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VICKI D. PEGG  
RECORDER  
83 JUL 25 PM 3:40  
MONTGOMERY CO. OHIO  
RECORDED

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301 WEST FIRST STREET CONDOMINIUM ASSOCIATION

FIRST AMENDMENT

TO

DECLARATION OF CONDOMINIUM OWNERSHIP

I hereby certify that copies of the within First Amendment to Declaration of Condominium Ownership for 301 West First Street Condominium, together with the drawing attached as an Exhibit thereto have been filed in the Office of the County Auditor, Montgomery County, Ohio.

Date: July 26, 1988.

Montgomery County Auditor

**DANA A. STAMPS**

By: \_\_\_\_\_  
Deputy

For map see Plat Bk. 136  
Pg. 11

This Instrument Prepared By:  
James E. Couch, Esq.  
SMITH & SCHNACKE  
A Legal Professional Association  
2000 Courthouse Plaza, NE  
Post Office Box 1817  
Dayton, Ohio 45401-1817  
(513) 226-6737

BOX

TRANSFERED  
1988 JUL 25 PM 3:29  
DANA A. STAMPS  
MONT. COUNTY AUDITOR

DEED 88-0434 D04

**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR 301 WEST FIRST STREET CONDOMINIUM**

This First Amendment to Declaration of Condominium Ownership is made on July 20, 1988 by RIVERPLACE ASSOCIATES, an Ohio general partnership ("Declarant") under the following circumstances:

A. Declarant is the Declarant under the Declaration of Condominium Ownership for 301 West First Street Condominium recorded at Microfiche 87-493C01 of the Deed Records of Montgomery County, Ohio (the "Declaration").

B. Declarant owns Unit 3 described in the Declaration and the drawings recorded in Plat Book 131, pages 54A & B of the Records of Montgomery County, Ohio (the "Drawings").

C. Under Section 4.6 and 15.2 of the Declaration, any unit owned by Declarant may be divided into two or more units by the execution of an amendment to the Declaration by all owners and mortgagees of the unit involved with drawings attached thereto fully and accurately describing all of the particulars of the division of the unit.

D. Declarant desires to divide Unit 3 into two units to be known as 3-A and 3-B, and to amend the Declaration: (a) to reflect such division and the new percentages of interest in Common Areas and Facilities and percentages of interest in Common Expenses, Surplus and Profits which will result from such division; and (b) to add amended Exhibit B-1 to the Declaration to reflect the new unit floor plan resulting from such division.

E. Declarant wishes to impose certain limitations upon the voting rights of the Units now owned by Declarant.

NOW, THEREFORE, the Declarant hereby declares as follows:

1. All terms used in this First Amendment which are defined in the Declaration shall have the same meanings given to them in the Declaration except as otherwise herein stated.

2. The Declarant hereby amends the Declaration by deleting the following sentence from the first paragraph of Section 3 thereof: "The entire balance of space on the third floor constitutes one unit (Unit No. 3)." and by inserting in place thereof the following language:

"The entire balance of space on the third floor includes two Units: Unit No. 3-A on the west and northeast side of the floor; and Unit No. 3-B on the southeast side of the floor. Unit 3-A contains a common hallway easement as shown on Exhibit B-1 attached hereto. A non-exclusive easement through said common hallway which provides access from Unit 3-B on that floor to the elevator and stairwell on the floor is hereby created as an appurtenance to Unit 3-B. Expenses of maintenance, repair and replacement of the area included in the common hallway easement shall be borne by the owners of Units 3-A and 3-B in proportion to the par values of Units 3-A and 3-B hereunder. The reasonable determination of the owner of Unit 3-A as to the need for such maintenance, repair or replacement shall be binding upon the owner of Unit 3-B.

3. Declarant further hereby amends the Declaration by deleting therefrom the columns of unit numbers and of percentages of interest presently appearing in Section 4.5 thereof and by inserting in place thereof the following columns:

<u>Unit No.</u>	<u>Par Value</u>
1	\$34.00
2	\$33.00
3-A	\$24.61
3-B	\$ 8.39

4. Declarant further hereby amends the Declaration by deleting therefrom that portion of the drawing attached thereto as Exhibit B-1 (Third Floor) and by inserting in place thereof the drawing attached hereto as Exhibit B-1 (Third Floor) for the purpose of showing the location of and the particulars of the layout, designation, dimensions, area and number of rooms in Units 3-A and 3-B. The drawings were prepared by and bear the certified statements of Abraham Bodenstein, licensed professional engineer, and Don F. Meek, registered surveyor as required by Section 5311.07 of the Ohio Revised Code.

5. Declarant hereby imposes the following limitations on the voting rights of all subsequent owners of Units 2, 3-A and 3-B which are now owned by Declarant. No owner of Unit 2, 3-A or Unit 3-B shall vote in favor at any meeting of the Association or otherwise assent to any of the actions enumerated in the next sentence unless such action is approved in writing by the owner of Unit 3-A (or, if the configuration of units on the third floor is changed, by the owner(s) of a

majority of the space on the third floor) and by the owner of Unit 2 (or the owner(s) of the majority of the space now included in Unit 2, if Unit 2 is subsequently subdivided). The actions described in the preceding sentence are:

(a) any capital expenditure by the Association (or otherwise affecting the Condominium Property and for which the Unit Owners may be liable) in excess of \$5,000;

(b) any amendment of the Declaration or the By-Laws (other than amendments by the Declarant which the Condominium Documents now authorize the Declarant to make without consent of any other Unit Owners); or

(c) levy of any fines by the Association.

It is the intention of the Declarant to assure that none of the foregoing actions may be taken unless approved by the owners of a majority of the space on each of the second and third floors.

6. Each of the owners of Unit 2 and the owner of Unit 3-A shall have the right to install, at the installing owner's sole expense for installation, maintenance and repair, a remote control device to identify and admit visitors to that Unit into the parking lot.

7. Trustcorp Bank, Ohio, mortgagee of Unit 3 (now 3-A and 3-B) of the Condominium, joins in the execution of this Amendment to consent to the provisions hereof.

8. All provisions of the Declaration and of all Exhibits thereto not affected by the foregoing amendments shall remain in full force and effect.

IN WITNESS WHEREOF, RIVERPLACE ASSOCIATES, as Declarant and as the owner in fee simple of Unit 3 (now 3-A and 3-B) in 301 West First Street Condominium, has consented to all of the foregoing amendments and has caused this instrument to be executed this 21<sup>st</sup> day of July, 1988.

Signed and Acknowledged  
in the Presence of:

RIVERPLACE ASSOCIATES,  
an Ohio general partnership

By: Danis Properties Co., Ltd.,  
an Ohio limited partnership,  
its General Partner

By: Danis Properties Co., Inc.  
(formerly known as  
Danis Realty Co., Inc.),  
an Ohio corporation,  
its General Partner

Mark Datt  
Catherine Adler

By: Louis R. Lunne  
Name: Louis R. Lunne  
Title: Vice President

TRUSTCORP BANK, OHIO

Robert McCune  
Randolph M. Staler

By: William L. Staler  
Name: William L. Staler  
Title: Vice President

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF MONTGOMERY        )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 1988 by LOUIS R. LUNNE, VICE PRESIDENT of Danis Properties Co., Inc., an Ohio corporation, on behalf of the corporation as general partner of Danis Properties Co., Ltd., an Ohio limited partnership, as general partner of Riverplace Associates, an Ohio general partnership.

Catherine Adler  
Notary Public

GATHERINE ADLER  
Notary Public, State of Ohio  
My Commission Expires Oct. 2, 1992

STATE OF OHIO )  
 ) SS:  
COUNTY OF MONTGOMERY )

The foregoing instrument was acknowledged before me this 20th day of July, 1988 by William L. Staler, Vice President of Trustcorp Bank, Ohio, an Ohio corporation, on behalf of the corporation.

  
Notary Public

ROBERT M. CURRY, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 O. R. C.

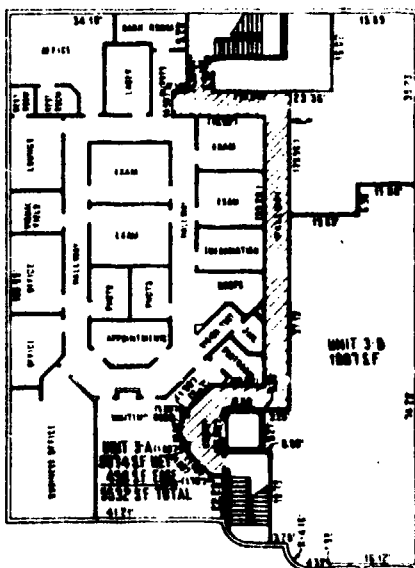
This Instrument Prepared By:  
James E. Couch, Esq.  
SMITH & SCHNACKE  
A Legal Professional Association  
2000 Courthouse Plaza, NE  
Post Office Box 1817  
Dayton, Ohio 45401-1817  
513/226-6737

EXHIBIT "B-1"

7419 Sq. Ft.

# 1st AMENDMENT OF THIRD FLOOR 301 W. FIRST STREET CONDOMINIUM REPLAT OF UNIT No. 3 CITY OF DAYTON, OHIO SCALE: 1/16"=1'

301 W. FIRST STREET CONDOMINIUM,  
THIRD FLOOR IS RECORDED IN PLAT  
BOOK 131 PAGE 64A IN THE PLAT  
RECORDS OF MONTGOMERY COUNTY,  
OHIO.



THIRD FLOOR  
FL-76377  
BOT of "1" BEAM-714 53

RECORDED  
JUL 25 1988  
M 3 30

- INDICATES COMMON AREA
- INDICATES COMMON HALLWAY EASEMENT
- INDICATES COMMON HALLWAY EASEMENT (SEE)

UNIT 3-B  
1001 S.F.

UNIT 3-B  
1001 S.F.

IN WITNESS WHEREOF, I HAVE SIGNED MY NAME AND AFFIXED MY GREAT SEAL ON THE DAY AND DATE ABOVE WRITTEN.

STATE OF OHIO  
COUNTY OF MONTGOMERY

NOTARY PUBLIC IN AND FOR THE COUNTY OF MONTGOMERY, OHIO

STATE OF OHIO  
COUNTY OF MONTGOMERY

NOTARY PUBLIC IN AND FOR THE COUNTY OF MONTGOMERY, OHIO

IN WITNESS WHEREOF, I HAVE SIGNED MY NAME AND AFFIXED MY GREAT SEAL ON THE DAY AND DATE ABOVE WRITTEN.

STATE OF OHIO  
COUNTY OF MONTGOMERY

NOTARY PUBLIC IN AND FOR THE COUNTY OF MONTGOMERY, OHIO

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COUNTY OF MONTGOMERY

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STATE OF OHIO  
COUNTY OF MONTGOMERY

NOTARY PUBLIC IN AND FOR THE COUNTY OF MONTGOMERY, OHIO

STATE OF OHIO  
COUNTY OF MONTGOMERY

OVERLAP AGREEMENT  
BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]

BY: [Signature]



BY: Don F. Meek  
NOTARY PUBLIC - MONTGOMERY COUNTY, OHIO  
OHIO NO. 8037

BY: [Signature]  
MONTGOMERY COUNTY ENGINEERING COMPANY  
OHIO NO. 10474

STATE OF OHIO  
MONTGOMERY COUNTY ENGINEERING COMPANY  
OHIO NO. 10474

FRED E. MEER, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER

PREPARED BY  
TRI-CITY ENGINEERING COMPANY  
CIVIL ENGINEERS & SURVEYORS  
2511 EMBURY PARK RD. DAYTON, OHIO  
97-56-028

DEED 88-0434 D10