

COPY

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
EAST BATH WOODS CONDOMINIUM

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR EAST BATH WOODS CONDOMINIUM WERE FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: _____

BY: _____
FISCAL OFFICER

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
EAST BATH WOODS CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for East Bath Woods Condominium (the "Declaration") and the Bylaws of East Bath Woods Condominium Association (the "Bylaws"), Exhibit "A" to the Declaration, were recorded at Summit County Records OR 562, Page 324 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 East Bath Woods Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for East Bath Woods Condominium 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 SECTION 20, entitled "Receipt of Service of Process,"** in its entirety. Said deletion is to be made on Page 13 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq.

INSERT a new DECLARATION SECTION 20, entitled "Receipt of Service of Process." Said addition, to be made on Page 13 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

20. Receipt of Service of Process.

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 2nd PARAGRAPH to the end of DECLARATION SECTION 17, entitled "Arbitration of Disputes between Unit Owners," Said new addition, to be added on Page 12 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

17. Arbitration of Disputes between Unit Owners.

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 DECLARATION SECTION 12, entitled "Assessment Liens; Cost of Enforcement." Said new addition, to be added on Page 8 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each 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 PARAGRAPH to the end of DECLARATION SECTION 11, SECTION (I). Said new addition, to be added on Page 8 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., and as amended at Summit County Records, OR 1446, Page 723 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 Unit Owner's Agent, in the name of the Unit Owner. In addition to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Unit 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 Unit Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(8) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE VIII, SECTION 1, entitled "Obligation of Owners to Pay Assessments." Said new addition, to be added on Page 13 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a Unit 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 Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(9) INSERT a new 3rd PARAGRAPH to the end of BYLAWS ARTICLE VIII, SECTION 10, entitled "Remedies for Failure to pay Assessments." Said new addition, to be added on Page 16 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Unit 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 V, SECTION 3, entitled "Special Services." Said new addition, to be added on Page 9 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., 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.

(11) INSERT a new SECTION (J), entitled "Owner/Resident Information," to DECLARATION SECTION 11. Said new addition, to be added on Page 8 of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

(J) In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit 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 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 BYLAWS ARTICLE II, SECTION 1, entitled "Number and Qualifications." Said modification, to be made on Page 5 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows: (deleted language is crossed out; new language is underlined)

Section 1. Number and Qualifications.

The BOARD shall consist of three persons all of whom must be Owners, or the spouse of an Owner, and occupants 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 3rd SENTENCE to the end of BYLAWS ARTICLE II, SECTION 7, entitled "Regular Meetings." Said new addition, to be added on Page 5 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 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 VIII, SECTION 2, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 14 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq. and as amended at Summit County Records, OR 1423, Page 211 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 2nd PARAGRAPH to BYLAWS ARTICLE II, SECTION 5, entitled "Powers and Duties," and INSERT new SUBPARAGRAPHS (a), (b), (c), (d), (e), (f) and (g), thereafter. Said new additions to be added on Page 5 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

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 managing agents, 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 Unit 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) Grant easements, leases, licenses, and concessions through or over the Common Elements;
- (e) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;
- (f) Purchase insurance and fidelity bonds the Board considers appropriate or necessary; and
- (g) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

(16) INSERT a new PARAGRAPH 5 to BYLAWS ARTICLE VII, SECTION 4(c) entitled "Porches and Room Additions." Said new addition, to be added on Page 12 of the Bylaws, Exhibit "A" of the Declaration, as recorded at Summit County Records, OR 562, Page 324 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.04(G), the Board may authorize the use of Limited Common Elements, as distinguished from the Common Elements and Exclusive Use Areas, for the construction of open, unenclosed patios, hedges, decks, fences, or similar improvements provided that the improvements are maintained and insured by the Owner of the Unit to which the Limited Common Element is appurtenant. The construction of an addition to or an expansion of a Unit into Limited Common Elements or Common Elements may not be authorized without the consent of all Unit Owners.

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 Unit 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 East Bath Woods Condominium Association has caused the execution of this instrument this _____ day of _____, 2005.

EAST BATH WOODS CONDOMINIUM ASSOCIATION

By: _____
NANETTE E. NORTHROP, its President

STATE OF OHIO)
)
COUNTY OF SUMMIT) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named East Bath Woods Condominium Association, by Nanette E. Northrop, its President, who acknowledged that she did sign the foregoing instrument, on Page 7 of 8, 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 _____, Ohio, this _____ day of _____, 2005.

NOTARY PUBLIC

This instrument prepared by:
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