

THE ENCLAVE AT ROSEMONT RIDGE CONDOMINIUM OWNERS' ASSOCIATION, INC.



Memo

To: The Association Membership
From: KareCondo
Date: July 24, 2014
Re: Amendments to the Declaration of Condominium Ownership

Dear Member:

Enclosed, please find a copy of the approved **Occupancy Restriction Amendment, FHA Compliance Amendment and Utility Maintenance and Soundproofing Amendments** to the Declaration of Condominium Ownership for The Enclave at Rosemont Ridge, effective December 3, 2013, June 27, 2014 and June 26, 2014 respectively. Please be sure to file these Amendments with your copy of the Declaration and Bylaws, and remember that the governing documents (the Declaration as amended, Bylaws and Rules & Regulations) must be passed on to any future buyer of your Unit.

Following the **Occupancy Restriction Amendment**, Tier III sexual offenders for whom the County Sheriff must provide notice are now prohibited from living or residing on the property. Pursuant to Ohio Revised Code Section 2950.11, the sheriff must notify either the individual owners or the Association of a Tier III sexual offender. If the Management Company and/or Association receives such notification, the Association will photocopy the notice and distribute it to all residents. By informing the residents of the presence of a Tier III sexual offender, the Board is allowing residents to take individual precautions that they deem appropriate until the Association can initiate legal action to have the Tier III sexual offender removed from the property. This amendment passed by 79.81% of the Membership.

Pursuant to Ohio law, the Board enacted an amendment to the Declaration (the **FHA Compliance Amendment**) so that the Association is now in a position to be compliant with Federal mortgagees', insurers' and lending institutions' owner-occupancy requirements by limiting leasing to 50% of the units and limiting any one individual to ownership of no more than 50% of the units within. This amendment (FHA Compliance Amendment) should assist future potential buyers in obtaining financing and current owners in obtaining refinancing.

The **Utility Maintenance and Soundproofing Amendments** passed by 75.96% and 76.92% of the Membership respectively.

Thank you for your time and attention to this matter. If you should have any questions, please contact KareCondo.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE ENCLAVE: A CONDOMINIUM COMMUNITY

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ENCLAVE: A CONDOMINIUM COMMUNITY RECORDED AT INSTRUMENT NO. 55783783 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ENCLAVE: A CONDOMINIUM COMMUNITY WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 12/13/13

BY: **KRISTEN M. SCALISE CPA, CFE**
FISCAL OFFICER
By: Katie Mancino
Katie Mancino

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12/03/2013 03:10P
CONDO 48.00
Kristen Scalise, Summit Co Fiscal Office

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE ENCLAVE: A CONDOMINIUM COMMUNITY**

WHEREAS, the Declaration of Condominium Ownership for The Enclave: A Condominium Community (the "Declaration") was recorded at Summit County Records Instrument No. 55783783 and

WHEREAS, The Enclave at Rosemont Ridge Condominium Owners' Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Enclave at Rosemont Ridge and as such is the representative of all Unit Owners, and

WHEREAS, Declaration Article XIII authorizes amendments to the Declaration, and

WHEREAS, Unit Owners representing at least 75% of the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 79.80% of the Association's voting power as of October 11, 2013, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 79.80% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Enclave: A Condominium Community is hereby amended by the following:

AMENDMENT A

INSERT a new SECTION (M) to DECLARATION ARTICLE VII, entitled, "COVENANTS AND RESTRICTIONS AS TO USE AND OCCUPANCY." Said



new addition, to be added on Page 32 of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:

(M) A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County Sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Condominium Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association is not, however, liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the occupancy of Units. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Unit Owners of record at the time of such filing have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT B

[Amendment Proposal Still Pending]

AMENDMENT C

[Amendment Proposal Still Pending]



IN WITNESS WHEREOF, the said The Enclave at Rosemont Ridge Condominium Owners' Association, Inc. has caused the execution of this instrument this 19th day of November, 2013.

THE ENCLAVE AT ROSEMONT RIDGE CONDOMINIUM OWNERS' ASSOCIATION, INC.

By: *Dianne Onesti*
DIANNE ONESTI, its President

By: *Tricia Ater*
TRICIA ATER, its Secretary

STATE OF OHIO)
COUNTY OF Summit) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Enclave at Rosemont Ridge Condominium Owners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Stow, Ohio, this 19th day of November, 2013.

Ronald Lindeen
NOTARY PUBLIC

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This instrument prepared by:
KAMAN & CUSIMANO, LLC,
Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650
ohiocondolaw.com

Place notary stamp/seal here:

Ronald Lindeen
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 03/24/2015

