

BOARD TERMS AMENDMENT

MARCH 12, 2014

env. Kaman &
BONNIE M. HOWE
PORTAGE CO. RECORDER
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AMENDMENT TO THE

BYLAWS

OF



VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

PLEASE CROSS MARGINAL REFERENCE WITH THE BYLAWS OF VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 201100233 AND THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 200221191 OF THE PORTAGE COUNTY RECORDS.

AMENDMENT TO THE
BYLAWS OF
VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

WHEREAS, the Bylaws of Vantage Point Townhomes Homeowners Association, Inc. (the "Bylaws"), were recorded at Portage County Records, Instrument No. 201100233, and

WHEREAS, the Vantage Point Townhomes Homeowners Association, Inc. (the "Association") is a corporation consisting of all Owners in Vantage Point Townhomes and as such is the representative of all Owners, and

WHEREAS, Bylaws Article XIV authorizes amendments to the Bylaws, and

WHEREAS, Owners representing at least 50% 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 the Amendment signed by Owners representing 59% of the Association's voting power as of January 22, 2014, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 59% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, the proceedings necessary to amend the Bylaws as required by the Bylaws have in all respects been complied with.

NOW THEREFORE, the Bylaws of Vantage Point Townhomes Homeowners Association, Inc. are hereby amended by the following:

AMENDMENT A

[Intentionally Left Blank - Amendment Proposal Still Pending]

AMENDMENT B

MODIFY BYLAWS ARTICLE III, SECTION 1 entitled, "Number, Election and Term of Office of the Board of Trustees." Said modification, to be made on Page 4 of the Bylaws, Exhibit B of the Declaration, as recorded at Portage County Records, Instrument No. 201100233, is as follows (deleted language is crossed-out; new language is underlined):

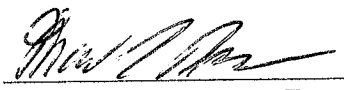
Section 1 - Number, Election and Term of Office of the Board of Directors Trustees. The number of directors trustees shall will be not less than three (3) or more than seven (7). The number of directors trustees shall will be three (3), unless fixed at a higher number by the Members. Each director will be elected for a three-year term, however, the terms will be staggered so that at least one-fifth of the Board will expire annually and a staggered 3-year rotation is maintained at all times. Each director trustee shall will hold office for a term of one (1) year and until his or her successor is elected and qualified, or until his or her earlier resignation, removal from office or death. Any director may resign at any time by oral statement to that effect made at a meeting of the Board or in a writing to that effect delivered to the Secretary or President of the Association, such resignation to take effect immediately or at such other time as the Board member may specify. Directors Trustees shall will be elected at the annual meeting of Members, but when the annual meeting is not held or directors trustees are not elected ~~thereat~~, they may be elected at a special meeting called and held for that purpose. ~~As used herein, "year" shall means the period from one annual meeting until the close of the next annual meeting, and if a trustee is elected at a special meeting, it shall mean the period from such special meeting until the close of the next annual meeting.~~

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment providing for Board member terms of three years each with staggered elections. 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 this amendment, only Owners of record at the time of such filing will have standing to contest the validity of the amendment, whether

on procedural, substantive or any other grounds, provided further that any such challenge will be brought within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Vantage Point Townhomes Homeowners Association, Inc. has caused the execution of this instrument this 5th day of MARCH, 2014.

VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

By:  - PRESIDENT
MATT BROSS, its President

By:  SECRETARY
SCOTT MALONE, its Secretary

[THIS SPACE LEFT BLANK INTENTIONALLY]

STATE OF OHIO)
)
COUNTY OF Summit) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Vantage Point Townhomes Homeowners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 5, 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 Hudson, Ohio, this 6th day of March, 2014.

Patricia Amato, Notary
NOTARY PUBLIC

Place notary stamp/seal here:
PATRICIA AMATO, Notary Public
Residence - Summit County
Statewide Jurisdiction, Ohio
My Commission Expires 2-15-18

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

AMENDMENT – OCCUPANCY RESTRICTION – AUG 31, 2011

BONNIE M. HOWE
PORTAGE CO. RECORDER

201115422

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AT 11:2139

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AMENDMENT TO THE

DECLARATION OF COVENANTS AND RESTRICTIONS

FOR

VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 200221191 OF THE PORTAGE COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION OF
COVENANTS AND RESTRICTIONS FOR
VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the Declaration of Covenants and Restrictions for Vantage Point Townhomes Homeowners Association, Inc. (the "Declaration") was recorded at Portage County Records Instrument No. 200221191, and

WHEREAS, the Vantage Point Townhomes Homeowners Association, Inc. (the "Association") is a corporation consisting of all Owners in Vantage Point and as such is the representative of all Owners, and

WHEREAS, Article IX, Section 6(b) of said Declaration authorizes amendments to the Declaration, and

WHEREAS, Owners representing not less than 2/3rds 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 Owners representing 73.21% of the Association's voting power as of date of letter confirming passage, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 73.21% 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 the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Covenants and Restrictions for Vantage Point Townhomes Homeowners Association, Inc. is hereby amended by the following:

AMENDMENT A

INSERT a new DECLARATION ARTICLE VIII, SECTION 26 entitled, "Occupancy Restriction." Said new addition, to be added on Page 13 of the Declaration, as recorded at Portage County Records, Instrument No. 200221191, is as follows:

Section 26 - Occupancy Restriction. 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 Dwelling or remaining in or on the Properties 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 shall not, however, be liable to any Owner or occupant, or anyone visiting any 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 Dwellings. Upon the recording of this amendment, only Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT B

[Intentionally Left Blank - Amendment Proposal Did Not Pass]

IN WITNESS WHEREOF, the said Vantage Point Townhomes Homeowners Association, Inc. has caused the execution of this instrument this 22nd day of August, 2011.

VANTAGE POINT TOWNHOMES HOMEOWNERS ASSOCIATION, INC.

By: *Matt Bros* PRESIDENT
MATT BROSS, its President

By: *Bill Uehlinger* SECRETARY
BILL UEHLINGER, its Secretary

STATE OF OHIO)
)
COUNTY OF Creager) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Vantage Point Townhomes Homeowners 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 Hudson, Ohio, this 22nd day of August, 2011.

NCS
NOTARY PUBLIC

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

Place notary stamp/seal here:



NICK C. SIRK
Notary Public, State of Ohio
My Commission Expires
November 22, 2014