

AMENDMENT TO THE  
DECLARATION  
FOR  
THE COTTAGES AT SAVANNAH CONDOMINIUM



Doc ID: 019694840005 Type: OFF  
Kind: DECLARATION  
Recorded: 09/28/2016 at 12:09:35 PM  
Fee Amt: \$56.00 Page 1 of 5  
Lorain County, Ohio  
Judith M Nedwick County Recorder  
File **2016-0602491**

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION FOR  
THE COTTAGES AT SAVANNAH CONDOMINIUM RECORDED AT  
INSTRUMENT NO. 2000-0713069A FOR THE LORAIN COUNTY RECORDS  
ON OCTOBER 19, 2000.

AMENDMENT TO THE  
DECLARATION FOR  
THE COTTAGES AT SAVANNAH CONDOMINIUM

WHEREAS, the Declaration for The Cottages at Savannah Condominium (the "Declaration") and the Bylaws of The Cottages at Savannah Condominium Unit Owners' Association (the "Bylaws"), Exhibit B the Declaration, were recorded at Lorain County Records, Instrument No. 2000-0713069A, and

WHEREAS, the Cottages at Savannah Condominium Unit Owners' Association (the "Association") is a corporation consisting of all Unit Owners in Cottages at Savannah Condominium and as such is the representative of all Unit Owners, and

WHEREAS, Declaration Article 21 authorizes amendments to the Declaration and Bylaws Article VI, Section 2 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's current voting power, based on ownership interests, 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 Unit Owners representing 75.3865% of the Association's voting power as of June 7, 2016, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 75.3865% 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 Declaration and Bylaws as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws have in all respects been complied with.

NOW THEREFORE, the Declaration for The Cottages at Savannah Condominium is amended by the following:

DELETE BYLAWS ARTICLE II, SECTION 1 entitled, "Number and Qualification," in its entirety. Said deletion to be taken from Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Lorain County Records, Instrument No. 2000-0713069A.

INSERT a new BYLAWS ARTICLE II, SECTION 1 entitled, "Number and Qualification." Said new addition, to be added on Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Lorain County Records, Instrument No. 2000-0713069A, is as follows:

Section 1. Number and Qualification. Subject to the provisions of the Declaration with respect to the election of the initial Board and other matters, the Board will consist of three persons. All such persons will be Unit Owners, or spouses of Unit Owners, or in the case of a corporate owner, it will be the chief executive officer of such corporation, or in the case of a partnership owner, a general partner of such partnership, or in the case of a fiduciary owner, a trust officer or other officer of such fiduciary or the fiduciary themselves, and a member in good standing, which means not delinquent in the payment of any fees or assessments owed to the Association for at least six months prior to the time the annual or special meeting is held for the election of Board members. If a Board member becomes more than 30 days delinquent in the payment of any fees or assessments owed to the Association during their term, they may be removed by a majority vote of the remaining Board Members. Any current Board member not in good standing, as defined above, at the time this amendment is recorded with the Lorain County Recorder has 30 days to bring their account current with the Association. If the Board member does not become current within 30 days, they may be removed by a majority vote of the remaining Board Members. Notwithstanding anything herein, no Unit may be represented by more than one person on the Board at any one time.

DELETE BYLAWS ARTICLE II, SECTION 3 entitled, "Term of Office; Resignation; Compensation," in its entirety. Said deletion to be taken from Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Lorain County Records, Instrument No. 2000-0713069A.

INSERT a new BYLAWS ARTICLE II, SECTION 3 entitled, "Term of Office; Resignation; Compensation." Said new addition, to be added on Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Lorain County Records, Instrument No. 2000-0713069A, and as amended at Instrument No. 2004-0062971, is as follows:

Section 3. Term of Office; Resignation; Compensation. Each Director will hold office until the next annual meeting and until their successor is elected, or until their earlier resignation, removal from office or death. Except for a Director appointed or elected to fill a vacancy, Directors will be elected for a three-year term, however, the terms will be staggered so that at least one-third of the Board will expire annually and a 1-1-1 rotation is maintained at all times. Board members may, however, only serve two consecutive terms. Any Board member 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 of the Association, such resignation to take effect immediately or at such other time as the Board member may specify. Members of the Board will serve without compensation.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the qualifications, term, and removal of Board members. 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 Unit 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 in the court of common pleas within one year of the recording of the amendment.

The Cottages at Savannah Condominium Unit Owners' Association has caused the execution of this instrument this 13<sup>th</sup> day of September, 2016.

COTTAGES AT SAVANNAH CONDOMINIUM UNIT OWNERS' ASSOCIATION

By: *Barbara Cahill*  
BARBARA CAHILL, its President

By: *William J. Bartok*  
WILLIAM BARTOK, its Treasurer

KAMAN & CUSIMANO ATTORNEYS  
2000 TERMINAL TOWER  
50 PUBLIC SQUARE  
CLEVELAND, OH 44113

STATE OF OHIO )  
COUNTY OF Summit ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Cottages at Savannah Condominium Unit Owners' Association, by its President and its Treasurer, 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.

I have set my hand and official seal in Hudson, Ohio, this 13<sup>th</sup> day of September, 2016.

*Shayea Painter*  
NOTARY PUBLIC

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



