

COPY

FOURTH 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

CERTIFICATE OF AUDITOR

RECEIVED  
OTTAWA COUNTY RECORDER  
WILLIAM R. KEESOR  
1987 MAR 12 PM 2:20  
RECORDED *March 13 1987*  
VOL. 322 PG. 823 FEE 28.00  
COUNTY OF LINTON, OHIO

020681

A copy of this Declaration, with By-Laws and Drawings attached,  
was filed with this office on 3/12, 1987.

*James R. Kuder*  
County Auditor

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

FOURTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
BLUE WATER CONDOMINIUM

THIS AMENDMENT TO DECLARATION is made and entered into this 5<sup>th</sup> day of March, 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            at Page            through            and Ottawa County

Plat Records Volume                    at Page                    through                    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 14 & 15, 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, and Third 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 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 five (5) separate Residential Buildings (identified as buildings 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 5<sup>th</sup> day of March, 1986?

IN THE PRESENCE OF:

DECLARANT:

James J. Blatt  
[Signature]

Hubert Keating  
Hubert Keating  
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 5<sup>th</sup> day of March, 1986?

James J. Blatt  
NOTARY PUBLIC

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

LEGAL DESCRIPTION/ Blue Water Condominiums,  
Buildings 14 & 15

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 South 52 degrees 08 minutes 58 seconds West in  
said North right-of-way line of North Shore Boulevard a  
distance of 369.09 feet to an iron pin; thence proceeding North  
0 degrees 00 minutes West a distance of 925.85 feet to the point  
and place of beginning of the parcel herein described; thence  
continuing North 0 degrees 00 minutes West a distance of 186.20  
feet to a point; thence proceeding South 90 degrees 00 minutes  
East a distance of 61.35 feet to a point; thence proceeding  
North 50 degrees 00 minutes East a distance of 75.08 feet to  
a point; thence proceeding South 0 degrees 00 minutes West a  
distance of 234.45 feet to a point; thence proceeding North 90  
degrees 00 minutes West a distance of 118.86 feet to the point  
and place of beginning. Said parcel contains 0.5339 acres of land.

Together with an easement of access over and across the  
following, consisting of a strip 30 feet in width, 15 feet on  
each side of the following described centerline to wit:

Commencing at an iron pin marking the point of intersection  
of the East line of Section 2, Lot 13, with the North right-of-  
way line of North Shore Boulevard, T.R. #257; thence proceeding  
South 52 degrees 08 minutes 58 seconds West in said North  
right-of-way line of North Shore Boulevard a distance of 19.00  
feet to the point of beginning of the easement herein granted;  
thence proceeding North 0 degrees 00 minutes East a distance



## David Brunkhorst P.E., R.S.

Land Surveys - Civil Engineer

Telephone (419) 898-9200

915 W. Long Beach Road

Oak Harbor, Ohio 43449

Blue Water Condominiums,  
Buildings 14 & 15  
Page 2.

76.66 feet to a point; thence proceeding South 90 degrees  
00 minutes West a distance of 176.44 feet to a point; thence  
proceeding North 45 degrees 00 minutes West a distance of  
120.21 feet to a point; thence proceeding North 0 degrees  
00 minutes East a distance of 149.37 feet to the point of terminus.

The above legal description was based on the assumption  
that the North right-of-way line of North Shore Boulevard,  
T.R. #257, bears South 52 degrees 08 minutes 58 seconds West.

## 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	6.8908
14	41	B	1651	6.3522
14	42	C	1749	6.7293
15	43	A	1791	6.8908
15	44	B	1651	6.3522
15	45	C	1749	6.7293
16	46	C	1749	6.7293
16	47	B	1651	6.3522
16	48	C	1749	6.7293
17	49	C	1707	6.5677
17	50	B	1774	6.8254
17	51	A	1788	6.8793
18	52	C	1749	6.7293
18	53	B	1651	6.3522
18	54	A	1791	6.8908

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 Fourth 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.