

12

**NINTH AMENDMENT
TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
OF UNIVERSITY COMMONS CONDOMINIUM - PHASE 2, TO
REFLECT BUILDING 11 ("AS BUILT")
UNDER CHAPTER 5311 OF THE OHIO REVISED CODE,
WHICH DECLARATION WAS ORIGINALLY RECORDED
ON OCTOBER 3, 2001 IN STARK COUNTY RECORDS
INSTRUMENT NUMBER 2001071085 AND AMENDED
ON JUNE 3, 2002 IN STARK COUNTY RECORDERS
INSTRUMENT NUMBER 200266030044362 AND
ON NOVEMBER 7, 2002 IN STARK COUNTY RECORDERS
INSTRUMENT NUMBER 200211070090435 AND
NOVEMBER 15, 2002 IN STARK COUNTY RECORDERS
INSTRUMENT NUMBER 20020047887, AND JULY 28, 2003
RECORDER INSTRUMENT NUMBER 200307280071959
AND AMENDED ON AUGUST 6, 2003 IN STARK COUNTY
RECORDERS INSTRUMENT NUMBER 200308060076248
AND AMENDED ON NOVEMBER 18, 2003 RECORDERS
INSTRUMENT NUMBER 200311180110766 AND
AMENDED ON FEBRUARY 2, 2004, RECORDERS
INSTRUMENT NUMBER 20040212000911 AND AMENDED
ON MARCH 30, 2004 RECORDERS INSTRUMENT
NUMBER 200403300021137**


This is to certify that copies of the Ninth Amendment of the Declaration, Bylaws and Drawings for University Commons Condominium, have been filed this date with the Auditor of Stark County, Ohio.

Grant Luther 6/8/04

Auditor of Stark County, Ohio

by *Patricia A. Fallett*

Deputy Auditor


Instr: 200406080040940 06/08/2004
P: 2 of 12 F: \$108.00
Rick Campbell 11:08AM COND
Stark County Recorder T20040024437

This document prepared by:
Larry A. Zink
Zink, Zink & Zink Co., L.P.A.
3711 Whipple Ave., N.W.
Canton, Ohio 44718-2933
Phone: (330) 492-2225
Fax: (330) 492-3956

Instr: 200406080040940 06/08/2004
P: 3 of 12 F: \$108.00
Rick Campbell 11:08AM COND
Stark County Recorder T20040024437

**NINTH AMENDMENT TO THE
ORIGINAL DECLARATION OF CONDOMINIUM OWNERSHIP
FOR UNIVERSITY COMMONS CONDOMINIUM**

THE NINTH AMENDMENT to the Original Declaration of Condominium Ownership for University Commons Condominium is made this 1th day of June, 2004, by TOBIN ENTERPRISES, INC., an Ohio corporation (hereinafter referred to as Developer), pursuant to the provisions of Chapter 5311 of the Ohio Revised Code and pursuant to the terms of the Condominium Instruments.

WHEREAS, on the 4th day of September 2001, the Declarant executed the Declaration of Condominium Ownership for University Commons Condominium (the "Declaration") which Declaration was certified by the Stark County, Ohio, Auditor on October 3, 2001, and recorded with the Stark County, Ohio, Recorder on October 3, 2002, under Official Imaging No. 2001071085, and which included a description of the Condominium Property with a condominium plat plan of the Condominium Property and Additional Property which was recorded in Volume 6, Pages 123-127 of the Stark County, Ohio, Condominium Plat Records; and the Declaration was amended on June 3, 2002, Recorders Imaging Number 200206030044362 and on November 7, 2002 the Second Amendment was filed, Recorders Imaging Number 200211070090435 and on November 15, 2002 the Third Amendment was files, Recorders Imaging Number 20020047887 and on July 28, 2003 the Fourth Amendment was filed, Recorder Imaging Number 200307280071959 and the Fifth Amendment was filed on August 6, 2003, Recorders Imaging Number 200308060076248 and on November 18, 2003

the Sixth Amendment was filed, Recorders Imaging Number 200311180110766 and the Seventh Amendment was filed on February 2, 2004, Recorders Imaging Number 200402120009111, and the Eighth Amendment was filed in March 30, 2004, Recorders Imaging Number 200403300021137.

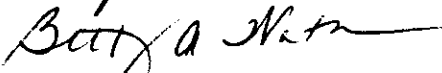
WHEREAS, the Declarant does by this NINTH Amendment set forth the "as built" drawings for Building 11 being 2042, 2046, 2052 and 2056 University Commons Dr. SE (Private Drive), Massillon, Ohio 44647.

- 1) Attached hereto as Exhibit 1 is the Condominium Plat showing Building 11, as built.
- 2) Attached hereto as Exhibit 2 are the elevation drawings for Building 11, as built.
- 3) Attached hereto as Exhibit 3 are the floor plan drawings for Building 11, as built.
- 4) In all other respects the Declaration of Condominium and all amendments thereto shall remain unchanged.

IN WITNESS WHEREOF, the undersigned have executed this instruments this 7th day of June, 2004.

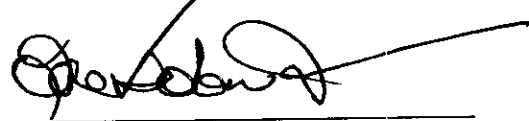
Signed and acknowledged
in the presence of:


Larry A. Zink


Betty A. Watkins

DECLARANT:

TOBIN ENTERPRISES, INC.

By: 
Fred W. Tobin, President

STATE OF OHIO

SS:

COUNTY OF STARK

Notary



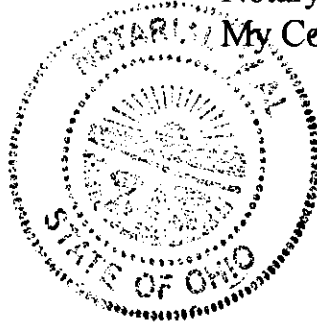
Instr: 200406080040940 06/08/2004
P: 5 of 12 F: \$108.00
Rick Campbell 11:08AM COND
Stark County Recorder T20040024437

Before me appears FRED W. TOBIN, President of Tobin Enterprises, Inc., and did execute and acknowledge that the above signature was of his free act and deed.



Notary

My Commission Expires _____



LARRY A. ZINK, ATTY. AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
UNDER SECTION 147.03 R C

This document prepared by:
Larry A. Zink, Esq.
Zink, Zink & Zink Co., L.P.A.
3711 Whipple Ave., N.W.
Canton, Ohio 44718-2933
Phone: (330) 492-2225
Fax: (330) 492-3956



REFERENCE DIRECTION
 BEARING SYSTEM ESTABLISHED FROM THE RECORD
 PLAT OF UNIVERSITY VILLAGE PHASE 2 AS RECORDED
 IN PLAT BOOK 99-115, STARK COUNTY, OHIO
 STARK COUNTY PLAT RECORDS USING NAD 83
 FOR THE CENTERLINE OF BOWLING GREEN DRIVE S.E.

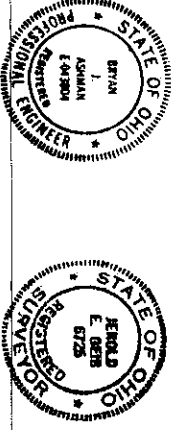
OWNER/DEVELOPER
 TOBIN ENTERPRISES, INC.
 7884 STRAUSS RD. N.W.
 NORTH CANTON, OHIO 44720
 PHONE: (330)-497-8744
 NOVEMBER 2003

MONUMENT LEGEND

- 1/2" IRON BAR TO BE SET
- MONUMENT SET
- 1/2" IRON BAR W/ COOPER & ASSOC. CAP FOUND
- MONUMENT FOUND

I, THE BELOW SIGNED PROFESSIONAL ENGINEER AND LICENSED SURVEYOR STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE ENGINEERING OR SURVEYING WORK SHOWN ALL OF THE PARTICULARS OF BUILDING IS AS SHOWN.

DATE: 6/1/04
 BRYAN J. ASHMAN
 PROFESSIONAL ENGINEER
 STATE OF OHIO REGISTRATION NO. E-043804
 JEROLD E. DEIB
 PROFESSIONAL LAND SURVEYOR
 STATE OF OHIO REGISTRATION NO. 6724



CLIQUE DATA TABLE

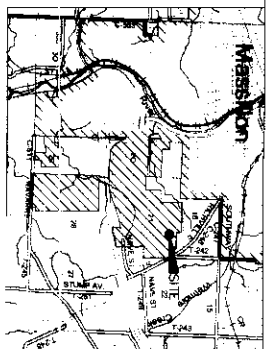
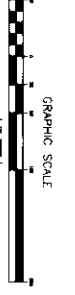
NUMBER	LENGTH	BOUND	BEARING	CHORD	BEARING
1	17.78	S 87° 22' 30" W	86.53	7.94	S 87° 22' 30" W
2	11.76	S 20° 00' 00" W	5.93	5.88	S 20° 00' 00" W
3	11.76	S 20° 00' 00" W	5.93	5.88	S 20° 00' 00" W
4	80.14	S 30° 00' 00" W	30.10	80.11	S 30° 00' 00" W

UNIVERSITY COMMONS CONDOMINIUM AREA TABLE

TOTAL AREA OF PROPERTY	9,728 ACRES
CONDOMINIUM PROPERTY PHASE 1A	1,551 ACRES
CONDOMINIUM PROPERTY PHASE 1B	1,720 ACRES
CONDOMINIUM PROPERTY PHASE 1 TOTAL	3,271 ACRES
CONDOMINIUM PROPERTY PHASE 2	2,680 ACRES
ADDITIONAL PROPERTY	3,807 ACRES

PLAN LEGEND

- DENOTES BUILDING NUMBER
- ◇ DENOTES UNIT/HOUSE NUMBER
- DENOTES LIMITED COMMON AREA
- ▨ DENOTES CONCRETE
- ▩ DENOTES ASPHALT
- ▧ DENOTES GRAVEL
- DENOTES NOT YET COMPLETE
- N.F.C. DENOTES ASPHALT WEARS FINISH COAT



PERTINENT DOCUMENTS

- R.I.No.1987/0986027
- R.I.No.1987/0986026
- R.I.No.1988/000121
- R.I.No.1987/029989
- R.I.No.1987/044145
- P.B. 61 P.C. 21
- P.B. 69 P.C. 39 & 40
- R.I.No.1995/028246 - DEED OF RECORD
- R.I.No.2007/098245 - DEED OF RECORD
- C.P.B. 5 P.C. 123
- R.I.No.2001/090119 - NOTICE OF COMMENCEMENT OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 4)
- R.I.No.2002/080304-5-5 - CONDOMINIUM PLAT OF BUILDINGS 1 & 2
- R.I.No.2002/070904-5 - 2ND AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 3) OF BUILDING 3
- R.I.No.2002/11500327-3-4 AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 4) OF BUILDING 4
- R.I.No.2003/07280719-8-8 CONDOMINIUM PLAT OF BUILDING 4
- R.I.No.2003/07280719-9-9 AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 4)
- R.I.No.2003/0986008249- CONDOMINIUM PLAT OF PHASE 2
- R.I.No.2003/1180108-8-8 AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 13)
- R.I.No.2004/0272000911-7-7 AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 14)
- R.I.No.2004/02000911-5-5 AMENDMENT TO THE DECLARATION OF UNIVERSITY COMMONS CONDOMINIUMS (BUILDING 12)

Instr: 200406080049940 06/08/2004
 P: 6 of 12 P: \$108.00 11:08AM COND
 Rick Campbell
 Stark County Recorder L20040024437



RECEIVED FOR RECORD THIS DAY OF 2004
 RECORDED IN STARK COUNTY RECORDER
 CONDOMINIUM PLAT - BUILDING 11
 01138

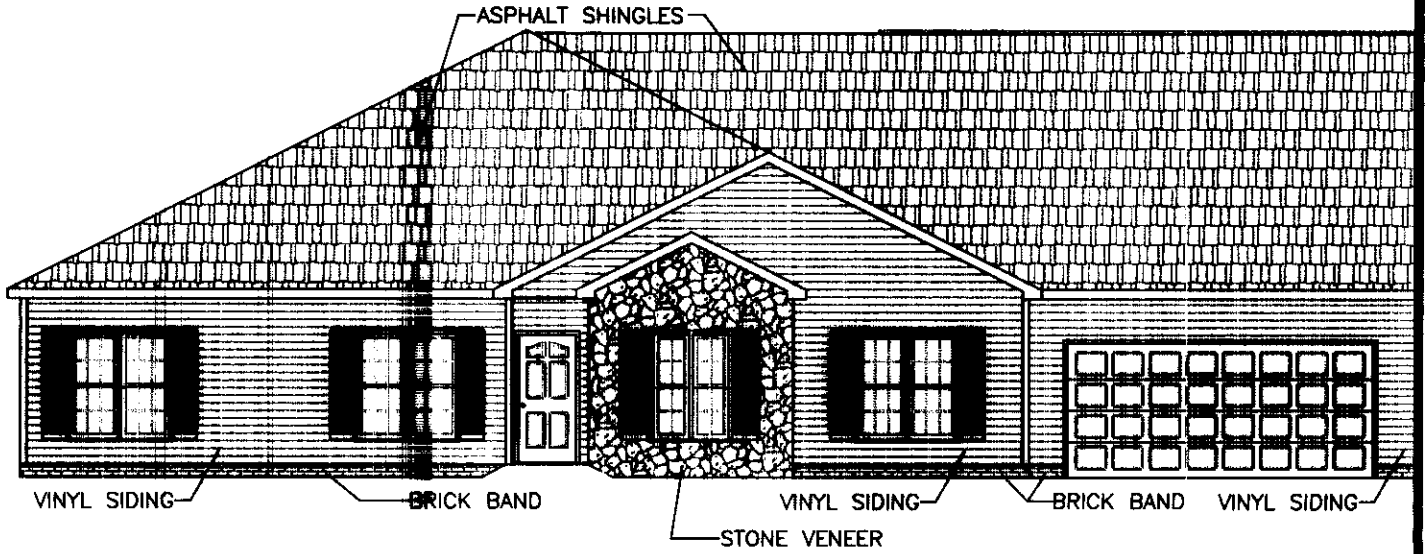
CONDOMINIUM PLAT
UNIVERSITY COMMONS CONDOMINIUMS
 BEING ALL OF OUTLOT 899 IN THE CITY OF MASSILLON
 STARK COUNTY, OHIO
 FOR: TOBIN ENTERPRISES, INC.

COOPER & ASSOCIATES, P.L.L.C.
 ENGINEERS AND SURVEYORS
 1500 MARKET AVENUE NORTH CANTON, OHIO 44714
 PHONE (330) 452-5731 FAX (330) 452-8110

BRYAN J. ASHMAN
JEROLD E. DEIB
 SCALE: 1" = 50' VERT. N/A
 DATE: MAY 2004
 SHEET: 1 OF 1

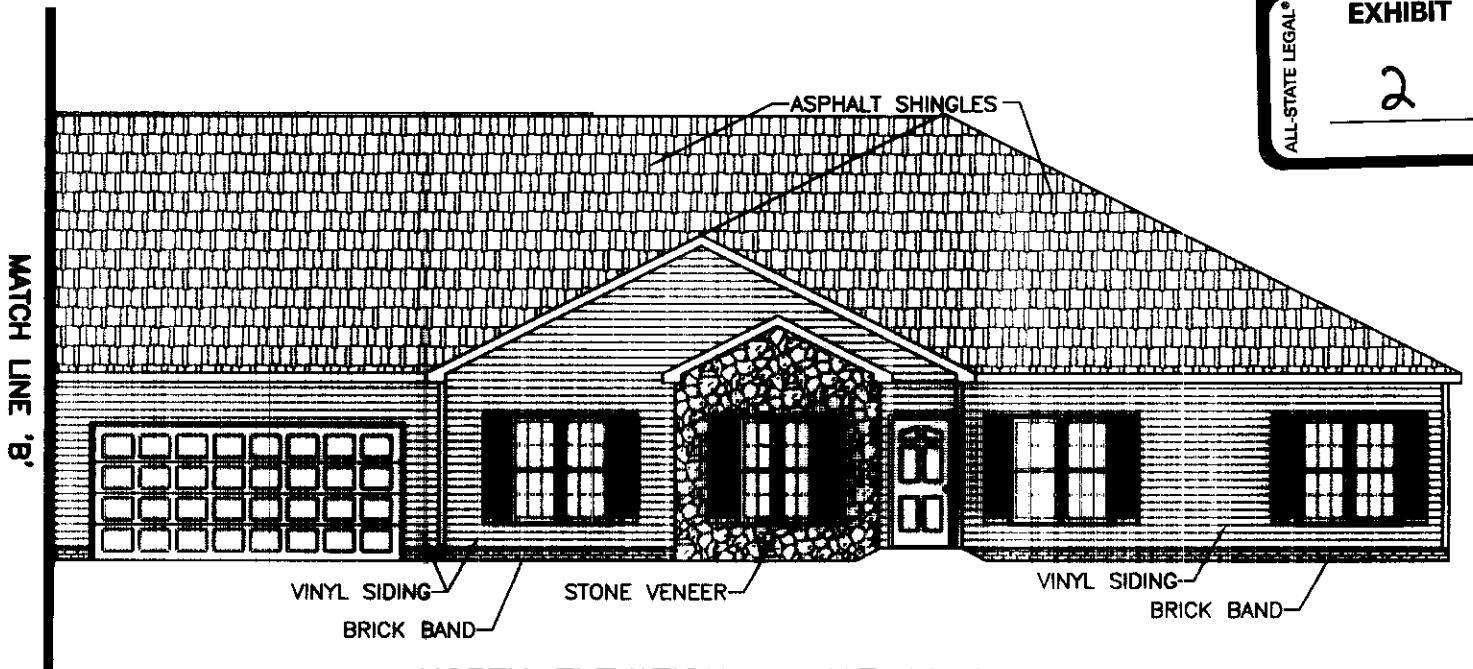


Instr: 200406080040940
 P: 7 of 12 F: \$108.00 06/08/2004
 Rick Campbell 11:08AM COND
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NORTH ELEVATION - UNIT 2046

ALL-STATE LEGAL®
EXHIBIT
 2



NORTH ELEVATION - UNIT 2042

THE HEREON LICENSED PROFESSIONAL ENGINEER AND LICENSED SURVEYOR STATE THAT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF THESE DRAWINGS GRAPHICALLY SHOW THE PARTICULARS OF THE BUILDING AS CONSTRUCTED.

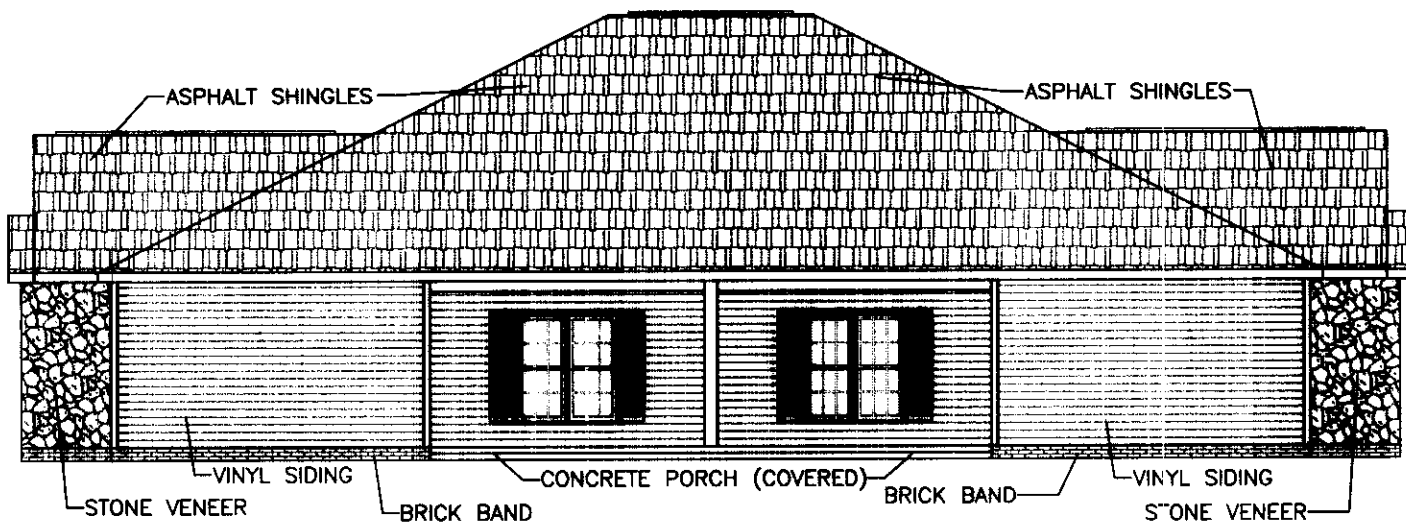
6/04/04
 DATE *Bryan J. Ashman*
 BRYAN J. ASHMAN
 REGISTERED ENGINEER
 NO. E-043804



BUILDING 11
 UNITS 2042, 2046, 2052 & 2056
 CONDOMINIUM DRAWINGS
 FOR UNIVERSITY COMMONS

6/04/04
 DATE *Gerald E. Geib*
 GEROLD E. GEIB
 REGISTERED SURVEYOR
 NO. 6725





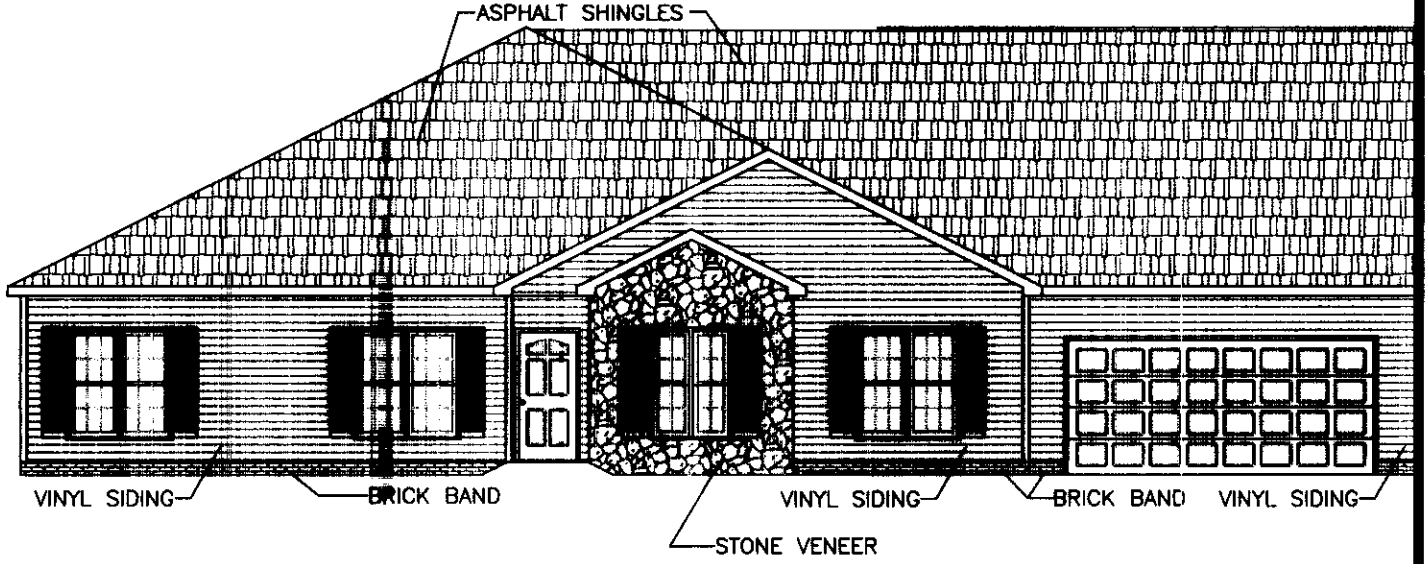
WEST ELEVATION - UNITS 2042 & 2052

BUILDING 11
UNITS 2042, 2046, 2052 & 2056
CONDOMINIUM DRAWINGS
FOR UNIVERSITY COMMONS

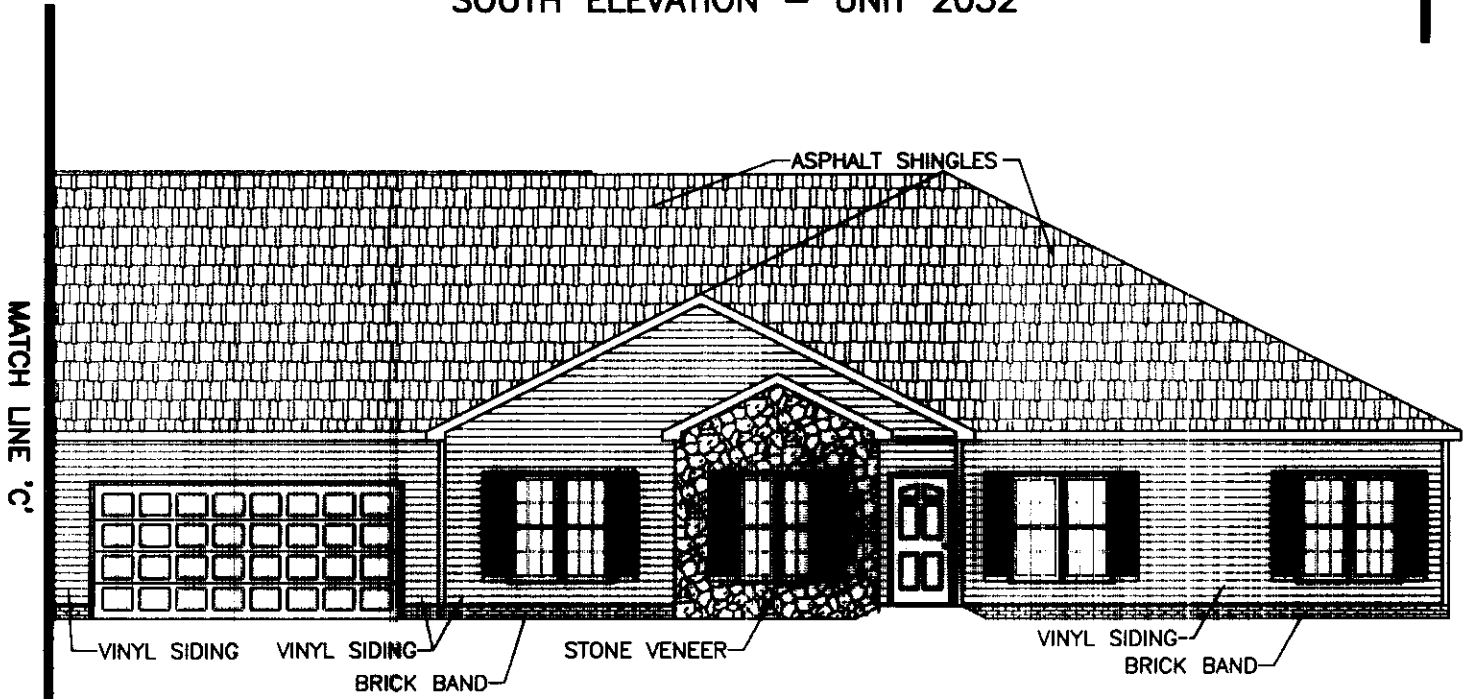




Instr: 200405080040940
 P: 9 of 12 F: \$108.00 06/08/2004
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SOUTH ELEVATION - UNIT 2052



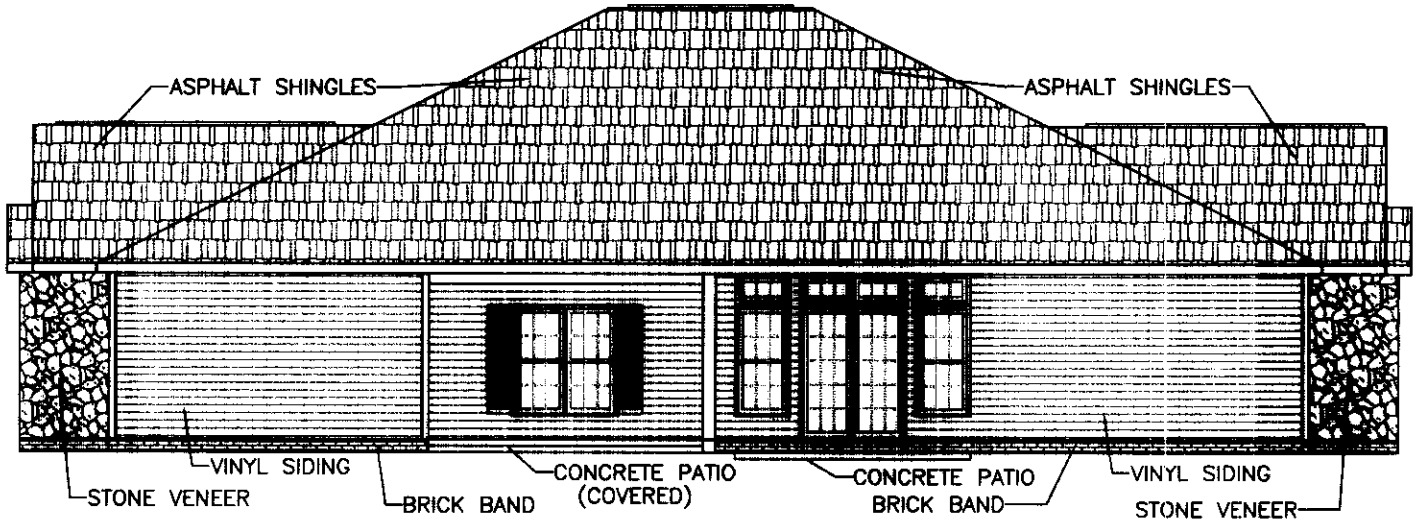
SOUTH ELEVATION - UNIT 2056

BUILDING 11
 UNITS 2042, 2046, 2052 & 2056
 CONDOMINIUM DRAWINGS
 FOR UNIVERSITY COMMONS



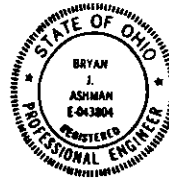


Instr: 200406080040940
 P: 10 of 12 F: \$108.00 06/08/2004
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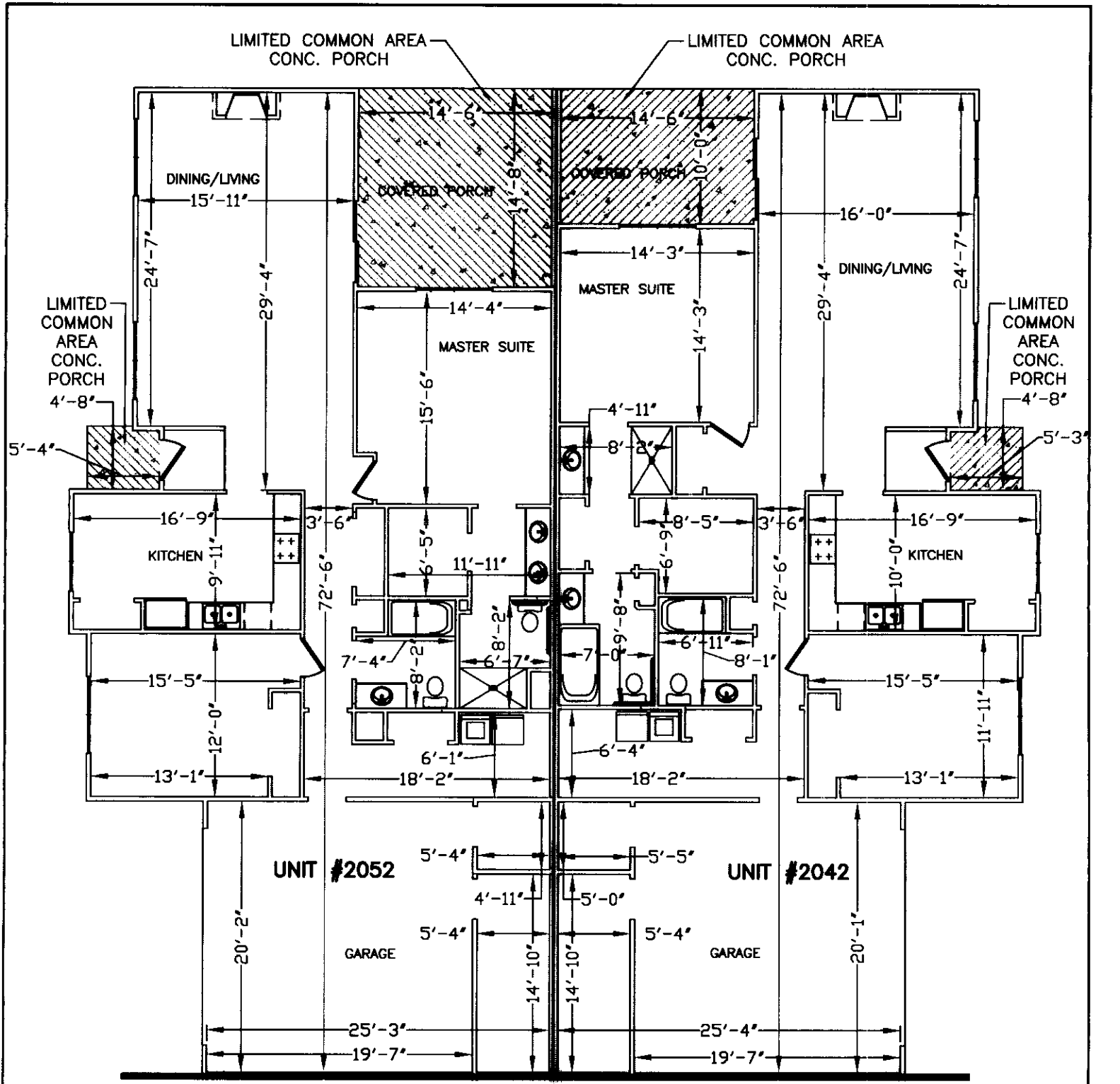
EAST ELEVATION - UNITS 2056 & 2046

BUILDING 11
 UNITS 2042, 2046, 2052 & 2056
 CONDOMINIUM DRAWINGS
 FOR UNIVERSITY COMMONS



SHEET 4 OF 6

01138



MATCH LINE 'A'
 FLOOR PLAN - UNITS 2052 & 2042

ALL-STATE LEGAL®
 EXHIBIT
 3

BUILDING 11
 UNITS 2042, 2046, 2052 & 2056
 CONDOMINIUM DRAWINGS
 FOR UNIVERSITY COMMONS

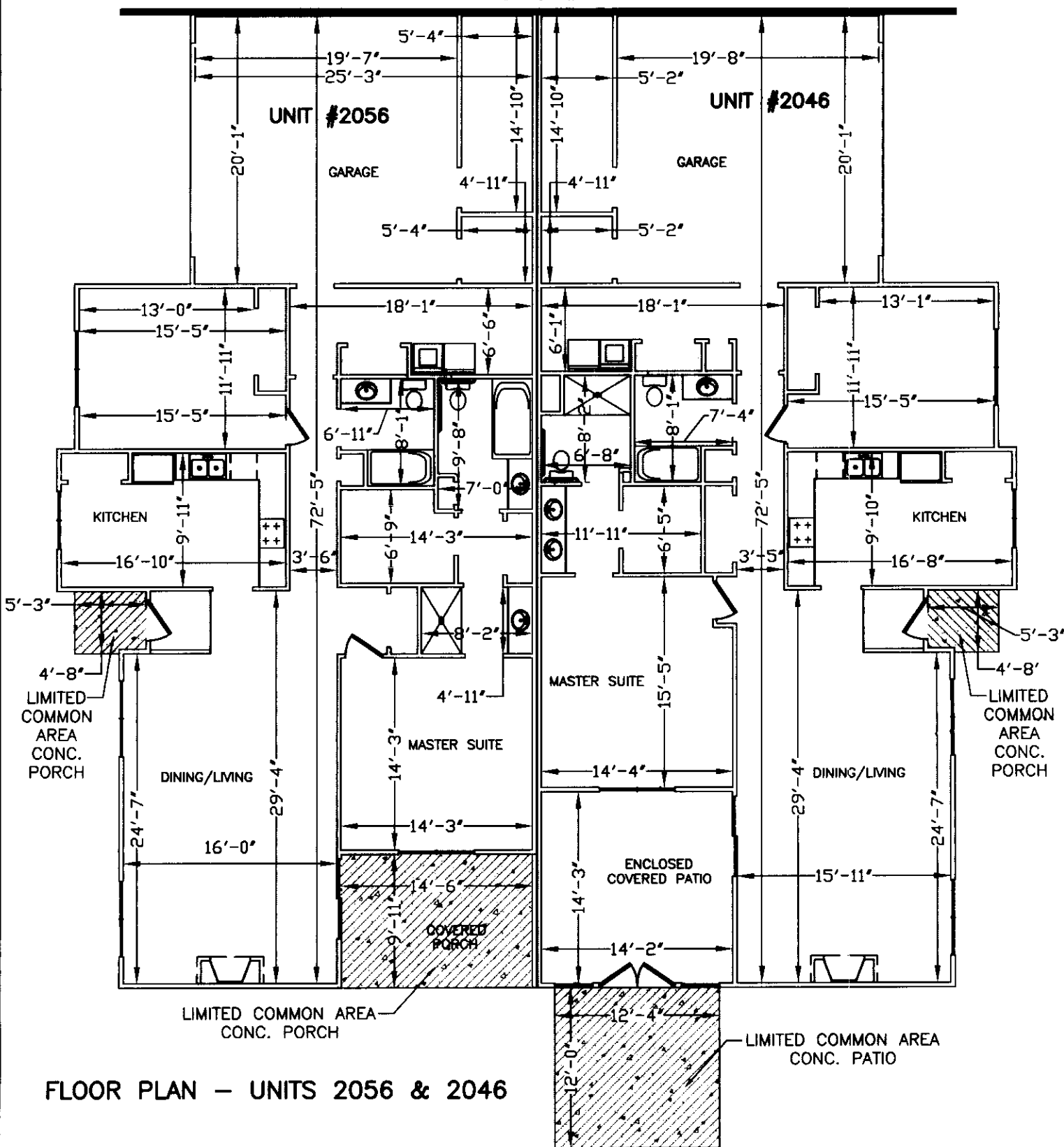


Instr: 200406080040940
 P: 11 of 12 F: \$108.00 06/08/2004
 Rick Campbell 11:08AM COND
 Stark County Recorder T20040024437

SHEET 5 OF 6

01138

MATCH LINE 'A'



FLOOR PLAN - UNITS 2056 & 2046

BUILDING 11
UNITS 2042, 2046, 2052 & 2056
CONDOMINIUM DRAWINGS
FOR UNIVERSITY COMMONS



Instr: 200406080040940
 P: 12 of 12 F: \$108.00 06/09/2004
 Rick Campbell 11:08AM COND
 Stark County Recorder T20040024437

SHEET 6 OF 6

01138