

280

197000

REGISTERED LAND  
REG. NO. 529384

1/29/86

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SPRING HILL OF MARIEMONT CONDOMINIUMS  
(Phase 1)

Cert. 129657

DECLARATION OF CONDOMINIUM OWNERSHIP

Deed - \$218.00  
Units - 14  
Plats - 374.40  
\$606.40

NO. 4339  
Book 11 Page 17

I hereby certify that copies of the within Declaration, together with the drawings and Bylaws attached as Exhibits thereto, have been filed in the Office of the County Auditor, Hamilton County, Ohio.

220 111 9804 00218.00 CT

Date: FEBRUARY 4, 1986

HAMILTON COUNTY

RECORDER

REGISTERED LAND

220 111 9804 00014.00 MS

Hamilton County Auditor

PLAT BK: 56

PAGE-S. 7 thru 15

By

Ken Sellman  
Deputy

This instrument prepared by:

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STEVEN H. SCHREIBER, ESQ.  
SMITH & SCHNACKE  
A LEGAL PROFESSIONAL ASSOCIATION  
2900 DUBOIS TOWER  
CINCINNATI, OHIO 45202

and

L. BARRY CORS  
CORS, BASSETT, KOHLHEPP, HALLORAN & MORAN  
1700 CAREW TOWER  
CINCINNATI, OHIO 45202

127798

## INDEX

<u>Item</u>	<u>Page No.</u>
ARTICLE I	
<u>Establishment of Condominium Ownership and Division of Condominium Property.....</u>	2
1.1 Submission of Condominium Property to Chapter 5311, Ohio Revised Code.....	2
1.2 Units.....	3
1.3 Common Areas and Facilities.....	5
ARTICLE II	
<u>General Provisions as to Units and Common Areas and Facilities.....</u>	10
2.1 Maintenance of Units and Common Areas and Facilities.....	10
2.2 Repairs to Common Areas and Facilities Necessitated by Unit Owner's Acts.....	13
2.3 Construction Defects.....	13
2.4 Effect of Insurance or Construction Guarantees.....	13
2.5 No Severance of Ownership.....	13
2.6 Easements.....	14
ARTICLE III	
<u>Unit Owner's Association.....</u>	18
3.1 Membership.....	18
3.2 Service of Process.....	18
ARTICLE IV	
<u>Covenants and Restrictions as to Use and Occupancy.....</u>	18
4.1 Purpose of Property.....	19
4.2 Obstruction of Common Areas and Facilities.....	19
4.3 Parking.....	19
4.4 Hazardous Uses and Waste.....	20
4.5 Exterior Surfaces of Buildings.....	20
4.6 Animals and Pets.....	20
4.7 Nuisances.....	21

DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
SPRING HILL OF MARIEMONT CONDOMINIUMS

KNOW ALL MEN BY THESE PRESENTS, that

A. The Spring Hill Properties, Inc., an Ohio corporation ("Declarant"), is the owner in fee simple of Parcel 1 described in Exhibit A attached hereto and made a part hereof ("Parcel 1"), and Parcel 2 described in Exhibit B attached hereto and made a part hereof ("Parcel 2"); and

B. It is the desire and intention of Declarant to enable Parcel 1, together with all buildings, structures, improvements and other permanent fixtures of whatsoever kind situated on Parcel 1, and all easements, rights, appurtenances and privileges belonging or pertaining to Parcel 1, including, without limitation thereto, all easements now or hereafter benefiting Parcel 1 and subject to easements and restrictions of record (the "Condominium Property"), to be owned under and pursuant to that certain type of ownership commonly known as "Condominium" and to subject and submit the Condominium Property to the provisions of Chapter 5311, Ohio Revised Code; and

C. Declarant or its successors and assigns may, desire for some part or all of Parcel 2, together with all buildings, structures, improvements and other permanent fixtures that may be constructed thereon and all easements, rights, appurtenances and privileges belonging or pertaining thereto, including, without limitation thereto, all easements now or hereafter benefiting Parcel 2, to be owned pursuant to the type of ownership known as Condominium and to submit such property to the provisions of Chapter 5311, Ohio Revised Code, in which event the term "Condominium Property" shall include all such property; and

D. Declarant further desires to establish for the mutual benefit of Declarant and all future owners, mortgagees or occupants of any part or all of the Condominium Property, which shall be known as "Spring Hill of Mariemont Condominiums," certain easements and rights, in, over and upon such Condominium Property and certain mutually beneficial restrictions and obligations with respect to the use, conduct and maintenance thereof; and

E. Declarant desires and intends that Declarant and the several owners, mortgagees, occupants and other persons hereafter acquiring any interest in the Condominium Property shall at all times enjoy the benefits of, and shall hold their interest

therein subject to the rights, reservations, obligations, conditions, covenants, easements, privileges and restrictions hereinafter set forth in this Declaration, in the drawings attached hereto as Exhibits C-1 through C-\_\_\_ (the "Condominium Drawings") and made a part hereof, and in the Bylaws of the Owners' Association attached hereto as Exhibit D and made a part hereof (the "Bylaws"), all of which are declared to be in furtherance of a plan to promote and protect the cooperative aspect of ownership and to facilitate the proper administration of the Condominium Property, and are established for the purpose of enhancing the value, desirability and attractiveness of the Condominium Property;

NOW, THEREFORE, Declarant, as the owner in fee simple of the Condominium Property, hereby makes the following Declaration as to the divisions, covenants, restrictions, limitations, conditions and uses to which the Condominium Property may be put, hereby specifying that said Declaration shall constitute covenants to run with the land and shall be binding on Declarant, its successors and assigns, and all subsequent owners of all or any part of the Condominium Property, together with their respective grantees, lessees, heirs, executors, administrators, devisees, mortgagees, successors or assigns:

#### ARTICLE I

##### Establishment of Condominium Ownership and Division of Condominium Property

1.1 Submission of Condominium Property to Chapter 5311, Ohio Revised Code. Declarant, in order to establish a plan of condominium ownership for the Condominium Property, hereby submits the Condominium Property to the provisions of Chapter 5311, Ohio Revised Code. The Condominium Property has two (2) buildings situated thereon, which contain residential units. The buildings are constructed principally of wood, glass, calcote/plaster, cedar shake shingles, concrete, drywall, plywood, and asphalt shingles. The two (2) residential buildings contain in the aggregate eight (8) separate residential units, which units are hereby divided into eight (8) separately designated and legally described freehold estates, hereinafter sometimes described and referred to as "Units". Unit-type 1A Units have 3 bedrooms and 3 full baths; Unit-type 1B Units have 2 bedrooms and 2 full baths; Unit-type 2 Units have 2 bedrooms and 2 full baths; Unit-type 3 Units have 2 bedrooms and 2 full baths; and Unit-type 4A Units have 2 bedrooms and 2 full baths. (Notwithstanding the foregoing, the number of bedrooms and baths in each Unit-type may be varied at the option of the Unit owner.)

Every Unit has central air-conditioning and a garage containing one or two parking spaces. Each Unit is constructed in accordance with one of five floor plans, which floor plans are designated as Unit Type - 1A, Unit Type 1B, Unit Type 2, Unit Type 3 or Unit Type 4A. Each Unit has a woodburning fireplace and a cathedral ceiling in one or more rooms.

The balance of the Condominium Property including, without limitation thereto, patios, decks, roof terraces, porches, guest parking spaces, driveways, private roadways, balconies, walkways, sidewalks, and all land and all rights and easements benefitting the land, consists of one freehold estate owned in common by all the Unit owners, hereinafter described and referred to as the "Common Areas and Facilities."

Included in the Common Areas and Facilities, but restricted to the exclusive use of the owners of the Units which are adjacent thereto, are certain Limited Common Areas and Facilities (the Limited Common Areas and Facilities) which include all decks, porches, patios, roof terraces, driveways, entries, designated open space in front of, to the side of and behind the Units, storage areas and guest parking spaces in front of garages designated as Limited Common Areas and Facilities in the Condominium Drawings as being solely for the use of one Unit to the exclusion of other Units or pursuant to rules and regulations adopted by the Association as well as any electrical, plumbing, utility lines and pipes and other connections or fixtures which are a part of or are located in the Common Areas and Facilities but which are entirely for the benefit of or which serve one Unit.

The locations, together with the particulars of the buildings, and the layout, location, designation, dimensions, area and number of rooms of the Units and the Common Areas and Facilities are shown graphically on the Condominium Drawings. The Condominium Drawings were prepared by and bear the certified statement of Jack E. Hodell, registered architect and Jimmy Lansdale, registered surveyor, as required by Section 5311.07, Ohio Revised Code. The separate drawings comprising the Condominium Drawings are hereinafter referred to by reference to the exhibit page designations thereon. The Condominium Drawings may be amended pursuant to the provisions of Article X hereof when and if any part or all of Parcel 2 together with any improvements thereon is added to the Condominium Property.

1.2 Units. Each of the Units hereinbefore declared and established as a freehold estate shall be bounded by the bottom side of the lower level floor of each Unit, including