

**FIRST AMENDMENT TO THE DECLARATION
AND DRAWINGS OF
THE LAKES AT POLARIS CONDOMINIUMS
PHASE II**

Plot 0855 Pg 567

The undersigned hereby certifies that copies of the First Amendment to the Declaration and Drawings of The Lakes at Polaris Condominiums, Phase II have been filed with the Auditor of Delaware County, Ohio, this 1st day of July, 2008.

Todd A. Hanks^{su}
Auditor of Delaware County, Ohio

For reference please see:
Official Record 851, Pages 543-610,
and Official Record 851, Pages 611-617

200800019498
Filed for Record in
DELAWARE COUNTY, OHIO
ANDREW D BRENNER
07-01-2008 At 03:56 pm.
DECLAR AMEN 80.00
OR Book 855 Page 560 - 566

200800019498
VORYS SATER SEYMOUR & PEASE
PO BOX 1008
COLUMBUS OH 43216

THIS INSTRUMENT PREPARED BY:

Sarah L. Herbert, Esq.
Vorys, Sater, Seymour & Pease
52 East Gay Street
Columbus, Ohio 43216
Phone: 614-464-6400

FIRST AMENDMENT TO THE DECLARATION AND DRAWINGS
OF THE LAKES AT POLARIS CONDOMINIUMS

Pursuant to the right and option reserved by it in Article XVII of the Declaration of The Lakes at Polaris Condominiums, of record in Official Record 851, Pages 543-610, in the Recorder's Office of Delaware County, Ohio, The Lakes at Polaris LLC, an Ohio limited liability company, the "Developer" of The Lakes at Polaris Condominiums, and the "Declarant" as those terms are defined in the Declaration, hereby amends the Declaration in the following respects to expand said Condominium by adding to it and submitting to the provisions of Chapter 5311 of the Revised Code of Ohio all of the real estate described hereinafter, all buildings, structures and other improvements located thereon and all easements, rights and appurtenances belonging thereto (hereinafter collectively referred to as the "subject property"), all of which are presently owned solely by said The Lakes at Polaris LLC, an Ohio limited liability company.

1. Definitions. All of the terms used herein shall have the same meanings by which they were defined and used in the Declaration.

2. Property Description. The real estate which is identified as Phase II on the survey drawing attached hereto as **Exhibit "D"** (the "Survey") and which is hereby added to the Condominium Property (being part of the same real estate which is identified and described in Article XVII, Section 4, of the Declaration and being part of the "Additional Property"), is described as follows:

[Please see **Exhibit "A"** attached hereto being a 2.125 acre tract of land.]

The foregoing submission being subject, however, to all legal highways and rights-of-way, easements, covenants, conditions and restrictions of record, if any.

3. Name. The Condominium Property, as expanded, shall continue to be known as The Lakes at Polaris Condominiums.

4. Uses and Use Restrictions. The Condominium Property, as expanded, shall continue to be used, subject to the terms, conditions, covenants, restrictions, reservations, agreements, obligations and charges described in the Declaration.

5. Description of Buildings Comprising Part of the Subject Property. There are two (2) residential buildings being constructed on the 2.125 acre parcel of real estate described in Section 2 hereinabove, which has become part of the Condominium Property by virtue of this amendment. The residential buildings contain six (6) residential condominium Units, each with an attached garage. The principal materials of which said buildings are constructed are wood, wood composition, wood trim, stone, concrete, concrete block, brick, vinyl siding, or asphalt shingles.

6. Description of Units Comprising Part of the Subject Property. All particulars of the above described buildings and the six (6) residential Units located in each building are shown graphically on the survey drawings and on the construction drawings attached to this Amendment as **Exhibit “D”** (hereinafter the survey drawings and the construction drawings attached hereto as **Exhibit “D”** are collectively referred to as the “Supplementary Drawings”).

The precise location of the buildings and the Units is shown on the survey drawing. Each Unit is delineated and described in the same manner as Units are described in the Declaration.

A table follows which sets forth the Unit Designation for each Unit in Phase II, the number of bedrooms and bathrooms of each Unit, the approximate square footage area of each Unit:

<u>Unit Designation</u>	<u>Street Address</u>	<u>Floor Plan</u>	<u>Approx. Interior Square Footage</u>	<u># Bedrooms/ # Bathrooms</u>
9080, Bldg. 2	Polaris Lakes Drive	Hawthorn	1,776	2 / 2
9084, Bldg. 2	Polaris Lakes Drive	Magnolia	1,419	2 / 2
9088, Bldg. 2	Polaris Lakes Drive	Cypress	1,744	2 / 2
9092, Bldg. 2	Polaris Lakes Drive	Rosewood	1,638	2 / 2
9096, Bldg. 2	Polaris Lakes Drive	Magnolia	1,419	2 / 2
9100, Bldg. 2	Polaris Lakes Drive	Hawthorn	1,776	2 / 2
9093, Bldg. 3	Polaris Lakes Drive	Hawthorn	1,776	2 / 2
9097, Bldg. 3	Polaris Lakes Drive	Magnolia	1,419	2 / 2
9101, Bldg. 3	Polaris Lakes Drive	Rosewood	1,638	2 / 2
9105, Bldg. 3	Polaris Lakes Drive	Cypress	1,744	2 / 2
9109, Bldg. 3	Polaris Lakes Drive	Magnolia	1,419	2 / 2
9113, Bldg. 3	Polaris Lakes Drive	Hawthorn	1,776	2 / 2

7. Description of the Common Elements and Limited Common Elements Comprising Part of the Subject Property. The Common Elements and Limited Common Elements which are part of the subject property and which thus become part of the Condominium Property by virtue of this amendment have the same description as set forth in Sections 1 and 2, Article VI of the Declaration.

8. Allocation and Reallocation of Undivided Interests in the Common Elements. As is required by Section 5311.051 of the Ohio Revised Code, the undivided interest in the Common Elements of the Condominium Property, as expanded, which are appurtenant to each Unit of The Lakes at Polaris Condominiums are hereby allocated and reallocated so that each residential Unit has an equal par value of one (1). The table which follows sets forth the Unit designation, the number of bedrooms and bathrooms of each unit, the approximate interior square footage, and the undivided interest in the common elements for all of the residential Units, as they have been allocated and reallocated pursuant to this formula.

<u>Unit Designation</u>	<u>Floor Plan</u>	<u>Approx. Interior Square Footage</u>	<u># Bedrooms/ # Bathrooms</u>	<u>Par Value</u>	<u>Undivided Interest In Common Area</u>
9065, Bldg. 1	Hawthorn	1,776	2 / 2	1	1/18th

9069, Bldg. 1	Magnolia	1,419	2 / 2	1	1/18th
9073, Bldg. 1	Rosewood	1,638	2 / 2	1	1/18th
9077, Bldg. 1	Cypress	1,744	2 / 2	1	1/18th
9081, Bldg. 1	Magnolia	1,419	2 / 2	1	1/18th
9085, Bldg. 1	Hawthorn	1,776	2 / 2	1	1/18th
9080, Bldg. 2	Hawthorn	1,776	2 / 2	1	1/18th
9084, Bldg. 2	Magnolia	1,419	2 / 2	1	1/18th
9088, Bldg. 2	Cypress	1,744	2 / 2	1	1/18th
9092, Bldg. 2	Rosewood	1,638	2 / 2	1	1/18th
9096, Bldg. 2	Magnolia	1,419	2 / 2	1	1/18th
9100, Bldg. 2	Hawthorn	1,776	2 / 2	1	1/18th
9093, Bldg. 3	Hawthorn	1,776	2 / 2	1	1/18th
9097, Bldg. 3	Magnolia	1,419	2 / 2	1	1/18th
9101, Bldg. 3	Rosewood	1,638	2 / 2	1	1/18th
9105, Bldg. 3	Cypress	1,744	2 / 2	1	1/18th
9109, Bldg. 3	Magnolia	1,419	2 / 2	1	1/18th
9113, Bldg. 3	Hawthorn	1,776	2 / 2	1	1/18th

9. Membership in the Association. Each owner of a Unit of The Lakes at Polaris Condominiums as expanded, shall be a member of The Lakes at Polaris Condominium Association, the organization which has been established to administer the Condominium Property. A true copy of the Bylaws of the Association is attached to the original Declaration.

10. Amendment of the Declaration. The Declaration, as amended by this instrument, is subject to further amendment pursuant to the procedures set forth in Article XVII of the Declaration.

11. Drawings. The Supplementary Drawings which are attached hereto as **Exhibit "D"** are hereby added to and made a part of the Drawings of The Lakes at Polaris Condominiums which were filed in conjunction with the Declaration and are recorded in Official Record No. 851, Pages 611-617, by the Supplementary Drawings, those prior Drawings shall continue in full force and effect.

12. Miscellaneous Provisions. Except to the extent that they are modified or amended by this instrument, either specifically or implicitly, all provisions of the Declaration shall continue in full force and effect and shall apply to the additional property and the owners of Units therein in the same manner and to the same extent as they apply to the Condominium Property as it was initially described in the Declaration and the owners of all Units which are a part thereof.

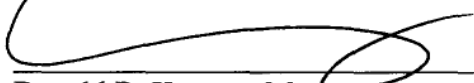
The invalidity or unenforceability of any term, provision, covenant or condition set forth in this amendment, or any part thereof, shall not affect or impair the validity, enforceability or effect of the remainder of this amendment.

The captions of the various sections of this amendment are merely labels to assist in locating the various provisions hereof and shall not be considered when interpreting or construing this instrument.

The Lakes at Polaris LLC, an Ohio limited liability company, has caused this Amendment of the Declaration of The Lakes at Polaris Condominiums to be executed and acknowledged this 23rd day of June, 2008.

The Lakes at Polaris LLC,
an Ohio limited liability company

By: Village Communities LLC,
an Ohio limited liability company
Manager

By: 
Donald R. Kenney, Manager

STATE OF OHIO
COUNTY OF DELAWARE, SS:

The foregoing instrument was acknowledged before me this 23rd day of June, 2008, by The Lakes at Polaris LLC, an Ohio limited liability company, by Village Communities LLC, an Ohio limited liability company, its Manager, by Donald R. Kenney, Manager.


Notary Public



KARA L. PERRY
Notary Public, State of Ohio
My Commission Expires 07-28-10

Each pronoun used herein shall be singular or plural and male, female or neuter, as the context or the number and gender of its antecedent may require. All incidental grammatical changes which might be necessary to make the provisions of the amendment apply to one or several persons shall be assumed in all cases as though fully and properly expressed.

[Remainder of page intentionally left blank; signature blocks on following page]

**EXHIBIT A**

June 11, 2008

LEGAL DESCRIPTION FOR 2.125 ACRES
FIRST AMENDMENT, PHASE II
THE LAKES AT POLARIS CONDOMINIUMS

Situated in the City of Columbus, County of Delaware, State of Ohio, being in Lot 15, Section 4, Township 3, Range 18, United States Military Lands, being 2.125 acres out of the residue of that 15.000 acre tract conveyed to The Lakes at Polaris, LLC in O.R.V. 753, Page 1922, said 2.125 acres being more particularly described as:

Beginning at an iron pin found in the easterly line of The Woods at Polaris Condominiums, Sixth Amendment, of record in O.R.V. 634, Page 1676, said pin also being the northeasterly corner of The Lakes At Polaris Condominiums, Phase I, of record in O.R.V. 851, Page 611;

Thence, from said True Place of Beginning, North $03^{\circ}32'41''$ East, with the easterly line of Sixth Amendment and with a westerly line of the residue of said 15.000 acres, a distance of 322.42 feet to an iron pin set at the northeasterly corner of said Sixth Amendment, the same being in the southerly line of that 5.14 acre tract conveyed to Robert A. Clifford, Jr. in D.B. 103, Page 200 and being the northwesterly corner of the residue of said 15.000 acres;

Thence, South $86^{\circ}38'19''$ East, with the southerly line of said 5.14 acres and with the northerly line of the residue of said 15.000 acres, a distance of 207.43 feet to an iron pin set;

Thence, South $03^{\circ}21'41''$ West, crossing the residue of said 15.000 acres, a distance of 171.67 feet to an iron pin set;

Thence, South $86^{\circ}38'19''$ East, crossing the residue of said 15.000 acres, a distance of 107.50 feet to a PK nail set;

Thence, South $03^{\circ}21'41''$ West, crossing the residue of said 15.000 acres, a distance of 237.58 feet to an iron pin set in a northerly line of said Phase I;

Thence, North $86^{\circ}38'19''$ West, with a northerly line of said Phase I, a distance of 107.50 feet to a PK nail found at a northerly corner of said Phase I;

Thence, North $03^{\circ}21'41''$ East, with an easterly line of Phase I, a distance of 86.83 feet to a PK nail found;

Thence, North $86^{\circ}38'19''$ West, with a northerly line of said Phase I, a distance of 208.46 feet to the TRUE PLACE OF BEGINNING.

Containing 2.125 acres of land, more or less.

Subject to all easements, restrictions, and rights-of-way of record.

Bearings are based on North $86^{\circ}38'19''$ West, as given for the northerly line of that 15.000 acre tract conveyed in O.R. V. 753, Page 1922.

