

**FOURTH AMENDMENT
(ADDING FIFTH PHASE) TO
DECLARATION OF CONDOMINIUM
FOR
DORSET GLEN CONDOMINIUM
EXPANDING THE CONDOMINIUM PROPERTY**

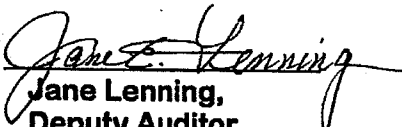


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Robert G. Montgomery
Franklin County Recorder

Plat # 200402040025921

FOR REFERENCE PLEASE SEE
CONDOMINIUM PLAT BOOK NO. 126 PAGE 69-70
#

Franklin County Auditor
JOSEPH W. TESTA

by: 
Jane Lenning,
Deputy Auditor

This instrument prepared by

Kenton L. Kuehnle
Allen, Kuehnle & Stovall LLP
21 West Broad Street
Columbus, Ohio 43215

TRANSFERRED

FEB 04 2004

JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

AMENDMENT TO DECLARATION

This Amendment to the Declaration of Condominium for Dorset Glen Condominium, ("the Condominium"), expanding and submitting additional property to the condominium is made as of this ___ day of January, 2004.

Background

KBS Darby Park, LLC, an Ohio limited liability company, ("Declarant"), is the owner in fee simple of all the real property hereinafter described and the improvements thereon and appurtenances thereto.

The Declarant has submitted certain property to the provisions of Section 5311 of the Ohio Revised Code by the filing of a Declaration of Condominium (the "Declaration") of Dorset Glen Condominium. The Declaration is recorded as Instrument Number 200301140012723, and the drawings are recorded in Condominium Plat Book 110, Pages 45-46, all of the Franklin County, Ohio Records.

The Declarant, pursuant to Article XIX of the Declaration, reserved the right to expand the Condominium property by amending the Declaration to add the property (described in Exhibit C of the Declaration as the "Additional Property"), and improvements thereon and appurtenances thereto, to the original condominium. By this instrument, the Declarant is adding the property described in Exhibit A to this Amendment to the Condominium.

Declaration

Declarant, the sole owner of the Additional Property, hereby submits the portion of the Additional Property described on Exhibit A to this Amendment, to the provisions of Chapter 5311 of the Ohio Revised Code, and hereby amends the Declaration of Condominium as follows:

1. Definitions. All terms used herein shall have the same meanings as those terms are defined in the Declaration.
2. Additional Property Added. A legal description of the property being added to the Condominium is attached hereto as "Exhibit A" and incorporated herein by this reference.
3. Name. The Condominium, as expended hereby, shall continue to be named "Dorset Glen 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. **Improvements Description.** The property being added by this amendment consists of 0.361 acres of land, on which is situated one (1) residential building containing 6 units. Improvements on such property 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 Designation.** Each of the Units added to the Condominium is designated on the drawings filed simultaneously herewith, by a building number followed by a unit number, where that Unit is located. A listing of the proper Unit designations (and the proper Unit designations of all Units in the Condominium), are shown on the attached Exhibit B.

b. **Composition of Units.** Each Unit added hereby consists of the space in the building designated on the Drawings filed simultaneously herewith, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration. The location of each Unit added hereby is shown on the Drawings filed herewith.

c. **Unit Locations.** The location of each Unit added hereby is shown on the Drawings filed simultaneously herewith.

7. **Common and Limited Common Areas.**

a. **Common Areas.** All of the property described in Exhibit A, 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 Areas.

b. **Limited Common Areas.** Those portions of the Common Areas that are added hereby that are labeled to designated "LCA" or "limited common areas" on the Drawings filed herewith, are Limited Common Areas. These Limited Common Areas are reserved for the exclusive use of the Units which those improvements are designed to serve.

c. **Percentages of Ownership.** The undivided interest in the Common Areas appurtenant to all Units in the Condominium as expanded hereby, and as thereby allocated and reallocated, are shown in the attached Exhibit B, and are all equal to one/thirty-eighth ($1/38^{\text{th}}$). The Common Areas 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 Areas.

Further, the undivided interest in the Common Areas of a Unit 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 the property described in Exhibit A to the Condominium Property:

a. the property shall hereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that property had been initially part of the Condominium Property, that is, the rights, easements, covenants, restrictions and assessment plan shall run with and will bind such property in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the original Condominium Property;

b. the owner or owners of Units within such property shall thereupon become members of the Condominium Association, 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 property, and to the owners, mortgagees and lessees of Units thereon, with equal meaning and of like force and effect.

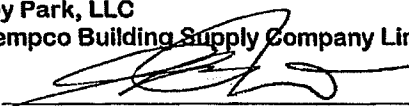
Drawings, as required by the Ohio Revised Code, are filed herewith showing the information required with respect to the property added by this amendment.

IN WITNESS WHEREOF, this amendment has been executed on behalf of the Declarant on this ___ day of January, 2004.

KBS Darby Park, LLC

By: Khempco Building Supply Company Limited Partnership

By


George R. Nickerson, Vice President

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

Before me, a notary public, personally appeared George R. Nickerson, the Vice President of Khempco Building Supply Company Limited Partnership, the sole member

of KBS Darby Park, LLC, an Ohio Limited Liability Company, the Declarant herein, who acknowledged the execution of this document to be his free act and deed, on behalf of Khempco Building Supply company Limited Partnership, acting on behalf of the Declarant, for the uses and purposes set forth herein.

In Witness whereof, I have hereunto set my name this 17th day of January, 2004.



Notary Public

KENTON L. KUEHNLE
ATTORNEY-AT-LAW
NOTARY PUBLIC FOR STATE OF OHIO
LIFETIME COMMISSION

04003901

January 15, 2004

DECLARATION OF CONDOMINIUM
DORSET GLEN CONDOMINIUM

Legal Description-Property Added
(Fourth Amendment, 0.361 Acre)

Situated in the State of Ohio, County of Franklin, City of Hilliard, being in Virginia Military Survey No. 6366, containing 0.361 acre of land, more or less, said 0.361 acre being out of that 6.250 acre tract of land described in the deed to KBS Darby Park, LLC, of record in Instrument No. 200208300215955, Recorder's Office, Franklin County, Ohio, said 0.361 acre being more particularly described as follows:

Beginning, for reference, at an aluminum cap set in concrete (Franklin County, Monument FCSS 5540) at the centerline intersection of Cosgray Road and Scioto Darby Road; thence N87°40'03"E, with the centerline of Scioto Darby Road, a distance of 874.00 feet to a P.K. nail found at the northeasterly corner of that 23.151 acre tract of land referred to as Parcel 1 and described in Exhibit "A" in the deed to the City of Hilliard, of record in Official Record 13308E05, the same being the northwesterly corner of that 0.454 acre tract of land described in the deed to the City of Hilliard, of record in Instrument No. 200007240145544, both being of record in the Recorder's Office, Franklin County, Ohio; thence S6°14'00"E, with an easterly line of said 23.151 acre tract, with the westerly line of said 0.454 acre tract and with the westerly line of that 2.447 acre tract of land referred to as Darby Park Condominium and as described in Exhibit "A" in Instrument No. 200105220112448, Recorder's Office, Franklin County, Ohio, crossing a 3/4-inch (I.D.) iron pipe found in the southerly right-of-way line of said Scioto Darby Road at a distance of 50.12 feet, and with the westerly line of said 6.250 acre tract, a total distance of 949.87 feet to a 3/4-inch (I.D.) iron pipe found at the southwesterly corner of said 6.250 acre tract; thence N83°38'30"E, with a northerly line of said 23.151 acre tract and with the southerly line of said 6.250 acre tract, a distance of 147.16 feet to a 3/4-inch (I.D.) iron pipe set at the true point of beginning;

Thence, from said true point of beginning, N6°21'30"W, a distance of 74.38 feet to a point;

Thence N0°35'11"W, a distance of 20.00 feet to a point on a curve;

Thence, with the arc of a curve to the left, having a radius of 61.00 feet, a central angle of 5°40'36", and a chord that bears N86°36'18"E, a chord distance of 6.04 feet to the point of tangency;

Thence N83°46'00"E, a distance of 111.48 feet to a point of curvature;

Thence with the arc of a curve to the left having a radius of 42.00 feet, a central angle of 47°38'25" and a chord that bears N59°56'47"E, a chord distance of 33.92 feet to a point;

Thence S53°52'25"E, a distance of 20.00 feet to a point;

Thence S6°21'30"E, a distance of 93.85 feet to a 3/4-inch (I.D.) iron pipe set in the southerly line of said 6.250 acre tract, the same being in a northerly line of said 23.151 acre tract;

Thence S83°38'30"W, with the southerly line of said 6.250 acre tract and with the northerly line of said 23.151 acre tract, a distance of 165.34 feet to the true point of beginning and containing 0.361 acre of land, more or less.

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

We hereby state that the foregoing description was prepared from information obtained from actual field surveys conducted by Bauer, Davidson & Merchant, Inc. in January of 2004.

The bearings referred to in the above description correspond to the bearing N87°40'03"E as given for the centerline of Scioto Darby Road and as described in the deed to Jeffery A. Yocca Builders, Inc., of record in Instrument No. 200001190012926, Recorder's Office, Franklin County, Ohio;

BAUER, DAVIDSON & MERCHANT, INC.
Consulting Engineers

Gatis Erenpreiss
Gatis Erenpreiss
Professional Surveyor No. 5572

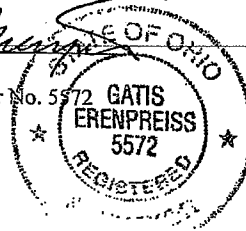


Exhibit B

Unit	Address	Bedrooms	Baths	Square Footages*			% Int. Common Areas
				Living	Garage	Total	
3-3952	3952 Darby Park Road	3	2 1/2	1778	220	1998	1/38 th
3-3956	3956 Darby Park Road	3	2 1/2	1603	220	1823	1/38 th
3-3960	3960 Darby Park Road	3	2 1/2	1603	220	1823	1/38 th
3-3964	3964 Darby Park Road	3	2 1/2	1778	220	1998	1/38 th
4-3925	3925 Hill Park Road	3	2 1/2	1630	220	1850	1/38 th
4-3927	3927 Hill Park Road	2	2 1/2	1357	220	1577	1/38 th
4-3929	3929 Hill Park Road	3	2 1/2	1522	220	1742	1/38 th
4-3931	3931 Hill Park Road	3	2 1/2	1522	220	1742	1/38 th
4-3933	3933 Hill Park Road	2	2 1/2	1357	220	1577	1/38 th
4-3935	3935 Hill Park Road	3	2 1/2	1630	220	1850	1/38 th
6-3953	3953 Hill Park Road	3	2 1/2	1630	220	1850	1/38 th
6-3955	3955 Hill Park Road	2	2 1/2	1357	220	1577	1/38 th
6-3957	3957 Hill Park Road	3	2 1/2	1522	220	1742	1/38 th
6-3959	3959 Hill Park Road	3	2 1/2	1522	220	1742	1/38 th
6-3961	3961 Hill Park Road	2	2 1/2	1357	220	1577	1/38 th
6-3963	3963 Hill Park Road	3	2 1/2	1630	220	1850	1/38 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.

Unit	Address	Bedrooms	Baths	Square Footages*		% Int. Common Areas
				Living	Garage	
7-3969	3969 Hill Park Road	3	2 1/2	1630	220	1/38 th
7-3971	3971 Hill Park Road	2	2 1/2	1357	220	1/38 th
7-3973	3973 Hill Park Road	3	2 1/2	1522	220	1/38 th
7-3975	3975 Hill Park Road	3	2 1/2	1522	220	1/38 th
7-3977	3977 Hill Park Road	2	2 1/2	1357	220	1/38 th
7-3979	3979 Hill Park Road	3	2 1/2	1630	220	1/38 th
8-3985	3985 Hill Park Road	3	2 1/2	1630	220	1/38 th
8-3987	3987 Hill Park Road	2	2 1/2	1357	220	1/38 th
8-3991	3991 Hill Park Road	3	2 1/2	1522	220	1/38 th
8-3993	3993 Hill Park Road	3	2 1/2	1522	220	1/38 th
8-3995	3995 Hill Park Road	2	2 1/2	1357	220	1/38 th
8-3997	3997 Hill Park Road	3	2 1/2	1630	220	1/38 th
11-3982	3982 Hill Park Road	3	2 1/2	1630	220	1/38 th
11-3984	3984 Hill Park Road	2	2 1/2	1357	220	1/38 th
11-3986	3986 Hill Park Road	3	2 1/2	1522	220	1/38 th
11-3988	3988 Hill Park Road	3	2 1/2	1522	220	1/38 th
11-3990	3990 Hill Park Road	2	2 1/2	1357	220	1/38 th
11-3992	3992 Hill Park Road	3	2 1/2	1630	220	1/38 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.

<u>Unit</u>	<u>Address</u>	<u>Bedrooms</u>	<u>Baths</u>	<u>Square Footages*</u>			<u>% Int. Common Areas</u>
				<u>Living</u>	<u>Garage</u>	<u>Total</u>	
12 - 3965	3965 Darby Park Road	3	2 1/2	1778	220	1998	1/38 th
12 - 3969	3969 Darby Park Road	3	2 1/2	1603	220	1823	1/38 th
12 - 3973	3973 Darby Park Road	3	2 1/2	1603	220	1823	1/38 th
12 - 3977	3977 Darby Park Road	3	2 1/2	1778	220	1998	1/38 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.