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Jamie Walters COND
Stark County Recorder

AMENDMENT TO THE
DECLARATION
OF
THE PRESERVE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF THE PRESERVE CONDOMINIUM RECORDED AT VOLUME 1391, PAGE 697 ET SEQ. OF THE STARK COUNTY RECORDS.

THIS WILL CERTIFY THAT COPIES OF THIS AMENDMENT TO THE DECLARATION OF THE PRESERVE CONDOMINIUM HAVE BEEN FILED IN THE OFFICE OF THE COUNTY AUDITOR, STARK COUNTY, OHIO.

DATE: November 28, 2022

STARK COUNTY AUDITOR

BY: Alan Harold
AUDITOR Alan Harold

**AMENDMENT TO THE
DECLARATION OF THE PRESERVE CONDOMINIUM**

RECITALS

- A.** The Declaration of The Preserve Condominium (the "Declaration") was recorded at Stark County Records Volume 1391, Page 697 et seq.
- B.** The Preserve Company (the "Declarant") as the Declarant of The Preserve Condominium ("Preserve Condominium"), caused to be filed with the Declaration, The Preserve Condominium Unit Owners' Association By-Laws ("Bylaws").
- C.** The Association's corporate name as filed with the Ohio Secretary of State is "The Preserve Condominium Unit Homeowners Association."
- D.** Section 5311.05(E)(1)(d) of the Ohio Revised Code authorizes the Board of Directors (the "Board"), without a vote of the Unit Owners, to amend the Declaration "to correct clerical or typographical errors or obvious factual errors in the declaration or an exhibit to the declaration."
- E.** The Board has determined and confirmed that the Declarant did not title the Association's Bylaws with the Association's corporate name as registered with the Ohio Secretary of State.
- F.** The Board has approved the following matter to correct the clerical and an obvious factual error.
- G.** The proceedings necessary to amend the Bylaws as permitted by Chapter 5311 and the Declaration of The Preserve Condominium have in all respects been complied with.

AMENDMENT

The Declaration of The Preserve Condominium is amended by the Board of Directors as follows:

DELETE THE TITLE OF THE BYLAWS in its entirety. Said deletion is to be taken from the Bylaws, Exhibit C to the Declaration, as recorded at Stark County Records Volume 1391, Page 751 et seq.

INSERT a NEW TITLE FOR THE BYLAWS. Said new addition to be added to the Bylaws, Exhibit C of the Declaration, as recorded at Stark County Records Volume 1391, Page 697 et seq., is as follows:

**THE PRESERVE CONDOMINIUM UNIT HOMEOWNERS ASSOCIATION
BYLAWS**

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment correcting the title of the Bylaws. 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 Preserve Condominium Unit Homeowners Association has caused the execution of this instrument this 14th day of November, 2022.

**THE PRESERVE CONDOMINIUM
UNIT HOMEOWNERS ASSOCIATION**

By: 
CRAIG STEVENS, Vice President

By: 
RICHARD MOECIA, Secretary

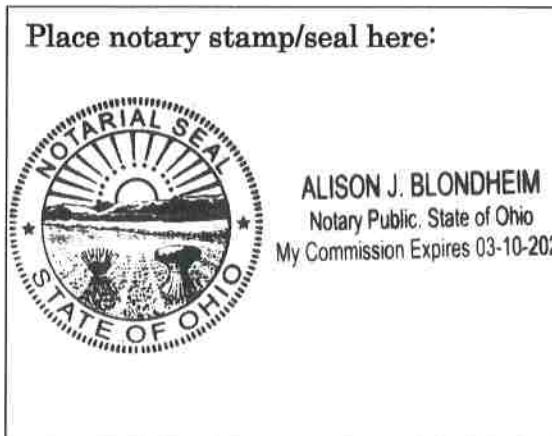
STATE OF OHIO)
)
COUNTY OF STARK) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named The Preserve Condominium Unit Homeowners Association, by its Vice President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 5, 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 14th day of November, 2022.

Alison J. Blondheim

NOTARY PUBLIC



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

EXHIBIT A

CERTIFICATION OF VICE PRESIDENT AND TREASURER

CRAIG STEVENS and **RICHARD MOECIA** being the duly elected and acting Vice President and Secretary of The Preserve Condominium Unit Homeowners Association, certify that the Amendment was duly adopted in accordance with the provisions set forth in the Declaration and Ohio Revised Code Section 5311 for amendments in all material respects.

Craig Stevens

CRAIG STEVENS, Vice President

Richard Moecia

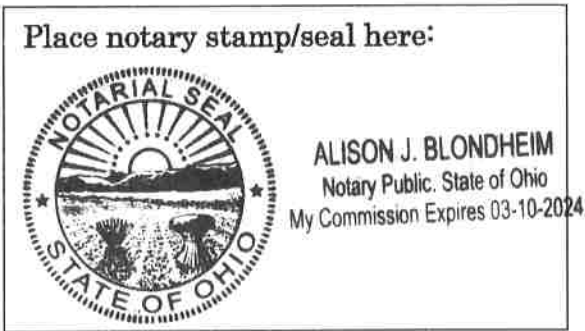
RICHARD MOECIA, Secretary

STATE OF OHIO)
)
COUNTY OF STARK) SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **CRAIG STEVENS** and **RICHARD MOECIA** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

I have set my hand and official seal this 14th day of November, 2022.

Alison Blondheim
NOTARY PUBLIC



PRESERVE CONDOMINIUM
AMENDMENTS PASSED

<u>Date</u>	<u>Amendments</u>
11/29/2022	Corporate Name Amendment
03/28/2008	HB 135
02/19/1999	5 th Amendment – Expansion
10/09/1997	4 th Amendment – Expansion
12/14/1995	3 rd Amendment -- Expansion
04/13/1994	2 nd Amendment – Expansion
11/05/1993	1 st Amendment - Expansion

**LANGUAGE TO AMEND THE DECLARATION CREATING AND ESTABLISHING A
PLAN FOR CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE
REVISED CODE OF OHIO FOR THE PRESERVE CONDOMINIUM**

The Board of Directors for The Preserve Condominium Unit Homeowners Association proposes that the Declaration Creating and Establishing a Plan for Condominium Ownership Under Chapter 5311 of the Revised Code of Ohio for The Preserve Condominium ("Declaration") and The Preserve Condominium Unit Owners' Association Bylaws ("Bylaws"), Canton, Ohio, be amended as follows:

DELETE BYLAWS ARTICLE I, SECTION 4(a) entitled, "Annual Meeting," in its entirety. Said deletion to be taken from Page 2 of the Bylaws, Exhibit C of the Declaration, as recorded at Stark County Records, Volume 1391, Page 697 et seq.

INSERT a new BYLAWS ARTICLE I, SECTION 4(a) entitled, "Annual Meeting." Said new addition, to be added to Page 2 of the Bylaws, Exhibit C of the Declaration, as recorded at Stark County Records, Volume 1391, Page 697 et seq., is as follows:

(a) **Annual Meeting.** For the election of the Board of Directors, the presentation of reports, and the transaction of such 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.