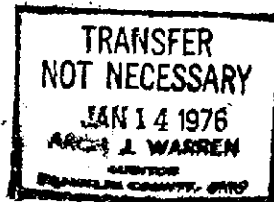


VOL 3500 PAGE 897

AGREEMENT AND EASEMENT



THIS AGREEMENT entered into this 14th day of January, 1976, by and between COLUMBIA PROPERTIES, INC., an Ohio corporation, (called "Grantor" herein), and PEPPERTREE RECREATION ASSOCIATION ONE, an Ohio corporation not-for-profit, (called "Grantee" herein); WITNESSETH that,

714

WHEREAS, Grantor is the owner of the real property described in Exhibit "A", attached hereto and incorporated herein, and has constructed two tennis courts on such property, and

WHEREAS, Grantee was organized and exists for the purpose of managing and operating recreational facilities for the use of its membership which is composed of the condominium unit owners in Peppertree Condominium Section One, Peppertree Condominium Section Two and Peppertree Condominium Section Three.

NOW, THEREFORE, it is agreed that for the consideration of \$10.00 and other consideration, the receipt of which is hereby acknowledged, Grantor hereby grants unto Grantee, its successors and assigns, for the use of the members of Grantee, the non-exclusive right and easement to use the tennis courts on the real property described in Exhibit "A", on the terms and subject to the conditions hereinafter stated:

1. The cost of maintaining and repairing said tennis courts shall be borne by Grantee except as specifically otherwise provided herein.
2. The right and easement in Grantee shall continue for so long as said tennis courts are maintained by Grantee and in the event, for any reason, the tennis courts are not maintained in reasonable condition and repair, the right and easement herein shall terminate.
3. It is understood and acknowledged that Grantor owns additional real property described in Exhibit "B", attached hereto and incorporated herein, and that it intends to develop said real property for residential use. It is agreed that in the event said additional real property, or any part thereof, is developed as residential property, the residents thereof shall have the right and easement to use said tennis courts in common with the members of Grantee and Grantor hereby reserves said right and easement on behalf of said residents. Provided, however, that said residents shall

Received JAN 14 1976 At 11:55 A.M.
Recorded JAN 15 1976 In Franklin County
JAMES A. SCHAEFER, Recorder
Recorder's Fee \$ 6.00



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pay their proportionate share of the cost of maintaining and repairing said tennis courts (determined on the basis of the total number of residence units within the combined properties described in Exhibits "A" and "B"). Provided further, that in the event the real property described in Exhibit "B", or any part thereof, is developed as residential rental property, the owner thereof shall pay that part of the cost of maintaining and repairing the tennis courts that the number of rental units bears to the combined total of rental units and residence units within the combined properties described on Exhibits "A" and "B". As used herein, the term "residence units" shall include condominium units, townhouses and separate single family residences.

4. Annual assessments for the cost of maintaining and repairing the tennis courts may be made by Grantee against its members and against the owners of residential and rental units within the real property described in Exhibit "B". Failure to pay such assessment within thirty days from its receipt shall terminate a residence unit owners or a rental unit owners right to the use of said tennis courts.

IN WITNESS WHEREOF, the parties have executed this instrument the day, month and year first above written.

Signed in the presence of:

COLUMBIA PROPERTIES, INC. - GRANTOR

Isabel H. Johnson
Mona K. Mayes
 Witnesses

By: Roger W. Murphy V.P.

STATE OF OHIO

COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 14th day of January 1978, by Roger W. Murphy, Vice President of COLUMBIA PROPERTIES, INC., a corporation, on behalf of the Corporation.



ISABEL H. JOHNSON
 NOTARY PUBLIC, FRANKLIN COUNTY, OHIO
 MY COMMISSION EXPIRES JANUARY 1, 1978

Isabel H. Johnson
 Notary Public

PEPPERTREE RECREATION ASSOCIATION
 ONE - GRANTEE

By: L. J. Phillips, Vice President

This instrument prepared by:
 Larry H. Snyder, Attorney-at-Law
 209 South High Street
 Columbus, Ohio 43215

Exhibit "A"



Principals:
Philip E. Martin
Robert B. Simmermacher
Robert M. Spencer
Walter T. Olmstead
Lee W. Rupp
Rodney S. O. Roberts
Daniel G. Longo

Associates:
William L. Hazlett
Peter T. Petzel

P. E. MARTIN & ASSOCIATES, INC.

230 Old W. Wilson Bridge Rd. • Worthington, Ohio 43085 • 614-885-0421

August 9, 1974

COLUMBIA PROPERTIES INC
150 E MOUND STREET
COLUMBUS OHIO 43215

Job #791

ATTN MR ROGER MURPHY

Enclosed is a description of the Tennis Court Area at Peppertree Condominiums.

Situate in the State of Ohio, County of Franklin, City of Columbus, Lot Number 1, Section 2, Township 2, Range 17, U.S. Military Lands and being part of a 9.409 acre tract conveyed to Columbia Properties, Inc. by deed of record in Deed Book 3250, Page 188, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the easterly right of way line of Newtown Drive and in the southerly line of the above mentioned 9.409 acre tract, said point also being in the northerly line of the Lola C. Riley 3.340 acre tract;

Thence N.01°52'36"E., along the easterly line of Newtown Drive, 76.23 feet to a point of curve;

Thence with a curve to the left having a radius of 510.00 feet, the chord of which bears N.02°16'54"W., a chord distance of 73.96 feet to a point;

Thence S.87°56'00"E., 165.86 feet to a point;

Thence S.02°04'00"W., 150.00 feet to a point in the southerly line of said 9.409 acre tract;

Thence N.87°56'00"W., 160.00 feet along the southerly line of said 9.409 acre tract to the place of beginning containing 0.558 acres.

P. E. MARTIN & ASSOCIATES, INC.

Robert M. Spencer
Robert M. Spencer
Registered Surveyor #4108

kc

Exhibit "B"



P. E. MARTIN & ASSOCIATES, INC.

77 E. Wilson Bridge Rd. • Worthington, Ohio 43085 • 614-885-0421

Principals
Philip E. Martin
Robert B. Hammermacher
Robert M. Spencer
Walter T. Olmstead
L. W. Rupp

Associates
W. H. Darwacter
William L. Hazlett
Daniel G. Longo
Peter T. Petzel
Rodney S. D. Roberts

June 18, 1973

Job #1646

Mr. Richard Lighthiser
COLUMBIA PROPERTIES, INC.
150 E. Mound Street
Columbus, Ohio 43215

RE: Cleveland Avenue

The following is a description of the AR-12 property on Cleveland Avenue that is not under development.

Situate in the State of Ohio, County of Franklin, City of Columbus, Part of Lot No. 1, Section 2, Township 2, Range 17, U.S. Military Lands, and being part of an 18,535 acre tract of record in Deed Book 3239, Page 233, and part of a 9.409 acre tract of record in Deed Book 3250, Page 188, conveyed to Columbia Properties, Inc., all of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin at the southeasterly corner of the above mentioned 9.409 acre tract and at the northeasterly corner of a 9.391 acre tract conveyed to Lois C. Riley by deed of record in Deed Book 3213, Page 199;

Thence N.87°56'00"W., along the southerly line of said 9.409 acre tract, a distance of 485.00 feet to an iron pin in the easterly line of Newtown Drive (60 feet in width) as Newtown Drive is shown on the "Dedication of Home Acre Drive, Newtown Drive, and a part of Cleveland Avenue" and of record in Plat Book 46, Page 13, Recorder's Office, Franklin County, Ohio;

Thence N.01°52'36"E., along the easterly line of Newtown Drive, 76.23 feet to a point of curve;

Thence with a curve to the left, having a radius of 510.00 and with the line of Newtown Drive, the chord of which bears N.43°61'42"W., a chord distance of 720.05 feet to a point of tangent;

Thence N.87°56'00"W., 5.96 feet to a point of curve;

Thence with a curve to the right having a radius of 20.00 feet and along the easterly line of a proposed road (60 feet in width), the chord of which bears N.43°16'00"W., a chord distance of 28.12 feet to a point of tangent;

Principals
Philip E. Martin
Robert B. Simmermacher

PAGE

Richard Lighthiser
COLUMBIA PROPERTIES
June 18, 1973
Page 2

VOL 3500 PAGE 901

Thence N.01°24'00"E., along the easterly line of said proposed road 296.08 feet to a point in the northerly line of the Columbia Properties, Inc. 18.535 acre tract;

Thence S.87°56'00"E., along the northerly line of said 18.535 acre tract 1021.64 feet to an iron pin at the northeasterly corner of said 18.535 acre tract;

Thence S.01°52'36"W., 900.00 feet to the place of beginning containing 15.149 acres.

P. E. MARTIN & ASSOCIATES, INC.

Robert M. Spencer

Registered Surveyor #4108
Robert M. Spencer

RMS:kc