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AMENDMENTS TO THE  
DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS  
FOR  
ASHFORD GLEN SUBDIVISION  
AND  
BYLAWS  
OF THE  
ASHFORD GLEN HOMEOWNERS' ASSOCIATION

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR ASHFORD GLEN SUBDIVISION RECORDED AT INSTRUMENT NO. 54326154 AND BYLAWS OF THE ASHFORD GLEN HOMEOWNERS' ASSOCIATION RECORDED AT INSTRUMENT NO. 55833630 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR ASHFORD GLEN SUBDIVISION WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
FISCAL OFFICER

  
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Kristen Scalise, Summit Co Fiscal Office

**AMENDMENTS TO THE**  
**DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS FOR**  
**ASHFORD GLEN SUBDIVISION**  
**AND BYLAWS OF THE ASHFORD GLEN HOMEOWNERS' ASSOCIATION**

WHEREAS, the Declaration of Covenants, Easements and Restrictions for Ashford Glen Subdivision (the "Declaration") was recorded at Summit County Records Instrument No. 54326154 and the Bylaws of The Ashford Glen Homeowners' Association (the "Bylaws"), Exhibit D to the Declaration, were recorded at Summit County Records Instrument No. 55833630, and

WHEREAS, the Ashford Glen Homeowners' Association (the "Association") is a corporation consisting of all Owners in Ashford Glen and as such is the representative of all Owners, and

WHEREAS, Section 10.2 of said Declaration authorizes amendments to the Declaration and Bylaws Article XII authorizes amendments to the Bylaws, and

WHEREAS, Owners representing not less than 66 2/3% of the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified in the Declaration and Owners representing not less than 50% of the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified in the Bylaws (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Owners representing 67% of the Association's voting power as of March 15, 2012, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 67% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Owners representing 58% of the Association's voting power as of March 15, 2012, and

**WHEREAS**, the Association has in its records the power of attorney signed by Owners representing 58% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

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

**NOW THEREFORE**, the Declaration of Covenants, Easements and Restrictions for Ashford Glen Subdivision and Bylaws for The Ashford Glen Homeowners' Association are hereby amended by the following:

**AMENDMENT A**

**INSERT** a new **DECLARATION SECTION 5.2.34** entitled, "Occupancy Restriction." Said new addition, to be added on Page 18 of the Declaration, as recorded at Summit County Records, Instrument No. 54326154, is as follows:

**5.2.34 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 Residence or remaining in or on the subdivision 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 Residences. The invalidity of any part of the above provision shall 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 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

**DELETE BYLAWS ARTICLE IV, SECTION 2** entitled, "Successor Trustees," in its entirety. Said deletion to be taken from Page 4 of the Bylaws, Exhibit D of the Declaration, as recorded at Summit County Records, Instrument No. 55833630.

**INSERT a new BYLAWS ARTICLE IV, SECTION 2** entitled, "Successor Directors." Said new addition, to be added on Page 4 of the Bylaws 55833630, is as follows:

**Section 2. Successor Directors.** The Board of Directors shall consist of three persons, all of whom must be Owners or spouses of Owners and a member in good standing; provided, however, that no Sublot may be represented by more than one (1) person on the Board at any one time. As used in this Section, "good standing" requires that the member not be more than thirty (30) days delinquent in the payment of any fees and/or Assessments owed to the Association. Furthermore, any Board Member who becomes delinquent for more than thirty (30) days while serving on the Board may be removed by a majority vote of the remaining Board Members.

The terms of the three Directors shall be three (3) years, however, the terms shall be staggered so that at least one-third of the Board shall expire annually; provided, however, that all times a 1-1-1 rotation is maintained. Each Board member shall hold office until his/her successor is elected, or until his/her earlier resignation, removal from office or death. 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.

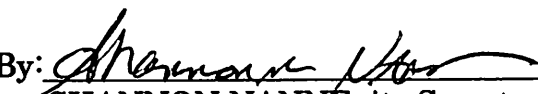


Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment regarding the qualifications and term of Board members. The invalidity of any part of the above provision shall not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing 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.

IN WITNESS WHEREOF, the said Ashford Glen Homeowners' Association has caused the execution of this instrument this 29<sup>TH</sup> day of MARCH, 2012.

ASHFORD GLEN HOMEOWNERS' ASSOCIATION

By:   
DAN MISMAS, its President

By:   
SHANNON NANNE, its Secretary

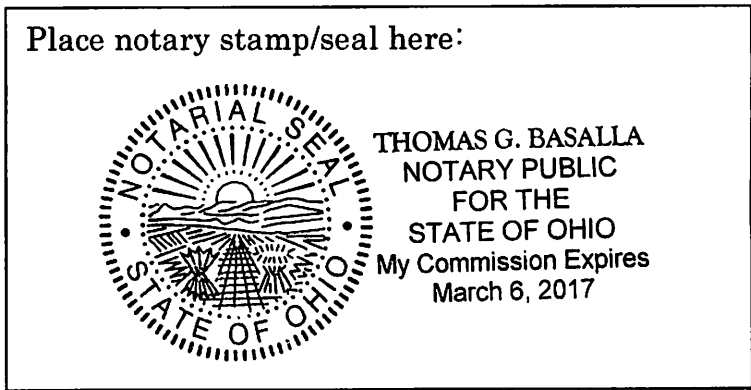
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STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Ashford Glen Homeowners' Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 of 6, 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 NORTHFIELD, Ohio, this 29th day of MARCH, 2012.

Thomas G. Basalla  
NOTARY PUBLIC



This instrument prepared by:  
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