

200900018770  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
06-04-2009 At 03:50 PM.  
DECLAR AMEN 88.00  
OR Book 908 Page 143 - 151

ELEVENTH AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
THE BARRINGTONS AT WEDGEWOOD  
VILLA CONDOMINIUM COMMUNITY  
DOV 900018770  
DOVELAND & BROSIUS- BOX

*OR 908 Page 152*

This Eleventh Amendment to the Declaration of THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY is made on or as of the 3rd day of June, 2009.

**Recitals**

A. The Barringtons at Wedgewood Villa Condominium Community is a condominium created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio (the "Condominium Act") by the filing of the Declaration of The Barringtons at Wedgewood Villa Condominium Community and the Drawings thereof, recorded, respectively, in Deed Record Volume 633, page 259 et seq., and Condominium Plat Cabinet 2, at slide 29 et seq., both of the records of the Recorder of Delaware County, Ohio, and all amendments thereto.

B. Pursuant to the provisions of the Condominium Act, Article XVII of the Declaration, and a Supplemental Amendment to the Declaration (the "Supplemental Amendment") of record in Official Record Book 547, at page 2610, et seq., records of the Recorder of Delaware County, Ohio, Phillips Partners, Inc., an Ohio corporation, Successor Declarant pursuant to an assignment of developer rights from Gothic Builders, LTD., the assignee of Fairway Drive Partners Limited, the sole creator of the Condominium Community (the "Assignment of Developer Rights"), attached hereto as Exhibit A, and the owner of the property submitted hereby, desires by this amendment to add portions of the Additional Property to the Community, which Additional Property, hereinafter described, meet all of the criteria and qualifications for addition to the Community described in that Article.

**Declaration**

NOW THEREFORE, Phillips Partners, Inc. (the "Successor Declarant"), the sole owner of the property hereinafter described to be added to the Condominium Community, hereby declares the Community Property of the Community to be expanded by addition of the property hereinafter described, as follows:

1. **Definitions.** All terms used herein shall have the same meanings as those terms have as used and defined in the Declaration.
2. **Additional Property Added.** Legal descriptions of the portions of the property added hereby to the Community Property consisting of two tracts, Tract 1 containing 0.179 acres, more or less, and Tract 2 containing 0.127 acres, more or less, are described in the attachment hereto, marked "Exhibit B", and hereby made a part hereof. A sketch site plan showing the composition of the property added hereby and the relationship of the property added hereby to the property already a part of the Community is attached hereto, marked "Exhibit C", and hereby made a part hereof.
3. **Name.** The Condominium, as expanded hereby, shall continue to be named "The Barringtons at Wedgewood Villa Condominium Community".
4. **Purposes.** The purposes of the Community shall continue to be as set forth in the Declaration (encompassing the Additional Property added hereby).
5. **Improvement Description.** The Additional Property added to the Community Property hereby contains two (2) free-standing single family traditional style residential building, and expands the Community to contain a total of forty (40) dwelling units, each of which is called a "Villa Home Unit". The buildings are ranch style with wood frames, concrete block foundations, brick and stucco

(continued next page)

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**CERTIFICATE OF AUDITOR**

A copy of this Eleventh Amendment to the Declaration for The Barringtons at Wedgewood Villa Condominium Community, together with the Eleventh Amendment to the Drawings attached thereto, were filed with this office on June 4, 2009.

Delaware County Auditor

By Tracy Hedges  
Deputy Auditor

siding, and fiberglass shingle roofs. The principal materials of which the buildings are constructed are wood, glass, concrete, concrete block, brick, stucco, fiberglass shingles, and drywall. Each of the residential buildings has an attached two car garage. In addition, the Villa Home Units added each have a partial basement and an attached patio/deck area or areas. Also a part of the Community are green and landscaped areas, private drives and parking areas and private streets leading directly to Fairway Drive. All improvements on the property added hereby are compatible in terms of quality of construction, principal materials used, and architectural style and design to the improvements now a part of the Community Property.

6. Villa Home Units.

a. Villa Home Unit Designation. Each of the Villa Home Units added to the Condominium hereby is designated on the amendment to the Drawings filed simultaneously herewith and labeled "Condominium Drawings for The Barringtons at Wedgewood Villa Condominium Community Eleventh Amendment", by a Villa Home Unit designation, which is a number corresponding with the present numeric portion of the street address of that Villa Home Unit. A listing of the type and composition of all Villa Home Units that may be in the Community is set forth on the exhibit attached hereto, marked "Exhibit D", and hereby made a part hereof. The Villa Home Unit designation of each Villa Home Unit added hereby and of each Villa Home Unit heretofore part of the Community is set forth on "Exhibit E" attached hereto and hereby made a part hereof.

b. Composition of Villa Home Units. Each Villa Home Unit added hereby consists of an entire free standing single family residence and includes all the space in the building designated on the amendment to the Drawings filed simultaneously herewith with that Villa Home Unit's Villa Home Unit designation, including and excluding, as appropriate, those same items as are described and defined in the description of Villa Home Unit types on Exhibit D. The type of each Villa Home Unit is shown on the attached Exhibit E. Floor plan layouts and elevation drawings for the Villa Home Units added hereby are shown on the amendment to the Drawings filed simultaneously herewith.

c. Villa Home Unit Locations. The location of each Villa Home Unit added hereby is shown on the amendment to the Drawings filed simultaneously herewith, and is also shown on Exhibit C. Each Villa Home Unit has direct access to Common Areas, or direct access over an easement located on Additional Property, leading directly to Fairway Drive, a public street.

7. Common and Limited Common Areas.

a. Common Areas. All of the Additional Property hereby added hereto, including all of the land and all improvements thereon and appurtenances thereto, except those portions labeled or described herein or in the amendment to the Drawings filed herewith as a part of a Unit, are referred to herein as Common Areas and are defined in the Condominium Act as Common Elements.

b. Limited Common Areas. Those portions of the Common Areas that are added hereby that are labeled or designated "limited common elements" on the amendment to the Drawings filed herewith or described herein are referred to herein as Limited Common Areas and are defined in the Condominium Act as Limited Common Elements. These Limited Common Areas with respect to each Villa Home Unit, consist of patio areas and finish and all improvements therein, exterior walkways and driveways serving only that Villa Home Unit, exterior residence entry areas, and a parking space or spaces in front of that Villa Home Unit's garage. In each case, a Limited Common Area is reserved for the exclusive use of the Villa Home Unit which those improvements are designed or designated to serve.

c. Undivided Interests. The undivided interest in the Common Areas of each Villa Home Unit in the Community, as expanded hereby, and as thereby allocated and reallocated, are as designated on the attached Exhibit E, and, in each case, is based on each Villa Home Unit having an equal par value of one (1.00), and, thus, resulting in each Villa Home Unit having an equal undivided interest. All Villa Home Units added also have equal par values of one (1.00), and, thus, also have equal undivided interests. This exhibit supersedes, in its entirety, Exhibit C of the Declaration, and all amendments thereto. The Common Areas shall be owned by the Villa Home Unit owners as tenants in common, and ownership thereof shall remain undivided. No Villa Home Unit owner may waive or release any rights in the Common Areas. Further, the undivided interest of a Villa Home Unit in the Common Areas shall not be separated from the Villa Home Unit to which it appertains.

8. Effects of Expansion. Upon the filing for record of this amendment to the Declaration adding additional property to the Community Property:

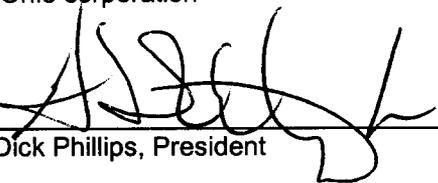
a. the added portion shall thereafter be subject to and benefited by all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that added portion had been provided herein as constituting part of the Community Property, that is, the rights, easements, covenants, restrictions and assessment plan set forth therein shall run with, bind and benefit the added portion in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the Community Property;

b. the owner or owners of the added portion shall thereupon become members, to the same extent, with the same effect, subject to the same obligations, and imbued with the same rights, as all other members; and

c. in all other respects, all of the provisions of the Declaration shall include and apply to such additional portion, and to the owners, mortgagees and lessees thereof, with equal meaning and of like force and effect.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 3rd day of June, 2009.

**PHILLIPS PARTNERS, INC.,**  
an Ohio corporation

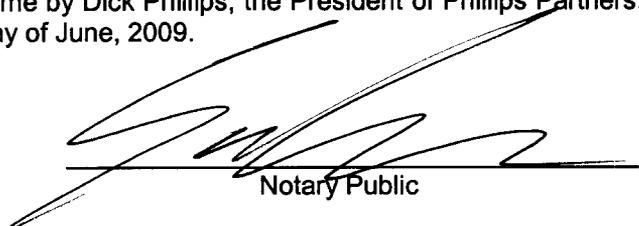
By   
Dick Phillips, President

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

This instrument was acknowledged before me by Dick Phillips, the President of Phillips Partners, Inc., an Ohio corporation, on its behalf, this 3rd day of June, 2009.



STEVEN C. LEIDINGER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

  
Notary Public

This instrument prepared by Steven C. Leidinger, attorney at law, Loveland & Brosius, LLC, 50 West Broad Street, Columbus, Ohio 43215-5917.

# Exhibit A

## ASSIGNMENT OF DEVELOPER RIGHTS

Gothic Builders, LTD., ("Assignor"), an Ohio limited liability company, is the assigned developer from the original declarant of THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY (the "Condominium") created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio (the "Condominium Act") by the filing of the Declaration of The Barringtons at Wedgewood Villa Condominium (the "Declaration") and the Drawings thereof, recorded, respectively, as Deed Volume 633, page 259 and in Plat Cabinet 2, Slide 29-29A both of the records of the Recorder of Delaware County, Ohio, and any amendments thereto.

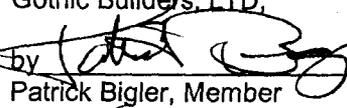
Pursuant to the purchase contract dated May 23, 2007 by and between Gothic Builders, LTD., an Ohio limited liability company ("Assignor") and Phillips Partners, Inc., an Ohio corporation ("Assignee"), Assignor is hereby assigning all of its development rights with respect to the Condominium to Assignee, as described below.

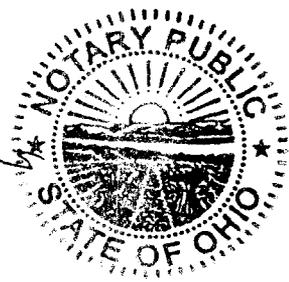
### Assignment

Now, therefore, for one dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns to Assignee all of its rights as the developer of the Condominium, under law and/or pursuant to the provisions of the Declaration, which rights shall hereinafter be referred to collectively as the "Development Rights."

Without limiting the generality of the foregoing, subject to the limitations imposed by the Declaration or by law, the Development Rights hereby assigned to Assignee include:

The exclusive right to submit all or any portion of the additional property and improvements constructed or to be constructed thereon to be and become part of the Condominium and the non-exclusive right to use easements reserved to the assigned developer and its successor and assigns detailed in the Declaration.

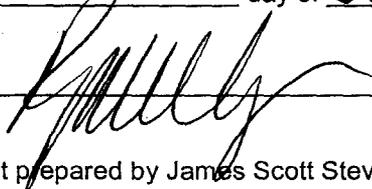
Assignor  
Gothic Builders, LTD,  
by   
Patrick Bigler, Member  
State of Ohio, Franklin County, ss.



ROZANN L. DOWDY  
Notary Public, State of Ohio  
My Commission Expires  
1-30-2010

Before me, a notary public, personally appeared Patrick Bigler, Authorized Member of Gothic Builders, LTD. an Ohio limited liability company and the Assignor in the foregoing instrument, who acknowledged the execution of this instrument to be his free act and deed, on behalf of Assignor, for the uses and purposes set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, on this 15 day of June, 2007

Notary Public 

This document prepared by James Scott Stevenson, Attorney at Law

**Exhibit B**

**DESCRIPTION OF  
THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY  
ELEVENTH AMENDMENT  
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

**TRACT I**

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Farm Lot Number Eighteen (18), Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands and being a portion of Lot Number Two Thousand Nine Hundred Fifty-One (2951) as shown upon the plat of Wedgewood Commerce Center Section 3, as shown of record in Plat Cabinet 1, Slides 679, 679A, 679B, 679C and 679D, and being a 0.179 acre tract of land out of a 2.156 acre tract of land conveyed to Gothic Builders, Ltd. by deed of record in Official Record 75, Page 2354, all references to Recorder's Office, Delaware County, Ohio, and bounded and described as follows:

Beginning, for reference at a 3/4" I.D. iron pipe set at the southeast corner of said Lot No. 2951, at the northeast corner of Lot Number Two Thousand Nine Hundred Sixty-One (2961) and in the west line of Lot Number Two Thousand Nine Hundred Fifty-Six (2956) all in said Wedgewood Commerce Center Section 3 and at the southeast corner of Tract IV of The Barringtons At Wedgewood Villa Condominium Community Second Amendment of record in Plat Cabinet 2, Slides 234, 234A-I, and in Official Record 7, Page 2199;

thence N 02° 26' 30" E along a portion of the east line of said Lot No. 2951, along a portion of the west line of said Lot No. 2956, along a portion of the west line of Lot Number Two Thousand Nine Hundred Fifty-Four (2954), as shown upon said plat of Wedgewood Commerce Center Section 3, along the east line of said Second Amendment and along an east line of The Barringtons At Wedgewood Villa Condominium Community Seventh Amendment of record in Plat Cabinet 3, Slides 420, 420A-F, and in Official Record 538, Page 1178 a distance of 193.20 feet to a 3/4" I.D. iron pipe set at a northeast corner of said Seventh Amendment and at the true place of beginning of the tract herein intended to be described;

thence N 87° 33' 30" W crossing a portion of said Lot No. 2951 and along a north line of said Seventh Amendment a distance of 111.00 feet to a 3/4" I.D. iron pipe set at a corner of said Seventh Amendment;

thence N 02° 26' 30" E crossing a portion of said Lot No. 2951 and along an east line of said Seventh Amendment a distance of 24.29 feet to a 3/4" I.D. iron pipe set at a corner of said Seventh Amendment and at a point of curvature;

thence northerly crossing a portion of said Lot No. 2951, along the curved east line of said Seventh Amendment and with a curve to the right, data of which is: radius = 407.50 feet, delta = 06° 31' 21", arc length = 46.39 feet, a chord distance of 46.36 feet bearing N 05° 40' 26" E to a 3/4" I.D. iron pipe set at a corner of said Seventh Amendment;

thence S 87° 33' 30" E crossing a portion of said Lot No. 2951 and along a south line of said Seventh Amendment a distance of 108.39 feet to a 3/4" I.D. iron pipe set at a southeast corner of said Seventh Amendment, in the east line of said Lot No. 2951 and in the west line of said Lot No. 2954;

thence S 02° 26' 30" W along a portion of the east line of said Lot No. 2951 and along a portion of the west line of said Lot No. 2954 a distance of 70.58 feet to the true place of beginning;

containing 0.179 acre of land, more or less, and being subject to all restrictions and easements of record.

**TRACT II**

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Farm Lot Number Eighteen (18), Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands and being a portion of Lot Number Two Thousand Nine Hundred Fifty-One (2951) as shown on the plat of Wedgewood Commerce Center Section 3, as shown of record in Plat Cabinet 1, Slides 679, 679A, 679B, 679C and 679D, and being a 0.127 acre tract of land out of a 2.156 acre tract of land conveyed to Gothic Builders, Ltd. by deed of record in Official Record 75, Page 2354, all references to Recorder's Office, Delaware County, Ohio, and bounded and described as follows:

Beginning, for reference at a 3/4" I.D. iron pipe set at the southeast corner of said Lot No. 2951, at the northeast corner of Lot Number Two Thousand Nine Hundred Sixty-One (2961) and in the west line of Lot Number Two Thousand Nine Hundred Fifty-Six (2956) all in said Wedgewood Commerce Center Section 3 and at the southeast corner of Tract IV of The Barringtons At Wedgewood Villa Condominium Community Second Amendment of record in Plat Cabinet 2, Slides 234, 234A-I, and in Official Record 7, Page 2199;

thence N 87° 33' 30" W along the south line of said Tract IV of The Barringtons at Wedgewood Villa Condominium Second Amendment, along a portion of the south line of said Lot No. 2951 and along the south line of The Barringtons at Wedgewood Villa Condominium Eighth Amendment of record in Plat Cabinet 3, Slides 531, 531A-D, and in Official Record 591, Page 1744 a distance of 239.00 feet to a point at the southwest corner of said Eighth Amendment and at the southeast corner of Tract II of The Barringtons at Wedgewood Villa Condominium Community Third Amendment of record in Plat Cabinet 2, Slides 269 and 269 A-L, and in Official Record 7, Page 2210;

thence N 02° 26' 30" E crossing a portion of said Lot No. 2951, along the west line of said Eighth Amendment and along a portion of an east line of said Third Amendment a distance of 114.03 feet to a 3/4" I.D. iron pipe set at the northwest corner of said Eighth Amendment and at the true place of beginning of the tract herein intended to be described;

thence continuing N 02° 26' 30" E crossing a portion of said Lot No. 2951 and along a portion of an east line of said Third Amendment a distance of 59.42 feet to a 3/4" I.D. iron pipe set at a southwest corner of The Barringtons at Wedgewood Villa Condominium First Amendment of record in Plat Cabinet 2, Slides 149, 149A-F, and in Official Record 653, Page 236;

thence S 87° 33' 30" E crossing a portion of said Lot No. 2951 and along a south line of said First Amendment a distance of 93.00 feet to a MAG nail set at a southeast corner of First Amendment, at the northwest corner of said Second Amendment and at a southwest corner of The Barringtons At Wedgewood Villa Condominium Community Seventh Amendment of record in Plat Cabinet 3, Slides 420, 420A-F;

thence S 02° 26' 30" W crossing a portion of said Lot No. 2951 and along a portion of the west line of said Second Amendment a distance of 59.42 feet to a MAG Nail set at the northeast corner of said Eighth Amendment;

thence N 87° 33' 30" W crossing a portion of said Lot No. 2951 and along the north line of said Eighth Amendment a distance of 93.00 feet to the true place of beginning;

containing 0.127 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in September 2006. Basis of bearings is the centerline of Fairway Boulevard, being N 2° 26' 30" E, as shown upon the recorded plat of Wedgewood Commerce Center Section 3, of record in Plat Cabinet 1, Slides 679, 679A, 679B, 679C and 679D, Recorder's Office, Delaware County, Ohio.



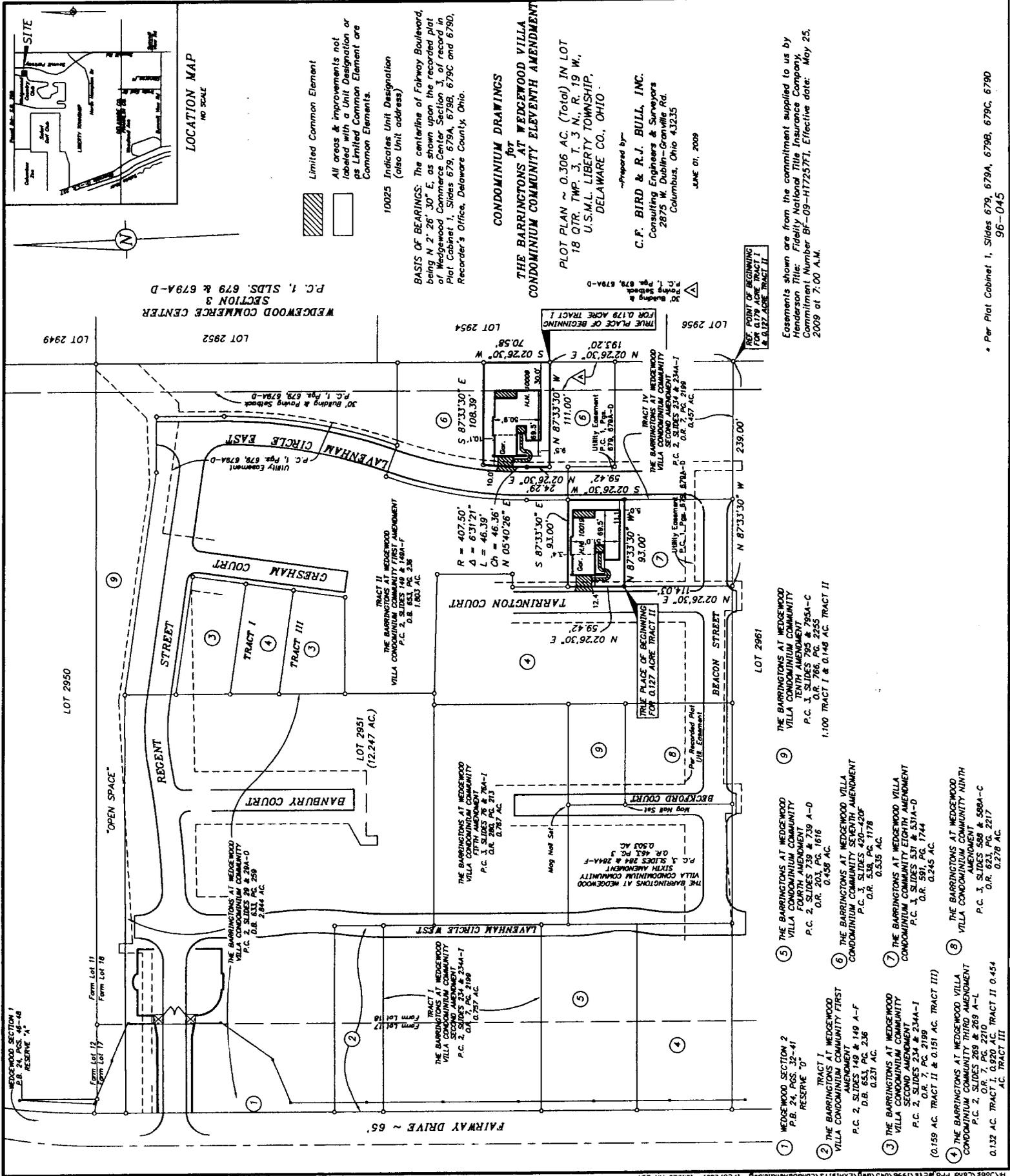
Kevin L. Baxter  
Ohio Surveyor No. 7697



EXHIBIT C

ELEVENTH AMENDMENT  
DECLARATION OF CONDOMINIUM  
THE BARRINGTONS AT WEDGEWOOD  
VILLA CONDOMINIUM COMMUNITY

Sketch Plot Plan



• Per Plot Cabinet 1, Slides 679, 679A, 679B, 679C, 679D  
96-045

## EXHIBIT D

**ELEVENTH AMENDMENT  
DECLARATION OF CONDOMINIUM  
THE BARRINGTONS AT WEDGEWOOD  
VILLA CONDOMINIUM COMMUNITY**

**Type Information**<sup>(1)</sup>

**Type**

A (Abington)	Ranch style with a loft, containing a one room partial basement, a living/dining room, vaulted kitchen, vaulted family/sitting room, vaulted master bedroom, bath and one-half, a utility room, a two car garage and a patio under roof on the ground floor level, and a second level bedroom, bath and loft, and contains approximately 3,373 gross interior square feet. <sup>(2)</sup>
B (Berkshire)	Ranch style, containing a partial basement, a vaulted great room, a library/sitting room, a vaulted master bedroom and an additional bedroom, a kitchen, two and a half baths, a utility room, a two car garage, and a wrap-around covered patio under roof on the ground floor level, and contains approximately 4,280 gross interior square feet.
C (Coventry)	Ranch style, with a loft, containing a one room basement, a vaulted great room with a dining area, a kitchen, a dining room, a vaulted master bedroom, an additional bedroom, a den/study, two and one-half baths, a two car garage, and a covered patio on the ground floor level, and an upstairs loft with a half bath, and contains approximately 3,605 gross interior square feet.
C-1 (Coventry One)	Same as type C except it has a utility room in place of a half-bath, and contains approximately 3,815 gross interior square feet.
D (Dorchester)	Ranch style, with a loft, containing a vaulted great room, vaulted master bedroom, an additional bedroom, kitchen with dining nook, two car garage, utility room, two full baths and covered patio at ground level, with a bedroom with loft and full bath at the second level, and contains approximately 3,893 gross interior square feet.

<sup>(1)</sup> Actual rooms and size of each Unit of a particular type may vary, from Unit to Unit, but are shown on the Drawings or amendment to Drawings adding that Unit to the Condominium Community.

<sup>(2)</sup> Gross interior square feet excludes space in yards and exterior areas, but includes all areas under roof, including covered decks and porches, even though covered decks, porches and patios may be limited common areas as designated on the drawings.



## EXHIBIT E

**ELEVENTH AMENDMENT  
DECLARATION OF CONDOMINIUM  
THE BARRINGTONS AT WEDGEWOOD  
VILLA CONDOMINIUM COMMUNITY**

**Villa Home Unit Information**

**I. EXISTING VILLA HOME UNITS:**

<u>Villa Home Unit Designation</u>	<u>Type</u>	<u>Undivided Interest</u>
9958	C-1	1/40th
9961	A	1/40th
9969	D	1/40th
9970	D	1/40th
9974	C-1	1/40th
9978	D	1/40th
9981	B	1/40th
9982	B	1/40th
9990	C	1/40th
9985	C-1	1/40th
9986	D	1/40th
9953	C-1	1/40th
9963	D	1/40th
9971	C-1	1/40th
10007	C-1	1/40th
10006	C-1	1/40th
10008	C-1	1/40th
9976	B	1/40th
9956	D	1/40th
10033	B	1/40th
9964	A	1/40th
10004	C-1	1/40th
10012	C-1	1/40th
10020	A	1/40th
10038	B	1/40th
10048	B	1/40th
10024	B	1/40th
10036	B	1/40th
10010	C	1/40th
10014	C	1/40th
10015	C	1/40th
10026	D	1/40th
10044	B	1/40th
9983	C	1/40th
10111	C	1/40th
10035	B	1/40th
10041	B	1/40th
10025	B	1/40th

**II. VILLA HOME UNIT ADDED HEREBY:**

<u>Villa Home Unit Designation</u>	<u>Type</u>	<u>Undivided Interest</u>
10009	B	1/40th
10019	B	1/40th

**TOTAL**      **40/40ths**  
**or 100%**