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FIFTH AMENDMENT TO

DECLARATION AND BY-LAWS

CREATING AND ESTABLISHING A PLAN FOR

CONDOMINIUM OWNERSHIP

UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO

FOR

BLUE WATER CONDOMINIUM

MT# 13242

CERTIFICATE OF AUDITOR

A copy of this Declaration, with By-Laws and Drawings attached,
was filed with this office on July 23, 1987.


County Auditor

This instrument prepared by:
John A. Kocher, Attorney at Law
Meyer & Kocher, Port Clinton, Ohio

Muller

Plan Book & Sec

FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
BLUE WATER CONDOMINIUM

THIS AMENDMENT TO DECLARATION is made and entered into this 11th day of JUNE, 1987, by Hubert Keating and Sheila N. Keating, husband and wife, (herein referred to as "Declarant"), for the purpose of submitting certain property to condominium use and ownership in accordance with the provisions of Chapter 5311 of the Ohio Revised Code (herein referred to as the "Act").

WHEREAS, on August 29, 1985, Declarant filed with the Ottawa County Recorder, a Declaration of Condominium Ownership (herein referred to as the "Original Declaration") for Blue Water Condominium with Original Declaration and Bylaws attached thereto, were recorded in Deed Volume 313, Page 364 through 417 of the Ottawa County Records, and which Original Declaration was accompanied by Drawings (herein referred to as the "Original Drawings") recorded in Volume 20 of Plat Records, Page 20, and First Amendment to Declaration of Blue Water Condominium recorded in Ottawa County Recorder's Office, Volume 314 at Page 194 through 196, and Second Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 315 at Page 530 through 539 and Ottawa County Plat Records Volume 21 at Page 8 through 8E and Third Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 318 at Pages 888 through 896 and Ottawa County Plat

Records Volume 22 at Pages 3 through 3F and Fourth Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 322 at Pages 823 through 833 and Ottawa County Plat Plat Records Volume 23 at Pages 1 through 1E by which condominium ownership was established pursuant to the provisions of the Act for the Condominium Property (as defined in the Original Declaration); and

WHEREAS, pursuant to the provisions of the Act, Declarant reserved the option in the Original Declaration to expand the Condominium Property by submitting any or all of the Additional Condominium Property (as defined in the Original Declaration) to the provisions of the Act; and

WHEREAS, Declarant, pursuant to the provisions of Article XX of the Original Declaration, desires to amend the Original Declaration, as previously amended, in accordance with the provisions of Section 5311.051 of the Act for the purpose of expanding the Condominium Property by adding thereto and making a part thereof a portion of the Additional Condominium Property.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Declarant hereby submits to the provisions of the Act that portion of the "Additional Condominium Property" which consists of the land described on Exhibit "A" attached hereto, and Residential Buildings Number 4 & 5, all other structures, improvements and facilities that may hereafter be constructed or installed on the parcel herein, all easements, rights and appurtenances thereunto belonging, and all articles of personal property that may be owned by Declarant and may be located on the

parcel for the common use of the Unit Owners (as defined in the Original Declaration).

2. Unless otherwise specifically defined herein, all terms used herein shall have the respective meanings ascribed thereto in the Original Declaration.

3. Unless the context expressly otherwise requires, all references in the Original Declaration, in the Bylaws attached thereto, in the Original Drawings (as referred to in Subsection 3(c) hereof) are:

- (a) to "Condominium Property" - shall mean and include as a part thereof the real estate originally declared into the condominium and the real estate added by the Second Amendment and Third Amendment; and
- (b) to "Declaration" - shall mean and include as a part thereof the First, Second, Third, Fourth and Fifth Amendments to Declaration of Condominium Ownership; and
- (c) to "Drawings" - shall mean and include as a part thereof the Supplemental Drawings, to be attached hereto as Exhibit "C" (which comprise the "Additional Drawings", as defined in the Original Declaration), and were prepared and certified by registered architects or registered engineers and registered surveyors, in accordance with Section 5311.07 of the Act; and
- (d) to "Residential Buildings" - shall mean and include as a part thereof the "Residential Buildings" constructed on the original parcel together with the Second and Third Amendment (as defined in the Original Declaration); and
- (e) to "Unit" - shall mean and include as a part thereof that part of the Condominium Property (as amended by Section 3(a) hereof) designated in Article V of the Original Declaration and delineated as such on the Drawings.

4. Article IV Building Description of the Original Declaration is hereby deleted and the following is substituted in

lieu thereof:

Section 1 - Residential Building. The original Declaration declared one building with three units into the Condominium. The Second Amendment added an additional building with three units. The Third Amendment added the third building with three units. The Fourth Amendment added two buildings with three units. The Fifth Amendment added two buildings with three units each of which are designated and delineated in the Drawings as amended each of which is designated and delineated in the Drawings, each of which constitutes a separate residence, each of which constitutes a single freehold estate and each of which has an undivided interest in the Common Areas and Facilities appurtenant to it. The dimensions, layout, designation, location and approximate area of the Common Areas and Facilities and the Units, and the number of rooms contained within each Unit, are shown graphically on the Drawings.

5. Article V Units of the Original Declaration is hereby deleted and the following is substituted in lieu thereof:

Section 1 - Unit Designations. The Condominium Property is principally comprised of seven (7) separate Residential Buildings (identified as buildings 4, 5, 14, 15, 16, 17 and 18 in the Drawings), each such Residential Building being two stories in height (without a basement) and principally of wood frame construction. Each Residential Building will have aluminum or wood frame windows, wood truss roof with

asphalt shingles and wood floor joists and wall studs.

6. Pursuant to Article XX Section 16 of the Original Declaration, the respective percentages of interest pertaining to each Unit, as listed on Exhibit "B" attached to the Original Declaration are hereby amended to consist of the percentages of interest designated on Exhibit "B" attached hereto.

7. Notwithstanding any contrary provision in the Original Declaration or in the Bylaws attached thereto, the Unit Owners of Units on the Parcel added hereby shall not have any right or title to or interest in funds of the Association nor any liability for expenses of the Association which are allocable to a period preceding the date on which this Amendment to Declaration is filed with the Ottawa County Recorder.

8. Notwithstanding any contrary provisions in the Original Declaration or in the Bylaws attached thereto, there shall be no prohibition or restriction against a Unit Owner collaterally assigning his Boat Slip Interest for the purpose of securing a loan; provided, however, that any lender obtaining the right to such Boat Slip Interest, whether through foreclosure of a security interest or otherwise, shall be subject to each and every provision of Article VII contained in the Original Declaration.

9. The Declarant states that the two-year projection of annual expenditures necessary to operate and maintain the common areas and facilities of the condominium development as set forth in the original disclosure statement are still accurate.

10. The Original Declaration, the Bylaws attached thereto,

and the Original Drawings, as each of the foregoing are hereby amended and supplemented, shall be and remain in full force and effect and are hereby incorporated into this instrument as if fully rewritten herein.

11. The invalidity or unenforceability of any provisions of this Amendment to Declaration shall not affect or impair the validity or enforceability of any other provision of this Amendment to Declaration.

12. All Exhibits referred to in this Amendment to Declaration and attached hereto constitute an integral part of this Amendment to Declaration.

IN WITNESS WHEREOF, Hubert Keating and Sheila N. Keating, husband and wife, have caused this instrument to be executed by them, this 11th day of JUNE, 1987.

IN THE PRESENCE OF:

DECLARANT:

John D. Haney

Hubert Keating
Hubert Keating

Euclid J. Haney

Sheila N. Keating
Sheila N. Keating

STATE OF OHIO,
COUNTY OF OTTAWA, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named Hubert Keating and Sheila N. Keating, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Port Clinton, Ohio, and hereby certify the foregoing, this 11th day of June, 1987.

Tanya J. Blatt
NOTARY PUBLIC

TANYA J. BLATT, NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES FEB. 23, 1989

This instrument prepared by:
John A. Kocher, Attorney at Law
Meyer & Kocher, Port Clinton, Ohio

Exhibit A
(page 1 of 2)

LEGAL DESCRIPTION: Blue Water Condominium,
Building 4

Known as and being a parcel of land in Section 2, Lot 13, Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows:

Commencing at an iron pin marking the intersection of the East line of said Section 2, Lot 13 with the North right-of-way line of North Shore Boulevard, T.R. #257; thence proceeding North 00 degrees 33 minutes 06 seconds East in said East line of said Section 2, Lot 13, a distance of 569.11 feet to a point; thence proceeding North 90 degrees 00 minutes West a distance of 30.00 feet to the point and place of beginning of the parcel herein described; thence continuing North 90 degrees 00 minutes West a distance of 30.00 feet to a point; thence proceeding North 0 degrees 00 minutes West a distance of 64.12 feet to a point; thence proceeding North 45 degrees 00 minutes West a distance of 98.28 feet to a point; thence proceeding North 45 degrees 00 minutes East a distance of 93.22 feet to a point; thence proceeding South 90 degrees 00 minutes East a distance of 35.50 feet to a point; thence proceeding South 0 degrees 33 minutes 06 seconds West a distance of 199.54 feet to the point and place of beginning. Said parcel contains 0.2525 acres together with an easement of access over and across the following described premises:

Commencing at an iron pin marking the intersection of the East line of Section 2, Lot 13, with the North right-of-way line of North Shore Boulevard for the point and place of beginning of the easement herein granted; thence proceeding North 0 degrees 33 minutes 06 seconds East a distance of 768.65 feet to a point; thence proceeding South 90 degrees 00 minutes West a distance of 30.00 feet to a point; thence proceeding South 0 degrees 33 minutes 06 seconds West a distance of 792.14 feet to a point in the northerly right-of-way line of North Shore Boulevard; thence proceeding North 52 degrees 08 minutes 58 seconds East in said North right-of-way line of North Shore Boulevard a distance of 38.28 feet to the point and place of beginning.

The above legal description was prepared by David A. Brunkhorst, Registered Surveyor #6314, and is based on the assumption that the North right-of-way line of North Shore Boulevard, T.R. #257, bears North 52 degrees 08 minutes 58 seconds East.

LEGAL DESCRIPTION: Blue Water Condominium,
Building 5

Known as and being a parcel of land in Section 2, Lot 13, Firelands Survey, Danbury Township, Ottawa County, Ohio and being more particularly described as follows:

Commencing at an iron pin marking the intersection of the East line of said Section 2, Lot 13 with the North right-of-way line of North Shore Boulevard; thence proceeding North 0 degrees 33 minutes 06 seconds East in said East line of said Section 2, Lot 13 a distance of 569.11 feet to a point; thence proceeding South 90 degrees 00 minutes West a distance of 60.00 feet to the point and place of beginning of the parcel herein described; thence continuing South 90 degrees 00 minutes West a distance of 82.80 feet to a point; thence proceeding South 45 degrees 00 minutes West a distance of 49.87 feet to a point; thence proceeding North 45 degrees 00 minutes West a distance of 85.07 feet to a point; thence proceeding North 45 degrees 00 minutes East a distance of 153.75 feet to a point; thence proceeding South 45 degrees 00 minutes East a distance of 98.28 feet to a point; thence proceeding South 0 degrees 00 minutes West a distance of 64.12 feet to the point and place of beginning. Said parcel contains 0.3769 acres of land together with an easement of access over and across the following described premises:

Commencing at the iron pin marking the intersection of the East line of said Section 2, Lot 13 with the North right-of-way line of North Shore Boulevard for the point and place of beginning of the easement herein granted; thence proceeding North 0 degrees 33 minutes 06 seconds East a distance of 599.11 feet to a point; thence proceeding South 90 degrees 00 minutes West a distance of 60.29 feet to a point; thence proceeding South 0 degrees 00 minutes East a distance of 30.00 feet to a point; thence proceeding North 90 degrees 00 minutes East a distance of 30.00 feet to a point; thence proceeding South 0 degrees 33 minutes 06 seconds West a distance of 592.60 feet to a point in the North right-of-way line of North Shore Boulevard; thence proceeding North 52 degrees 08 minutes 58 seconds East in said Northshore Boulevard right-of-way a distance of 38.28 feet to the point and place of beginning.

The above legal description was prepared by David A. Brunkhorst, Registered Surveyor #6314, and is based on the assumption that the North right-of-way line of North Shore Boulevard, T.R. #257, bears North 52 degrees, 08 minutes, 58 seconds East.

EXHIBIT B

The condominium building, unit and percentage of common area for the units declared into the condominium are as follows:

Building	Unit No.	Unit Type	Sq. Feet Interest	Percentage
14	40	A	1791	4.9358
14	41	B	1651	4.5499
14	42	C	1749	4.8200
15	43	A	1791	4.9358
15	44	B	1651	4.5499
15	45	C	1749	4.8200
16	46	C	1749	4.8200
16	47	B	1651	4.5499
16	48	C	1749	4.8200
17	49	C	1707	4.7043
17	50	B	1774	4.8889
17	51	A	1788	4.8999
18	52	C	1749	4.8200
18	53	B	1651	4.5499
18	54	A	1791	4.9358
4	10	C	1749	4.8200
4	11	B	1651	4.5499
4	12	C	1749	4.8200
5	13	C	1749	4.8200
5	14	B	1651	4.5499
5	15	C	1749	4.8200

EXHIBIT "C" TO DECLARATION OF CONDOMINIUM OWNERSHIP
FOR BLUE WATER CONDOMINIUM

REFERENCE TO DRAWINGS

The particulars of the land, buildings and other improvements, including, but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Supplemental Drawings incorporated in the Fifth Amendment to Declaration of Condominium Ownership of Blue Water Condominium, by reference as Exhibit "C" hereto, prepared and bearing the certified statements of David A. Brunkhorst, Registered Architect and Professional Engineer, as required by the Condominium Act of the State of Ohio. Such set of Drawings will be filed in the Condominium Map Records of the Office of the Recorder of Ottawa County, Ohio, simultaneously with the recording of the Declaration.