

File# 2015-00061467

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SECOND AMENDMENT TO DECLARATION ⁹
OF CONDOMINIUM OWNERSHIP

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP (this "Amendment") is made this 28 day of October, 2015, by the undersigned, being Unit Owners of the 301 W. First Street Condominium.

RECITALS

A. Riverplace Associates, an Ohio general partnership, predecessor in interest to Declarant, created 301 W. First Street Condominium (the "Condominium") by that certain Declaration of Condominium Ownership recorded at Deed Microfiche 87-0493 C01; as amended by a First Amendment to Declaration of Condominium Ownership recorded at Deed Microfiche 88-0434 D05, all of the records of Montgomery County, Ohio (collectively, the "Declaration").

B. Pursuant to Section 16 of the Declaration, the Declaration can be amended with the approval of Unit Owners exercising at least 66.67% of the voting power of the Association.

C. The Unit Owners of the Condominium are as follows:

<u>Owner:</u>	<u>Unit:</u>
Brown M.D. & Associates LLC	Unit 1 described on Exhibit A attached hereto (34% Interest)
Duvall Building LLC	Unit 2 described on Exhibit B attached hereto (33% Interest)

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Dayton Vitreo-Retinal Associates,
LLC

Unit 3-A described on Exhibit C attached hereto
(24.61% Interest)

Riverplace Associates

Unit 3-B described on Exhibit D attached hereto
(8.39% Interest)

D. Section 4.4 of the Declaration provided that the Declarant thereunder reserved the right to allocate parking spaces described in the Declaration, and although parking space allocations have been agreed to by the Unit Owners, the allocation has not been memorialized.

E. The undersigned desire to amend the Declaration to memorialize the allocation of parking spaces as set forth herein.

AMENDMENT

NOW, THEREFORE, pursuant to the authority set forth in the Declaration, Declarant hereby amends the Declaration as follows:

1. Section 4.4, Limited Common Areas and Facilities, shall be amended to add the following additional sentence:

Notwithstanding anything in the Declaration to the contrary, parking spaces shall be allocated for the exclusive use of the Units as follows:

Parking Lot at First and Perry:

Unit 1 21 spaces

Unit 2 16 spaces

Parking Lot Adjacent to Building:

Unit 1 10 spaces

Unit 2 10 spaces

Unit 3-A 15 spaces

Unit 3-B 5 spaces

The foregoing parking spaces shall be Limited Common Areas for the benefit of the respective Units and may be marked as exclusive parking for the respective Units. The costs of maintaining the parking spaces shall be allocated among the Unit Owners on a proportionate basis, such proportion being equal to a fraction, the numerator of which is the number of parking spaces allocated to the Unit, and the denominator of which is seventy-seven (77), being the total number of allocated parking spaces.

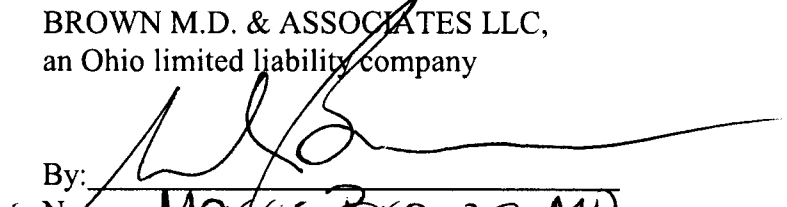
The remaining parking spaces, consisting of two (2) handicapped spaces and one (1) extra space, all in the parking lot adjacent to the building, shall be a Common Area and shall be useable by Unit Owners on a first come, first served basis.

2. Defined Terms; No Other Amendment. Except as set forth herein, defined terms shall have the meanings attributed to them in the Declaration. Except as specifically set forth herein, the Declaration shall remain unamended and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first written above.

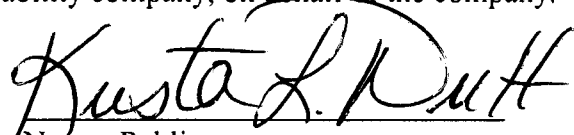
[Signatures on Next Pages]

BROWN M.D. & ASSOCIATES LLC,
an Ohio limited liability company

By: 
Name: Morris Brown MD
Title: Physician, cardiology

STATE OF OHIO)
COUNTY OF Montgomery) SS:

The foregoing instrument was acknowledged before me this 28 day of October 2015 by Morris Brown the owner of Brown M.D. & Associates LLC, an Ohio limited liability company, on behalf of the company.


Notary Public

KRISTA L. NUTT, Notary Public
In and For the State of Ohio
My Commission Expires November 3, 2018

DUVALL BUILDING LLC,
an Ohio limited liability company

By: Sheila Duvall
Name: Sheila Duvall
Title: owner

STATE OF OHIO

COUNTY OF Montgomery)
SS:

The foregoing instrument was acknowledged before me this 28 day of October 2015 by Sheila Duvall, the owner of Duvall Building LLC, an Ohio limited liability company, on behalf of the company.

Krista L. Nutt
Notary Public

KRISTA L. NUTT, Notary Public
In and For the State of Ohio
My Commission Expires November 3, 2018

This Instrument Prepared By:
April Ann Jordan
Hedrick & Jordan Co., LPA
100 E. Third Street
Suite 500
Dayton, Ohio 45402
937-228-3889

EXHIBIT A

LEGAL DESCRIPTION OF UNIT 1

Situate in the City of Dayton, County of Montgomery, State of Ohio, and being Unit 1 of 301 W. First Street Condominium, as recorded in Plat Book 131, Pages 54-54B, the declaration of which is recorded in Deed No. 87-493C01 and First Amendment in Deed No. 88-434D04 of the Montgomery County, Ohio records, together with an undivided interest in the common area and facilities appurtenant to the above-described unit.

EXHIBIT B

LEGAL DESCRIPTION OF UNIT 2

Situate in the City of Dayton, County of Montgomery, State of Ohio, and being Unit 2 of 301 W. First Street Condominium, as recorded in Plat Book 131, Pages 54-54B, the declaration of which is recorded in Deed No. 87-493C01 and First Amendment in Deed No. 88-434D04 of the Montgomery County, Ohio records, together with an undivided interest in the common area and facilities appurtenant to the above-described unit.

EXHIBIT C

LEGAL DESCRIPTION OF UNIT 3-A

Situate in the City of Dayton, County of Montgomery, State of Ohio, and being Unit 3-A of 301 W. First Street Condominium, as recorded in Plat Book 136, Page 11, the declaration of which is recorded in Deed No. 87-493C01 and First Amendment in Deed No. 88-434D04 of the Montgomery County, Ohio records, together with an undivided interest in the common area and facilities appurtenant to the above-described unit.

EXHIBIT D

LEGAL DESCRIPTION OF UNIT 3-B

Situate in the City of Dayton, County of Montgomery, State of Ohio, and being Unit 3-B of 301 W. First Street Condominium, as recorded in Plat Book 136, Page 11, the declaration of which is recorded in Deed No. 87-493C01 and First Amendment in Deed No. 88-434D04 of the Montgomery County, Ohio records, together with an undivided interest in the common area and facilities appurtenant to the above-described unit.

RETURN TO:
FIDELITY LAWYERS TITLE AGENCY LLC
100 E. THIRD ST. #400
DAYTON, OH 45402

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