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Portage County Ohio
Lori Calcei County Recorder

File **202210038**

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., Exhibit C of the Declaration (the "Bylaws"), were recorded at Portage County Records Instrument No. 201801411.

B. Ohio Revised Code Section 5311.05(E)(1)(c) authorizes the Board of Directors (the "Board"), without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration into compliance with this Chapter."

C. The Board approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311").

D. Each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311.

E. The proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

AMENDMENTS

The Declaration of Condominium Ownership Under Chapter 5311 of the Ohio Revised Code for Creekside Phase II Condominiums is 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" are 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" are replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Enforcement Charges" are replaced with the term "Enforcement Assessments."
- (4) **DELETE DECLARATION ARTICLE V, entitled "AGENT FOR SERVICE OF PROCESS"** in its entirety. Said deletion is to be taken from the Declaration, as recorded at Portage County Records, Instrument No. 201801411.

INSERT a NEW DECLARATION ARTICLE V, entitled "AGENT FOR SERVICE OF PROCESS" Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

ARTICLE V

AGENT FOR SERVICE OF PROCESS

The Board will designate the person to receive service of process for the Association. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

- (5) **INSERT a NEW SECTION 3 to the end of DECLARATION ARTICLE XIV.** Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

3. **Enforcement Assessments.** The Board has the authority to impose interest and administrative late fees for the late payment of assessments, impose returned check charges, and, in accordance with Chapter 5311, 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.

The Board will impose the following enforcement procedure:

A. Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit Owner a written notice that includes:

I. A description of the property damage or violation;

II. The amount of the proposed charge or assessment;

III. A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;

IV. A statement setting forth the procedures to request a hearing;

V. A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.

B. Hearing Requirements:

I. To request a hearing, the Unit Owner must deliver a written notice to the Board not later than the tenth day after receiving the notice required by Section (A)(I) above. If the Unit Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose a charge for damages or an enforcement assessment.

II. If a Unit Owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the Unit Owner with a written notice that includes the date, time, and location of the hearing.

III. The Board will not levy a charge or assessment before holding a properly requested hearing.

C. The Board may allow a reasonable time to cure a violation described in Section (A)(V) above before imposing a charge or assessment.

D. Within 30 days following a hearing at which the Board imposes a charge or assessment, the Association will deliver a written notice of the charge or assessment to the Unit Owner.

E. The Association will deliver any written notice required above to the Unit Owner or any Occupant of the Unit by personal delivery, by certified mail, return receipt requested, or by regular mail.

(6) INSERT a NEW SENTENCE to the end of BYLAWS ARTICLE V, SECTION 4. 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:

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 or resale documentation, and statements of unpaid assessments.

(7) INSERT a NEW DECLARATION ARTICLE VIII, SECTION 13, entitled "OWNER/RESIDENT INFORMATION." Said new addition, to be added to the Declaration, as recorded at Portage County Records, Instrument No. 201801411, is as follows:

13. OWNER/RESIDENT INFORMATION. Each Unit Owner must, within 30 days of the recording of this Amendment or within 30 days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and 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 Unit Owner. Any

change in the information must be provided to the Board, in writing, within 30 days of said change.

(8) INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE II, SECTION 9. 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:

Any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, as long as each Director can hear, participate and respond to every other Director. In lieu of conducting a meeting, the Board may take action with the unanimous written consent of the Directors. Those written consents will be filed with the Board meeting minutes.

(9) INSERT a NEW PARAGRAPH (o) to BYLAWS ARTICLE II, SECTION 11. 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:

(o) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:

(i) 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;

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

(iii) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;

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

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendments. 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 these amendments, only Unit Owners of record at the time of such filing have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendments.

The Creekside Phase II Condominium Association, Inc. has caused the execution of this instrument this 26th day of may, 2022.

CREEKSIDE PHASE II CONDOMINIUM ASSOCIATION, INC.

By: Mary Divis
MARY DIVIS, President

By: James Richard Hunt, Sr.
JAMES RICHARD HUNT, SR., Secretary

STATE OF OHIO)
) SS
COUNTY OF PORTAGE)


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 Secretary, who acknowledged that they 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 them personally and as such officers.

I have set my hand and official seal this 26th day of MAY, 2022.

Robin A. Gerhardt

NOTARY PUBLIC

Place notary stamp/seal here:



ROBIN A GERHARDT
Notary Public, State of Ohio
My Comm. Expires 09-10-2024
Recorded in Portage County

This instrument prepared by:
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