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mail to

FIRST AMENDMENT
TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE ENCLAVE: A CONDOMINIUM COMMUNITY LOCATED IN FAIRLAWN,
SUMMIT COUNTY, OHIO

This will certify that a copy of this First Amendment to the Declaration of Condominium Ownership for THE ENCLAVE: A CONDOMINIUM COMMUNITY was filed with the Office of the Summit County, Ohio, Fiscal Office, Recording Department and the Summit County Auditor, respectively, on _____, 2011.


KRISTEN M. SCALISE CPA, CFE
SUMMIT COUNTY FISCAL OFFICER

Summit County Fiscal Office

By: Kelley Phelps
Deputy Fiscal Officer KELLY Phelps

*

THIS INSTRUMENT PREPARED BY:
Robert D. Kehoe
KEHOE & ASSOCIATES, LLC
900 Baker Building
1940 East Sixth Street
Cleveland, Ohio 44114
(216) 621-1500
(216) 621-1551 (fax)

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12/01/2011 09:47A
CONDO 36.00
Kristen Scalise, Summit Co Fiscal Office

**FIRST AMENDMENT
TO THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE ENCLAVE: A CONDOMINIUM COMMUNITY
LOCATED IN FAIRLAWN, SUMMIT COUNTY, OHIO**

RECITALS

WHEREAS, on June 08, 2011, the Declaration of Condominium Ownership (the "Declaration") with Bylaws attached thereto, and Drawings incorporated by reference therein, Reception Number 55783783, were filed with the Summit County Fiscal Office; and

WHEREAS, pursuant to Fannie Mae and Freddie Mac requirements in a case of a default by a Unit Owner a sixty (60) day notice shall be given to the first mortgage holder by the Condominium Association; and

WHEREAS, the condominium unit owners association that will manage The Enclave: A Condominium Community was formed as an Ohio non-for-profit corporation under the name "The Enclave at Rosemont Ridge Condominium Owners' Association, Inc.", and

WHEREAS, pursuant to Article XIII (B) of the Declaration, the Declarant has a right without a vote of Unit Owners to record a special amendment to the Declaration at any time to amend the Declaration in any manner necessary to comply with laws, including amending the Declaration to comply with the requirements of institutional mortgagees and Ohio Condominium Act, and to correct clerical, typographical errors or obvious factual errors and inconsistencies in this Declaration or its exhibits,

NOW, THEREFORE, THE DECLARANT DECLARES THAT:

1.0 INCORPORATION OF RECITALS. The recitals set forth above are incorporated herein by this reference.

2.0 AMENDMENT TO THE DECLARATION. Amend Article XII "RIGHTS OF FIRST MORTGAGEES" of the Declaration by adding to Section (A) the following:

"The holder of the first mortgage encumbering a Unit, if the Association was properly notified of such existing mortgage on the Unit, shall be entitled to a notice of any sixty (60) day delinquency in the payment of assessments and/or expenses to the Association owed by the Owner of any Unit on which it holds the mortgage";

3.0 AMENDMENT TO THE DECLARATION AND BYLAWS. Any mentioning of the "Association", "Unit Owner's Association", or "The Enclave Condominium Owners' Association" in the Declaration, Bylaws, and any exhibit to the Declaration shall mean "The Enclave at Rosemont Ridge Condominium Owners' Association, Inc."

4.0 OTHER PROVISIONS REMAIN IN FULL FORTH AND EFFECT. Except as hereinabove amended and supplemented, all other provisions of the Declaration and Bylaws shall be and remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to be executed this 29th day of November 2011.

THE ENCLAVE HOUSING CORPORATION

By: *Dianne Onesti*
Dianne Onesti, President
The Enclave Housing Corporation

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

Before me, a Notary Public in and for said County and State aforesaid, personally appeared The Enclave Housing Corporation, an Ohio non-profit housing corporation, by Dianne Onesti, President, who acknowledged that she did sign the foregoing instrument and that the same was her free act and deed.

GIVEN, under my hand and Notarial Seal this 29th day of November, 2011.

THIS INSTRUMENT PREPARED BY:
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Robert D. Kehoe

Robert D. Kehoe
Notary Public-State of Ohio
Commission has no expiration date
Section 147.03 R. C.

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