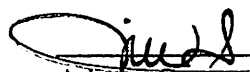


NC09

**AMENDMENT NUMBER FOUR  
TO THE DECLARATION AND BYLAWS OF CONDOMINIUM  
OWNERSHIP FOR  
THE VILLAS AT HIGH POINTE VILLAGE CONDOMINIUM**

The undersigned hereby certifies that copies of this Amendment Number Four to the Declaration and Bylaws for The Villas at High Pointe Village Condominium and all drawings and other exhibits thereto were filed with the Auditor of Athens County, Ohio this 8<sup>TH</sup> day of January, 2008, as required by Section 5311 of the Ohio Revised Code.



Athens County Auditor

WHEREAS, the Declaration and Bylaws of Condominium Ownership for The Villas at High Pointe Village Condominium was recorded in Volume 408, Pages 1616 through 1682 in the Office of the Athens County Recorder (hereinafter referred to as "Declaration"); the First Amended Declaration was recorded in Volume 409, Pages 2152 through 2165 of the Athens County Recorder (hereinafter referred to as "Amended Declaration Number One") pursuant to the provisions of the Ohio Revised Code therein in force; the Second Amended Declaration was recorded in Volume 414, Pages 1973 through 1987 of the Athens County Recorder (hereinafter referred to as "Amended Declaration Number Two"); the Third Amended Declaration was recorded in Volume 418, Pages 1054 through 1068 of the Athens County Recorder (hereinafter referred to as "Amended Declaration Number Three") pursuant to the provisions of the Ohio Revised Code therein in force, and

WHEREAS, Article XIX of said Declaration reserves the right to The Villas At High Pointe Village, LLC, an Ohio Limited Liability Company, as the Declarant (hereinafter referred to as "Declarant") to expand the Condominium property by amendment and shift the percentage of ownership in the common elements appurtenant to each unit to the percentage set forth in the Amended Declaration and

NOW, THEREFORE, the Developer hereby amends said Declaration pursuant to the provisions thereof and hereby submits, annexes and adds the following described parcel on the attached Exhibit "A" pursuant to the provisions of the Ohio Revised Code as a part of the Condominium Property as described in the Declaration, in accordance with and shall be deemed to be governed in all respects by the terms and provisions of the original Declaration and as amended by this Amendment Number Four and further declares as follows:

1. The legal description in the Declaration is further provided to add those units attached

hereto and located on Exhibit B with the numbers on said drawings and surveys ("Unit Numbers"). Specific units and other appurtenant information are identified on the Attached Exhibit C.

2. The additional common elements are hereby granted and conveyed to the Grantees of units heretofore conveyed, all as set forth in the Declaration.

3. The Declarant, pursuant to its rights, power, and authority as provided in the provisions of the Ohio Revised Code and the said Declaration hereby, as the owner of the above described parcel adds and annexes to the now existing development parcel the attached Exhibit A. The above described parcel shall further include all information as reflected on Exhibit B and all other appurtenant drawings attached hereto as Exhibit C; said new parcel now being the development area as set forth in the Declaration, Amendment Number One, Amendment Number Two, Amendment Number Three and this Amendment Number Four. Declarant further amends the respective percentage of ownership in the common elements appurtenant to each unit as described in the original Declaration to the respective percentage of ownership now set forth on attached amended Exhibit F.

4. Upon the recording of this Amendment Number Four to the Declaration, the development parcel shall consist of the above described parcel shown on the plat surveys of the Athens County Recorder that reflect Exhibit A and Exhibit B attached hereto. Any references to the Declaration's original legal description shall now be deemed to refer to both Exhibit A and Exhibit B.

5. All unit owners, by and through the Declarant, hereby consent to this Amendment Number Four to the Declaration pursuant to the powers set forth in Article XIX of the Declaration.

6. Except as expressly set forth in this Amendment Number Four, the original Declaration shall remain in full force and effect in accordance with its respective terms and any and all definitions set forth in this Amendment Number Four shall remain consistent with the definitions of the original Declaration.

7. Pursuant to the provisions of Amendment Number Four and the attachments hereto, the property herein added shall be known as The Villas at High Pointe Village Building Eleven. All units constructed as part of Building Eleven shall conform in construction and maintenance with the schedules attached hereto as Exhibit C.

**EXECUTED** this 8<sup>th</sup> day of January, 2008.

The Villas at High Pointe Village, LLC

By: Richard T. Conard  
Richard T. Conard, President

**STATE OF OHIO:**

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of January, 2008, by Richard T. Conard, President, the duly authorized signatory of The Villas at High Pointe Village, LLC, on behalf of the corporation as the Declarant of The Villas of High Pointe Village.

Christian S. Gerig  
Notary Public

My Commission Expires:  
(seal)



CHRISTIAN S. GERIG  
Notary Public  
State of Ohio  
Commission Expires 12/31/2010

**PREPARED BY: CHRISTIAN S. GERIG, ATTORNEY AT LAW, ATHENS, OHIO**

## **EXHIBIT A**

### **PHASE 5 - LEGAL DESCRIPTION OF A 0.243 ACRE TRACT**

Situated in the State of Ohio, County of Athens, City of Athens, and being part of Farm Lot 193, Township 9 North, Range 14 West, and being part of Lot 7A of 'University Estates Phase 1' of record in Plat Envelope 532 A & B; and 534 A, and as amended in Plat Envelope 557A, 557B, 558A, 558B and 559A, as recorded in the Recorder's Office, Athens County, Ohio, said parcel being bounded and described as follows:

Commencing, for Reference, at an angle point in the northerly line of Lot 7A, said angle point being in the southerly line of Lot 7D, as shown in said 'University Estates Phase 1' Plat;

Thence, leaving the northerly line of said Lot 7A, South  $30^{\circ}43'31''$  West, a distance of 131.32 feet to a point at the southwesterly corner of Phase 4 – Tract A of The Villas At High Pointe Village, as recorded in Instrument Number 200700007688DR, Book 418, Page 1054, said point also being at the northwesterly corner of the lot herein described, said point also being the **TRUE POINT OF BEGINNING**;

Thence, along a line common with Phase 4 – Tract A, described above, South  $41^{\circ}01'22''$  East, a distance of 72.49 feet to a point on the westerly right-of-way line for Altamonte Drive (60 feet);

Thence, with said westerly right-of-way line, South  $48^{\circ}58'38''$  West, a distance of 98.58 feet to a point of curvature in said line;

Thence, continuing with said westerly right-of-way line, and a curve to the left, said curve having a radius of 330.00 feet, a chord bearing South  $44^{\circ}46'17''$  West, a chord distance of 48.40 feet, a distance along the curve of 48.45 feet to point;

Thence, leaving said right-of-way line, North  $41^{\circ}47'11''$  West, a distance of 74.08 feet to a point;

Thence, North  $48^{\circ}12'49''$  East, a distance of 147.85 feet to the **POINT OF BEGINNING**, containing 0.243 acres, more or less.

Subject to all restrictions, easements and rights-of-way of previous record, or otherwise legally established.

Basis of Bearings: The bearings in the above description are based on an assumed meridian and are used to denote angles only.

The above description was prepared by John A. Piccin, Ohio Surveyor No. 8154 of Chenevey and Piccin Engineering, Inc., and is based upon a previous survey of the premises performed by Jobes Henderson & Associates, Inc., in December of 2002.

SHEET  
2 of 2

I CERTIFY THAT THIS DRAWING ACCURATELY REFLECTS THE LOCATION OF IMPROVEMENTS AND RECORDED EASEMENTS.

*John A. Piccin*  
REGISTERED ENGINEER # 55480  
REGISTERED SURVEYOR # 8154



BEING PART OF UNIVERSITY STATES PHASE 1, AS RECORDED IN PLAT ENVELOPE 532 A & B, 534 A, AND AS AMENDED IN PLAT ENVELOPES 537 A & B, 538 A & B AND 539 A. ALL DOCUMENTS ARE OF RECORD AT THE ATHENS COUNTY RECORDS OFFICE, ATHENS, OHIO.

EXHIBIT B



———— SITE BOUNDARY / PROPERTY LINE  
———— LOT LINE

PLAT ENV. 557A-559A

# THE VILLAS AT HIGH POINTE VILLAGE

ADDITIONAL PROPERTY

7A  
7.561 acres

7D  
2.735 acres

PHASE 5

PHASE 4  
TRACT A

PHASE 3  
TRACT A

PHASE 2

13  
12.491 AC.

7C  
1.320 acres

ALYAMONTE DR - TO BE DEDICATED  
(60' R/W)

ADDITIONAL PROPERTY

7B  
5.585 acres

PHASE 4  
TRACT B

PHASE 3  
TRACT B

PHASE 1

GREEN SPACE

6  
4.765 acres

6A  
2.109 acres

8  
6.527 acres

HIGH POINTE VILLAGE - PHASE 5

OWNER/DEVELOPER:  
UNIVERSITY ESTATES  
P.O. BOX 586  
9200 ROUTE 682  
ATHENS, OHIO 45701  
(740) 592-5836

THE VILLAS AT  
HIGH POINTE VILLAGE  
CONDOMINIUMS  
ALYAMONTE DRIVE, ATHENS, OHIO

CHENEY AND PICCIN  
ENGINEERING, INC.  
8572 DUBLIN ROAD  
POWELL, OHIO 43065  
(614) 798-8000

DATE  
JANUARY 7, 2008  
DRAWN BY CHECKED BY  
CPC

PROJECT MANAGER

NO.	REVISION	DATE	BY	CHKD.

SHEET TITLE

SHEET  
1 of 2

## LEGEND

UNIT NUMBER	UNIT SQ.FT.	COVERED PORCH
#1103	1,571.1 SQ.FT.	86.1 SQ.FT.
#1102	1,686.5 SQ.FT.	86.1 SQ.FT.
#1104	1,661.4 SQ.FT.	86.1 SQ.FT.
#1101	1,661.4 SQ.FT.	86.1 SQ.FT.

~~CONFIDENTIAL~~ 2 HOUR UNIT SEPARATION WALL (UL\* U-30V).

1 HOUR UNIT SEPARATION WALL (UL # U-309, U-355, U-387).

NOTE: FIRE WALL SEPARATION DENOTES UNIT SEPARATION



**CERTIFICATION:**

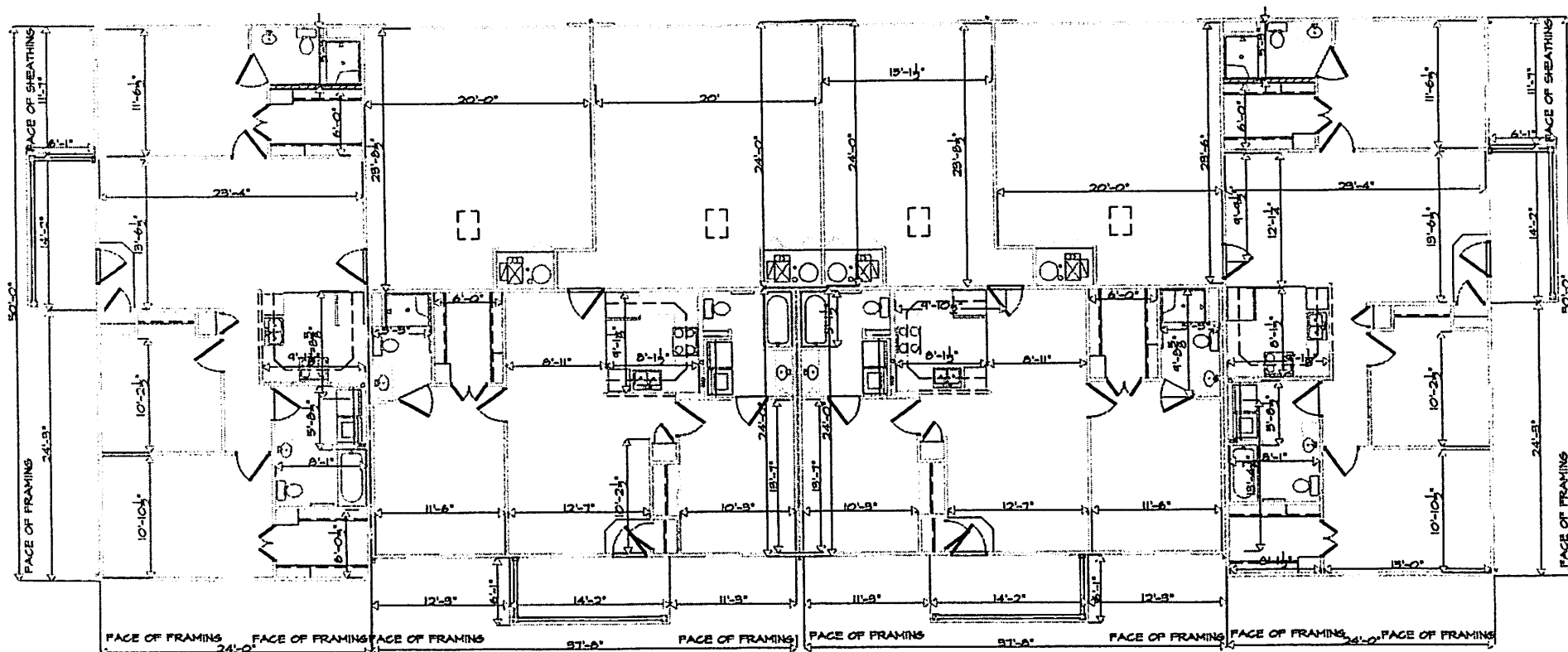
LOT 7A, BUILDING 11: UNITS 1101, 1102, 1103, 1104  
I CERTIFY THAT THESE DRAWINGS CONSISTING  
OF 2 PAGES, ACCURATELY REFLECT EACH  
BUILDING AS BUILT OR CONSTRUCTED.




CHECKED BY	
DATE	09-18
REV.	
A/P	
ACV	
REV.	
F/V	
REV.	
REV.	01-28
MAG #	276
SHT #	

EXHIBIT "C"  
THE VILLAS AT HIGH POINTE VILLAGE  
ALTAMONTE DRIVE  
ATHENS, OHIO 45701

A4



ASSAULT  
 FLOOR PLAN - #1101  
 NORTH  
 1,661.4 SQ.FT.

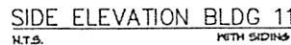
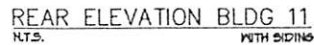
ASSUMED  
NORTH

FLOOR PLAN - #1102

1,686.5 SQ.FT.

FLOOR PLAN - #1103  
1,571.1 SQ.FT.

FLOOR PLAN - #1104  
1,661.4 SQ.FT.



- 1 2 x 6 RAISE BOARD / PINE ALUM. WRAP
- 2 30 YR. FIBERGLASS SHINGLE ON (1) LAYER #15 FELT ON 1/4" OSB 5 TAB STANDARD SHINGLE
- 3 5" OSB BAZED EXAMUL ALUMINUM GUTTER AND 2" x 4" DOWNSPOUT TURN OUT ONTO SPLASH BLOCKS.
- 4 APPLIED LOWERED SHUTTERS INJECTION MOLDED VINYL HEIGHT TO BE FROM FINISH HEAD TO BILL. SUBMIT SAMPLES TO ARCHITECT FOR SELECTION.
- 5 VINYL SIDING
- 6 ROOF VENT - ALUMINUM 1/4" B1 SQ. IN. N.Y.V. EACH - TYP. SEE SPECS FOR COLOR. HOLD LINE OF ROOF VENTS DOWN FROM RIDGE TO MISS 4'-0" HIDE NON-COMBUSTIBLE SHEATHING
- 7 2 x 6 FASCIA BOARD / PINE ALUM. WRAP
- 8 10'-0" RIDGE VENTS WITH ENDCAPS / SEE SPECS FOR COLOR
- 9 2 x 6 FREEZE BOARD / PINE ALUM. WRAP
- 10 24" ROUND VENT - VINYL (SEE SPECS FOR COLOR)- NOT REQUIRED FOR VENTILATION - DUMMY ONLY. FELT ON SHEATHING BEHIND VENT INSTALLED BY SIDING SUB
- 11 OVERHEAD GARAGE DOOR
- 12 5" OUTSIDE VINYL CORNER TRIM
- 13 STONE
- 14 2x6 PINE JAMES AND HEAD @ GARAGE DOORS, WRAP w/ ALUMIN.
- 15 VINYL SIDING BETWEEN GARAGE DOOR WRAP AND FREEZE BOARD +/- 4"
- 16 THIS ELEVATION IS VINYL SIDING (TYPICAL).

LOT 7A, BUILDINGS 11: UNITS 1101, 1102, 1103, 1104  
I CERTIFY THAT THESE DRAWINGS CONSISTING  
OF 2 PAGES, ACCURATELY REFLECT EACH  
BUILDING AS BUILT OR CONSTRUCTED.

EXHIBIT "C"  
THE VILLAS AT HIGH POINTE VILLAGE  
CONDOMINIUM  
ALTAMONTE DRIVE  
ATHENS, OHIO 45701

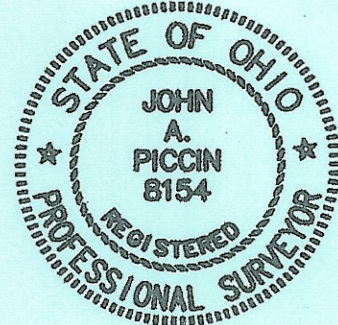
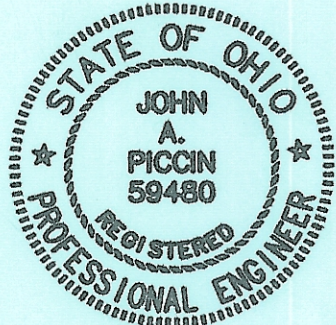
# A5

# EXHIBIT F

UNIT NUMBER	APPROX.GROSS UNIT AREA (SQ FT)	UNDIVIDED % INTEREST IN COMMON ELEMENTS
201	1661	2.56
202	1587	2.44
203	1571	2.42
204	1661	2.56
101	1661	2.56
102	1587	2.44
103	1571	2.42
104	1661	2.56
301	1661	2.56
302	1587	2.44
303	1571	2.42
304	1661	2.56
401	1661	2.56
402	1587	2.44
403	1571	2.42
404	1661	2.56
501	1661	2.56
502	1587	2.44
503	1571	2.42
504	1661	2.56
601	1661	2.56
602	1587	2.44
603	1571	2.42
604	1661	2.56
701	1661	2.56
702	1587	2.44
703	1571	2.42
704	1661	2.56
801	1661	2.56
802	1587	2.44
803	1571	2.42
804	1661	2.56
901	1661	2.56
902	1587	2.44
903	1571	2.42
904	1661	2.56
1101	1661	2.56
1102	1587	2.44
1103	1571	2.42
1104	1661	2.56
Total	64,800	100%

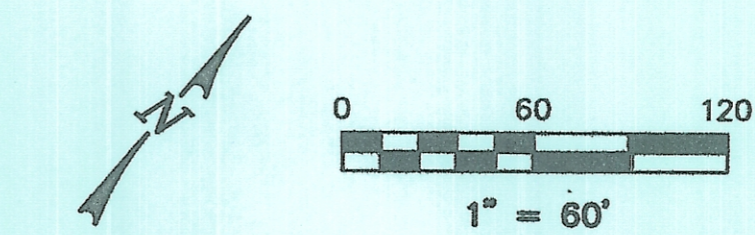
I CERTIFY THAT THIS DRAWING ACCURATELY REFLECTS THE LOCATION OF IMPROVEMENTS AND RECORDED EASEMENTS.

*John A. Piccin*  
8-06-2008  
REGISTERED ENGINEER # 59480  
REGISTERED SURVEYOR # 8154



BEING PART OF UNIVERSITY ESTATES PHASE 1, AS RECORDED IN PLAT ENVELOPE 532 A & B, 534 A, AND AS AMENDED IN PLAT ENVELOPES 557 A & B, 558 A & B AND 559 A. ALL DOCUMENTS ARE OF RECORD AT THE ATHENS COUNTY RECORDER'S OFFICE, ATHENS, OHIO.

EXHIBIT F



— SITE BOUNDARY / PROPERTY LINE  
— LOT LINE

PLAT ENV. 557A-559A

THE VILLAS AT  
HIGH POINTE VILLAGE

ADDITIONAL PROPERTY

7A  
7.561 acres

7D  
2.755 acres

13  
12.491 Ac.

7C  
1.320 acres

7B  
5.585 acres

8  
6.527 acres

6  
4.765 acres

6A  
2.109 acres

PHASE 5

PHASE 4  
TRACT A

PHASE 3  
TRACT A

PHASE 2

PHASE 6

PHASE 4  
TRACT B

PHASE 3  
TRACT B

PHASE 1

GREEN SPACE

ALTAMONTE DR -- TO BE DEDICATED  
(60' R/W)

DE BLVD  
(60' R/W)

LANDSCAPE BUFFER

OWNER/DEVELOPER:  
UNIVERSITY ESTATES  
P.O. BOX 566  
9200 ROUTE 682  
ATHENS, OHIO 45701  
(740) 592-5836

THE VILLAS AT  
HIGH POINTE VILLAGE  
CONDOMINIUMS  
ALTAMONTE DRIVE, ATHENS, OHIO

CHENEVEY AND PICCIN  
ENGINEERING, INC.  
9572 DUBLIN ROAD  
POWELL, OHIO 43065  
(614) 798-8000

DATE  
AUGUST 6, 2008  
DRAWN BY  
JP  
CHECKED BY  
EPC  
PROJECT MANAGER  
JP

REVISION DESCRIPTION	DATE	INITIAL

SHEET TITLE

SHEET  
1 OF 2

HIGH POINTE VILLAGE - PHASE 6

**OWNER/DEVELOPER:**  
UNIVERSITY ESTATES  
P.O. BOX 566  
9200 ROUTE 682  
ATHENS, OHIO 45701  
(740) 592-5836

THE VILLAS AT  
HIGH POINTE VILLAGE  
CONDOMINIUMS  
ALTAMONTE DRIVE, ATHENS OHIO

**CHENEVEY AND PICCIN  
ENGINEERING, INC.**  
9572 DUBLIN ROAD  
POWELL, OHIO 43065  
(614) 798-8000

DATE AUGUST 6, 2008	
DRAWN BY JP	CHECKED BY EPC
PROJECT MANAGER JP	

[illegible]

SHEET  
2 OF 2

... 0.1176 V/LAGS

ADDITIONAL PROPERTY  
LOT 7A  
5.797 Ac.

7B  
5.585 acres

6  
4.765 acres

TRACT 7B CONSISTS OF 5.585 ACRES, TOTAL, AS RECORDED  
 PHASE 1 CONTAINED 1.044 ACRES IN TRACT 7B  
 PHASE 2 WAS NOT LOCATED IN TRACT 7B  
 PHASE 3 CONTAINS 0.939 ACRES IN TRACT 7B  
 PHASE 4 CONTAINS 0.445 ACRES IN TRACT 7B  
 PHASE 5 WAS NOT LOCATED IN TRACT 7B  
 PHASE 6 CONTAINS 0.372 ACRES IN TRACT 7B  
 THE RESIDUE OF TRACT 7B IS 2.785 ACRES

PHASE 4 - TRACT A  
1.068± ACRES  
(PART OF LOT 7A)  
INSTR. No. 200700007688  
BOOK 418; PAGE 1054

PHASE 3 - TRACT A  
0.453± ACRES  
(PART OF LOT 7A)

7C  
1.320 acres  
PHASE 2  
1.320± ACRES  
(ALL OF LOT 7C)

LOT 7D  
2.755 Ac.

LOT 7B  
2.785 Ac.

PHASE 4 - TRACT B  
0.445± ACRES  
(PART OF LOT 7B)  
INSTR. No. 200700007688  
BOOK 418; PAGE 1054

PHASE 3 - TRACT B  
0.939± ACRES  
(PART OF LOT 7B)

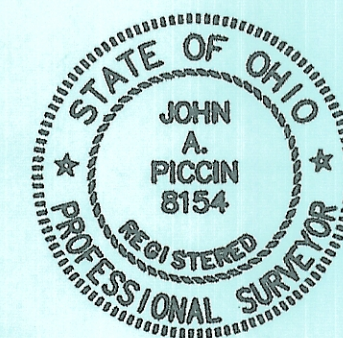
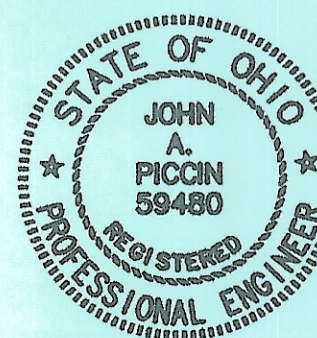
PHASE  
1.044± AC  
(PART OF L)

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHD BEARING	CHD LENGTH
C1	270.00'	10°41'26"	50.38'	N 43°37'55" E	50.30'

I CERTIFY THAT THIS DRAWING ACCURATELY REFLECTS THE LOCATION OF IMPROVEMENTS AND RECORDED EASEMENTS.

REGISTERED ENGINEER # 59480  
REGISTERED SURVEYOR # 8154

8-06-2008



# HIGH POINTE VILLAGE - PHASE 6