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AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
WARREN PARKWAY CONDOMINIUM PHASE II

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR WARREN PARKWAY CONDOMINIUM PHASE II RECORDED AT VOLUME 5570, PAGE 557 ET SEQ. OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR WARREN PARKWAY CONDOMINIUM PHASE II WERE FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

JOHN A. DONOFRIO

DATED: 8-24-07

BY: *Q. Taylor, Deputy Auditor*
 FISCAL OFFICER



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**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
WARREN PARKWAY CONDOMINIUM PHASE II**

WHEREAS, the Declaration of Condominium Ownership for Warren Parkway Condominium Phase II (the "Declaration") and the By-Laws of Warren Parkway Condominium, Phase II, Owners' Association, Inc. (the "Bylaws"), Exhibit B to the Declaration, were recorded at Summit County Records Volume 5570, Page 557 et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the 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 Warren Parkway Condominium Phase II have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Warren Parkway Condominium Phase II 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" shall 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" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."
- (4) DELETE DECLARATION ARTICLE 8, entitled "Statutory Agent," in its entirety. Said deletion is to be made on Page 11 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq.



John A Donofrio, Summit Fiscal Officer

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INSERT a new DECLARATION ARTICLE 8, entitled "Statutory Agent." Said addition, to be made on Page 11 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

8. Statutory Agent. The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(5) INSERT a new DECLARATION ARTICLE 18, SECTION C, entitled "Enforcement Assessments." Said new addition, to be added on Page 25 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

C. Enforcement Assessments. In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall 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.

(6) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE 14, SECTION D, entitled "Lien of Association." Said new addition, to be added on Page 17 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Family Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(7) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE 3, SECTION B(11), entitled "Rental of Family Units." Said new addition, to be added on Page 5 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by the Association, as the Owner's Agent, in the name of the Owner. In addition



to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorney's fees, shall be charged to the Owner and shall be the subject of a special Assessment against the offending Family Unit and made a lien against that Family Unit.

(8) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE 14, SECTION A, entitled "General." Said new addition, to be added on Page 16 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a Owner in the following order of priority:

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;
- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) Fourth, to the principal amounts the Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Family Unit.

(9) INSERT a new 2nd PARAGRAPH to BYLAWS ARTICLE V, SECTION 10, entitled "Remedies for Failure to Pay Assessments." Said new addition, to be added on Page 19 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Owner is delinquent in the payment of Assessments for more than thirty (30) days, the Board may, by a majority vote, suspend the voting privileges of the owner and/or right of the occupants to use the recreational facilities.

(10) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 6, entitled "Special Services." Said new addition, to be added on Page 13 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may impose reasonable charges to the 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.

(11) INSERT a new DECLARATION ARTICLE 3, SECTION B(12), entitled "Owner/Resident Information." Said new addition, to be added on Page 5 of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

(12) Owner/Resident Information. In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Owner, provide to the Association the Owner's and/or all occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any person who manages the Family Unit as an agent of that Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(12) MODIFY the 1st SENTENCE of BYLAWS ARTICLE II, SECTION 1, entitled "Number and Qualification," and INSERT a new SENTENCE thereafter. Said modification, to be made on Page 5 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows: (deleted language is crossed out; new language is underlined)

The Board of Managers shall consist of five persons, except as otherwise provided, all of whom must be owners or the spouse of an owner of a unit. That notwithstanding, no one (1) unit may be represented by more than one (1) person on the Board at any one (1) time.

(13) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE II, SECTION 5, entitled "Regular Meetings." Said new addition, to be added on Page 6 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., 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.



(14) INSERT a new SENTENCE to the end of BYLAWS ARTICLE V, SECTION 2, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 16 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., 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.

(15) INSERT a new BYLAWS ARTICLE IV, SECTION 10, entitled "Powers and Duties." Said new addition to be added on Page 14 of the Bylaws, Exhibit B of the Declaration, as recorded at Summit County Records, Volume 5570, Page 557 et seq., is as follows:

Section 10. Powers and Duties. 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:

(a) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;

(b) 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 Owners and relates to matters affecting the Condominium Property;

(c) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

(d) Adopt rules that regulate the use or occupancy of Family Units, the maintenance, repair, replacement, modification, and appearance of Family Units, Common Elements, and Limited Common Elements when the actions regulated by those rules affect Common Elements or other Family Units;

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

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



(16) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Owners of record at the time of such filing shall have standing to contest the validity of these amendments, 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 amendments.

IN WITNESS WHEREOF, the said Warren Parkway Condominium, Phase II, Owners' Association, Inc. has caused the execution of this instrument this 17 day of August, 2007.

WARREN PARKWAY CONDOMINIUM, PHASE II, OWNERS' ASSOCIATION, INC.

By: Paul W. Flynn
PAUL W. FLYNN, its President

() STATE OF OHIO)
) SS
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Warren Parkway Condominium, Phase II, Owners' Association, Inc., by Paul W. Flynn, its President, who acknowledged that he did sign the foregoing instrument, on Page 7 of 7, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Twinsburg, Ohio, this 17th day of August, 2007.

Theresa A. Rondini
NOTARY PUBLIC

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

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THERESA A. RONDINI, Notary Public
State of Ohio, (Summit County)
My Commission Expires July 6, 2009

