

TENTH AMENDMENT TO  
DECLARATION AND BY-LAWS  
CREATING AND ESTABLISHING A PLAN FOR  
CONDOMINIUM OWNERSHIP  
UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO  
FOR  
LIVE WATER CONDOMINIUM

0001 (Common) 1900

064879

CERTIFICATE OF AUDIT

A copy of this Declaration, with By-Laws and drawings attached, was filed  
with this office on 7/26/90, 1990.

*James H. Park*  
COUNTY RECORDER

Witness my hand and seal of office  
at Columbus, Ohio, this 27th day  
of August, 1990.

RECEIVED  
DATE 7/26/1990  
TIME 4:00 pm  
RECORDED 7/27/1990  
VOL. 360 Pg. 3850 FEE 22.00  
VIRGINIA M. PARK  
RECORDER, OTTAWA COUNTY, OHIO

VOL. 360 PG. 0051

TENTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
BLUE WATER CONDOMINIUM

THIS AMENDMENT TO DECLARATION is made and entered into this 12<sup>TH</sup> day of NOVEMBER, 1990, 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; First Amendment to Declaration of Blue Water Condominium recorded in Ottawa County Recorder's Office, Volume 314 at Page 194 through 196; Second Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 315 at Page 530 through 535 and Ottawa County Plat Records Volume 21 at Page 8 through 8E; Third Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 318 at Pages 888 through 896 and Ottawa County Plat Records Volume

*Hubert Keating & Sheila N. Keating*

22 at Pages 3 through 3E; Fourth Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 322 at Pages 823 through 833 and Ottawa County Plat Records Volume 23 at Pages 1 through 1E; Fifth Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 325 at Page 268 and Ottawa County Plat Records Volume 24 at Page 1; Sixth Amendment to Declaration recorded in Ottawa County Recorder's Office, Volume 325 at Page 383 and Ottawa County Plat Records Volume 24 at Page 1; Seventh Amendment to Declaration recorded in Ottawa County Recorder's Office Volume 327, Page 184 and Ottawa County Plat Records Volume 24, Page 14 through 14C; Eighth Amendment to Declaration recorded in Ottawa County Recorder's Office Volume 344, Page 625 and Ottawa County Plat Records Volume 29, Page 9; and Ninth Amendment to Declaration recorded in Ottawa County Recorder's Office Volume 355, Page 597 and Ottawa County Plat Records Volume 30, Page 18, 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 provi-

sions 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 provision of the Act that portion of the "Additional Condominium Property" which consists of the land described on Exhibit "A" attached hereto and Residential Building Number 2 containing Unit No.'s 4, 5, and 6 and Residential Building Number 3 containing Unit No.'s 7, 8, and 9 and Residential Building Number 7 containing Unit No.'s 19, 20, and 21 and 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 article 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, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Amendments; and

- (b) to "Declaration" - shall mean and include as a part thereof the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth 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 511.07 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 Amendments thereto (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 the fourth and fifth buildings with three units each. The Fifth Amendment added the sixth and seventh buildings with three units each. The Sixth Amendment stated that building 15 was complete and the Seventh Amendment stated that building 5 was complete. The Eighth Amendment added the eighth building with three units each. The Ninth Amendment added the ninth building with three units. The Tenth Amendment added the tenth, eleventh and twelfth buildings with three units each. 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 twelve (12) separate Residential Buildings (identified as Building Number 4, 5, 14, 15, 16, 17, 18, 6, 1, 2, 3 and 7 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 in Buildings 2, 3 and 7 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 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.

10. 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.

11. 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 12th day of NOVEMBER, 1990.

IN THE PRESENCE OF:

DECLARANT:

[Signature]  
Charles S. Amato

[Signature]  
Hubert Keating  
[Signature]  
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 12th day of NOVEMBER, 1990.



[Signature]  
NOTARY PUBLIC  
JOHN A. KOCHER  
Notary Public, State of Ohio  
My Comm. Exp. 1-91

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



## LEGAL DESCRIPTION: Blue Water Condominium -- Buildings #2 and #3

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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 0 degrees 33 minutes 06 seconds East in said East line of said Section 2, Lot 13 a distance of 848.65 feet to a point; thence proceeding North 90 degrees 00 minutes 00 seconds West a distance of 30.00 feet to the point and place of beginning of the parcel herein described; thence proceeding North 0 degrees 33 minutes 06 seconds East a distance of 176.59 feet to a point; thence proceeding North 89 degrees 26 minutes 54 seconds West a distance of 70.00 feet to a point; thence proceeding South 0 degrees 49 minutes 50 seconds East a distance of 159.38 feet to a point; thence proceeding South 16 degrees 53 minutes 22 seconds East a distance of 18.70 feet to a point; thence proceeding South 90 degrees 00 minutes 00 seconds East a distance of 60.56 feet to the point and place of beginning. Said parcel contains 0.2746 acres.

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 55 seconds East.

## LEGAL DESCRIPTION: Blue Water Condominium -- Building #7

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 0 degrees 33 minutes 06 seconds East in said East line of said Section 2, Lot 13 a distance of 401.87 feet to the point and place of beginning of the parcel herein described; thence continuing North 0 degrees 33 minutes 06 seconds East a distance of 87.24 feet to a point; thence proceeding South 90 degrees 00 minutes West a distance of 177.30 feet to a point; thence proceeding South 0 degrees 00 minutes West a distance of 87.24 feet to a point; thence proceeding South 90 degrees 00 minutes East a distance of 176.45 feet to the point and place of beginning. Said parcel contains 0.2542 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, T.R. #257, 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 401.87 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 425.26 feet to a point in the North right-of-way line of North Shore Boulevard, T.R. #257; thence proceeding North 52 degrees 08 minutes 58 seconds East in said North Shore Boulevard, T.R. #257, 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 55 seconds East.

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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	2.8506
14	41	B	1651	2.6278
14	42	C	1749	2.7837
15	43	A	1791	2.8506
15	44	B	1651	2.6278
15	45	C	1749	2.7837
16	46	C	1749	2.7837
16	47	B	1651	2.6278
16	48	C	1749	2.7837
17	49	C	1707	2.7169
17	50	B	1773	2.8235
17	51	A	1785	2.8458
18	52	C	1749	2.7837
18	53	B	1651	2.6278
18	54	A	1791	2.8506
4	10	C	1749	2.7837
4	11	B	1651	2.6278
4	12	C	1749	2.7837
5	13	C	1749	2.7837
5	14	B	1651	2.6278
5	15	C	1749	2.7837
6	16	C	1749	2.7837
6	17	B	1651	2.6278
6	18	C	1749	2.7837
1	1	C	1749	2.7837
1	2	B	1651	2.6278
1	3	C expanded	2544	4.0491
2	4	C	1749	2.7837
2	5	B	1651	2.6278
2	6	C	1749	2.7837
3	7	C	1749	2.7837
3	8	B	1651	2.6278
3	9	C	1749	2.7837
7	19	C	1749	2.7837
7	20	B	1651	2.6278
7	21	C	1749	2.7837

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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 Tenth 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 Surveyor 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.