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2021R023423

LAKE COUNTY OHIO
RECORDED ON:
07/08/2021 02:16 PM
BECKY LYNCH
LAKE COUNTY RECORDER

REC FEE: 102.00

PAGE: 10

EIGHTH AMENDMENT
TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR TANNERS FARM CONDOMINIUM
PAINESVILLE TOWNSHIP, OHIO

TO STATE AND INCLUDE:

CONSENT TO THE SUCCESSOR DECLARANT TO
EXPAND THE CONDOMINIUM PROPERTY

By:

The Unit Owners of the Tanners Farm Condominium

This instrument prepared by:

Joseph P. Szeman (0064822)
Hennig, Szeman & Klammer Co., L.P.A.
8500 Station Street, Suite 245
Mentor, Ohio 44060

ACKNOWLEDGMENT OF AUDITOR

Having submitted the property known as Tanners Farm Condominium,
Painesville Township, Ohio, to the provisions of Chapter 5311 of the Ohio Revised Code,
the Unit Owners now submit this Amendment to the Declarations.

This will certify that copies of this Amendment have been filed in the Office of the
Lake County Auditor, Lake County, Ohio.

Dated: _____, 2021

Lake County Auditor

Deputy Auditor

AMENDMENT

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, the Tanners Farm Condominium Unit Owners' Association, Inc. (the "Association") was created on or about November 8, 2004 in conjunction with the filing of its Articles of Incorporation with the Ohio Secretary of State; and

WHEREAS, the Association's principal purpose is to maintain and operate the Tanners Farm Condominium development located in Painesville Township, Ohio, pursuant to the terms and provisions of the Declaration of Covenants and Restrictions for Tanners Farm Condominium that were filed for record as Instrument Number 2006R018867 of the Lake County Records; and

WHEREAS, on May 12, 2006, an Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium, was re-filed for the purpose of including Phase 2, therein, being Document No. 2006R018868 of the Lake County Records of Deeds; and the drawings have been recorded in Volume 50, Page 32, of the Lake County Records of Maps; and

WHEREAS, on May 1, 2006, a Second Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium, was filed for the purpose of including Phase 3, therein, being Document No. 2006R016991 of the Lake County Records of Deeds; and the drawings have been recorded in Volume 52, Page 10, of the Lake County Records of Maps; and

WHEREAS, on July 20, 2006, a Third Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium, was filed for the purpose of including Phase 4, therein, being Document No. 2006R029329 of the Lake County Records of Deeds; and the drawings have been recorded in Volume 52, Page 31, of the Lake County Records of Maps; and

WHEREAS, on June 27, 2007, a Fourth Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium, was filed for the purpose of including Phase 5, therein, being Document No. 2007R022436 of the Lake County Records of Deeds; and the drawings have been recorded in Volume 55, Page 13, of the Lake County Records of Maps; and

WHEREAS, on December 5, 2007, a Fifth Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium, was filed for the purpose of including Phase 6, therein, being Document No. 2007R041256 of the Lake County Records of Deeds; and the drawings have been recorded in Volume 56, Page 11, of the Lake County Records of Maps; and

WHEREAS, on September 10, 2015, a Sixth Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium was filed, being Document No. 2015R024284 of the Lake County Records of Deeds; and

WHEREAS, on November 2, 2015, a Seventh Amendment to Declaration of Condominium Ownership for Tanners Farm Condominium was filed, being Document No. 2015R029242 of the Lake County Records of Deeds; and

WHEREAS, the Association is a corporation consisting of all Owners in Tanners Farm Condominium and as such is the representative of all Owners; and

WHEREAS, Section GG of said Declaration authorizes amendments to the Declaration; and

WHEREAS, a meeting of the Association's Owners was held on or about the 15 day of APRIL, 2021, and, at such meeting and any adjournment thereof, Owners representing no less than seventy-five (75%) percent of the voting power of the Association voted, in person or by proxy, in favor of the Eighth Amendment to the Declaration; and

WHEREAS, the Association has in its records written consents signed by the Owners representing no less than seventy-five (75%) percent of the voting power of the Association, together with the minutes from said meeting and any continuation therefor; and

WHEREAS, the proceedings necessary to amend the Declaration as required by the Declaration have in all respects been complied with.

NOW THEREFORE, the Declarations of Tanners Farm Condominium, as adopted by the Association's Unit Owners, are hereby amended as follows:

ADD the following to Section EE as new paragraph (14) of the Declaration, as follows:

The Successor Declarant, ProBuilt Homes, Inc., is a bona fide purchaser of the Additional Property for value and is not an affiliate of the Developer. ProBuilt Homes, Inc. shall have the right to expand the Condominium Property to include the Additional Property and no more than twenty-two (22) additional Units, which expansion may occur in multiple phases. The Additional Property is described in the exhibit attached hereto. This revival and renewal shall extend the right to expand the Property for an additional seven (7) year period from JULY 2, 2021 to JULY 2, 2028, and a second seven year period from JULY 2, 2028 to JULY 2, 2035, exercisable within six (6) months prior to expiration of the initial seven (7) year period, provided that a majority of the then Unit Owners consent pursuant to and in accordance with § 5311.05(C) of the Ohio Revised Code.

ProBuilt Homes, Inc. is a successor owner of the Additional Property added or to be added to the Condominium Property. ProBuilt Homes, Inc. is not an affiliate of the original Developer and/or of any Successor. ProBuilt Homes, Inc. was a bona fide purchaser of the Property for value and is not liable in damages for harm caused by an action or omission of the Developer or a breach of an obligation by the Developer.

Except as amended herein, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Unit Owners of Tanners Farm Condominium have caused their names to these presents as of the dates indicated below.

TANNERS FARM CONDOMINIUM UNIT OWNERS' ASSOCIATION, INC.

By: Mark Ruth, Board President
Mark Ruth, in his capacity as President
of Tanners Farm Condominium Unit Owners' Association, Inc.

Date: July 3, 2021

STATE OF OHIO)
) ss.
COUNTY OF LAKE)

No oath or affirmation was administered to the signer with regard to the notarial act.

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in and for said County and State aforesaid, by Mark Ruth, in his capacity as President of Tanners Farm Condominium Unit Owners' Association, Inc., who acknowledged that he did sign the foregoing instrument, with authority, and that the same was his free act and deed as such officer and the free act and deed of said company.

GIVEN, under my hand and Notarial Seal this 2 day of July, 2021.



JENNA CARTER
Notary Public
In and for the State of Ohio
My Commission Expires
May 21, 2023

Jenna Carter
NOTARY PUBLIC

EXHIBIT "A"

STATE OF OHIO)
)
COUNTY OF LAKE) ss. AFFIDAVIT

Mark Ruth, being first duly sworn, states as follows:

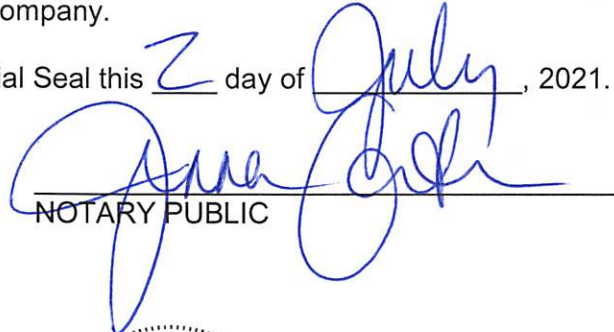
1. He is the President of Tanners Farm Condominium Unit Owners' Association, Inc.
2. There are 15 Unit owners of the Tanners Farm Condominium development.
3. That copies of the Eighth Amendment to the Declaration of Condominium Ownership for Tanners Farm Condominium have been delivered and are in his possession in his official capacity for the Unit Owners aforesaid.
4. April That a meeting of the Association's Owners was held on or about the 15th day of April, 2021, and, at such meeting and any adjournment thereof, Owners representing no less than seventy-five (75%) percent of the voting power of the Association voted, in person or by proxy, in favor of the Eighth Amendment to the Declaration.
5. That the Association has in its records written consents signed by the Owners representing no less than seventy-five (75%) percent of the voting power of the Association, together with the minutes from said meeting and any continuation therefor.
6. That the proceedings necessary to amend the Declaration as required by the Declaration have in all respects been complied with.
7. That there are no first mortgagees having bona fide liens of record against any Unit Ownership in the Tanners Farm Condominium to whom a copy of the amendment to the Declaration would otherwise have to be delivered or mailed, and, as an additional consequence, no consent of a mortgagee(s) to the amendment to the Declaration is required.

FURTHER AFFIANT SAYETH NAUGHT.


MARK RUTH, in his capacity as
President of Tanners Farm
Condominium Unit Owners' Association, Inc.

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in and for said County and State aforesaid, by Mark Ruth, in his capacity as President of Tanners Farm Condominium Unit Owners' Association, Inc., who acknowledged that he did sign the foregoing instrument, with authority, and that the same was his free act and deed as such officer and the free act and deed of said company.

GIVEN, under my hand and Notarial Seal this 2 day of July, 2021.



NOTARY PUBLIC



JENNA CARTER
Notary Public
In and for the State of Ohio
My Commission Expires
May 21, 2023

Situated in the Township of Painesville, County of Lake and State of Ohio, known as being part of Original Township Lot 30, Tract 1, further known as being part of land conveyed to Chad and Todo's Excellent Condo Building Co., LLC by deed recorded in Lake County Document No. 2004R046626 (PPN: 11A-24-14);

Beginning at a 1 inch iron pipe found in the Southeasterly line of the Norfolk & Southern Railroad, said point being the Northeasterly corner of land conveyed to John P. Galeazzo by deed recorded in Lake County Document No. 960004665 (PPN 11A-24-11);

Thence North $56^{\circ}43'45''$ East, along said Southeasterly line, 241.80 feet to the Principal Place of Beginning

Course I:

Thence continuing North $56^{\circ}43'45''$ East, along said Southerly line of said railroad, 589.08 feet to a $5/8$ inch iron pin found at the Northwesterly corner of Sublot No. 29 in the Madison Avenue Estates Subdivision recorded in Volume K, Page 110 of Lake County Plat Records;

Course II:

Thence South $00^{\circ}03'42''$ East, along the Westerly line of said Subdivision, 768.03 feet to the Northeasterly corner of land conveyed to John O. Roberts by deed recorded in Volume 877, Page 343 of Lake County Deed Records (PPN: 11A-24-17) (witness a one inch iron pipe found 0.76 feet East);

Course III:

Thence South $76^{\circ}19'00''$ West, along the Northerly line of said Roberts, 123.93 feet to a $5/8$ inch iron pin set in the Easterly line of land conveyed to Dennis P. Nathan and Jeremy Rettger by deed recorded in Volume 119, Page 179 of Lake County Official Records (PPN: 11A-24-16),

Course IV:

Thence North $00^{\circ}01'05''$ East, along said Easterly line, 72.13 feet to the Northeasterly corner thereof (witness a two inch iron pipe found 0.29 feet South);

Course V:

Thence South $76^{\circ}19'00''$ West, along the Northerly line of Rettger and the Northerly line of two parcels of land conveyed to said Wiley, 279.92 feet to a point;

Course VI:

Thence North $12^{\circ}53'15''$ West, 123.01 feet to a point;

Course VII:

Thence South $76^{\circ}19'00''$ West, 62.35 feet to a point of curvature;

Course VIII:

Thence along the arc of a curve deflecting to the right, 36.20 feet, said arc having a radius of 24.00 feet, a central angle of $86^{\circ}25'16''$, and a chord which bears North $60^{\circ}28'22''$ West, 32.86 feet to a point of tangency;

Course IX:

Thence North $17^{\circ}15'44''$ West, 22.02 feet to a point of curvature;

Course X:

Thence along the arc of a curve deflecting to the right, 28.78 feet, said arc bearing a radius of 29.00 feet, a central angle of $56^{\circ}51'41''$, and a chord which bears North $11^{\circ}10'07''$ East, 27.61 feet to a point of reverse curvature;

Course XI:

Thence along the arc of a curve deflecting to the left, 69.89 feet, said curve having a radius of 46.00 feet, a central angle of $87^{\circ}03'28''$, and a chord which bears North $03^{\circ}55'47''$ West, 63.36 feet to a point;

Course XII:

Thence North $42^{\circ}32'29''$ East, 104.25 feet to a point;

Course XIII:

Thence North $17^{\circ}15'44''$ West, 166.25 feet to the Principal Place of Beginning and containing 6.5996 acres (287,478 square feet) of land, be the same more or less, but subject to all legal highways and easements of record. As calculated and described in November of 2007 by James R. Pegoraro Jr., P.S. No. 8150 of LDC, Inc.

Exhibit "B"

Situated in the Township of Painesville, County of Lake and State of Ohio, and known as being part of Original Township Lot 30, Tract 1, further known as being part of land conveyed to Chad and Todd's Excellent Condo Building Co., LLC by deed recorded in Lake County Document No. 2004R046626 (PPN: 11A-24-14):

Beginning at the Northwesterly corner of Tanners Farms Condominium Phase 1 as recorded in Volume 49, Page 27 of Lake County Plat Records, said point lying in the Westerly line of land conveyed to Selford and Delma Wiley by deed recorded in Volume 898, Page 915 of Lake County Deed Records (PPN: 11A-24-15);

Thence North 89°58'55" West, along said Northerly line of said Phase 1, 64.23 feet to the Principal Place of Beginning;

Course I:

Thence continuing North 89°58'55" West, 143.34 feet to a point in the Easterly line of land conveyed to Stephen N. Wilson by deed recorded in Lake County Document No. 960045347 (PPN: 11A-24-13);

Course II:

Thence North 00°46'09" East, along said Easterly line, 42.47 feet to a point;

Course III:

Thence North 78°41'00" East, 133.61 feet to a point;

Course IV:

Thence South 14°19'18" East, 23.93 feet to a point of curvature;

Course V:

Thence along the arc of a curve deflecting to the right, 46.13 feet, said curve having a radius of 188.00 feet, a central angle of 14°03'32" and a chord which bears South 07°17'32" East, 46.01 feet to the Principal Place of Beginning and containing 0.1796 acres (7,824 square feet) of land, be the same more or less, but subject to all legal highways and easements of record. As calculated and described in November of 2007 by James R. Pegoraro, Jr., P.S. No. 8150 of LDC, Inc.

