

200500025485
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
07-01-2005 At 12:02 pm.
DECLARATION 88.00
OR Book 623 Page 2217 - 2224

NINTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
200500025485
LOVELAND & BROSIUS
50 W BROAD ST
SUITE 3300
COLUMBUS, OH 43215

Doc # AL 588

This Ninth amendment to the Declaration of THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY is made on or as of the 21st day of June, 2005.

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, Gothic Builders, Ltd., an Ohio limited liability company, Successor Declarant, desires by this amendment to add a portion of the Additional Property to the Community, which Additional Property, hereinafter described, meets all of the criteria and qualifications for addition to the Community described in that Article.

Declaration

NOW THEREFORE, Successor Declarant, the assignee of Fairway Drive Partners Limited, the sole creator of the Condominium Community, of the right to expand the Condominium Community pursuant to the provisions of item 10 of the Definitions portion of the Declaration, and 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. A legal description of the portion of the property added hereby to the Community Property consists of the 0.278 acres of land, more or less, described in the attachment hereto, marked "Exhibit A", and hereby made a part hereof. A sketch site plan showing the composition of the property added hereby is attached hereto, marked "Exhibit B", and hereby made a part hereof. A plot plan showing 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 one (1) free-standing single family traditional style residential building, and expands the Community to contain a total of thirty-seven (37) dwelling units, each of which is called a "Villa Home Unit". The building is ranch style with a wood frame, a concrete block foundation, brick and stucco

(continued next page)

CERTIFICATE OF AUDITOR

A copy of this Ninth Amendment to the Declaration for The Barringtons at Wedgewood Villa Condominium Community, together with the Ninth Amendment to the Drawings attached thereto, were filed with this office on July 1, 2005.

Delaware County Auditor
By Melanie Mays
Deputy Auditor

Provisions contained in any deed or other instrument for the conveyance of a dwelling which restrict the sale, rental or use of the property because of race or color are invalid under federal law and are unenforceable

siding, and a fiberglass shingle roof. The principal materials of which the building is constructed are wood, glass, concrete, concrete block, brick, stucco, fiberglass shingles, and drywall. The residential building has two private exterior entrances and an attached two car garage. In addition, the Villa Home Unit added has 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. The Villa Home Unit, added to the Condominium hereby is designated on the amendment to the Drawings filed simultaneously herewith, and attached hereto (although the same may be detached herefrom upon filing by the Delaware County Recorder and filed in separate records), labeled "Ninth Amendment" Condominium Drawings The Barringtons at Wedgewood Villa Condominium Community, by a Villa Home Unit designation, which is a number corresponding with the present numerical 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. The 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 the Villa Home Unit added hereby is shown on the amendment to the Drawings filed simultaneously herewith, and is also shown on Exhibit B. 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 individual fenced patio areas, and the fencing material 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,

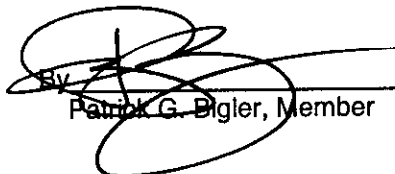
bind and benefit the added portion in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the Community Property;

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 29 day of June, 2005.

GOTHIC BUILDERS, LTD.
an Ohio limited liability company

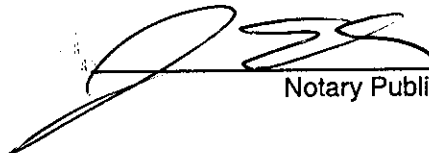

By _____
Patrick G. Bigler, Member

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

This instrument was acknowledged before me by Patrick G. Bigler, a member of Gothic Builders, Ltd., an Ohio limited liability company, on its behalf, this 29th day of June 2005.



JONATHAN E. ADKINS
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 ORC



Notary Public

EXHIBIT A

**NINTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY**

Legal Description, Property Added
(0.278 acres)

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 Landsand 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 0.278 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 ¾-inch 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, 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, along the south line 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 and along a portion of the north line of said Lot No. 2961 a distance of 363.00 feet to a ¾-inch I.D. iron pipe set at a southwest corner of said Tract II of "The Barringtons at Wedgewood Villa Condominium Third Amendment", at the southeast corner of an original 2.156 acre tract of land conveyed to Gothic Builders, Ltd. by deed of record in Official Record 75, Page 2354 and at the true place of beginning of the tract herein intended to be described;

thence continuing N 87° 33' 30" W along a portion of the south line of said Lot No. 2951, along a portion of the north line of said Lot No. 2961 and along a portion of the south line of said 2.156 acre tract a distance of 107.50 feet to a ¾-inch I.D. iron pipe set at the southeast corner of "The Barringtons at Wedgewood Villa Condominium Community Sixth Amendment" of record in Plat Cabinet 3, Slides 284 and 284 A-F, and in Official Record 463, Page 3 and having been conveyed out of said 2.156 acre tract;

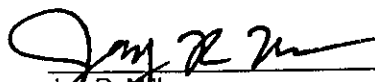
thence N 2° 26' 30" E along a portion of the east line of said "The Barringtons at Wedgewood Villa Condominium Sixth Amendment" a distance of 112.71 feet to a point;

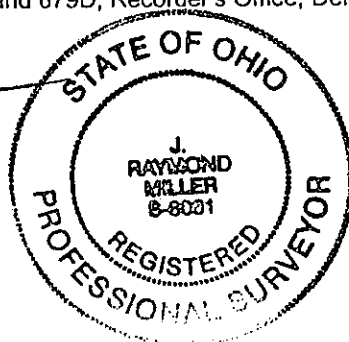
thence S 87° 33' 30" E crossing said 2.156 acre tract a distance of 107.50 feet to a point in the west line of said Tract II of "The Barringtons at Wedgewood Villa Condominium Third Amendment" and in the east line of said 2.156 acre tract;

thence S 2° 26' 30" W along a portion of the west line of said Tract II of "The Barringtons at Wedgewood Villa Condominium Third Amendment" and along a portion of a the east line of said 2.156 acre tract a distance of 112.71 feet to the place of beginning;

containing 0.278 acres of land more or less and being subject to all easements and restrictions of record.

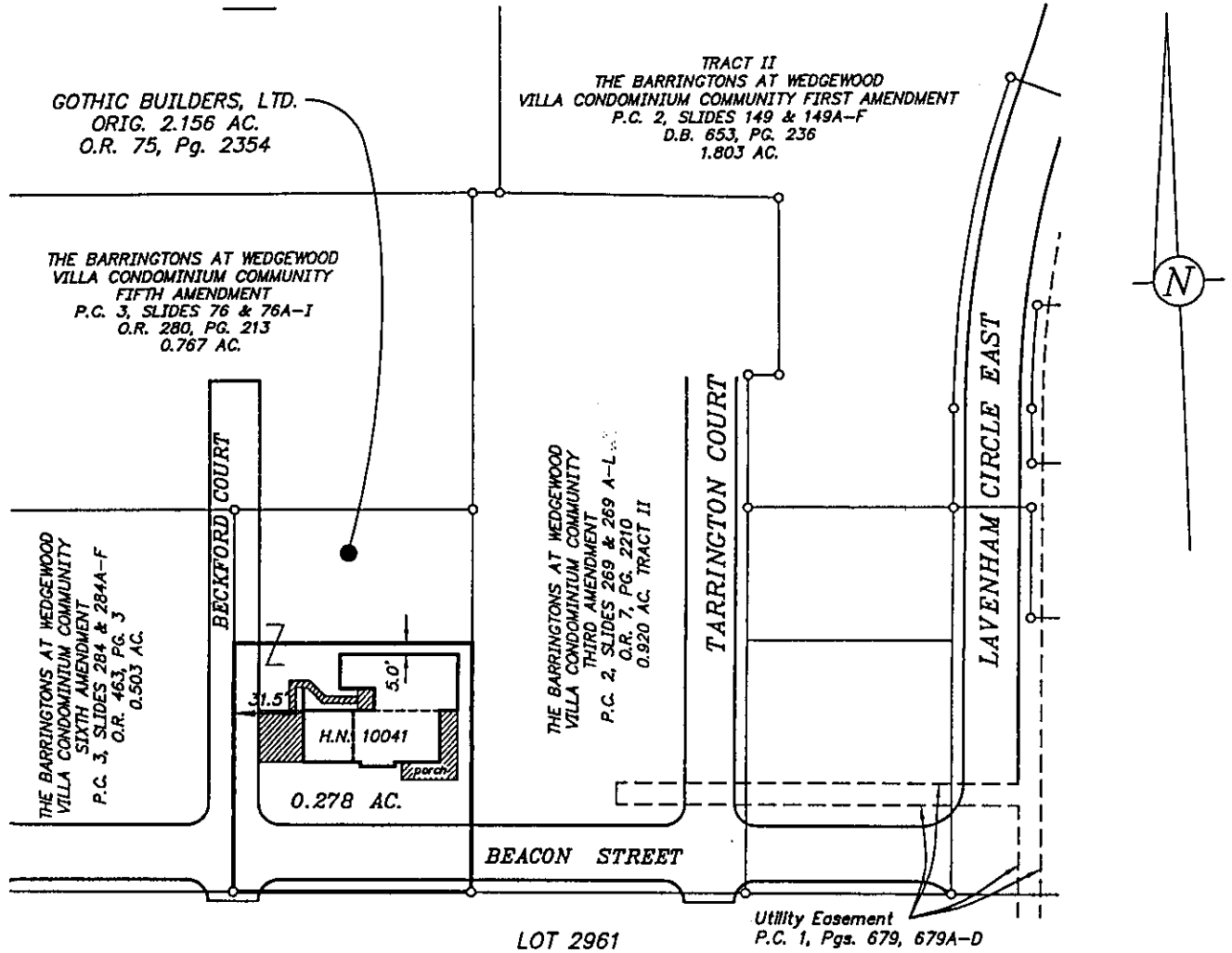
The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in February 2005. Basis of bearings is the centerline of Fairway Boulevard, being 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.


Jay R. Miller
Ohio Surveyor #8061



96_045d9thAmend

EXHIBIT B
 NINTH AMENDMENT
 DECLARATION OF CONDOMINIUM
 THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY
 SKETCH PLOT PLAN, PROPERTY ADDED



Limited Common Element
 All areas & improvements not labeled with a Unit Designation or as Limited Common Element are Common Elements.
 10041 Indicates Unit Designation (also Unit address)

JUNE 8, 2005
 SCALE: 1" = 80'

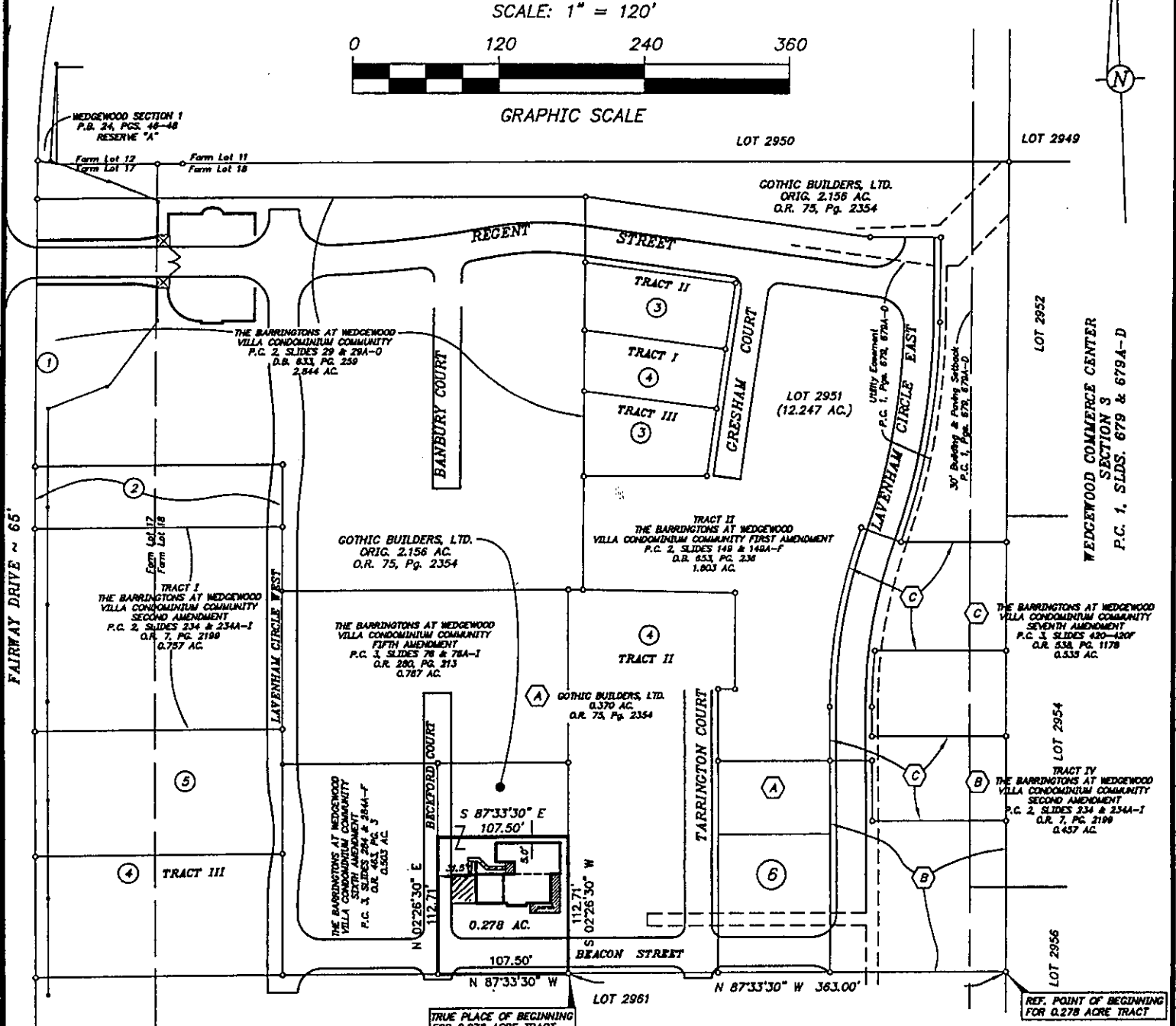
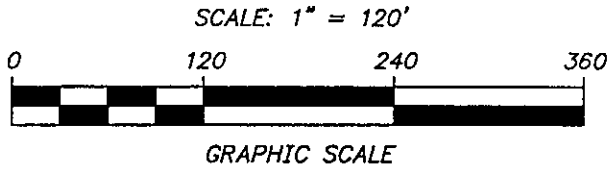


C.F. Bird & R.J. Bull, Inc.
 2875 W. Dublin-Granville Rd.
 Columbus, Ohio 43235

By
 Raymond R. Miller ~ Ohio Surveyor No. 8061

EXHIBIT C

Basis of bearings is the centerline of Fairway Blvd., being N 2° 26' 30" E, as shown upon the plat of Wedgewood Commerce Center, Section 3 of record in Plat Cabinet 1, Slides 679 & 679A-D, Recorder's Office, Delaware County, Ohio.



1 WEDGEWOOD SECTION 2
P.B. 24, PGS. 32-41
RESERVE "0"

2 TRACT I
THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
FIRST AMENDMENT
P.C. 2, SLIDES 149 & 149A-F
D.B. 653, PG. 236
0.231 AC.

3 THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
SECOND AMENDMENT
P.C. 2, SLIDES 234 & 234A-I
O.R. 7, PG. 2199
(0.159 AC. TRACT II & 0.151 AC.
TRACT III)

4 THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
THIRD AMENDMENT
P.C. 2, SLIDES 269 & 269 A-L
O.R. 7, PG. 2210
0.132 AC. TRACT I, 0.920 AC.
TRACT II 0.454 AC. TRACT III

5 THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
FOURTH AMENDMENT
P.C. 2, SLIDES 739 & 739 A-D
O.R. 203, PG. 1616
0.458 AC.

6 THE BARRINGTONS AT WEDGEWOOD
VILLA CONDOMINIUM COMMUNITY
EIGHTH AMENDMENT
P.C. 3, SLIDES 531 & 531A-D
O.R. 591, PG. 1744
0.245 AC.



NINTH AMENDMENT
DECLARATION OF CONDOMINIUM
THE BARRINGTONS AT WEDGEWOOD VILLA CONDOMINIUM COMMUNITY
IN LOT 18, QTR. TWP. 3, T. 3 N., R. 19 W., U.S.M.L.
LIBERTY TWP., DELAWARE COUNTY, OHIO

MAY 12, 2005

C.F. Bird & R.J. Bull, Inc.
2875 W. Dublin-Granville Rd.
Columbus, Ohio 43235

By Jay R. Miller
Jay R. Miller ~ Ohio Surveyor No. 8061

EXHIBIT D

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

Type Information⁽¹⁾

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.⁽²⁾
- 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.

⁽¹⁾ 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.

⁽²⁾ 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

NINTH 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	1/37th
9961	A	1/37th
9969	D	1/37th
9970	D	1/37th
9974	C-1	1/37th
9978	D	1/37th
9981	B	1/37th
9982	B	1/37th
9990	C	1/37th
9985	C-1	1/37th
9986	D	1/37th
9953	C-1	1/37th
9963	D	1/37th
9971	C-1	1/37th
10007	C-1	1/37th
10006	C-1	1/37th
10008	C-1	1/37th
9976	B	1/37th
9956	D	1/37th
10033	B	1/37th
9964	A	1/37th
10004	C-1	1/37th
10012	C-1	1/37th
10020	A	1/37th
10038	B	1/37th
10048	B	1/37th
10024	B	1/37th
10036	B	1/37th
10010	C	1/37th
10014	C	1/37th
10015	C	1/37th
10026	D	1/37th
10044	B	1/37th
9983	C	1/37th
10111	C	1/37th
10035	B	1/37th

II. VILLA HOME UNIT ADDED HEREBY:

<u>Villa Home Unit Designation</u>	<u>Type</u>	<u>Undivided Interest</u>
10041	B	1/37th
TOTAL		<u>37/37ths</u> <u>or 100%</u>