owned by First Federal Savings and Loan, a distance
of 97.10 feet to a 1/2" bar found;

Thence N 86° 31' 06" W along the North line of said First
Federal Savings and Loan lands, a distance of 8.38 feet to a
1/2" bar found;

DAVID BODO & ASSOCIATES • Professional Surveyors • P.O. Box 396 • Carrollton, Ohio 44615 • 216-627-9639

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June 29, 1990

Thence N 3° 50' 00" E along the East line of lands now or formerly owned by E. & M. Friedl, a distance of 181.80 feet to a 1/2" bar found;

Thence S 85° 53' 45" E, a distance of 13.77 feet to a point;

Thence N 3° 50' 00" E, a distance of 89.69 feet to a point;

Thence S 86° 03' 33" E, a distance of 129.08 feet to a point on the West curb line of Sherbrook Circle;

Thence S 3° 50' 00" W along said Sherbrook Circle, a distance of 78.61 feet to the TRUE PLACE OF BEGINNING and containing 1.043 acres of land of which 0.266 acres are located in Outlot 58 and 0.777 acres are located in Outlot 59 as surveyed by David J. Bodo, Ohio Registered Surveyor Number 6321 in June, 1990.

The Basis of Bearing for this survey was the West line of a 3.352 acre tract and the Bearing of N 3° 50' 00" E was taken from the description of said 3.352 acre tract as recorded in Volume 751, Page 787 of the Stark County Official Record.



EXHIBIT G to
SECOND AMENDED DECLARATION
PHASE IIB

1) The Real Property Phase IIB of Sherbrook Condominium is located on 0.907 acres of land. The future expansion area for Sherbrook Condominium is a 2.046 acre tract contiguous to Phases I and IIA. It is the Declarant and Developer's intention to expand the Condominium by Phases.

2) The Buildings
Building Units #422 and #424, Sherbrook Circle N.E.
This building consists of two units, 422 and 424, and is a one-story structure. Unit 422 consists of 1644 square feet and Unit 424 consists of 1644 square feet. Each unit consists of two bedrooms, kitchen, dining and living room. Each unit has two baths. Garage parking for two cars is provided in a limited common area garage. Each unit has its own furnace and air conditioning system. Utilities are separately metered. Each unit has a GE range, oven, garbage disposal, dishwasher, and a 40-gallon hot water tank.

Building Units 426 and 428, Sherbrook Circle N.E.
This building consists of two units, 426 and 428, and is a two-story structure for Unit 426. Unit 426 consists of 2810 square feet and Unit 428 1644 square feet. Unit 426 consists of three bedrooms, kitchen, dining and living room, sunroom and three baths. Unit 428 has two bedrooms and two baths. Garage parking for three cars is provided in a limited common area garage for Unit 426. Unit 428 has a two car garage. Each unit has its own furnace and air conditioning system. Utilities are separately metered.

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Each unit has a GE range, oven, garbage disposal, dishwasher, and a 40-gallon hot water tank.