

AMENDMENTS 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 THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ENCLAVE: A CONDOMINIUM COMMUNITY WERE FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 2/5/13

BY: KRISTEN M. SCALISE CPA, CFE  
FISCAL OFFICER

By: Katie Mancino  
Katie Mancino



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AMENDMENTS 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") and the Bylaws of The Enclave Condominium Owners' Association, Inc. (the "Bylaws"), Exhibit B of the Declaration, were recorded at Summit County Records Instrument No. 55783783, and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for The Enclave 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 Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" will be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" will be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Fines" will be replaced with the term "Enforcement Assessments."



(4) INSERT a new PARAGRAPH (v) to DECLARATION ARTICLE V, SECTION (E), entitled "Effect of Nonpayment of Assessments." Said new addition, to be added on Page 22 of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:

(v) In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board will have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the Rules of the Association, and reasonable charges for damage to the Common Elements.

(5) INSERT a new PARAGRAPH (4) to the end of DECLARATION ARTICLE XVI, SECTION B, entitled "Unit Owner's Right to Lease Unit." Said new addition, to be added on Page 46 of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, and as amended at Summit County Records, Instrument No. 55890262, is as follows:

In accordance with Ohio law, the Association may initiate eviction proceedings to evict any tenant, for any violation of the Declaration, Bylaws, Rules and regulations, or applicable laws, by the tenant, any Occupant of the Unit, or the owner of the Unit. The action will be brought by the Association, as the Unit Owner(s)'s agent, in the name of the Unit Owner(s). In addition to any procedures required by State law, the Association will give the Unit Owner(s) at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be charged to the Unit Owner(s) and the subject of a special Assessment against the offending Unit Owner and made a lien against that Unit.

(6) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 5, entitled "Special Services." Said new addition, to be added on Page 14 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:



In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

(7) INSERT a new 3<sup>rd</sup> SENTENCE to the end of BYLAWS ARTICLE II, SECTION 9, entitled "Quorum; Adjournment." Said new addition, to be added on Page 7 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(8) INSERT a new SENTENCE to the end of DECLARATION ARTICLE V, SECTION (B), entitled "Division of Common Expenses, Special Common Assessments, Common Surplus, Common Profits and Common Losses." Said new addition, to be added on Page 21 of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(9) INSERT a new PARAGRAPH (j) to BYLAWS ARTICLE II, SECTION 10, entitled "Powers and Duties." Said new addition to be added on Page 8 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Instrument No. 55783783, is as follows:

(j) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, the Board may exercise all powers of the Association, including the power to do the following:



(i) Commence, defend, intervene in, settle, or compromise any civil, criminal, or administrative action or proceeding that is in the name of, or threatened against, the Association, the Board, or the Condominium Property, or that involves two or more Unit Owners and relates to matters affecting the Condominium Property;

(ii) Grant leases, licenses, and concessions through or over the Common Elements;

(iii) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners; and

(iv) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

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

IN WITNESS WHEREOF, the said The Enclave at Rosemont Ridge Condominium Owners' Association, Inc. has caused the execution of this instrument this 21<sup>st</sup> day of January, 2013.

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

By: *Dianne Onesti*  
DIANNE ONESTI, its President




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 Dianne Onesti, its President, who acknowledged that she did sign the foregoing instrument, on Page 5 of 6, and that the same is the free act and deed of said corporation and the free act and deed of her personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Fairlawn, Ohio, this 31<sup>ST</sup> day of January, 2013.

David W Kaman  
NOTARY PUBLIC

Place notary stamp/seal here:



DAVID W. KAMAN  
Attorney At Law  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission  
Has No Exp. Date  
Sec. 147.03 O.R.C.

*EW*  
This instrument prepared by:  
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