



54986804
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12/10/2003 03:45P
CONDO 32.00

John A Donofrio, Summit Fiscal Officer

FIRST AMENDMENT TO
THE DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
CANYON ESTATES CONDOMINIUM

This will certify that a copy of this First Amendment, together with Exhibits attached thereto, was filed in the office of the Fiscal Officer, Summit County, Ohio on the _____ day of _____, 2003.

SUMMIT COUNTY FISCAL OFFICER

By: **JOHN A. DONOFRIO**

*By O. Taylor, Deputy
Fiscal Officer*

12-10-03

Miller
Examining Service, Inc. ME *ACCOM.*

This instrument prepared by:

Robert J. Belinger, Esq.
4200 Rockside Road, Suite 101
Independence, Ohio 44131
216-520-1464

Cleveland Title Order # 03-1411

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
CANYON ESTATES CONDOMINIUM
SAGAMORE HILLS, OHIO

RECITALS

Sandstone Inc., an Ohio corporation, hereinafter referred to as "Declarant," filed for record the Declaration of Condominium Ownership ("Declaration") with the By-Laws attached thereto, and Drawings incorporated by attachment thereto, on October 16, 2003, with John A. Donofrio, Fiscal Officer of Summit County, Ohio, the Declaration together with the Condominium Drawings are recorded under Summit County Document No. 54959406, and thereby submitted Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 of Canyon Estates Condominium (Phase I/Parcel 1) to the provision of Chapter 5311 of the Ohio Revised Code;

By First Amendment to the Declaration recorded December 10, 2003, under Document No. 54986804 of Summit County Records; Declarant amended Article VII (A) by the additions of a restriction that no permanent structure above ground level, may be placed or located in the 30 foot building set back areas, as shown by the recorded plat for Canyon Estates, recorded under Summit County Document No. 54948343

Under the Declaration the right was reserved by Declarant to add to the Condominium Property phases and the improvements thereon and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners; and

Declarant is the legal title holder of the Additional Property described in the Declaration and desires to add a portion of the said Additional Property to the Condominium Property and to submit to Chapter 5311 of the Ohio Revised Code pursuant to Article XI of the Declaration, the real property designated herein as Units 7, 8, 9, 10, 27 and 28 (Phase II) of Canyon Estates Condominium which is improved with a total of six (6) Units.



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 CONDO 654.40

John A Donofrio, Summit Fiscal Officer

NOW, THEREFORE, Declarant, pursuant to the authority of Article XI of the Declaration hereby declares that the Declaration be, and hereby is, amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration):

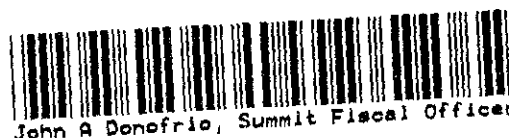
1. The Units 7, 8, 9, 10, 27 and 28 (Phase II) property and the improvements thereon, and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners, are hereby added to the Condominium Property as defined in Article I (P) of the Declaration, and are also hereby submitted to Chapter 5311 of the Ohio Revised Code as a part of the Condominium Property in accordance with, and to be governed in all respects by, the terms and provisions of the Declaration as hereby and hereinafter amended.

2. The legal description of the Condominium Property set forth in Exhibit 1 of the Declaration, is amended to include the real property for Units 7, 8, 9, 10, 27 and 28 of Cannon Estates Condominium, the legal description for the Units 7, 8, 9, 10, 27 and 28 being described in Exhibit A-1 attached hereto and made a part hereof.

3. The legal description of the Additional Property set forth in Exhibit 2 of the Declaration is amended by the deletion therefrom of the real property described in Exhibit A-1, the residue of the Additional Property being described in Exhibit A-2 attached hereto and made a part hereof.

4. In Article II of the Declaration, the number of Units referred to therein is increased from twelve (12) Units to eighteen (18) Units and the Condominium Property will consist of 2.9753 acres.

5. The percentage interest of each Unit in the Common Areas and Facilities as set forth in Exhibit E of the Declaration is hereby amended to be as set forth in Exhibit B attached hereto and made a part hereof.



John A Donofrio, Summit Fiscal Officer

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6. The particulars of the land, buildings and other improvements for Units 7, 8, 9, 10, 27 and 28 but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Drawings of Units 7, 8, 9, 10, 27 and 28 (Phase II), incorporated in this Second Amendment to Declaration of Condominium Ownership for Canyon Estates Condominium, by reference as Exhibit C, prepared and bearing the certified statements of David L. Jensen, an Ohio Registered Surveyor of Kenneth Jensen & Associates, Inc. Engineers and Surveyors as required by the Condominium Act of the State of Ohio. The Drawings for Units 7, 8, 9, 10, 27 and 28 will be filed in the records of the Office of the Fiscal Officer, John A. Donofrio, simultaneously with the filing of this Second Amendment to the Declaration.

7. Article VIII of the Declaration is amended to provide that the two (2) years warranty period and the one (1) year warranty period for Units 7, 8, 9, 10, 27 and 28 (Phase II), shall commence on the date the deed or other evidence of ownership is filed for record following the first sale of a Condominium Ownership Interest in Phase II to a purchaser in good faith for value.

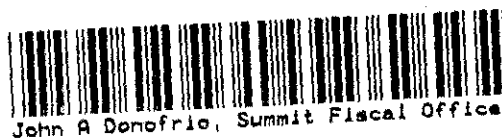
8. No owner of a Unit which was not included in Phase I (Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16)

(a) have or obtain any interest in funds collected by the Owners Association from the owners of Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 prior to the filing of this Second Amendment (except replacement reserve funds), nor

(b) have or be subject to any liability for expenses arising with respect to the Condominium Property prior to the filing of this Second Amendment.

9. Exhibit E of the Declaration of Condominium Ownership is amended by the correction of certain unit numbers shown on Exhibit D attached hereto and made a part of, which by typographical error were numbered inaccurately.

10. Except as amended herein, the Declaration shall remain in full force and effect.



John A Donofrio, Summit Fiscal Officer

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11. Consent to this Second Amendment to the Declaration is hereby exercised by Declarant on behalf of the Owners and their mortgagees pursuant to Article XI of the Declaration.

IN WITNESS WHEREOF, the said Sandstone Inc., as Declarant, as aforesaid, has executed this instrument as of this 19th day of April 2004.

SANDSTONE, INC.

By: Michael Orley
Michael Orley,
President and sole shareholder

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a notary public in and for said county and state, personally appeared Sandstone, Inc. an Ohio corporation, by Michael Orley its President, who acknowledged to me that, with due authorization and as such officer, he did sign the foregoing instrument on behalf of said corporation, and that such signing was his free act and deed individually and as such officer, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Independence, Ohio this 19 day of April 2004.

~~Notary Public~~

*ZAFFIRO



JAMES A. ZAFFIRO, ATTY
NOTARY PUBLIC STATE OF OHIO
My Commission Expires: 04/28/2004
Section 14703 (L.A.C.)

This Instrument Prepared By:
Robert J. Belinger, Esq.
4201 Rockside Road, Suite 101
Independence, Ohio 44131
(216) 520-1464



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John A Donofrio, Summit Fiscal Officer



KENNETH JENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

3543 DARROW ROAD
STOW, OHIO 44224
PHONE 330 - 688 - 6049
FAX 330 - 688 - 6040

2002-2636

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUM - PHASE 2

February 25, 2004

Situated in the Township of Sagamore Hills, County of Summit and State of Ohio, being part of Northfield Township Lot 86 and part of Canyon Estates as recorded in R.N. 54948343 and further described as follows:

Beginning at the northwesterly corner of Canyon Estates Condominiums Phase 1 (R.N. 54959406) and being on the southerly line of a parcel of land conveyed to J.A. Circelli (D.V. 6186, Pg. 60);

Thence S 88° 35' 15" E 302.00 feet along said Circelli parcel and the southerly line of a parcel of land conveyed to W.F. and M.A. Carano (D.V. 4026, Pg. 629) and the northerly line of Canyon Estates to a point and the true place of beginning for the parcel herein described;

Thence S 88° 35' 15" E 313.50 feet along said Carano parcel and the southerly line of a parcel of land conveyed to Richard L. Seafler (D.V. 7358, Page 359) and the northerly line of Canyon Estates to the northeasterly corner thereof and the northwesterly corner of Oak Knolls Condominium Parcel 4 (Plat Book 106, Pages 1-8);

Thence S 0° 00' 00" W 196.46 feet along the westerly line of said Oak Knolls Condominium Parcel 4 and the easterly line of Canyon Estates to a point;

Thence S 89° 56' 39" W 166.00 feet to a point on the westerly line of Glengary Drive (private);

Thence N 0° 00' 00" E 66.57 feet along the westerly line of Glengary Drive to a point on the southerly line of Millstone Drive (private);

Thence N 88° 35' 15" W 145.76 feet along the southerly line of Millstone Drive to a point;

EXHIBIT A-1 (consist of two pages)



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John A. Donofrio, Summit Fiscal Officer

Page 2

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – PHASE 2

February 25, 2004

Thence S 1° 24' 45" W 3.00 feet to a point;

Thence N 88° 35' 15" W 15.00 feet to a point;

Thence N 1° 24' 45" E 39.00 feet to a point;

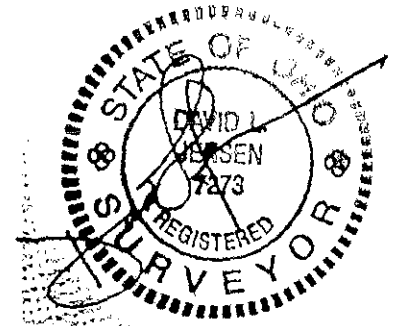
Thence S 88° 35' 15" E 24.98 feet to a point;

Thence N 1° 24' 45" E 18.50 feet to a point;

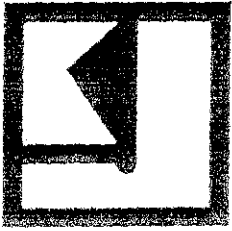
Thence N 88° 35' 15" W 15.00 feet to a point;

N 1° 24' 45" E 80.50 feet to the true place of beginning and containing 1.2218 acres of land as surveyed in February 2004 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the bearing N 2° 22' 55" W for the monumented centerline of Canyon View Drive as is appears on Greenwood Village Subdivision No. 8 as recorded in Plat Cabinet D, Slides 15-16.



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KENNETH JENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

3543 DARROW ROAD
STOW, OHIO 44224
PHONE 330 - 688 - 6049
FAX 330 - 688 - 6040

2002-2636

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

February 25, 2004

Situated in the Township of Sagamore Hills, County of Summit and State of Ohio, being part of Northfield Township Lot 86 and further described as follows:

Beginning at the intersection of Aurora Road (S.R. 82 – Variable R/W) and the centerline of Canyon View Drive (50' R/W) (witness a 3/4" iron bar found N 68° 03' 17" W 512.67 feet at the centerline intersection of Aurora Road and Chaffee Road);

Thence S 21° 56' 43" W 50.22 feet along the centerline of Canyon View Dr. to a P.C. of a curve to the left (witness a #4 iron bar found and used for line in a monument box 0.422 feet north and 0.170 feet east of said P.C.);

Thence Southwesterly 177.29 feet along the centerline of Canyon View Drive and said curve to the left to the P.T. thereof (witness a #4 iron bar found and used for line in a monument box 0.524 feet north and 0.022 feet west of said P.T.) said curve to the left is further described as follows:

Central Angle = 24° 19' 38"
Radius = 417.5502 feet
Length = 177.2877 feet
Tangent = 90.0000 feet
Chord = 175.9590 feet
Chord Bearing = S 9° 46' 54" W;



Thence S 2° 22' 55" E 851.04 feet along the centerline of Canyon View Dr. to a point;

Thence N 87° 37' 05" E 25.00 feet along the centerline of a private drive called Justin Lane to a point on the easterly right of way line of Canyon View Dr. and a westerly line of Canyon Estates (R.N. 54948343);

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

February 25, 2004

Thence S 2° 22' 55" E 25.00 feet along the easterly right of way line of Canyon View Dr. to a to a southwesterly corner of Canyon Estates and the northwesterly corner of a parcel of land conveyed to Greenwood Village Community Association, Inc. (O.R. 259 –635 Parcel B);

Thence N 87° 37' 05" E 40.00 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel to the P.C. of a curve to the left;

Thence Northeasterly 67.12 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel and said curve to the left to the P.R.C. of a curve to the right, said curve to the left is further described as follows:

Central Angle = 17° 23' 24"
Radius = 221.1300 feet
Length = 67.1158 feet
Tangent = 33.8179 feet
Chord = 66.8585 feet
Chord Bearing = N 78° 55' 23" E;

Thence Northeasterly 56.44 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel and said curve to the right to a northeasterly corner of said Greenwood Village Community Association, Inc. parcel, and the true place of beginning for the parcel herein described, said curve to the right is further described as follows:

Central Angle = 15° 48' 52"
Radius = 204.4900 feet
Length = 56.4422 feet
Tangent = 28.4016 feet
Chord = 56.2632 feet
Chord Bearing = N 78° 08' 07" E;



John R Donofrio, Summit Fiscal Officer

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LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

February 25, 2004

Thence Northeasterly 14.12 feet continuing along said curve to the right to the P.T. thereof, said curve to the right is further described as follows:

Central Angle = $3^{\circ} 57' 27''$
Radius = 204.4900 feet
Length = 14.1244 feet
Tangent = 7.0650 feet
Chord = 14.1216 feet
Chord Bearing = N $88^{\circ} 01' 17''$ E;

Thence N $90^{\circ} 00' 00''$ E 3.38 feet a point on the westerly line of Millstone Drive (private);

Thence S $0^{\circ} 00' 00''$ W 6.46 feet along the westerly line of Millstone Drive to a point;

Thence N $90^{\circ} 00' 00''$ E 45.00 feet to a point on the easterly line of Millstone Drive;

Thence N $0^{\circ} 00' 00''$ E 62.28 feet along the easterly line of Millstone Drive to a point;

Thence S $88^{\circ} 35' 15''$ E 291.27 feet to a point;

Thence N $1^{\circ} 24' 45''$ E 85.00 feet to a point on the southerly line of Millstone Drive (private);

Thence S $88^{\circ} 35' 15''$ E 145.76 feet along the southerly line of Millstone Drive to a point on the westerly line of Glengary Drive (private);

Thence S $0^{\circ} 00' 00''$ E 65.67 feet along the westerly line of Glengary Drive to a point;

Thence N $89^{\circ} 56' 39''$ E 166.00 feet to a point on the easterly line of Canyon Estates and the westerly line of Oak Knolls Condominiums Parcel 4 (Plat Book 106, Pages 1-8);



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LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

February 25, 2004

Thence S 0° 00' 00" W 370.33 feet along the westerly line of said Oak Knolls Condominiums Parcel 4 and the westerly line of Oak Knolls Condominiums Parcel 3 and Canyon Estates easterly line to the southeasterly corner thereof and the northeasterly corner of a parcel of land conveyed to Oak Knolls Unit Owners' Association (D.V 5867, Pg. 778);

Thence N 90° 00' 00" W 105.00 feet along a southerly line of Canyon Estates and the northerly line of said Oak Knolls Unit Owners' Association parcel to the northwesterly corner thereof;

Thence S 0° 00' 00" W 17.00 feet along an easterly line of Canyon Estates and the westerly line of said Oak Knolls Unit Owners' Association parcel to an angle point in the Grantor's southerly line and the northeasterly corner of Juniper Hill Condominium (Plat Book 93, Pgs. 1-40);

Thence N 90° 00' 00" W 129.59 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 45° 25' 12" W 248.36 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 90° 00' 00" W 108.50 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 0° 00' 00" E 19.08 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 90° 00' 00" W 112.83 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to the northwesterly corner thereof and being on the easterly line of Greenwood Village Community Association, Inc. (O.R. 259-635 Parcel B);

Thence N 0° 00' 00" E 17.09 feet along a southerly line of Canyon Estates and an easterly line of said Greenwood Village Community Association, Inc. parcel to an angle point;



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LEGAL DESCRIPTION

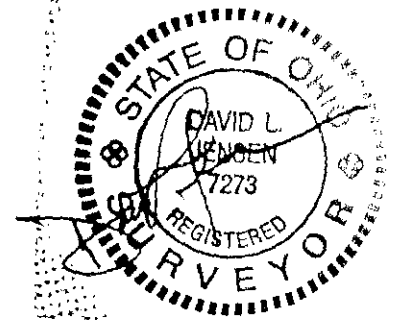
CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

February 25, 2004

Thence N 90° 00' 00" W 34.67 feet along a southerly line of Canyon Estates and an easterly line of Greenwood Village Community Association, Inc. to a southwesterly corner of the Grantor's;

Thence N 0° 00' 00" E 111.84 feet along a westerly line of Canyon Estates and an easterly line of said Greenwood Village Community Association, Inc. parcel to the true place of beginning and containing 4.4824 acres of land as surveyed in February 2004 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the bearing N 2° 22' 55" W for the monumented centerline of Canyon View Drive as it appears on Greenwood Village Subdivision No. 8 as recorded in Plat Cabinet D, Slides 15-16.



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John A Donofrio, Summit Fiscal Officer

EXHIBIT B
OF THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR
CANYON ESTATES CONDOMINIUM

<u>Unit No.</u>	<u>Address</u>	<u>Percentage Interest</u>
1	1145 Millstone Drive, Sagamore Hills, Ohio	1/18th
2	1141 Millstone Drive, Sagamore Hills, Ohio	1/18th
3	1137 Millstone Drive, Sagamore Hills, Ohio	1/18th
4	1133 Millstone Drive, Sagamore Hills, Ohio	1/18th
5	1129 Millstone Drive, Sagamore Hills, Ohio	1/18th
6	1125 Millstone Drive, Sagamore Hills, Ohio	1/18th
7	1115 Millstone Drive, Sagamore Hills, Ohio	1/18th
8	1111 Millstone Drive, Sagamore Hills, Ohio	1/18th
9	1107 Millstone Drive, Sagamore Hills, Ohio	1/18th
10	1103 Millstone Drive, Sagamore Hills, Ohio	1/18th
11	1144 Millstone Drive, Sagamore Hills, Ohio	1/18th
12	1140 Millstone Drive, Sagamore Hills, Ohio	1/18th
13	1136 Millstone Drive, Sagamore Hills, Ohio	1/18th
14	1132 Millstone Drive, Sagamore Hills, Ohio	1/18th
15	1128 Millstone Drive, Sagamore Hills, Ohio	1/18th
16	1124 Millstone Drive, Sagamore Hills, Ohio	1/18th
27	7357 Glengary Drive, Sagamore Hills, Ohio	1/18th
28	7353 Glengary Drive, Sagamore Hills, Ohio	1/18th



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John A Donofrio, Summit Fiscal Officer

EXHIBIT C

TO SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR CANYON ESTATES CONDOMINIUM
SAGAMORE HILLS, OHIO

REFERENCE TO DRAWINGS

PHASE II
UNITS 7, 8, 9, 10, 27 & 28

The particulars of the land, buildings and other improvements, including, but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Drawings incorporated in the Second Amendment to Declaration of Condominium Ownership of the Canyon Estates Condominium by reference as Exhibit C, prepared and bearing the certified statements of David L. Jensen, an Ohio Registered Surveyor of Kenneth Jensen & Associates, Inc., Engineers and Surveyors, 3543 Darrow Road, Stow, Ohio 44224, as required by the Condominium Act of the State of Ohio. Such set of Drawings will be filed in the records of the Fiscal Officer, John A. Donofrio, of Summit County, Ohio, with the recording of the Second Amendment.



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6/8/05
TRANSFER NOT NECESSARY
John A. Donofrio, Fiscal Officer

12
8
/ 1
29
/ 1

CANYON ESTATES CONDOMINIUM

SAGAMORE HILLS, OHIO

ADDING UNITS 17, 18, 19, 20 AND 21

(PHASE IV)

(4)

AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

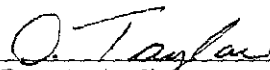
This will certify that copies of this Fourth Amendment to Declaration of Condominium Ownership for Canyon Estates Condominium and the Drawings attached or referred to as an Exhibit thereto, have been filed in the office of the John A. Donofrio, Fiscal Officer, Summit County, Ohio

Date: June 7, 2005

JOHN A. DONOFRIO

Office of John A. Donofrio, Fiscal Officer,
Summit County, Ohio

By: JOHN A. DONOFRIO


Deputy Auditor



55194990
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CONDO 457.60

John A Donofrio, Summit Fiscal Officer

This Instrument prepared by:
Robert J. Belinger, Esq.
4201 Rockside Road, Suite 101
Independence, Ohio 44131
(216) 520-1464

FOURTH AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
CANYON ESTATES CONDOMINIUM
SAGAMORE HILLS, OHIO

RECITALS

Sandstone Inc., an Ohio corporation, hereinafter referred to as "Declarant," filed for record the Declaration of Condominium Ownership ("Declaration") with the By-Laws attached thereto, and Drawings incorporated by attachment thereto, on October 16, 2003, with John A. Donofrio, Fiscal Officer of Summit County, Ohio, the Declaration together with the Condominium Drawings are recorded under Summit County Document No. 54959406, and thereby submitted Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 of Canyon Estates Condominium (Phase I/Parcel 1) to the provision of Chapter 5311 of the Ohio Revised Code; and

By First Amendment to the Declaration recorded December 10, 2003, under Document No. 54986804 of Summit County Records; Declarant amended Article VII (A) by the additions of a restriction that no permanent structure above ground level, may be placed or located in the 30 foot building set back areas, as shown by the recorded plat for Canyon Estates, recorded under Summit County Document No. 54948343, ("the First Amendment"); and

By Second Amendment to the Declaration and Drawing attached thereto, recorded April 26, 2004 with John A. Donofrio, Fiscal Officer of Summit County, Ohio, under Document No. 55040203; Declarant submitted Units 7, 8, 9, 10, 27 and 28 to the provisions of Chapter 5311 of the Ohio Revised Code, ("Second Amendment, Phase II"); and

By Third Amendment to the Declaration and Drawing attached thereto, recorded on August 12, 2004 with John A. Donofrio, Fiscal Officer of Summit County, Ohio, under Document No. 55086826; Declarant submitted Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 to the provisions of Chapter 5311 of the Ohio Revised Code, ("Third Amendment, Phase III"); and

Under the Declaration the right was reserved by Declarant to add to the Condominium Property phases and the improvements thereon and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners; and

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John A Donofrio, Summit Fiscal Officer

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CONDO 457.60

Declarant is the legal title holder of the *Additional Property* described in the *Third Amendment* and desires to add all of the said Additional Property to the Condominium Property and to submit to Chapter 5311 of the Ohio Revised Code pursuant to *Article XI* of the Declaration, the real property designated herein as *Units 17, 18, 19, 20 and 21 of Canyon Estates Condominium (Fourth Amendment, Phase IV)*, which is improved with a total of 5 Units.

NOW, THEREFORE, Declarant, pursuant to the authority of *Article XI* of the Declaration hereby declares that the Declaration be, and hereby is, amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration):

1. The *Units 17, 18, 19, 20 and 21* property and the improvements thereon, and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners, are hereby added to the *Condominium Property* as defined in *Article I (P)* of the Declaration, and are also hereby submitted to Chapter 5311 of the Ohio Revised Code as a part of the *Condominium Property* in accordance with, and to be governed in all respects by, the terms and provisions of the Declaration as hereinbefore, hereby and hereinafter amended.

2. The legal descriptions of the *Condominium Property* set forth in *Exhibit 1* of the Declaration, *Exhibit "A-1"* of the *Second Amendment*, *Exhibit "B-1"* of the *Third Amendment* are amended to include the real property for *Units 17, 18, 19, 20 and 21 of Canyon Estates Condominium, Fourth Amendment, Phase IV*, the legal description for the *Units 17, 18, 19, 20 and 21* being described in *Exhibit "C-1"* attached hereto and made a part hereof.

3. The legal description of the *Additional Property* set forth in *Exhibit "B-2"* of the *Third Amendment* is amended by the deletion therefrom of the real property described in *Exhibit "B-2"* hereof. All the Additional Property provided for in the Declaration has, by Amendments to the Declaration, including this Fourth Amendment, been submitted to the provisions of Chapter 5311 of the Revised Code as part of the Condominium Property.

4. In *Article II* of the Declaration, the number of *Units* referred to therein is increased from *twenty eight (28) Units* to *thirty three (33) Units* and the *Condominium Property* will consist of 7.6912 acres.



John A Donofrio, Summit Fiscal Officer

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5. The *percentage interest* of each Unit in the *Common Areas/Common Elements and Facilities* as set forth in "*Exhibit E*" of the Declaration, "*Exhibit B*" of the *Second Amendment* and "*Exhibit D*" of the *Third Amendment* is hereby amended to be as set forth in "*Exhibit B*" attached hereto and made a part hereof.

6. The particulars of the land, buildings and other improvements for *Units 17, 18, 19, 20 and 21* but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the *Common Areas/Common Elements and Facilities* and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of *Drawings of Units 17, 18, 19, 20 and 21*, incorporated in this *Fourth Amendment to Declaration of Condominium Ownership for Canyon Estates Condominium*, by reference as "*Exhibit C*", prepared and bearing the certified statements of *David L. Jensen, an Ohio Registered Surveyor of Kenneth Jensen & Associates, Inc. Engineers and Surveyors* as required by the Condominium Act of the State of Ohio. The *Drawings for Units 17, 18, 19, 20 and 21* will be filed in the records of the Office of the Fiscal Officer, *John A. Donofrio*, simultaneously with the filing of this *Fourth Amendment to the Declaration*.

7. *Article VIII* of the Declaration is amended to provide that *the two (2) years warranty period and the one (1) year warranty period for Units 17, 18, 19, 20 and 21 shall commence on the date the deed or other evidence of ownership is filed for record following the first sale of a Condominium Ownership Interest in Phase IV to a purchaser in good faith for value.*

8. No owner of a Unit which was not included in *Phase I (Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16) Phase II (Units 7, 8, 9, 10, 27 and 28) and Phase III (Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33)* shall:

- (a) shall have or obtain any interest in funds collected by the Owners Association from the owners of *Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 ("Phase I")*, from the owners of *Units 7, 8, 9, 10, 27 and 28 ("Phase II")* or from the owners of *Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 (Phase III)*, prior to the filing of this *Fourth Amendment, Phase IV*, (except replacement reserve funds), nor
- (b) have or be subject to any liability for expenses arising with respect to the Condominium Property prior to the filing of this *Fourth Amendment*.



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John A Donofrio, Summit Fiscal Officer

9. Except as amended herein, the Declaration shall remain in full force and effect.

10. Consent to this *Fourth Amendment, Phase IV* to the Declaration is hereby exercised by *Declarant* on behalf of the *Owners* and their *mortgagees* pursuant to *Article XI* of the Declaration.

IN WITNESS WHEREOF, the said *Sandstone Inc.*, as *Declarant*, as aforesaid, executed this instrument on this 1st day of June, 2005

SANDSTONE, INC.

By: *Michael Orley*
Michael Orley,
President and sole shareholder

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a notary public in and for said county and state, personally appeared *Sandstone, Inc. an Ohio corporation*, by *Michael Orley its President*, who acknowledged to me that, with due authorization and as such officer, he did sign the foregoing instrument on behalf of said corporation, and that such signing was his free act and deed individually and as such officer, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Independence, Ohio this 1st day of June, 2005

Robert J. Belinger
Notary Public



ROBERT J. BELINGER, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

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"EXHIBIT B"

OF THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR
CANYON ESTATES CONDOMINIUM

<u>UNIT NO.</u>	<u>ADDRESS</u>	
<u>PERCENTAGE INTEREST</u>		
1	1145 Millstone Drive, Sagamore Hills, Ohio	1/33%
2	1141 Millstone Drive, Sagamore Hills, Ohio	1/33%
3	1137 Millstone Drive, Sagamore Hills, Ohio	1/33%
4	1133 Millstone Drive, Sagamore Hills, Ohio	1/33%
5	1129 Millstone Drive, Sagamore Hills, Ohio	1/33%
6	1125 Millstone Drive, Sagamore Hills, Ohio	1/33%
7	1115 Millstone Drive, Sagamore Hills, Ohio	1/33%
8	1111 Millstone Drive, Sagamore Hills, Ohio	1/33%
9	1107 Millstone Drive, Sagamore Hills, Ohio	1/33%
10	1103 Millstone Drive, Sagamore Hills, Ohio	1/33%
11	1144 Millstone Drive, Sagamore Hills, Ohio	1/33%
12	1140 Millstone Drive, Sagamore Hills, Ohio	1/33%
13	1136 Millstone Drive, Sagamore Hills, Ohio	1/33%
14	1132 Millstone Drive, Sagamore Hills, Ohio	1/33%
15	1128 Millstone Drive, Sagamore Hills, Ohio	1/33%
16	1124 Millstone Drive, Sagamore Hills, Ohio	1/33%
17	7282 Glengary Drive, Sagamore Hills, Ohio	1/33%
18	7286 Glengary Drive, Sagamore Hills, Ohio	1/33%
19	7290 Glengary Drive, Sagamore Hills, Ohio	1/33%
20	7294 Glengary Drive, Sagamore Hills, Ohio	1/33%
21	7298 Glengary Drive, Sagamore Hills, Ohio	1/33%
22	7338 Glengary Drive, Sagamore Hills, Ohio	1/33%
23	7342 Glengary Drive, Sagamore Hills, Ohio	1/33%
24	7346 Glengary Drive, Sagamore Hills, Ohio	1/33%
25	7350 Glengary Drive, Sagamore Hills, Ohio	1/33%
26	7354 Glengary Drive, Sagamore Hills, Ohio	1/33%
27	7357 Glengary Drive, Sagamore Hills, Ohio	1/33%
28	7353 Glengary Drive, Sagamore Hills, Ohio	1/33%
29	7349 Glengary Drive, Sagamore Hills, Ohio	1/33%
30	7345 Glengary Drive, Sagamore Hills, Ohio	1/33%
31	7341 Glengary Drive, Sagamore Hills, Ohio	1/33%
32	7337 Glengary Drive, Sagamore Hills, Ohio	1/33%
33	7333 Glengary Drive, Sagamore Hills, Ohio	1/33%



John A Donofrio, Summit Fiscal Officer

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CANYON ESTATES CONDOMINIUM

SAGAMORE HILLS, OHIO

ADDING UNITS 22, 23, 24, 25, 26, 29, 30, 31, 32, and 33

(PHASE III)

AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Third Amendment to Declaration of Condominium Ownership for Canyon Estates Condominium and the Drawings attached or referred to as an Exhibit thereto, have been filed in the office of the John A. Donofrio, Fiscal Officer, Summit County, Ohio

Date: August 11, 2004

Office of John A. Donofrio, Fiscal Officer,
Summit County, Ohio

By **JOHN A. DONOFRIO**
Deputy Auditor
By Q. Taylor, Deputy Auditor

THIS INSTRUMENT PREPARED BY:

Robert J. Belinger, Esq.
4201 Rockside Road, Suite 101
Independence, Ohio 44131
(216) 520-1464

8/12/04
TRANSFER NOT NECESSARY
John A. Donofrio, Fiscal Officer



John A Donofrio, Summit Fiscal Officer

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CONDO 650.40

THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
CANYON ESTATES CONDOMINIUM
SAGAMORE HILLS, OHIO

RECITALS

Sandstone Inc., an Ohio corporation, hereinafter referred to as "Declarant," filed for record the Declaration of Condominium Ownership ("Declaration") with the By-Laws attached thereto, and Drawings incorporated by attachment thereto, on October 16, 2003, with John A. Donofrio, Fiscal Officer of Summit County, Ohio, the Declaration together with the Condominium Drawings are recorded under Summit County Document No. 54959406, and thereby submitted Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 of Canyon Estates Condominium (Phase I/Parcel 1) to the provision of Chapter 5311 of the Ohio Revised Code; and

By First Amendment to the Declaration recorded December 10, 2003, under Document No. 54986804 of Summit County Records; Declarant amended Article VII (A) by the additions of a restriction that no permanent structure above ground level, may be placed or located in the 30 foot building set back areas, as shown by the recorded plat for Canyon Estates, recorded under Summit County Document No. 54948343, ("the First Amendment"); and

By Second Amendment to the Declaration and Drawing attached thereto, recorded on April 26, 2004 with John A. Donofrio, Fiscal Officer of Summit County, Ohio, under Document No. 55040203; Declarant submitted Units 7, 8, 9, 10, 27 and 28 to the provisions of Chapter 5311 of the Ohio Revised Code, ("Second Amendment, Phase II"); and

Under the Declaration the right was reserved by Declarant to add to the Condominium Property phases and the improvements thereon and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners; and



John A Donofrio, Summit Fiscal Officer

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Declarant is the legal title holder of the Additional Property described in the Second Amendment and desires to add a part of the said Additional Property to the Condominium Property and to submit to Chapter 5311 of the Ohio Revised Code pursuant to Article XI of the Declaration, the real property designated herein as Units 22, 23, 24, 25, 26, 29, 30, 31, 32, and 33 of Canyon Estates Condominium (Phase III), which is improved with a total of ten (10) Units.

NOW, THEREFORE, Declarant, pursuant to the authority of Article XI of the Declaration hereby declares that the Declaration be, and hereby is, amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration):

1. The Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 property and the improvements thereon, and all easements, rights and appurtenances thereto and all articles of personal property existing for the common use of the Unit Owners, are hereby added to the Condominium Property as defined in Article I (P) of the Declaration, and are also hereby submitted to Chapter 5311 of the Ohio Revised Code as a part of the Condominium Property in accordance with, and to be governed in all respects by, the terms and provisions of the Declaration as hereby and hereinafter amended.

2. The legal descriptions of the Condominium Property set forth in Exhibit 1 of the Declaration, Exhibit A-1 of the Second Amendment are amended to include the real property for Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 of Cannon Estates Condominium, (Phase III), the legal description for the Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 being described in Exhibit B-1 attached hereto and made a part hereof.

3. The legal description of the Additional Property set forth in Exhibit 2 of the Declaration and Exhibit A-2 of the Second Amendment is amended by the deletion therefrom of the real property described in Exhibit B-1, the residue of the Additional Property being described in Exhibit B-2 attached hereto and made a part hereof.

4. In Article II of the Declaration, the number of Units referred to therein is increased from eighteen (18) Units to twenty eight (28) Units and the Condominium Property will consist of 4.1548 acres.



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John A Donofrio, Summit Fiscal Officer

5. The percentage interest of each Unit in the Common Areas and Facilities as set forth in Exhibit E of the Declaration and Exhibit B of the Second Amendment is hereby amended to be as set forth in Exhibit D attached hereto and made a part hereof.

6. The particulars of the land, buildings and other improvements for Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Drawings of Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33, incorporated in this Third Amendment to Declaration of Condominium Ownership for Canyon Estates Condominium, by reference as Exhibit C, prepared and bearing the certified statements of David L. Jensen, an Ohio Registered Surveyor of Kenneth Jensen & Associates, Inc. Engineers and Surveyors as required by the Condominium Act of the State of Ohio. The Drawings for Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 will be filed in the records of the Office of the Fiscal Officer, John A. Donofrio, simultaneously with the filing of this Third Amendment to the Declaration.

7. Article VIII of the Declaration is amended to provide that the two (2) years warranty period and the one (1) year warranty period for Units 22, 23, 24, 25, 26, 29, 30, 31, 32 and 33 shall commence on the date the deed or other evidence of ownership is filed for record following the first sale of a Condominium Ownership Interest in Phase II to a purchaser in good faith for value.

8. No owner of a Unit which was not included in Phase I (Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16) and Phase II (Units 7, 8, 9, 10, 27 and 28)

(a) shall have or obtain any interest in funds collected by the Owners Association from the owners of Units 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16 ("Phase I") or from the owners of Units 7, 8, 9, 10, 27 and 28 ("Phase II") prior to the filing of this Third Amendment (except replacement reserve funds), nor

(b) have or be subject to any liability for expenses arising with respect to the Condominium Property prior to the filing of this Second Amendment.



John A Donofrio, Summit Fiscal Officer

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10. Except as amended herein, the Declaration shall remain in full force and effect.

11. Consent to this Second Amendment to the Declaration is hereby exercised by Declarant on behalf of the Owners and their mortgagees pursuant to Article XI of the Declaration.

IN WITNESS WHEREOF, the said Sandstone Inc., as Declarant, as aforesaid, has executed this instrument as of this 10th day of August, 2004.

SANDSTONE, INC.

By: Michael Orley
Michael Orley,
President and sole shareholder

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a notary public in and for said county and state, personally appeared Sandstone, Inc. an Ohio corporation, by Michael Orley its President, who acknowledged to me that, with due authorization and as such officer, he did sign the foregoing instrument on behalf of said corporation, and that such signing was his free act and deed individually and as such officer, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Independence, Ohio this 10th day of August, 2004.

Robert J. Belinger
Notary Public

This Instrument Prepared By:
Robert J. Belinger, Esq.
4201 Rockside Road, Suite 101
Independence, Ohio 44131
(216) 520-1464

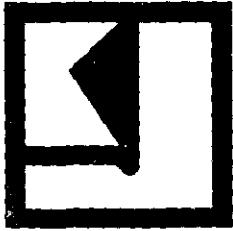


ROBERT J. BELINGER, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



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John A Donofrio, Summit Fiscal Officer



KENNETH JENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

3543 DARROW ROAD
STOW, OHIO 44224
PHONE 330 - 688 - 6049
FAX 330 - 688 - 6040

2002-2636

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUM - PHASE 3

July 27, 2004

Situated in the Township of Sagamore Hills, County of Summit and State of Ohio, being part of Northfield Township Lot 86 and part of Canyon Estates as recorded in R.N. 54948343 and further described as follows:

Beginning at the southeasterly corner of Canyon Estates Condominiums Phase 2 (R.N. 55040203) and being on the westerly line of Oak Knolls Condominium Parcel 4 (Plat Book 106, Pages 1-8);

Thence S 89° 56' 39" W 31.00 feet along the southerly line of Canyon Estates Condominiums Phase 2 to a point and the true place of beginning for the parcel herein described;

Thence S 0° 00' 00" W 245.14 feet to a point;

Thence S 90° 00' 00" W 77.00 feet to a point;

Thence N 55° 56' 30" W 59.20 feet to a point on the easterly line of Glengary Drive (a private drive) and being on a curve to the left;

Thence Northeasterly 59.81 feet along said curve to the left to the P.T. thereof, said curve to the left is further described as follows:

Central Angle = 56° 10' 34"
Radius = 61.0000 feet
Length = 59.8078 feet
Tangent = 32.5545 feet
Chord = 57.4409 feet
Chord Bearing = N 28° 05' 17" E;



John A Donofrio, Summit Fiscal Officer

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EXHIBIT "B-1"

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LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – PHASE 3

July 27, 2004

Thence S 90° 00' 00" W 39.00 feet to a point;

Thence S 0° 00' 00" W 8.00 feet to a point;

Thence S 26° 33' 54" W 11.18 feet to a point;

Thence S 90° 00' 00" W 77.00 feet to a point;

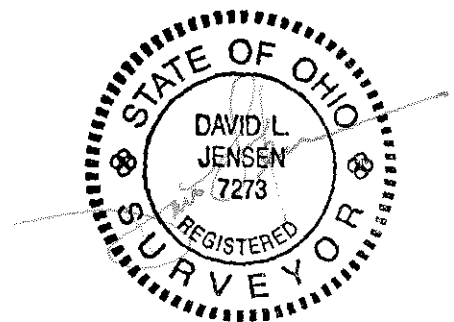
Thence N 0° 00' 00" E 246.95 feet to a point;

Thence S 88° 35' 15" E 85.03 feet to a point;

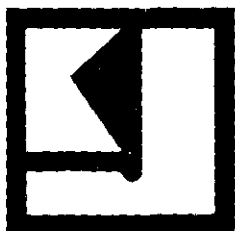
Thence S 0° 00' 00" W 65.67 feet to a point;

Thence N 89° 56' 39" E 135.00 feet to the true place of beginning and containing 1.1795 acres of land as surveyed in July 2004 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the bearing N 2° 22' 55" W for the monumented centerline of Canyon View Drive as is appears on Greenwood Village Subdivision No. 8 as recorded in Plat Cabinet D, Slides 15-16.



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KENNETH JENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

3543 DARROW ROAD
STOW, OHIO 44224
PHONE 330 - 688 - 6049
FAX 330 - 688 - 6040

2002-2636

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

July 27, 2004

Situated in the Township of Sagamore Hills, County of Summit and State of Ohio, being part of Northfield Township Lot 86 and further described as follows:

Beginning at the intersection of Aurora Road (S.R. 82 – Variable RW) and the centerline of Canyon View Drive (50' RW) (witness a 3/4" iron bar found N 68° 03' 17" W 512.67 feet at the centerline intersection of Aurora Road and Chaffee Road);

Thence S 21° 56' 43" W 50.22 feet along the centerline of Canyon View Dr. to a P.C. of a curve to the left (witness a #4 iron bar found and used for line in a monument box 0.422 feet north and 0.170 feet east of said P.C.);

Thence Southwesterly 177.29 feet along the centerline of Canyon View Drive and said curve to the left to the P.T. thereof (witness a #4 iron bar found and used for line in a monument box 0.524 feet north and 0.022 feet west of said P.T.) said curve to the left is further described as follows:

Central Angle = 24° 19' 38"
Radius = 417.5502 feet
Length = 177.2877 feet
Tangent = 90.0000 feet
Chord = 175.9590 feet
Chord Bearing = S 9° 46' 54" W;



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John A Donofrio, Summit Fiscal Officer

Thence S 2° 22' 55" E 851.04 feet along the centerline of Canyon View Dr. to a point;

Thence N 87° 37' 05" E 25.00 feet along the centerline of a private drive called Justin Lane to a point on the easterly right of way line of Canyon View Dr. and a westerly line of Canyon Estates (R.N. 54948343);

EXHIBIT "B-2"

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

July 27, 2004

Thence S 2° 22' 55" E 25.00 feet along the easterly right of way line of Canyon View Dr. to a to a southwesterly corner of Canyon Estates and the northwesterly corner of a parcel of land conveyed to Greenwood Village Community Association, Inc. (O.R. 259 –635 Parcel B);

Thence N 87° 37' 05" E 40.00 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel to the P.C. of a curve to the left;

Thence Northeasterly 67.12 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel and said curve to the left to the P.R.C. of a curve to the right, said curve to the left is further described as follows:

Central Angle = 17° 23' 24"
Radius = 221.1300 feet
Length = 67.1158 feet
Tangent = 33.8179 feet
Chord = 66.8585 feet
Chord Bearing = N 78° 55' 23" E;

Thence Northeasterly 56.44 feet along a southerly line of Canyon Estates and the northerly line of said Greenwood Village Community Association, Inc. parcel and said curve to the right to a northeasterly corner of said Greenwood Village Community Association, Inc. parcel, and the **TRUE PLACE OF BEGINNING** for the parcel herein described, said curve to the right is further described as follows:

Central Angle = 15° 48' 52"
Radius = 204.4900 feet
Length = 56.4422 feet
Tangent = 28.4016 feet
Chord = 56.2632 feet
Chord Bearing = N 78° 08' 07" E;



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John A Donofrio, Summit Fiscal Officer

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

July 27, 2004

Thence Northeasterly 14.12 feet continuing along said curve to the right to the P.T. thereof, said curve to the right is further described as follows:

Central Angle = $3^{\circ} 57' 27''$
Radius = 204.4900 feet
Length = 14.1244 feet
Tangent = 7.0650 feet
Chord = 14.1216 feet
Chord Bearing = N $88^{\circ} 01' 17''$ E;

Thence N $90^{\circ} 00' 00''$ E 3.38 feet a point on the westerly line of Millstone Drive (private);

Thence S $0^{\circ} 00' 00''$ W 6.46 feet along the westerly line of Millstone Drive to a point;

Thence N $90^{\circ} 00' 00''$ E 45.00 feet to a point on the easterly line of Millstone Drive;

Thence N $0^{\circ} 00' 00''$ E 62.28 feet along the easterly line of Millstone Drive to a point;

Thence S $88^{\circ} 35' 15''$ E 291.27 feet to a point;

Thence N $1^{\circ} 24' 45''$ E 85.00 feet to a point on the southerly line of Millstone Drive (private);

Thence S $88^{\circ} 35' 15''$ E 60.74 feet along the southerly line of Millstone Drive to a point;

Thence S $0^{\circ} 00' 00''$ W 246.95 feet to a point;

Thence N $90^{\circ} 00' 00''$ E 77.00 feet to a point;

Thence N $26^{\circ} 33' 54''$ E 11.18 feet to a point;

Thence N $0^{\circ} 00' 00''$ E 8.00 feet to a point;



John A Donofrio, Summit Fiscal Officer

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LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

July 27, 2004

Thence N 90° 00' 00" E 39.00 feet to a P.C. of a curve to the right and being on the easterly line of Glengary Drive (a private drive);

Thence Southeasterly 59.81 feet along said curve to the right and the easterly line of Glengary Drive to a point, said curve to the right is further described as follows:

Central Angle = 56° 10' 34"
Radius = 61.0000 feet
Length = 59.8078 feet
Tangent = 32.5545 feet
Chord = 57.4409 feet
Chord Bearing = S 28° 05' 17" W;

Thence S 55° 56' 30" E 59.20 feet to a point;

Thence N 90° 00' 00" E 77.00 feet to a point;

Thence N 0° 00' 00" E 245.14 feet to a point;

Thence N 89° 56' 39" E 31.00 feet to a point on the easterly line of Canyon Estates and the westerly line of Oak Knolls Condominiums Parcel 4 (Plat Book 106, Pages 1-8);

Thence S 0° 00' 00" W 370.33 feet along the westerly line of said Oak Knolls Condominiums Parcel 4 and the westerly line of Oak Knolls Condominiums Parcel 3 and Canyon Estates easterly line to the southeasterly corner thereof and the northeasterly corner of a parcel of land conveyed to Oak Knolls Unit Owners' Association (D.V 5867, Pg. 778);

Thence N 90° 00' 00" W 105.00 feet along a southerly line of Canyon Estates and the northerly line of said Oak Knolls Unit Owners' Association parcel to the northwesterly corner thereof;

Thence S 0° 00' 00" W 17.00 feet along an easterly line of Canyon Estates and the westerly line of said Oak Knolls Unit Owners' Association parcel to an angle point in the Grantor's southerly line and the northeasterly corner of Juniper Hill Condominium (Plat Book 93, Pgs. 1-40);



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CONDO 650.40

LEGAL DESCRIPTION

CANYON ESTATES CONDOMINIUMS – ADDITIONAL PROPERTY

July 27, 2004

Thence N 90° 00' 00" W 129.59 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 45° 25' 12" W 248.36 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 90° 00' 00" W 108.50 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 0° 00' 00" E 19.08 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to an angle point;

Thence N 90° 00' 00" W 112.83 feet along a southerly line of Canyon Estates and the northerly line of Juniper Hill Condominium to the northwesterly corner thereof and being on the easterly line of Greenwood Village Community Association, Inc. (O.R. 259-635 Parcel B);

Thence N 0° 00' 00" E 17.09 feet along a southerly line of Canyon Estates and an easterly line of said Greenwood Village Community Association, Inc. parcel to an angle point;

Thence N 90° 00' 00" W 34.67 feet along a southerly line of Canyon Estates and an easterly line of Greenwood Village Community Association, Inc. to a southwesterly corner of the Grantor's;

Thence N 0° 00' 00" E 111.84 feet along a westerly line of Canyon Estates and an easterly line of said Greenwood Village Community Association, Inc. parcel to the true place of beginning and containing 3.3028 acres of land as surveyed in July 2004 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the bearing N 2° 22' 55" W for the monumented centerline of Canyon View Drive as is appears on Greenwood Village Subdivision No. 8 as recorded in Plat Cabinet D, Slides 15-16.



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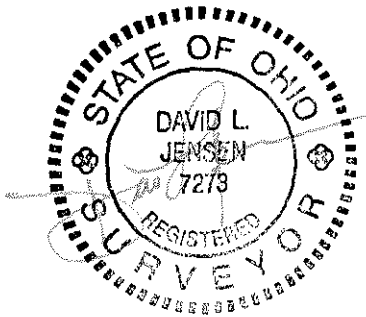


EXHIBIT C

TO THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR CANYON ESTATES CONDOMINIUM
SAGAMORE HILLS, OHIO

REFERENCE TO DRAWINGS

PHASE III

UNITS 22, 23, 24, 25, 26, 29, 30, 31, 32, and 33

The particulars of the land, buildings and other improvements, including, but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Areas and Facilities and the location and dimensions of all appurtenant easements or encroachments are shown graphically on the set of Drawings incorporated in the Second Amendment to Declaration of Condominium Ownership of the Canyon Estates Condominium by reference as Exhibit C, prepared and bearing the certified statements of David L. Jensen, an Ohio Registered Surveyor of Kenneth Jensen & Associates, Inc., Engineers and Surveyors, 3543 Darrow Road, Stow, Ohio 44224, as required by the Condominium Act of the State of Ohio. Such set of Drawings will be filed in the records of the Fiscal Officer, John A. Donofrio, of Summit County, Ohio, with the recording of the Second Amendment.



John A Donofrio, Summit Fiscal Officer

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EXHIBIT D

OF THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR
CANYON ESTATES CONDOMINIUM

<u>Unit No.</u>	<u>Address</u>	<u>Percentage Interest</u>
1	1145 Millstone Drive, Sagamore Hills, Ohio	1/28 th
2	1141 Millstone Drive, Sagamore Hills, Ohio	1/28 th
3	1137 Millstone Drive, Sagamore Hills, Ohio	1/28 th
4	1133 Millstone Drive, Sagamore Hills, Ohio	1/28 th
5	1129 Millstone Drive, Sagamore Hills, Ohio	1/28 th
6	1125 Millstone Drive, Sagamore Hills, Ohio	1/28 th
7	1115 Millstone Drive, Sagamore Hills, Ohio	1/28 th
8	1111 Millstone Drive, Sagamore Hills, Ohio	1/28 th
9	1107 Millstone Drive, Sagamore Hills, Ohio	1/28 th
10	1103 Millstone Drive, Sagamore Hills, Ohio	1/28 th
11	1144 Millstone Drive, Sagamore Hills, Ohio	1/28 th
12	1140 Millstone Drive, Sagamore Hills, Ohio	1/28 th
13	1136 Millstone Drive, Sagamore Hills, Ohio	1/28 th
14	1132 Millstone Drive, Sagamore Hills, Ohio	1/28 th
15	1128 Millstone Drive, Sagamore Hills, Ohio	1/28 th
16	1124 Millstone Drive, Sagamore Hills, Ohio	1/28 th
22	7338 Glengary Drive, Sagamore Hills, Ohio	1/28 th
23	7342 Glengary Drive, Sagamore Hills, Ohio	1/28 th
24	7346 Glengary Drive, Sagamore Hills, Ohio	1/28 th
25	7350 Glengary Drive, Sagamore Hills, Ohio	1/28 th
26	7354 Glengary Drive, Sagamore Hills, Ohio	1/28 th
27	7357 Glengary Drive, Sagamore Hills, Ohio	1/28 th
28	7353 Glengary Drive, Sagamore Hills, Ohio	1/28 th
29	7349 Glengary Drive, Sagamore Hills, Ohio	1/28 th
30	7345 Glengary Drive, Sagamore Hills, Ohio	1/28 th
31	7341 Glengary Drive, Sagamore Hills, Ohio	1/28 th
32	7337 Glengary Drive, Sagamore Hills, Ohio	1/28 th
33	7333 Glengary Drive, Sagamore Hills, Ohio	1/28 th



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John A Donofrio, Summit Fiscal Officer

ParcelID/AltID Result

Parcel Number(s)	AltIDs/Route Number(s)	Comment	UNITS
4505257	NF00026A4019000	CANYONESTATESCONDOMINIUMPHASE3	22
4505258	NF00026A4020000	CANYONESTATESCONDOMINIUMPHASE3	23
4505259	NF00026A4021000	CANYONESTATESCONDOMINIUMPHASE3	24
4505260	NF00026A4022000	CANYONESTATESCONDOMINIUMPHASE3	25
4505261	NF00026A4023000	CANYONESTATESCONDOMINIUMPHASE3	26
4505262	NF00026A4024000	CANYONESTATESCONDOMINIUMPHASE3	29
4505263	NF00026A4025000	CANYONESTATESCONDOMINIUMPHASE3	30
4505264	NF00026A4026000	CANYONESTATESCONDOMINIUMPHASE3	31
4505265	NF00026A4027000	CANYONESTATESCONDOMINIUMPHASE3	32
4505266	NF00026A4028000	CANYONESTATESCONDOMINIUMPHASE3	33

RETURN

Designed and Developed
by
Daniel Dibble



John A Donofrio, Summit Fiscal Officer

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08/12/2004 03:56P
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Mailed 11/15/05

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Pg: 1 of 7
10/18/2005 10:01A
CONDO 72.00
John A Donofrio, Summit Fiscal Officer

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
CANYON ESTATES CONDOMINIUM

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

DATED: Oct 18, 2005

BY: JOHN A. DONOFRIO
FISCAL OFFICER
By D. Tafar, Deputy Auditor



AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
CANYON ESTATES CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Canyon Estates Condominium (the "Declaration") and the Bylaws of Canyon Estates Condominium Owners Association (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Summit County Records Instrument No. 54959406, 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 Canyon Estates Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Canyon Estates 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 ARTICLE IV (C), entitled "Service of Process," in its entirety. Said deletion is to be made on Pages 17-18 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406.**

INSERT a new DECLARATION ARTICLE IV (C), entitled "Service of Process." Said addition, to be made on Pages 17-18 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, is as follows:



(C) 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 SECTION (C), entitled "Enforcement Assessments," to the end of DECLARATION ARTICLE X. Said new addition, to be added on Page 28 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, is as follows:

(C) Enforcement Assessments. 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 the end of DECLARATION ARTICLE V (D), entitled "Lien of Association." Said new addition, to be added on Page 19 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, 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 2nd PARAGRAPH to the end of DECLARATION ARTICLE XVI (B), entitled "Unit Owner's Right to Lease." Said new addition, to be added on Page 36 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, 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 DECLARATION ARTICLE V (A), entitled "General." Said new addition, to be added on Page 18 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, 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 2nd PARAGRAPH to the end of DECLARATION ARTICLE V (H), entitled "Liability for Assessments on Voluntary Conveyance." Said new addition, to be added on Page 20 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, 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.

(10) INSERT a new SECTION (N), entitled "Owner/Resident Information," to DECLARATION ARTICLE VII. Said new addition, to be added on Page 26 of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, is as follows:

(N) Owner/Resident Information. 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.

(11) DELETE BYLAWS ARTICLE IV, SECTION 2, entitled "Successor Managers," in its entirety. Said deletion is to be made on Page 2 Bylaws, Exhibit "B" of the Declaration of the Declaration, as recorded at Summit County Records, Instrument No. 54959406.

(12) INSERT a new BYLAWS ARTICLE IV, SECTION 2, entitled "Number and Qualification." Said addition, to be made on Page 2 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, is as follows:

Section 2. Number and Qualifications. The Board of Directors shall consist of three (3) members, each serving a term of two (2) years. Each member must be a Unit Owner or the spouse of a Unit Owner. 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 2nd SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 7, entitled "Regular Meetings." Said new addition, to be added on Page 3 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, 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 PARAGRAPH K to BYLAWS ARTICLE IV, SECTION 12, entitled "Powers," and INSERT new SUBPARAGRAPHS 1, 2, 3, 4, 5, 6 and 7, thereafter. Said new additions to be added on Page 4 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Summit County Records, Instrument No. 54959406, is as follows:

K. 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:

- 1. Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are

IN WITNESS WHEREOF, the said Canyon Estates Condominium Owners' Association, Inc. has caused the execution of this Instrument this 11th day of October, 2005.

CANYON ESTATES CONDOMINIUM OWNERS' ASSOCIATION, INC.

By: Rocco Marcoguissepe
ROCCO MARCOGUISEPPE, its Vice President

STATE OF OHIO)
) SS
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public, in and for said Summit County, personally appeared the above named Canyon Estates Condominium Owners' Association, Inc., by Rocco Marcoguissepe, its Vice President, who acknowledged that he did sign the foregoing Instrument, on Page 7 of 7, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Sagamore Hills, Ohio, this 11th day of October, 2005.

Nancy Anne Wargo
NOTARY PUBLIC

NANCY ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2006
Recorded in Summit County

This Instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650



55246605
Pg: 7 of 7
10/18/2005 10:01A
CONDO 72.00



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
10/24/2002	200229602930	DOMESTIC ARTICLES/NON-PROFIT (ARN)	125.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

JAMES A. ZAFFIRO ATTY. AT LAW
 4200 ROCKSIDE ROAD, STE 101
 INDEPENDENCE, OH 44131

STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

1347607

It is hereby certified that the Secretary of State of Ohio has custody of the business records for,

CANYON ESTATES CONDOMINIUM OWNERS' ASSOCIATION, INC.

and, that said business records show the filing and recording of:

Document(s)
 DOMESTIC ARTICLES/NON-PROFIT

Document No(s):
 200229602930



United States of America
 State of Ohio
 Office of the Secretary of State

Witness my hand and the seal of
 the Secretary of State at Columbus,
 Ohio this 23rd day of October, A.D.
 2002.

J. Kenneth Blackwell
 Ohio Secretary of State

IN WITNESS WHEREOF, Sandstone, Inc. and its President and sole shareholder has caused this Declaration to be executed on their behalf this 14th day of October, 2003.

Sandstone, Inc.

By: Michael Orley
President and sole shareholder

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State aforesaid, personally appeared Sandstone, Inc., an Ohio Corporation, by Michael Orley its President and sole shareholder, who acknowledged that he did sign the foregoing instrument and that the same was his free act and deed individually and as such President and sole shareholder, the free at and deed of said corporation.

GIVEN, under my hand and Notarial Seal this 14th day of October, 2003,



ROBERT J. BELINGER, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

Robert J. Belinger
Notary Public

Document prepared by:
Robert J. Belinger, Attorney
4200 Rockside Road, Suite 101
Independence, Ohio 44131
216-520-1464
(0017661)

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
CANYON ESTATES CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR CANYON ESTATES CONDOMINIUM RECORDED AT INSTRUMENT NO. 54959406 OF THE SUMMIT COUNTY RECORDS.

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

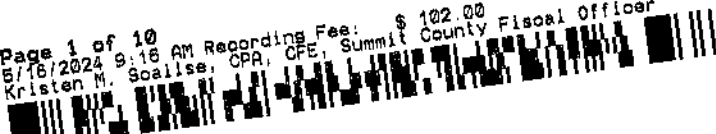
DATED: 5/16/24

BY: KRISTEN M. SCALISE CPA, CFE
FISCAL OFFICER

S. Hawk

DOC # 56879494

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5/18/2024 9:18 AM Recording Fee: \$ 102.00
Kristen M. Scallise, CPA, CFE, Summit County Fiscal Officer



**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
CANYON ESTATES CONDOMINIUM**

RECITALS

A. The Declaration of Condominium Ownership for Canyon Estates Condominium (the "Declaration") and the Bylaws of Canyon Estates Condominium Owners' Association, Inc., Exhibit B of the Declaration (the "Bylaws"), were recorded at Summit County Records Instrument No. 54959406.

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. Attached as Exhibit A is a certification of the Association's President and Secretary stating that the Amendments were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).

F. 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 for Canyon Estates Condominium is amended by the Board of Directors as follows:

(1) **INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE X, SECTION (C).** Said new addition to the Declaration, as amended at Instrument No. 55246605, is:

The Board will impose the following enforcement procedure for levying enforcement assessments:



(1) Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit Owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the Unit Owner in writing, that includes:

(a) A description of the property damage or violation;

(b) The amount of the proposed charge or assessment;

(c) A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;

(d) A statement setting forth the procedures to request a hearing;

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

(2) Hearing Requirements:

(a) 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 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.

(b) 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.

(c) The Board will not levy a charge or assessment before holding a properly requested hearing.

(3) The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.

(4) 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.

(5) The Association will deliver any written notice required above to the Unit Owner or any occupant of the Unit by personal delivery, by electronic mail, by certified mail, return receipt requested, or by regular mail.

(2) MODIFY the 1st SENTENCE of the 1st PARAGRAPH of DECLARATION ARTICLE V, SECTION (D). Said modification to the Declaration, as amended at Instrument No. 55246605, is: (new language is underlined)

The Association shall have the right to place a continuing lien upon the estate or interest in any Unit of the owner thereof and his percentage of interest in the Common Elements for the payment of the portion of the Common Expenses chargeable against such Unit which remains unpaid for ten (10) days after such portion has become due and payable by filing a certificate therefor with the Recorder of Summit County, Ohio, pursuant to authorization given by the Board of Directors of the Association.

(3) INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE VII. Said new addition to the Bylaws is:

The Association, as determined by the Board, is not required to permit the examination and copying of any of the following from books, records, or minutes that contain any of the following:

A. Information that pertains to Condominium Property-related personnel matters;

B. Communications with legal counsel or attorney work product pertaining to pending litigation or other Condominium Property-related matters;

C. Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;

D. Information that relates to the enforcement of the Declaration, Bylaws, or Association rules against a Unit Owner;

E. Information the disclosure of which is prohibited by state or federal law; or

F. Records that date back more than five years prior to the date of the request.



(4) MODIFY the 1st PARAGRAPH of BYLAWS ARTICLE IV, SECTION 2. Said modification to the Bylaws, as amended at Instrument No. 55246605, and as amended at Instrument No. 54959406, is: (deleted language is crossed out; new language is underlined)

The Board of Directors shall consist of three (3) members, each serving a term of two (2) years. Each member must be a Unit Owner or the spouse of a Unit Owner. ~~That notwithstanding, no one (1) Unit may be represented by more than one (1) person on the Board at any one (1) time.~~ If a Unit Owner is not an individual, that Unit 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. The majority of the Board will not consist of Unit Owners or representatives from the same Unit unless authorized by a resolution adopted by the Board of Directors prior to the Board majority being comprised of Unit Owners or representatives from the same Unit.

(5) INSERT a NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 11. Said new addition to the Bylaws is:

Those written consents will be filed with the Board meeting minutes.

(6) INSERT NEW ITEMS (6), (7), and (8) to DECLARATION ARTICLE XII, SECTION (B). Said new additions to the Declaration are:

..., or (6) to designate a successor to the person named to receive service of process for the Association. If the Association is incorporated in Ohio, this may be accomplished by filing with the Secretary of State an appropriate change of statutory agent designation, or (7) to delete as void, any provision within the Declaration or Bylaws, or in any applicable restriction or covenant, that prohibits, limits the conveyance, encumbrance, rental, occupancy, or use of property subject to Revised Code Chapter 5311 on the basis of race, color, national origin, sex, religion, or familial status; or (8) to permit notices to Unit Owners, as required by the Declaration or Bylaws, to be sent by electronic mail and, if returned undeliverable, by regular mail, provided the Association has received the prior, written authorization from the Unit Owner,...

(7) MODIFY BYLAWS ARTICLE IV, SECTION 12(K)(2). Said modification to the Bylaws, as amended at Instrument No. 55246605, is: (deleted language is crossed out; new language is underlined)



2. Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning 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, impacts zoning, or otherwise—and relates to matters affecting the Condominium Property;

(8) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XVIII, SECTION (D). Said new addition to the Declaration, as amended at Instrument No. 55416058, is:

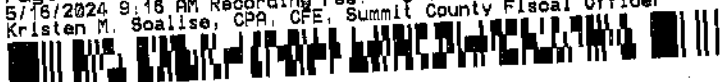
In addition, notices may be delivered using electronic mail subject to the following:

(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 by either regular mail or hand delivered.

(2) 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, 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 regular mail or hand delivered.

(9) MODIFY the DECLARATION ARTICLE V, SECTION (A). Said modification to the Declaration is: (now language is underlined)

(A) General. Assessments for the management, maintenance, repair and insurance of the Common Elements and amounts determined by the Board of Directors of the Association for the establishment and maintenance of the reserve fund to meet the cost and expense of repair and replacement of the Common Elements in the normal course of operations without the necessity of special assessments, unless the Unit Owners, exercising not less than a majority of the voting power of the Association, waive the reserve requirement in writing annually, together with the payment of the Common Expenses, shall be made in the manner provided



herein and in the manner provided in the Bylaws attached hereto as Exhibit B.

(10) INSERT A NEW DECLARATION ARTICLE VI, SECTION (I) entitled "Fidelity Coverage." Said new addition to the Declaration is:

(I) Fidelity Coverage. The Board must maintain blanket fidelity, crime, or dishonesty insurance coverage for any person who controls or disburses Association funds. As used in this section, "person who controls or disburses Association funds" means any individual with authority or access to sign checks, conduct electronic transfers, or otherwise withdraw funds from any Association account or deposit, including the following:

- (a) A management company's principals and employees;
- (b) A bookkeeper;
- (c) The president, secretary, treasurer, any other board member, or employee of the Association.

All of the following apply to the insurance coverage required under this section:

(1) Coverage shall be for the maximum amount of funds that will be in the custody of the Association or its designated agent at any one time plus three months of operating expenses.

(2) The insurance shall be the property of and for the sole benefit of the Association and shall protect against theft, embezzlement, misappropriation, or any other unauthorized taking or loss of Association funds.

(3) The policy shall include in its definition of "employee" the manager and the managing agent of the Association's funds or provide for this inclusion by an endorsement to the policy.

(4) The policy shall name the Association as the insured party and shall include a provision requiring the issuer of the policy to provide a ten-day written notice to the Association's president or manager in the event of cancellation or substantial modification of the policy. The manager or managing agent, if any, of the Association shall be the designated agent on the policy.

(5) If there is a change in the manager or the managing agent of the Association, then within ten days of the effective start date, the new manager or managing agent shall notify the insurer of such change.

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 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 Canyon Estates Condominium Owners' Association, Inc. has caused the execution of this instrument this 29 day of APRIL, 2024.

CANYON ESTATES CONDOMINIUM OWNERS' ASSOCIATION, INC.

By:


BETTY ROTH, President

By:


CHRISTINE MULLARKEY, Secretary

STATE OF OHIO)
)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Canyon Estates Condominium Owners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on page 8 of 10, and that the same is the free act and deed of the corporation and the free act and deed of them personally and as such officers.

I have set my hand and official seal this 29 day of APRIL, 2024.

Andrea Conlon

NOTARY PUBLIC

Place notary stamp/seal here:




e
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 OFFICERS

STATE OF OH)
)
COUNTY OF Cuyahoga) SS

Betty Roth and **Christine Mullarkey**, being the duly elected and acting President and Secretary of the Canyon Estates Condominium Owners' Association, Inc., certify that the Amendments were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).



BETTY ROTH, President



CHRISTINE MULLARKEY, Secretary

BEFORE ME, a Notary Public in and for the County, personally appeared the above-named **Betty Roth** and **Christine Mullarkey** 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 29 day of April, 2024.

Andrea Conlon
NOTARY PUBLIC

