



Doc ID: 009670070014 Type: OFF  
 Kind: DECLARATION  
 Recorded: 11/16/2012 at 10:14:49 AM  
 Fee Amt: \$124.00 Page 1 of 14  
 Workflow# 0000038258-0001  
 Delaware County, OH  
 Melissa Jordan County Recorder  
 File# 2012-00041819

BK **1169** PG **2648-2661**

**TWENTY-EIGHTH AMENDMENT  
 TO  
 DECLARATION OF CONDOMINIUM  
 HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM**

This Twenty-Eighth Amendment to the Declaration of HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM is made on or as of the 16<sup>th</sup> day of November, 2012.

**Recitals**

A. Homestead at Highland Lakes Condominium 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 Homestead at Highland Lakes Condominium and the Drawings thereof, recorded, respectively, as Official Record Volume 189, pages 1504-1547, and Plat Cabinet 2, Slide 715, et seq., both of the records of the Recorder of Delaware County, Ohio, and all amendments thereto.

B. Pursuant to the provisions of Article XVII of the Declaration, and the provisions of the Condominium Act, successor Declarant, Romanelli and Hughes Building Company, desires by this amendment to add a portion of the Additional Property to the Condominium, which Additional Property, hereinafter described, meets all of the criteria and qualifications for addition to the Condominium described in that Article.

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**CERTIFICATE OF AUDITOR**

A copy of this Twenty-Eighth Amendment to the Declaration for Homestead at Highland Lakes Condominium, together with the Twenty-Eighth Amendment to the Drawings attached thereto, were filed with this office on the 16<sup>th</sup> day of November, 2012.

Delaware County Auditor  
*George Kautza*  
 By: *R. Wharton*

KEPHART & FISHER  
 ,

## Declaration

NOW, THEREFORE, Declarant, the sole owner of the property hereinafter described to be added to the Condominium, hereby declares the Condominium Property of the Condominium 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 Additional Property added hereby to the Condominium Property, consisting of one (1) tract containing 0.177 acres, more or less is set forth on the attachment hereto, marked "Exhibit A", and 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 Condominium is attached hereto, marked "Exhibit C", and hereby made a part hereof.

3. Name. The Condominium, as expanded hereby, shall continue to be named "Homestead at Highland Lakes Condominium".

4. Purposes. The purposes of the Condominium 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 Condominium Property hereby contains one (1) freestanding single-family traditional style residential dwelling unit which is called "Units," and expands the Condominium to contain sixty-one (61) Units. The Units are one story buildings, with an attached two-car garage, a patio, and a Florida/sun room. The buildings are of wood frame construction, on concrete block foundations, with an asphalt shingle roof and exterior of concrete product or wood product siding and some brick or stone. The principal materials of which the buildings are constructed are wood, glass, concrete, brick or stone, asphalt shingle, and drywall. In addition, there are green and landscaped areas, private drives and parking areas. 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 Condominium Property.

6. Units.

a. Unit Designations. The Units added to the Condominium hereby are legally 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 "Twenty-Seventh Amendment to the Condominium Drawings of Homestead at Highland Lakes Condominium," by a Unit designation, which is a combination of a number corresponding with the numerical portion of the street address of that Unit, a dash (-) and a number corresponding with Declarant's number of the building in which that Unit is situated. An example of a proper Unit designation is "5393-57". A listing of the type and composition of all Units that may be in the Condominium is set forth on the exhibit attached hereto, marked "Exhibit D", and hereby made a part hereof. The Unit designation of each Unit added hereby and of each Unit heretofore part of the Condominium is set forth on "Exhibit E" attached hereto and hereby made a part hereof.

b. Composition of Units. The Unit added hereby consists of the space in the building designated on the amendment to the Drawings filed simultaneously herewith with each Unit's Unit designation, including and excluding, as appropriate, those same items as are described and defined in the description of Unit types on Exhibit D and in the Declaration. The type of each Unit is shown on the attached Exhibit E. Floor plan layout and elevation drawings for each Unit added hereby is shown on the amendment to the Drawings filed simultaneously herewith.

c. Unit Locations. The locations of the Unit added hereby is shown on the amendment to the Drawings filed simultaneously herewith, and is also shown on Exhibit

B. The Unit has direct access to Common Elements leading directly to Crosskirk Drive, a public street.

7. Common and Limited Common Elements.

a. Common Elements. 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 Common Elements.

b. Limited Common Elements. Those portions of the Common Elements that are added hereby that are labeled or designated as “limited common elements” on the amendment to the Drawings filed herewith are Limited Common Elements. These Limited Common Elements consist of the driveway area immediately in front of the garage serving that Unit, one or more unenclosed porches, in some instances, one or more patio and/or yard areas and the improvements within those areas (except improvements that serve other Units), in some instances, and a yard area around the Unit. In each case, all Limited Common Elements are reserved for the exclusive use of the Unit or Units which those improvements are designed or designated to serve.

c. Undivided Interests. The undivided interest in the Common Elements of each Unit in the Condominium, as expanded hereby, and as thereby allocated and reallocated, are as designated on the attached Exhibit E, and, in each case, is based on a par value for each type of Unit that is set forth on Exhibit D. These par values have been assigned on the basis of various factors, including fair market values, replacement costs, relative sizes, and simplicity. Undivided interests have been adjusted at thousandths of a percent, in Declarant’s discretion, so that the total of undivided interests equals exactly 100.000%. This exhibit supersedes, in its entirety, Exhibit C of the Declaration, and all amendments thereto. The Common Elements shall be owned by the Unit owners as tenants in common, and ownership thereof shall remain undivided. No Unit owner may waive or release any rights in the Common Elements. Further, the undivided interest of a Unit in the Common Elements shall not be separated from the 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 Condominium 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 Condominium 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 Condominium 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 TESTIMONY WHEREOF, the undersigned has executed and acknowledged this instrument this 16<sup>th</sup> day of November, 2012.

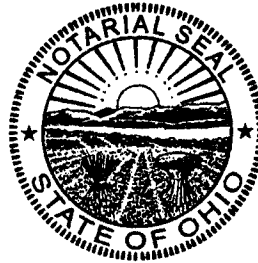
ROMANELLI AND HUGHES BUILDING COMPANY, an Ohio corporation

By: *Vincent Romanelli*  
Name: Vincent Romanelli  
Its: Vice President

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF FRANKLIN        )

This instrument was acknowledged before me by Vincent Romanelli, the Vice President of Romanelli and Hughes Building Company, an Ohio corporation, on behalf of such corporation, this 16<sup>th</sup> day of November, 2012.

*Jeffrey Rush*  
Notary Public



**Jeffrey Rush**  
Notary Public, State of Ohio  
My Commission Expires 08-22-16

This instrument prepared by:  
Christopher D. Adkinson, Esq.  
Kephart Fisher LLC  
207 North Fourth Street  
Columbus, Ohio 43215  
Phone: (614) 469-1882

**EXHIBIT A**  
**TWENTY-EIGHTH AMENDMENT**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM**

**Legal Description of Portions of Additional Property Added Hereby**

**Homestead at Highland Lakes Condominium  
Twenty Eighth Amendment  
0.177 Acres**

Situated in the State of Ohio, County of Delaware, Township of Genoa, located in Section 2, Township 3, Farm Lot 13, Range 17, United States Military Lands and being 0.177 acres out of a 7.225 acre tract as conveyed to Romanelli & Hughes Building Company in Official Record Book 642, page 696, and being more particularly described as follows;

Beginning, for reference, at a ¾" iron pipe found in a northerly right-of-way line of Alston Grove Drive (50 feet in width) at a southeasterly corner of Homestead at Highland Lakes Condominium Fourteenth Amendment as recorded in Official Record Book 804, page 953, said iron pipe also being in the easterly right-of-way line of Crosskirk Drive (a private street, 50 feet in width), thence North 03° 33' 35" East with an easterly line of said Fourteenth Amendment, a distance of 189.77 feet to a point at the southwesterly corner of Homestead at Highland Lakes Condominium Twenty Sixth Amendment as recorded in Official Record Book 1139, page 1395 and the northwesterly corner of Homestead at Highland Lakes Condominium Twenty Third Amendment as recorded in Official Record Book 1117, page 1530, thence, South 86° 26' 25" East, along the southerly line of said Homestead at Highland Lakes Condominium Twenty Sixth Amendment and the northerly line of said Homestead at Highland Lakes Condominium Twenty Third Amendment, a distance of 70.00 feet to a point at the southeasterly corner of said Homestead at Highland Lakes Condominium Twenty Sixth Amendment, said point being the TRUE PLACE OF BEGINNING;

Thence, from said TRUE PLACE OF BEGINNING, and along the easterly line of said Homestead at Highland Lakes Condominium Twenty Sixth Amendment, North 03° 33' 35" East, a distance of 133.00 feet to a point at the northeasterly corner of said Homestead at Highland Lakes Condominium Twenty Sixth Amendment, being the southeasterly corner of Homestead at Highland Lakes Condominium Fifteenth Amendment as recorded in Official Record Book 817, page 2086 and the southwesterly corner of Homestead at Highland Lakes Condominium Twenty Seventh Amendment as recorded in Official Record Book 1155, page 1977;

Thence, South 86° 26' 25" East, along the southerly line of said Homestead at Highland Lakes Condominium Twenty Seventh Amendment and the southerly line of Homestead at Highland Lakes Condominium Twenty Sixth Amendment as recorded in Official Record Book 1139, page 1395, a distance of 58.00 feet to a point at the northwesterly corner of Homestead at Highland Lakes Condominium Twenty Second Amendment as recorded in Official Record Book 1106, page 2669;

Thence, South 03° 33' 35" West, along the westerly line of said Homestead at Highland Lakes Condominium Twenty Second Amendment, a distance of 133.00 feet to a point in the northerly line of said Homestead at Highland Lakes Condominium Twenty Third Amendment;

Thence, North 86° 26' 25" West, along the northerly line of said Homestead at Highland Lakes Condominium Twenty Third Amendment a distance of 58.00 feet to THE TRUE PLACE OF BEGINNING.

Containing 0.177 acres of land, more or less. Subject to all easements, restrictions and rights-of-way of record.

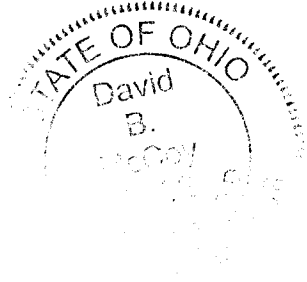
Bearings are based on the bearings as referenced in Official Record Book 1059, page 1517, Recorder's Office, Delaware County, Ohio.

This description is based on a field survey performed by Pomeroy & Associates, Ltd. in November of 2012.

All references are to records of the Delaware County Recorder's Office, Delaware County, Ohio.

*David B. McCoy 11/12/12*

David B. McCoy  
Registered Professional Surveyor No. 7632



**EXHIBIT B**

**TWENTY-EIGHTH AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM**

**Site Plan (Supplemental Drawings)**

[See Plat Book Reference on Cover Page]



**EXHIBIT C**

**TWENTY-EIGHTH AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM**

**Sketch Plot Plan**

**EXHIBIT D**  
**TWENTY-EIGHTH AMENDMENT**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**HOMESTEAD AT HIGHLAND LAKES CONDOMINIUM**

Unit Types and Par Values

I. Unit Types:

<u>Type</u>	<u>Description</u>
Devon	Unit containing two bedrooms, two baths, kitchen, living room and dining area, and a two car attached garage at street level, a basement, and contains approximately 3,016 gross interior square feet. In addition, some Units may have a screened porch or sunroom containing an additional 120 gross interior square feet.
Salem	Unit containing three bedrooms, two baths, kitchen, with dining area, laundry room and a two car attached garage at street level, a basement, and contains approximately 3,128 gross interior square feet. In addition, some Units may have a screened porch or sunroom containing an additional 202 gross interior square feet.
Devonshire	Unit containing two bedrooms, two baths, kitchen, living room and dining area, and a two car attached garage at street level, a basement, and contains approximately 3,131 gross interior square feet. In addition, some Units may have a screened porch and/or Florida room containing an additional 126 gross interior square feet, and/or a sunroom containing an additional approximately 171 gross interior square feet.
Cassingham	Unit containing two bedrooms, two baths, kitchen with dining area, living room, laundry room, and a two car attached garage at street level, a basement, and contains approximately 3,454 gross interior square feet. In addition, some Units may have a screened porch or Florida room containing an additional 168 gross interior square feet.
Waltham	Unit containing three bedrooms, two baths, kitchen with dining area, living room, eating area, laundry room, and a two car attached garage at street level, a basement, and contains approximately 3,485 gross interior square feet. As an option, some Units may have an additional living area containing an additional approximately 140 gross interior square feet. In addition, some Units may have a screened porch and/or a Florida room containing either an additional 174, 177 or 275 gross interior square feet.
Somerset	Unit containing a bedroom, one and one-half baths, a laundry room, kitchen, living room, and a two car attached garage at street level, a bedroom, a bath, and a loft on the partial second level, a basement, and contains approximately 3,456 gross interior square feet. As an option, some Units may have an optional bedroom containing an additional approximately 250 gross interior square feet. In addition, some Units may have a screened porch and/or Florida room containing an additional 241 gross interior square feet.
Brandon	Unit containing a bedroom, one and one-half baths, kitchen, great room, laundry room, breakfast/study area, and a two car attached garage at street level, two bedrooms and a bath on the partial second level, a basement, and contains approximately 3,405 gross interior square feet. In addition, some Units may have one or more sun rooms, screened porches and/or Florida rooms containing an additional 178, 182, or 262 gross interior square feet.
Fairfield	Unit containing a bedroom, one and one-half baths, kitchen, living room with dining area, laundry room, and a two car attached garage at street level, two bedrooms and a bath on the partial second level, a basement, and contains approximately 3,526 gross interior square feet. In addition, some Units may have a screened porch and/or Florida room containing an additional 169 gross interior square feet.
Hampton	Unit containing a bedroom, one and one-half bath, living room, study, kitchen with dining area, laundry room, and a two car attached garage at street level, two bedrooms and a bath on the partial second level, a basement, and contains approximately 3,522 gross interior square feet. Some Units may also have an optional extension of the owners' suite containing an additional 127 gross interior square feet. In addition, some Units may have a screened porch and/or a Florida room containing an additional 120 or 216 gross interior square feet.
Ashton	Unit containing three bedrooms, two baths, dining room, kitchen, living room, laundry room and a two car attached garage at street level, one bedroom on the partial second level, a basement, and contains approximately 3,844 gross interior square feet. In addition, some Units may have a screened porch and/or Florida room containing an additional 168 gross interior square feet.

