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Portage County Ohio
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File **202213501**

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5311 OF THE OHIO REVISED CODE
FOR
CREEKSIDE PHASE II CONDOMINIUMS

**PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE OHIO
REVISED CODE FOR CREEKSIDE PHASE II CONDOMINIUMS RECORDED
AT INSTRUMENT NO. 201801411 OF THE PORTAGE COUNTY RECORDS.**

**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311
OF THE OHIO REVISED CODE FOR
CREEKSIDE PHASE II CONDOMINIUMS**

RECITALS

- A.** The Declaration of Condominium Ownership Under Chapter 5311 of the Ohio Revised Code for Creekside Phase II Condominiums (the "Declaration") and the Bylaws of Creekside Phase II Condominium Association, Inc. (the "Bylaws"), Exhibit C the Declaration, were recorded at Portage County Records, Instrument No. 201801411.
- B.** The Creekside Phase II Condominium Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Creekside Phase II Condominium and as such is the representative of all Unit Owners.
- C.** Declaration Article XII, Section 1 authorizes amendments to the Declaration and Bylaws Article VIII, Section 10(a) authorizes amendments to the Bylaws.
- D.** A meeting, including any change, adjournment, or continuation of the meeting, of the Association's Unit Owners was held on or about June 8, 2022, and, at that meeting and any adjournment, Unit Owners representing at least 75 percent of the voting power of the Association executed, in person or by proxy, an instrument in writing setting forth specifically the matters to be modified (the "Amendments").
- E.** Unit Owners representing 88 percent of the Association's voting power have affirmatively consented to or voted in favor of Amendments A, H, and I and signed powers of attorney authorizing the Association's officers to execute Amendments A, H, and I on the Unit Owners' behalf, as documented in the Association's records.
- F.** Unit Owners representing 76 percent of the Association's voting power have affirmatively consented to or voted in favor of Amendment B and signed powers of attorney authorizing the Association's officers to execute Amendment B on the Unit Owners' behalf, as documented in the Association's records.

G. Unit Owners representing 80 percent of the Association's voting power have affirmatively consented to or voted in favor of Amendments C, D, and F and signed powers of attorney authorizing the Association's officers to execute Amendments C, D and F on the Unit Owners' behalf, as documented in the Association's records.

H. Unit Owners representing 84 percent of the Association's voting power have affirmatively consented to or voted in favor of Amendment G and signed powers of attorney authorizing the Association's officers to execute Amendment G on the Unit Owners' behalf, as documented in the Association's records.

I. The Association has complied with the proceedings necessary to amend the Declaration and Bylaws, as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws, in all material respects.

AMENDMENTS

The Declaration of Condominium Ownership Under Chapter 5311 of the Ohio Revised Code for Creekside Phase II Condominiums is amended by the following:

AMENDMENT A

INSERT a new DECLARATION ARTICLE VIII, SECTION 14 entitled, "OCCUPANCY RESTRICTION." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

14. OCCUPANCY RESTRICTION. A person who is classified as a sex offender/child-victim offender and for whom the County sheriff or other government entity must provide community notice of the sex offender's residential address, is prohibited from residing in or occupying a Unit and from remaining in or on the Condominium Property for any length of time. The classification of a sex offender/child-victim offender and the determination of whether notice is required is made by a court of law in accordance with the Ohio Sex Offenders Act, or similar statute from another jurisdiction as either may be amended or renamed from time to time. The Association is not liable to any Unit Owner, Occupant, or visitor of any Unit Owner, or of the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce any provision of this Occupancy Restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on the occupancy of Units. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT B

DELETE DECLARATION ARTICLE VIII, SECTION 11 entitled, "RENTAL OF UNITS," in its entirety. Said deletion to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new DECLARATION ARTICLE VIII, SECTION 11 entitled, "LEASING OF UNITS." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

11. LEASING OF UNITS. To create a community of resident Unit Owners and to remain within mortgagee Unit Owner-occupancy limitations, no Unit can be leased, let, or rented, whether for monetary compensation or not, by a Unit Owner to others for business, speculative, investment, or any other purpose, subject to the following:

A. The above prohibition does not apply to:

(1) Units that are occupied by the parent(s) or child(ren) of the Unit Owner; or,

(2) Units that are leased or rented to a third party by the Unit Owner of the Unit as of the date this amendment is recorded with the Portage County Recorder's Office, and which the Unit Owner has registered with the Association as a "leased Unit" (referred to as "Grandfathered Units") within 90 days of the recording of this amendment; a Grandfathered Unit

may continue to be leased until titled Unit Ownership of the Unit is transferred to a subsequent Unit Owner; upon the date of title transfer, the Unit is no longer a Grandfathered Unit and is no longer excepted from this lease prohibition; or,

(3) Units that meet a special situation and to avoid a practical difficulty or other undue hardship, each Unit Owner has the right to lease their Unit to a specified renter/tenant for a one-time period of no more than 24 consecutive calendar months, subject to the restrictions and requirements as identified in Paragraphs B, C, D, and E below (referred to as "Hardship Units"). To exercise this right:

(a) The Unit Owner must provide the Board with prior, written notice of the lease at least 10 business days prior to its commencement; and

(b) The Unit Owner may not be more than 60 days delinquent in payment of any assessment or other amount due to the Association. If the Unit Owner is more than 60 days past due in any payment, the Unit Owner will request from the Board a one-time hardship exception and will not lease the Unit until the Board approves the request.

B. Grandfathered Units or Hardship Units are subject to the following conditions and restrictions:

(1) Lease terms must be for 12 full, consecutive calendar months;

(2) Leases must be provided to the Board at least 10 days prior to the commencement of the lease term;

(3) No Unit may be leased, let, or rented to any business or corporate entity for the purpose of corporate housing or similar use;

(4) No Unit may be sub-leased, sublet, or rented by a tenant;

(5) No individual room, part, or sub-part of any Unit may be leased, let, or rented;

(6) The Association has at all times a limited power-of-attorney from and on behalf of any Unit Owner who is more than 60 days past due in the payment of any assessment or other amounts due to the Association. The limited power-of-attorney permits the Association to collect the lease or rent payments directly from the lessee, tenant, or renter until the amount owed to the Association is paid in full;

(7) The lessee, tenant, or renter must abide by the terms of the Declaration, Bylaws, and Rules and regulations;

(8) When a Unit Owner leases their Unit, the Unit Owner relinquishes all amenity privileges, but continues to be responsible for all obligations of Unit Ownership of their Unit and is jointly and severally liable with the lessee, tenant, or renter to the Association for the conduct of the lessee, tenant, or renter and any damage to Association property;

(9) In accordance with Ohio law, the Association may initiate eviction proceedings to evict any lessee, tenant, or renter for violation of the Declaration, Bylaws, Rules, or applicable laws, by any occupant of the Unit, or the Unit Owner of the Unit. The action will 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 State law, the

Association will give the Unit Owner at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be assessed to the Unit Owner and the Unit's account and is a lien against that Unit.

C. Any land contract must be recorded with the Portage County Recorder's Office and a recorded copy of the land contract must be delivered to the Board within 30 days of the recording. Any land contract not meeting the requirements of this Paragraph C is an impermissible lease. The buyer of a Unit on a land contract meeting the requirements of this Paragraph C is considered the Unit Owner of the Unit for all purposes and obligations under this Declaration, the Bylaws, and the Rules, except only and specifically to the extent otherwise provided in the land contract between the buyer and seller.

D. Whenever any Unit is owned by a corporation, partnership, trust, or other entity, the Unit Owner, through its officers or agents, i.e. president or chief executive officer, partner, or trustee, must designate in writing one particular person or family that is entitled to occupy the Unit. The designated person or family must be an employee of or have an ownership or legal interest, e.g. by being a named beneficiary of the trust, in the entity owning the Unit. Only the designated person or family, its care-givers, co-habitants, and guests may use the Unit. To the extent permitted by law, this requirement is also intended to prevent the purchase and use of any Unit for corporate housing, or as a rooming house, group home, commercial foster home, fraternity or sorority house, or any similar type of lodging, care, or treatment facility.

E. The Board may adopt and enforce Rules and definitions in furtherance, but not in contradiction of the above provisions, including, Rules to address and eliminate attempts to circumvent the meaning or intent of this Article VIII, Section 11 and in furtherance of the preservation of Creekside Phase II Condominium as a Unit Owner-occupied community and against the leasing of Units for investment or other purposes. The Board has full power and authority to deny the occupancy of any Unit by any person

or family if the Board, in its sole discretion, determines that the Unit Owner of the Unit is intending or seeking to circumvent the meaning, purpose, or intent of this Article VIII, Section 11.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on the leasing of Units. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any contest or other legal challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT C

DELETE DECLARATION ARTICLE VIII, SECTION 12 entitled, "ANIMALS AND PETS," in its entirety. Said deletion to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new DECLARATION ARTICLE VIII, SECTION 12 entitled, "ANIMALS AND PETS." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

12. ANIMALS AND PETS. Except as hereinafter provided, no animals, livestock, or poultry of any kind will be raised, bred, maintained, or kept within any Unit or within the Common Elements for any commercial purpose. Dogs, cats, or other common household domestic pets may be kept or maintained in a Unit. Exotic pets, which are rare or unusual pets that are generally thought of as a wild species and are not domesticated, and Vicious Dogs (defined below) are prohibited. The restrictions on pets on the Condominium Property are further subject to the following:

A. The keeping of any permitted pet on the Condominium Property is subject to Rules and regulations as the Board may from time to time adopt, including, without limitation, the right to levy enforcement assessments against persons who do not clean up after their pets.

B. No pets will be permitted in any portion of the Condominium Property, other than the Units, unless they are on a hand-held leash, being carried, or otherwise transported.

C. Any pet causing or creating a nuisance or unreasonable disturbance may be permanently removed from the Condominium Property by the Association subject to these restrictions upon 3 days' written notice from the Board.

D. A "Vicious Dog" means a dog that: 1) has caused injury, including but not limited to death to any person or (2) is defined as dangerous, menacing, nuisance or vicious within the meaning of the Ohio Revised Code Section 955.11(A), or as that statute may be amended from time to time. The term "Vicious Dog" also includes, without limitation, the Rottweiler, Presa Canario, any dog commonly known as a pit bull, and any mixed breeds of the foregoing.

E. If, at the time this amendment is recorded, a Vicious Dog or other non-permitted pet is residing on a Unit, the animal is "grandfathered" and, so long as the animal has been registered with the Association within 90 days of the date of recording of this amendment, may remain until its demise or relocation off the Condominium Property for a period of 30 or more consecutive days, at which time it may not be replaced

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on pets. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT D

INSERT a new DECLARATION ARTICLE VIII, SECTION 15 entitled, "OCCUPANCY LIMIT." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

15. OCCUPANCY LIMIT. No more than two persons per bedroom will be permitted to reside in a Unit ("reside" means more than 30 days out of each 12-month period). For the purposes of this restriction only, any person 36 months of age or younger will not be counted in determining whether the occupancy limit has been reached or exceeded. Each Unit Owner will provide the Board with the number and names of all Occupants of the Unit within 90 days of recording this amendment, and within 90 days from the date the title to the Unit is transferred to a new Unit Owner.

Any conflict between this provision and any other provisions of the Declaration or Bylaws will be interpreted in favor of this restriction on the number of Occupants in the Units. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT E

Intentionally Left Blank - Amendment Proposal Did Not Pass

AMENDMENT F

INSERT a new DECLARATION ARTICLE VII, SECTION 9 entitled, "COST OF COLLECTION." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

9. COST OF COLLECTION. A Unit Owner who fails to pay any assessment(s) within 10 days after same have become due and payable, is liable for any late charges as established by the Board and

for any and all costs and expenses the Association incurs, including attorneys' fees, recording costs, title reports, and court costs, in connection with the collection of said assessment(s) and any other charges or monies the Unit Owner owes to the Association. A Unit Owner is further liable for all costs and expenses the Association incurs in any action in which the Association is named as a party by any mortgagee or other creditor of the Unit Owner.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the cost of collection. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT G

DELETE DECLARATION ARTICLE XVII, SECTION 1 entitled, "ACTION WITHOUT MEETING," in its entirety. Said deletion to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new DECLARATION ARTICLE XVII, SECTION 1 entitled, "ACTION WITHOUT MEETING." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

1. **ACTION WITHOUT MEETING.** For the Association, all votes and actions, including an amendment of the Declaration or Bylaws, may be taken without a meeting, as if it had been taken at a meeting, with the written or electronic consent of Unit Owners having the percentage of voting power required by this Declaration, the Bylaws, or the law. The written or electronic consents will be filed and kept as part of the Association's records at the direction of the Secretary of the Association. Any action to elect or remove a Director however, requires the vote be taken at a meeting.

For the Board, all votes and actions may be taken without a meeting, as if it had been taken at a meeting, with the unanimous written consent of the Directors. The written consent may be in electronic form, including by email or similar mode of communication. The written consents will be filed and kept with the minutes of the Board meetings as part of the Association's records.

DELETE DECLARATION ARTICLE XVII, SECTION 16 entitled, "NOTICES TO ASSOCIATION," in its entirety. Said deletion to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new DECLARATION ARTICLE XVII, SECTION 16 entitled, "NOTICES AND OTHER ACTIONS AND COMMUNICATIONS." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

16. NOTICES AND OTHER ACTIONS AND COMMUNICATIONS. For all notices to be sent to the Association, the Board, or the Unit Owners, the following provisions apply:

A. Service of Notices on the Association and Board. All notices required or permitted by the Declaration or Bylaws, to the Association or the Board, must be made in writing and sent either:

(1) by regular U.S. mail, first-class postage prepaid, or

(2) delivered in accordance with Article XVII, Section 17 below, to the Board President, to any two other Directors, to the Association at the address of the Condominium Property, to the Association's manager or management company, if any, the Association's statutory agent registered with the Ohio Secretary of State, or to any other address as the Board may designate by written notice to all Unit Owners.

B. Service of Notices on Unit Owners. All notices required or permitted by the Declaration or Bylaws to any Unit

Owner will be in writing and is deemed effectively given if it has been sent by one of the following methods:

- (1) personally delivered to the Unit Owner;
- (2) placed under or attached to the front or main entry door of the Unit Owner's Unit,
- (3) sent by regular U.S. mail, first-class postage prepaid, to the Unit Owner's Unit address or to another address the Unit Owner designates in writing to the Board, or
- (4) delivered in accordance with Article XVII, Section 17 below.

If there is more than one person owning a single Unit, a notice given to any one of those several persons is deemed to have been given personally to all of the persons owning an interest in the Unit.

DELETE DECLARATION ARTICLE XVII, SECTION 17 entitled, "NOTICES," in its entirety. Said deletion to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new DECLARATION ARTICLE XVII, SECTION 17 entitled, "NEW COMMUNICATION TECHNOLOGIES." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

17. NEW COMMUNICATION TECHNOLOGIES.

A. Due to the ongoing development of new technologies and corresponding changes in business practices, to the extent permitted or approved by the Board, as well as by Ohio and federal law, now or in the future, in addition to the methods described in Article XVII, Section 16 above, the following may be accomplished using electronic mail or other transmission technology available at that time that is a generally accepted business practice:

(1) any notice required in the Declaration or Bylaws to be sent or received;

(2) any signature, vote, consent, or approval required to be obtained; and

(3) any payment required to be made by the Declaration or Bylaws.

B. The use of electronic mail or other transmission technology is subject to the following:

(1) The Association may use electronic mail or other transmission technology to send any required notice only to Unit Owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Unit Owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices, including any notice of delinquency of any payment due, by either of the methods identified in Article XVII, Section 16, Paragraph B(1)-(3), above.

(2) For voting on matters, the Association may provide for voting by electronic mail or other electronic voting technology. However, voting for the election of Directors can be conducted by electronic mail or other electronic voting technology only to the extent, if any, as explicitly permitted and provided for in the Bylaws.

(3) An electronic mail or transmission technology to a Unit Owner is not considered delivered and effective if the Association's transmission to the Unit Owner fails two consecutive times, e.g. the Association receives an "undeliverable" or similar message, or the inability to deliver the transmission to the Unit Owner becomes known to the person

responsible for sending the transmission. If the electronic mail or transmission is not delivered or effective, the Association will deliver the notice or other communication to the Unit Owner by either of the methods identified in Article XVII, Section 16, Paragraph B(1)-(3), above.

DELETE BYLAWS ARTICLE I, SECTION 5 entitled, “Proxies,” in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE I, SECTION 5 entitled, “Voting Methods.” Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 5. Voting Methods. Depending on the conduct of the meeting, as determined by the Board in accordance with Bylaws Article I, Section 9, as amended, voting will be conducted via one of the following methods:

(a) **Voting in Person or by Proxy.** For meetings that are held in person and provide for physical attendance, members may vote in person or by proxy. The person appointed as proxy need not be a member of the Association. Each proxy will be executed in writing by the member entitled to vote and must be returned to the Association by regular mail, hand delivery, electronic mail, or other method of delivery provided for or permitted by the Board. Every proxy will automatically cease upon conveyance of the Unit by the member.

(b) **Voting by Mail and Electronic Voting Technology.** For meetings that are held via Authorized Communications Equipment, voting will be conducted by mail, through the use of Electronic Voting Technology that is approved by the Board, or both. “Authorized Communications Equipment,” as used in these Bylaws, means any communications equipment that is selected by the Board, in its sole discretion, that provides an electronic communication transmission, including but not limited to, by telephone, video conference, or any electronic means, from which it can be determined that the

transmission was authorized by, and accurately reflects the intention and participation of the member. "Electronic Voting Technology" as used in these Bylaws, means an electronic voting system that accurately and securely records the voting member's intent to cast a ballot on a matter in the way identified by the member, and provides for the counting of electronic votes submitted, including by means of internet, application, web, virtual, or other electronic technology. All matters to be voted on at a meeting utilizing Authorized Communications Equipment must be sent to the members no later than the date the meeting notice is sent to the members in accordance with Bylaws Article I, Section 6(d), as amended. Voting via mail or by use of Electronic Voting Technology is considered to be voting at the meeting, as if the member were physically present.

(c) Voting in Person, by Proxy, by Mail, and by Electronic Voting Technology. For meetings that are held in person and provide for physical attendance, the Board may decide that voting will be conducted either in person or by proxy, as provided for in this Bylaws Article I, Section 5(a) above, by mail or Electronic Voting Technology as provided for in this Bylaws Article I, Section 5(b) above, or any combination of all voting methods permitted in this Section 5.

Any ballots, regardless of method, received subsequent to the date and time the Board sets for ballots to be turned in will be held invalid. Any costs associated with voting, including mailing costs, printing, Authorized Communications Equipment and Electronic Voting Technology costs and subscriptions, are Common Expenses. The Board may adopt any additional regulations, procedures, or Rules as may be necessary to effectuate the intent and purpose of this voting provision to provide for the use of the desired voting method.

DELETE BYLAWS ARTICLE I, SECTION 6(d) entitled, "Notices of Meetings," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE I, SECTION 6(d) entitled, "Notices of Meetings." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

(d) Notices of Meetings. Written notice of each meeting of the members will be given by, or at the direction of, the Secretary or person authorized to call the meeting, delivered in accordance with Declaration Article XII, Sections 16 and 17, as amended, at least fifteen days before the meeting, to each member entitled to vote at the meeting. The notice will specify the place, day and hour of the meeting, and in the case of a special meeting, the specific purposes of the meeting, and in the case of special meetings called by the members, the specific motion or motions (other than procedural) to be voted upon.

If the meeting is held via Authorized Communications Equipment, the meeting notice must include any pertinent information that is necessary to allow the member to participate at the meeting via the Authorized Communications Equipment.

MODIFY BYLAWS ARTICLE I, SECTION 6(e) entitled, “Quorum; Adjournment.” Said modification, to be made to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows (deleted language is crossed-out; new language is underlined):

(e) Quorum; Adjournment. Except as may be otherwise provided by law or by the Declaration ~~or these Bylaws~~, at any meeting of the members of the Association, the members of the Association entitled to exercise more than 25 percent ~~one-half (14 Units)~~ of the voting power of the Association present either in person or by proxy at a physical meeting providing for in person attendance or that attend by using the method of Authorized Communications Equipment approved by the Board for meetings that are held via Authorized Communications Equipment, shall constitute a quorum for such ~~the~~ meeting; provided, however, that no action required by law, by the Declaration, or by these Bylaws to be authorized or taken by a designated percentage of the voting power of the Association may be authorized or taken by a lesser percentage; and provided further, that the members of the Association entitled to exercise a majority of the voting power represented at a meeting of members, whether or not a quorum is present, may adjourn such ~~the~~ meeting from time to time; if any meeting is adjourned, notice of such adjournment need not be

given if the time and place to which such meeting is adjourned are fixed and announced at such the meeting. Ballots submitted via mail or by Electronic Voting Technology also will count that Unit towards the quorum. The Board of Directors may adopt procedures and guidelines to permit the Association to verify that the person attending, either in person or by Authorized Communications Equipment, is eligible to vote and to maintain a record of any vote.

MODIFY BYLAWS ARTICLE I, SECTION 7 entitled, **“Actions without a Meeting.”** Said modification, to be made to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows (deleted language is crossed-out; new language is underlined):

Section 7. Actions without a Meeting. All actions which may be taken at a meeting of the Association, except the election or an action for the removal of Directors a Board Member, which must happen at a meeting as provided by these Bylaws, may be taken without a meeting in accordance with the voting methods in Bylaws Article I, Section 5, as amended with the approval of, and in a writing or writings signed by not the members of the Association having the percentage of voting power required to take such action if the same were taken for a meeting. Such writing or writings shall The voting records will be filed with the Secretary maintained with the books of the Association.

INSERT a new BYLAWS ARTICLE I, SECTION 9 entitled, **“Conduct of Meetings.”** Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 9. Conduct of Meetings. Prior to the meeting notice being sent to the members in accordance with Bylaws Article I, Section 6(d), as amended, the Board will determine whether the meeting will be conducted physically so that the members may attend in person, or by the use of Authorized Communications Equipment. If it is determined that the meeting will be held via Authorized Communications Equipment, the Board will decide if the members have the option to attend in person or via Authorized Communications Equipment or both.

If Authorized Communications Equipment is used, the persons utilizing the Authorized Communications Equipment must have the ability to communicate with the other participants to indicate their motion, vote, or statement, provided that the President, chair, or other person designated by the Board moderating the meeting, may silence or mute the Authorized Communications Equipment utilized to attend the meeting, unless the member is voting or has been recognized by the meeting chair or moderator to participate in the meeting. The meeting chair or moderator has the authority to decide and determine all procedural motions or other procedural matters to be decided at the meeting, including points of order and adjournment. The Board's purpose or reason for not conducting an in person meeting and instead having a meeting via Authorized Communications Equipment must be documented in the Board's meeting minutes.

DELETE BYLAWS ARTICLE II, SECTION 3 entitled, "Election of Board Members by Declarant/Developer and Unit Owners Prior to the First Annual Meeting," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE II, SECTION 3 entitled, "Nominations." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 3. Nominations. Nominations for the election of Directors to be elected by the members will be made by a nominating committee appointed by the Board or, if a committee is not appointed, by the Board itself; there will be no nominations from the floor. The nominating committee, or Board, will make as many nominations for election to the Board as it, in its discretion, determines, but no fewer than the number of vacancies that are to be filled and will verify that the nominees satisfy all qualification requirements of Bylaws Article II, Section 1. Any member may submit their name to the nominating committee, or Board, as a candidate, and the nominating committee, or Board, must nominate that member if that member satisfies all the qualifications to be a Director. If there are fewer nominees than

vacancies, the nominating committee, or Board, must nominate additional member(s) to be elected prior to the ballots being sent to the members so that there are, at all times, a sufficient number of nominees to fill all Board vacancies that are up for election.

Prior to sending the meeting notice, the nominating committee, or Board, will establish deadlines for when a request for nominations is sent to all members and when receipt of nominations must be obtained. Nominations must be made and received within a reasonable time period prior to the notice of any meeting where Directors are to be elected is sent in accordance with Bylaws Article I, Section 6(d), as amended, so that the voting information containing all the candidates' names and an informational sheet, within size limitations determined by the Board, containing their biographical information and affirming their candidacy, can be transmitted to the members no later than the sending of the meeting notice. The Board may adopt any additional regulations, procedures, or Rules necessary to establish processes and deadlines in accordance with this nominations provision.

DELETE BYLAWS ARTICLE II, SECTION 4 entitled, "First Annual Meeting," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE II, SECTION 4 entitled, "Election of Directors." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 4. Election of Directors. Directors will be elected at the annual meeting of members of the Association or at a special meeting called and held for that purpose.

A majority of the members present in person or by proxy at any Association meeting held for the purpose of election of Directors may approve a motion, made prior to the election of Directors, to either increase or reduce the number of Directors to five or three persons (the number always being an odd number), as the case may be. In the alternative, the Board may submit a written ballot to Unit Owners to vote on the proposed increase or reduction in the number

of Directors, in which case a majority of the Association's total voting power must affirmatively consent to approve the proposal. The approval of a motion or consent to the proposal to change the number of Directors will in no event act to decrease the length of the term of any Director whose term is not expiring as of the meeting date at which the motion is approved or approval of the proposal is reached.

Unless there are no more nominees than vacancies, election to the Board by the members is by secret ballot, submitted either in person, by proxy, by mail, or by Electronic Voting Technology, as determined by the Board pursuant to Bylaws Article I, Section 5, as amended. The Association is not required to send ballots to the members via any method if there are an equal number of nominations as there are candidates, in which case the nominated candidates will automatically be elected to the Board of Directors at the election meeting.

Regardless of the voting method, the Board must adopt Rules and safeguards to determine a method by which the secrecy of the ballots are maintained for those members while also maintaining the integrity of the voting process to ensure each member has only exercised their allotted vote once so that any other individuals can only identify that a Unit has voted, and not how a Unit has voted. The ballots, whether electronic or written, will list the number of open seats for Directors up for election and list the names of all of the nominated candidates.

If voting by mail, ballots must be submitted within dual envelopes. One of the two envelopes must contain the ballot itself, the "Ballot Envelope." The Ballot Envelope need not be signed. The second envelope must contain the Ballot Envelope and the ballot, the "Signature Envelope." The Signature Envelope must be signed by the member(s) voting, and will be used as a record of receipt of the member's ballot as well as to determine quorum. If the Signature Envelope is not signed by the member(s), the ballot in the Ballot Envelope will not be counted.

For the election of Directors, the members, or their proxies, may cast, in respect to each vacancy, as many votes as they are

entitled to exercise under the provisions of the Declaration and these Bylaws. The persons receiving the largest number of votes will be elected. Unless the nominated candidates whom have received the largest number of votes agree otherwise, ties, including if there are an equal number of nominees as there are positions with different terms, will be determined by lot or flip of a coin by the chair or moderator of the meeting. Cumulative voting is not permitted.

The nominating committee, or if a nominating committee is not appointed, the Board itself (excluding any incumbent Directors who are running for re-election), is responsible for (i) confirming all nominated candidates meet the qualifications to serve as a Director, (ii) receiving and verifying any ballots that are cast in person or by mail, (iii) receiving and verifying any ballots cast using Electronic Voting Technology, (iv) counting each ballot submitted through any voting method, and (v) verifying the results of the election by providing the ballots and results to the chair or moderator of the meeting.

The chair or moderator will announce the election results at the meeting to be reflected in the meeting minutes and the Board will ensure the election results are provided to all members within a reasonable time after the meeting.

DELETE BYLAWS ARTICLE II, SECTION 5 entitled, "Election of Board Members from and after the First Annual Meeting," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE II, SECTION 5 entitled, "Term of Office and Resignation." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 5. Term of Office and Resignations.

Each Director will hold office until the expiration of their designated term and until their successor is elected, or until their earlier resignation, removal from office, or death. All Directors will be elected for a three-year term with staggered elections to facilitate

either a 1-1-1 or 2-2-1 rotation, depending on the number of Directors as provided these Bylaws.

Any Director may resign at any time by oral statement to that effect made at a Board meeting or in a writing to that effect delivered to the Association Secretary or President, with the resignation taking effect immediately or at another time as the resigning Director may specify.

DELETE BYLAWS ARTICLE VIII, SECTION 2 entitled, “Service of Notices on the Board,” in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE VIII, SECTION 2 entitled, “Notices and Other Actions and Communications.” Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 2. Notices and Other Actions and Communications.

All notices required or permitted under the Declaration or Bylaws, to the Association, the Board, or members must be delivered in accordance with Declaration Article XVII, Sections 16 and 17, as amended.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment allowing the Association to use electronic communications to the extent permitted by Ohio and Federal law, establishing a method to use mail-in and electronic ballots for voting purposes, and permitting meetings to be conducted utilizing Authorized Communications Equipment. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT H

DELETE BYLAWS ARTICLE I, SECTION 6(b) entitled, "First Meeting," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE I, SECTION 6(b) entitled, "Annual Meetings." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

(b) Annual Meetings. For the election of the Board of Directors, the presentation of reports, and the transaction of any other business as is set forth in the meeting notice, the Association's annual meeting will be held at a time, at a place, and on a date during the second quarter of each calendar year as the Board of Directors determines and as stated in the meeting notice.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment changing the date for holding the annual meeting. The invalidity of any part of the above provision does 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT I

DELETE BYLAWS ARTICLE II, SECTION 1 entitled, "Qualifications," in its entirety. Said deletion to be taken from the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a new BYLAWS ARTICLE II, SECTION 1 entitled, "Qualifications." Said new addition, to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

Section 1. Qualifications. Each Director must be an owner or the spouse of an owner. If an owner is not an individual, that owner may nominate for the Board of Directors any principal,

member of a limited liability company, partner, director, officer, or employee of that Unit Owner. In addition, a trustee or a qualified beneficiary of a trust which owns the Unit is also eligible to serve as a Director. No Unit may be represented by more than one person on the Board at any one time.

Directors must be in good standing. "Good standing" means the Director is not an adverse party in any litigation involving one or more of the following parties: the Association, the Board or any Director (in that member's capacity as a Director). Good standing also requires that the Director not be more than 60 days delinquent in the payment of any fees or assessments owed to the Association. Any current Director not in good standing, as defined in this Section 1, at the time this amendment is recorded with the Portage County Recorder has 30 days to become in good standing, otherwise they may be removed by a majority vote of the remaining Directors.

MODIFY BYLAWS ARTICLE II, SECTION 13 entitled, "Removal of Board Members." Said modification, to be made to the Bylaws, Exhibit C of the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows (deleted language is crossed-out; new language is underlined):

Section 13. Removal of Board Members Directors. Except as otherwise provided herein and in the Act, the Board, by a majority vote, may remove any Director Board Member and thereby create a vacancy in the Board if (a) by order of court such the Director Board Member has been found to be of unsound mind, or (b) if he the Director is physically incapacitated in a manner that prohibits the Director for voting or participating in Board meetings, (c) the Director files for bankruptcy or has been adjudicated a bankrupt, (d) the Director is or has been convicted of a felony for theft or other theft related crime, including larceny, forgery, false pretenses, fraud, embezzlement, conversion, or any conspiracy related to any theft-related crime, at any time in the past, or convicted of a felony for any other type of crime within the last 10 years, (e) the Director is no longer a member in good standing as defined in Bylaws Article II, Section 1, as amended, or (f) the Director fails to attend three consecutive meetings of the Board. At any regular or special meeting of members of the Association meeting duly called at which a quorum

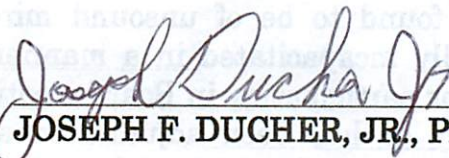
~~shall be is present, any one or more of the Directors Board Members~~
may be removed with or without cause by the vote of members
entitled to exercise a majority of the voting power of the Association,
and a successor or successors to such ~~the Director Board Member~~ so
removed may be elected at the same meeting for the unexpired term
for each such removed ~~Director Board Member~~. Any ~~Director Board~~
Member whose removal has been proposed by the members of the
Association ~~shall will be given an opportunity to speak and to be~~
~~heard at such the meeting prior to the vote of their removal.~~

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the qualifications and removal of Directors. 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.


The Creekside Phase II Condominium Association, Inc. has caused the execution of this instrument this 14th day of July, 2022.

CREEKSIDE PHASE II CONDOMINIUM ASSOCIATION, INC.

By:


JOSEPH F. DUCHER, JR., President

By:


BARBARA L. KEENER, Treasurer

STATE OF OHIO)

COUNTY OF)

Portage)

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named Creekside Phase II Condominium Association, Inc., by its President and its Treasurer, who acknowledged that they did sign the foregoing instrument, on Page 26 of 27, 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 this 14th day of July, 2022.

Camelag Hylton
NOTARY PUBLIC

Place notary stamp/seal here:

FAMELA J. HYLTON, Notary Public
Residence - Portage County
Statewide Jurisdiction, Ohio
My Commission Expires

April 12, 2024

This instrument prepared by:
KAMAN & CUSIMANO, LLC
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