AMENDMENTS TO THE

AMENDED AND RESTATED DECLARATION

FOR

WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC.

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE VILLAS AT WATERFORD CROSSING CONDOMINIUMS RECORDED AT INSTRUMENT NO. 55331125, AND AS AMENDED AND RESTATED AT INSTRUMENT NO. 56200466 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE AMENDED AND RESTATED DECLARATION FOR WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC., WERE FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO

DATED: 5-21-24

MAISTEN M. SCALISE CPA, CFE

FISCAL OFFICER
By: Kathynn Daniels

DOC # 56880183

Page 1 of 11 5/21/2024 7:54 AM Recording Fee: \$ 114.00 Kristen M. Scalise, CPA, CFE, Summit County Fiscal Officer

AMENDMENTS TO THE AMENDED AND RESTATED DECLARATION FOR WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC.

RECITALS

- A. The Amended and Restated Declaration for Waterford Crossing Condominiums Homeowners' Association, Inc. (the "Declaration") and the Bylaws of Waterford Crossing Condominiums Homeowners' Association, Inc., attached to and made part of the Declaration (the "Bylaws"), were recorded at Summit County Records Instrument No. 55331125, and were amended and restated at Instrument No. 56200466.
- 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 Amended and Restated Declaration for Waterford Crossing Condominiums Homeowners' Association, Inc. and the Amended and Restated Bylaws of Declaration for Waterford Crossing Condominiums Homeowners' Association, Inc. are amended by the Board of Directors as follows:

(1) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 3(c). Said new addition, to be added to the Declaration, as recorded at the Summit County Records, Instrument No. 56200466, is as follows:

The Board will impose the following enforcement procedure:

Page 2 of 11

- (i) 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 owner in writing, that includes:
 - (1) A description of the property damage or violation;
 - (2) The amount of the proposed charge or assessment;
 - (3) A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;
 - (4) A statement setting forth the procedures to request a hearing;
 - (5) A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.

(ii) Hearing Requirements:

- (1) 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.
- (2) 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.
- (3) The Board will not levy a charge or assessment before holding a properly requested hearing.
- (iii) The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.

Page 3 of 11

- (iv) 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.
- (v) 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 DECLARATION ARTICLE XV, SECTION 5(d). Said modification, to be made to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows: (new language is underlined)
 - (d) The <u>continuing</u> lien provided for herein shall remain valid for a period of five years from the date a certificate of lien was duly filed therefor, unless sooner released or satisfied in the same manner provided by law in the State of Ohio for the release and satisfaction of mortgages on real property, or discharged by the final judgment or order of a court in an action brought to discharge the lien.
- (3) MODIFY THE LAST SENTENACE of DECLARATION ARTICLE XV, SECTION 5(c). Said modification, to be made to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows: (new language is underlined)

The certificate shall contain a description of the Unit against which the continuing lien exists, the name or names of the record Unit Owner or Unit Owners thereof, and the amount of the unpaid portion of the assessments, and shall be signed by the president, or other designated representative or other chief officer of the Association as authorized by the Board of Directors.

(4) INSERT a new PARAGRAPH to the end of BYLAWS ARTICLE VII. Said addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Summit County Records, Instrument No. 56200466 is as follows:

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;

Page 4 of 11

- (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 and regulations against a Unit Owner;
- (e) Information the disclosure of which is prohibited by state or federal law;
- (f) Records that date back more than five years prior to the date of the request.
- (5) MODIFY THE 1st PARAGRAPH of BYLAWS ARTICLE IV, SECTION 1. Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Summit County Records, Instrument No. 56200466 as follows: (deleted language is crossed out; new language is underlined)

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

(6) INSERT A NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 10. Said new addition, to be added to the Bylaws, Attached to and made part of the Declaration, as recorded at Summit County Records, Instrument No. 56200466 is as follows:

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

- (7) INSERT a NEW DECLARATION ARTICLE XVIII, SECTION 1(e). Said new addition, to be added to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows:
 - (e) Notwithstanding the above, without a Unit Owner vote, the Board may amend the Declaration in any manner necessary for any of the following purposes:
 - (i) To meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans, the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration, the veterans administration, and similar institutions:
 - (ii) To meet the requirements of insurance underwriters;
 - (iii) To bring the Declaration into compliance with the Ohio Condominium Act (Revised Code Chapter 5311);
 - (iv) To correct clerical or typographical errors or obvious factual errors in the Declaration or an exhibit to the Declaration;
 - (v) 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:
 - (vi) 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.

Page 6 of 11

DOC # 56880183

(vii) 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;

Any Unit Owner who is aggrieved by an amendment to the Declaration that the Board of Directors makes in accordance with the above may commence a declaratory judgment action to have the amendment declared invalid as violative of the above. Any action filed to contest the validity of the amendment must be filed in the appropriate court of common pleas within one year from the date of the recordation of the amendment.

- (8) MODIFY BYLAWS ARTICLE IV, SECTION 11(m)(ii). Said modification, to be made to the Bylaws, Attached to and made part of the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows: (deleted language is crossed out; new language is underlined)
 - (ii) 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;
- (9) INSERT A NEW DECLARATION ARTICLE XX, SECTION 6 entitled "Notices to Unit Owners." Said new addition, to be added to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows:
 - Section 6. Notices to Unit Owners. All notices required or permitted by the Declaration or Bylaws to any Unit Owner will be in writing and is deemed effectively given if it has been sent by sent by regular U.S. mail, first-class postage prepaid, to their Unit address or to another address the Unit Owner designates in writing to the Board, or delivered using electronic mail subject to the following:
 - (a) 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.

- (b) 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.
- (10) MODIFY DECLARATION ARTICLE XV, SECTION 3(a)(1)(e). Said modification, to be made to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows: (deleted language is crossed out; new language is underlined)
 - e. an amount deemed adequate by the Board to maintain a reserve for the cost of unexpected repairs and replacements and periodic maintenance, repair and replacement of improvements and for the repair and replacement of major improvements in an amount adequate to repair and replace major capital items 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 for which cash reserves over a period of time in excess of one (1) year ought to be maintained, and for the funding of insurance deductibles in the event of casualty loss;
- (11) INSERT A NEW PARAGRAPH TO THE END OF DECLARATION ARTICLE XI, SECTION 3(c). Said new addition, to be made to the Declaration, as recorded at Summit County Records, Instrument No. 56200466, is as follows:

The fidelity coverage will include 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 management company's principals and employees;
- A bookkeeper;

Page 8 of 11

BARBARA DOCKRILL, President

By: Carolin J. B. Wn Slovetor

STATE OF OHIO

COUNTY OF Sammit ss

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Waterford Crossing Condominiums Homeowners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, 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.

NOTARÝ PUBLIC

Place notary stamp/seal here:

NA SOLUTION OF STREET

KRISTINA ROGERS Notary Public State of Ohlo My Comm. Expires December 11, 2026

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

Page 10 of 11

DOC # 56880183



EXHIBIT A

CERTIFICATION OF OFFICERS

STATE OF OHIO COUNTY OF Summit Ses	1				
BARBARA DOCKRILL and CAROLYN O'BRIEN, being the duly elected and acting President and Secretary of the Waterford Crossing Condominiums Homeowners Association, Inc., certify that the Amendments to the Amended and Restated Declaration for Waterford Crossing Condominiums Homeowners' Association, Inc. were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).					
BARBARA DOC	KRILL, President				
CAROLYN O'BRIEN, Secretary					
BEFORE ME, a Notary Public in and for said County, personally appeared the above-named BARBARA DOCKRILL and CAROLYN O'BRIEN 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					
i nave set my nand and official seaf un	<u> </u>				
NOTARY PUBLIC	Place notary stamp/seal here: KRISTINA ROGERS Notary Public State of Ohto My Comm. Expires December 11, 2026				

AMENDMENT TO THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION RECORDED AT INSTRUMENT NO. 56200466 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: SHOUR 4/22/24

KRISTEŇ M. SCALISE CPA, CFE

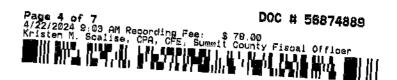
BY: FISCAL OFFICER

DOC # 56874889



The Waterford Crossing Condominiums Homeowners' Association, Inc. has caused WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. John H. MCKEE, President STATE OF OHIO SS COUNTY OF Summit **BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Waterford Crossing Condominiums Homeowners' Association, Inc., by its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of him personally and as such officer. I have set my hand and official seal this 4th April , 2024. Jessica Miller NOTARY PUBLIC Place notary stamp/seal here:

Page 4 of 7



The Waterford Crossing Condominiums Homeowners' Association, Inc. has caused the execution of this instrument this 17th day of February, 2024.

WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC.

By: Carolyn O'BRIEN, Secretary

STATE OF _	South Chalin	
COUNTY OF	Horry)	

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Waterford Crossing Condominiums Homeowners' Association, Inc., by its Secretary, who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of her personally and as such officer.

SS

I have set my hand and official seal this 17 day of

NOTARY PUBLIC

This instrument prepared by: KAMAN & CUSIMANO, LLC Attorneys at Law 2000 Terminal Tower 50 Public Square Cleveland, Ohio 44113 (216) 696-0650 ohiocondolaw.com Place notary stamp/seal here:

MARCUS A. DAVIS
Notary Public
State of South Carolina
My Commission Expires 10-09-2033

Page 5 of 7

DOC # 56874889

EXHIBIT A-1

CERTIFICATION OF OFFICERS

JOHN H. MCKEE, being the duly elected and acting President of the Waterford Crossing Condominiums Homeowners' Association, Inc., certifies that the Amendment to the Amended and Restated Waterford Crossing Condominiums Homeowners' Association, Inc. Declaration was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

JOHN H. MCKEE, President

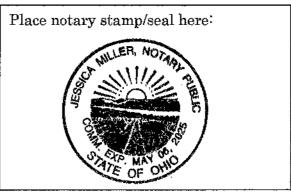
STATE OF OHIO

COUNTY OF Summit

BEFORE ME, a Notary Public in and for the County, personally appeared the above named JOHN H. MCKEE who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this day of April 2024.

Place notary stamp/seal here:



Page 6 of 7

DOC # 56874889



EXHIBIT A-2

CERTIFICATION OF OFFICERS

CAROLYN O'BRIEN, being the duly elected and acting Secretary of the Waterford Crossing Condominiums Homeowners' Association, Inc., certifies that the Amendment to the Amended and Restated Waterford Crossing Condominiums Homeowners' Association, Inc. Declaration was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

STATE OF South Casalan SS

COUNTY OF Horry

BEFORE ME, a Notary Public in and for the County, personally appeared the above-named CAROLYN O'BRIEN who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this day of the county, personally appeared the above-named CAROLYN O'BRIEN who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this day of the county of th

Notary Public State of South Carolina My Commission Expires 10-09-2033

Page 7 of 7

Date 3/9/18

BY:

KRISTEN M. SCALISE CPA, CFE SUMMIT COUNTY FISCAL OFFICER

BY: Holly Phelps

ELEVENTH AMENDMENT TO DECLARATION

This Amendment to the Declaration of Condominium for the Villas at Waterford Crossing Condominiums ("Condominium"), expanding and submitting additional property to the Condominium is made this _____ day of _____, 2018.

BACKGROUND

Successor Declarant

Elite Development Twelve Tallmadge, Inc., an Ohio corporation, is the successor declarant to Villas at Colony Park, Inc. for the Condominium and will hereinafter be referred to as the "Declarant". Declarant", is the owner in fee simple of all the real property hereinafter described and the improvements thereon and appurtenances thereto.

Declaration and Prior Expansion Amendments

The prior declarant has submitted certain property to the provisions of Section 5311 of the Ohio Revised Code by the filing of the Villas at Waterford Crossing Condominiums Declaration (Declaration). The Declaration and the Drawings were recorded on June 6, 2006 in Instrument #55331125 and a Utility Right of Way Plat was recorded on June 7, 2006 in Instrument #55331126 all of the Summit County, Ohio Land Records. The Declaration has been amended by the First Amendment to Declaration filed on December 18, 2006 in Instrument #55398588 of the Summit County Land Records and the Declaration has been amended by the Second Amendment to the Declarations filed on March 15, 2007 in Instrument #55423541 of the Summit County Land Records; the Third Amendment to the Declaration filed on May 31, 2007 in Instrument #55447146; the Fourth Amendment to the Declaration filed on July 10, 2007 in Instrument #55459467; the Fifth Amendment to the Declaration filed on November 1, 2007 in instrument # 55493286; the Sixth Amendment to the Declaration filed on February 26, 2008 in instrument #55520760; the Seventh Amendment to the

DOC # 56368168

Page 1 of 35 3/12/2018 2:18 PM Repording Fee: \$ 1232.80 Kristan M. Scalise, CPA, CFE, Summit County Fiscal Officer Declaration filed on July 21, 2008 in instrument #55558726; the Eighth Amendment to the Declaration filed on December 9, 2009 in instrument #55669933; and the Ninth Amendment to the Declaration filed on November 6, 2017 in instrument #56339371; and the Tenth Amendment to the Declaration filed on December 4, 2018 in Instrument #56347357.

Expansion Rights

The Declarant, pursuant to Article XIX of the Declaration, reserved the right to expand the Condominium property by amending the Declaration to add all property (described in Exhibit C to the Declaration as the "Additional Property" which has been amended as stated above and after this amendment will be all added within the Condominium), and improvements thereon and appurtenances thereto, to the original Condominium. Additionally, The Waterford Crossing Condominium Homeowners Association, Inc. filed an Amendment to the Amended and Restated Waterford Crossing Condominium Homeowners' Association, Inc. Declaration on October 14 of 2016 in Instrument #56248340 of the Summit County Land Records. This amendment granted an extension of the Declarant's right and option to expand the Condominium property to add the remaining Additional Property as provided for in Article XIX of the Declaration for a period of seven years commencing on the date the Amendment was recorded with the Summit County Fiscal Office. By this instrument, the Declarant is adding a portion of the Additional Property to the Condominium. This is the last expansion amendment.

Declaration

Declarant, the sole owner of the Additional Property, hereby submits the portion of the Additional Property described on Exhibit A to this Amendment, to the provisions of Chapter 5311 of the Ohio Revised Code, and hereby amends the Declaration of the Condominium as follows:

- 1. <u>Definitions</u>. All terms used herein shall have the same meanings as those terms are defined in the Declaration.
- 2. <u>Additional Property Added</u>. A legal description of the property being added to the Condominium is attached hereto as <u>Exhibit A</u> and is incorporated herein by this reference.

- 3. <u>Name</u>. The Condominium, as expanded hereby, shall continue to be named "The Villas at Waterford Crossing Condominiums."
- 4. <u>Purposes</u>. The purposes of the Condominium shall continue to be as set forth in the Declaration (encompassing the Additional Property added hereby).
- 5. Improvements Description. The property being added by this Amendment consists of one (1) parcel of land consisting of a total of approximately .737 Acres. On this Parcel there is situated one (1) building containing 3 residential dwelling units. Improvements on such property are compatible in terms of quality of construction, principal materials used and architectural style and design to the improvements now a part of the Condominium Property.

6. Units.

- a. <u>Unit Designation</u>. Each of the Units added to the Condominium is designated on the amendment to the Drawings filed simultaneously herewith, by a number, where that Unit is located. A listing of the proper Unit designations (and the proper Unit designations of all other Units in the Condominium), are shown on <u>Exhibit B</u> attached hereto and incorporated herein by this reference.
- b. <u>Composition of Units</u>. Each Unit added hereby consist of the residential dwelling structure designated on the amendment to the Drawings filed simultaneously herewith as <u>Exhibit C</u>, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration which is copied on <u>Exhibit D</u> attached hereto.
- c. <u>Unit Locations</u>. The location of each Unit added hereby is shown on the amendment to the Drawings filed simultaneously herewith, a photocopy of which is attached hereto as <u>Exhibit C</u> and incorporated herein by this reference.

7. Common and Limited Common Areas.

a. <u>Common Areas</u>. All of the Additional Property, including all of the land and all improvements thereon and appurtenances thereto, except those portions labeled or described herein or in the amendment to the Drawings

filed herewith as a part of a Unit, are Common Elements as that term is used in the Declaration.

- b. <u>Limited Common Areas</u>. Those portions of the Common Elements that are added hereby that are labeled or designated "L.C.E.A." or "limited common element areas" on the amendment to the Drawings filed herewith, if any, are <u>Limited Common Element Areas</u>. These <u>Limited Common Element Areas</u> are reserved for the exclusive use of the Units which those improvements or areas are designed to serve.
- c. Percentage of Ownership. The undivided interest in the Common Areas appurtenant to all Units in the Condominium as expanded hereby, and as thereby allocated and reallocated, are shown on Exhibit C attached hereto and incorporated herein by this reference, and are all equal to one fifty-ninth (1/59). The Common Areas shall be owned by the Unit owners as tenants in common, and ownership thereof shall remain undivided. No Unit owner may waive or release any rights in the Common Areas. Further, the undivided interest in the Common Areas of a Unit shall not be separated from the Unit to which it appertains.
- 8. Easements Reserved to Declarant. A non-exclusive perpetual easement to utilize the property added hereby is hereby reserved to Declarant, its successors and assigns, for their benefit and the benefit of future Owners and Occupants of the area of the remaining Additional Property, for pedestrian and vehicular access over walkways and streets located on the Common Areas for ingress and egress to and from the Additional Property, and each part thereof, and a public or private street. Additionally, Declarant, for itself and its successors and assigns, reserves the right to extend and tie into utility lines into the Additional Property and to service the same, whether or not such Additional Property, or parts thereof, become a part of the Condominium Property. The property added hereby is also subject to easements and restrictions of record.
- 9. <u>Effects of Expansion</u>. Upon the filing for record of this Amendment to the Declaration adding the property described in <u>Exhibit A</u> to the Condominium Property:
- a. the property shall hereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that property had been initially part of the Condominium Property, that is the rights, easements, covenants, restrictions, and assessment plan shall run with and will bind such

property in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the original Condominium Property;

- b. the owner or owners of Units within such property shall thereupon become members of the Condominium Association, to the same extent, with the same effect, subject to the same obligations, and imbued with the same rights, as all other members; and
- c. in all other respects, all of the provisions of the Declaration shall include and apply to such property, and to the owners, mortgages, and lessees of Units thereon, with equal meaning and of like force and effect.

The amendment to the Drawings, as required by the Ohio Revised Code, are filed herewith showing the information required with respect to the property added by this Amendment.

IN WITNESS WHEREOF, this Amendment has been executed on behalf of the Declarant on this ______ day of ______, 2018.

DECLARANT: ELITE DEVELOPMENT TWELVE TALLMADGE, INC.

- /M/W

rdentits <u>Pres</u> Vert President

Page 5 of 35
3/12/2018 2:19 PM Recording Fee: \$ 1232.80
Kristen M. Scalize, CPA; CFE; Summit County Fiscal Officer

STATE OF OHIO)

COUNTY OF SUMMIT)

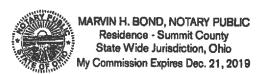
BEFORE ME, a Notary Public, in and for said county and state, personally appeared the above-named, Declarant, ELITE DEVELOPMENT TWELVE TALLMADGE, INC., an Ohio Corporation, by KEITHO. (ALVERT, its President, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her free act and deed and the free act and deed of said Declarant.

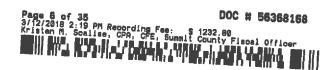
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at <u>freely</u>, Ohio this <u>4*44</u> day of <u>March</u>, 2018.

Notary Public

This instrument prepared by: Witschey Witschey & Firestine Co., LFA Jeffrey T. Witschey, Esq. 406, Rothrock Rd., Suite 103 Akron, Ohio 44321 (330) 665-5117

cli.calvert.waterford.amendment11-1







LEGAL DESCRIPTION PHASE 11

Situated in the City of Tallmadge, County of Summit, and State of Ohio, and being a part of Lot 9 in Stone Creek Allotment No. 3 as recorded with reception No. 54113347 of Summit County Records and being more fully described as follows:

Beginning at the southwest corner of the Villas at Waterford Crossing Condominium Phase 3 (Parcel 2) as recorded with Reception Number 55423541 of Summit County Records:

Thence S 89°00'55" E, 105.57 feet to a point;

Thence S 00°59'05" W, 156.46 feet to a point;

Thence S 89°00'55" E, 50.00 feet to a point;

Thence S 00°59'05" W, 98.65 feet to a point;

Thence N 89°00'55" W, 157.58 feet to a point;

Thence N 01°26' 00" E, 255.11 feet to the True Place of Beginning and containing 0.737 acres as surveyed by Robert J. Warner, P.S. No. 6931 for Environmental Design Group in October 2017.

CORPORATE

450 Grant Street / Akron, OH 44311 P 330.375.1390 / F 330.375.1590 TF 800.835.1390

CLEVELAND OFFICE 2800 Euclid Ave, Suite 509 Cleveland, Ohio 44115

COLUMBUS OFFICE 580 N. Fourth Street, Suite 220 Columbus, Ohio 43215

envdesigngroup.com

DOC # 56368168

Page 7 of 35
3/12/2018 2:19 PM Recording Fee: \$ 1232.80
Kristen M. Scalise, CPA, CFE, Summit County Fiscal Officer

E:\Elite Dev Group-Twelve Talimadge Inc\16-00214-010 Waterford Crossing\Survey\Legal -Phase 9 future expandable parcel 1.doc

The community impact people.

CIVIL ENGINEERING / LANDSCAPE ARCHITECTURE / PLANNING / SURVEYING / ENVIRONMENTAL SERVICES / CONSTRUCTION MANAGEMENT

EXHIBIT B

				Approximate	Percentage
Unit	T 14			Sq. Footage	Interest in Common Elements and voting Rights at
<u>Number</u>	<u>Level</u> *	<u>Bedrooms</u>	<u>Baths</u>	Living Space	This Phase
1.	2	2	2	1449	1/59
2.	2	2	2	1455	1/59
3.	2	2	2	1449	1/59
4.	3	2	2	1629	1/59
5.	3	3	3	1874	1/59
6.	3	3	3	1874	1/59
7.	3	3	3	2055	1/59
8.	2	2	2	1576	1/59
9.	3	3	3	2018	1/59
10.	2	3	3	2279	1/59
11.	1	2	2	1458	1/59
12.	2	3	3	2045	1/59

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13.	1	2	2	1458	1/59
14.	3	3	3	2143	1/59
15.	3	3	3	1950	1/59
16.	3	3	3	1961	1/59
17.	3	3	3	2143	1/59
18.	3	3	3	1950	1/59
19.	3	3	3	1961	1/59
20.	3	3	3	2143	1/59
21.	3	3	3	1950	1/59
22.	3	3	3	1961	1/59
23.	2	2	2	1576	1/59
24.	3	3	3	1874	1/59
25.	2	2	3	1839	1/59
26.	2	3	3	2212	1/59
27.	1	2	2	1640	1/59
28.	3	3	3	2143	1/59
29.	3	3	3	1950	1/59
30.	3	3	3	1961	1/59
31.	1	2	2	1662	1/59
32.	2	3	4	2045	1/59
33.	1	2	3	1636	1/59

Page 9 of 35 3/7/2018 2:19 PM Recording Fee: \$ 1232.80 Kristen M. Scalise, CPA, CFE, Summit County Fiscal Officer

34.	3	3	3	2036	1/59
35.	3	3	3	1874	1/59
36.	2	2	2	1638	1/59
37.	3	3	3	2029	1/59
38.	3	3	3	2029	1/59
39.	1	2	2	1609	1/59
40.	1	2	2	1449	1/59
41.	1	2	2	1458	1/59
42.	2	2	2	1640	1/59
43.	3	3	3	2030	1/59
44.	3	3	3	2028	1/59
45.	3	3	3	2018	1/59
46.	3	3	3	1864	1/59
47.	2	2	2	1457	1/59
48.	2	2	2	2262	1/59
49.	3	» 3	3	2212	1/59
50.	3	3	3	2860	1/59
51.	3	3	3	2041	1/59
52.	2	2	2	1443	1/59
53.	3	3	4	2194	1/59
54.	1	2	2	1640	1/59

Page 10 of 35 3/12/2018 2:19 PM Recording Fee: \$ 1232.80 Kristen M. Scalise, GPR, CFE, Summit County Fiscal Officer

55.	1	2	2	1634	1/59
56.	1	2	2	1640	1/59
57.	2	2	2	1449	1/59
58.	3	3	3	1964	1/59
59.	2	2	2	1449	1/59

^{*} At the discretion of the Declarant, any Unit may be built without a basement in which case the Unit shall have one less level than shown above. In some units the basement may be built out.

cli.calvert.waterford.amendment11-ExB



THE VILLAS AT WATERFORD CROSSING CONDOMINIUM PHASE 11 AMENDMENT

ADDING UNITS AS CONSTRUCTED (17,18,19,20,21 & 22)

LOCATED IN:
THE CITY OF TALLMADGE
COUNTY OF SUMMIT, STATE OF OHIO
BEING PART OF:
O.L. 8, TRACT II, FORMERLY TALLMADGE TWP. SUBLOT 9 IN STONE CREEK ALLOTMENT No. 3 (RECEPTION No. 54113347)

1. INDUCT 1. MARINOS, heady carrily but; the attached drawing auditod Embol; "D"—"Devil 2.— servedly leades the Chadannian-Devels namedly THE WALMS AT WATGROUPD (CHISSING as bandy and exceededly believed the heady of the attached between developments).

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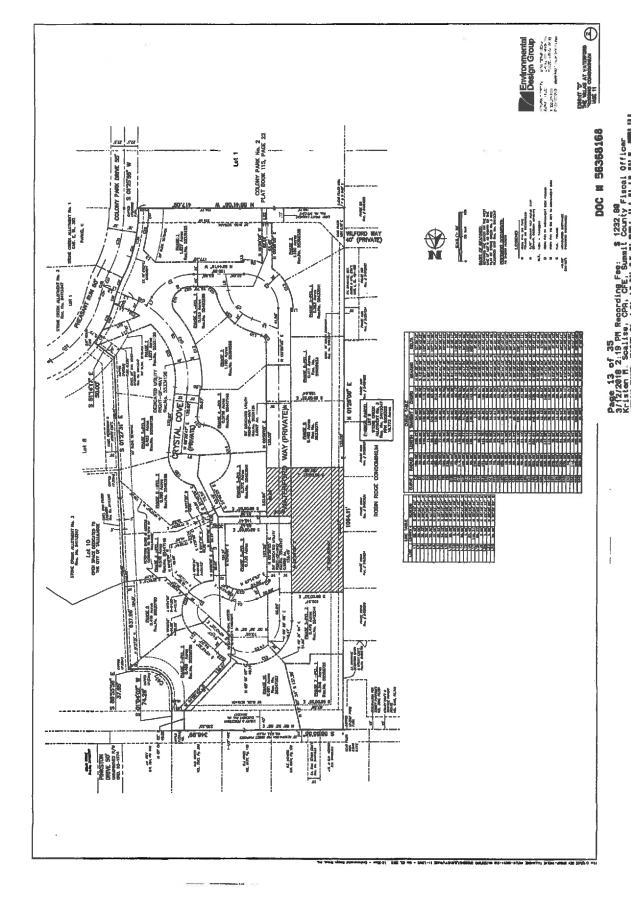


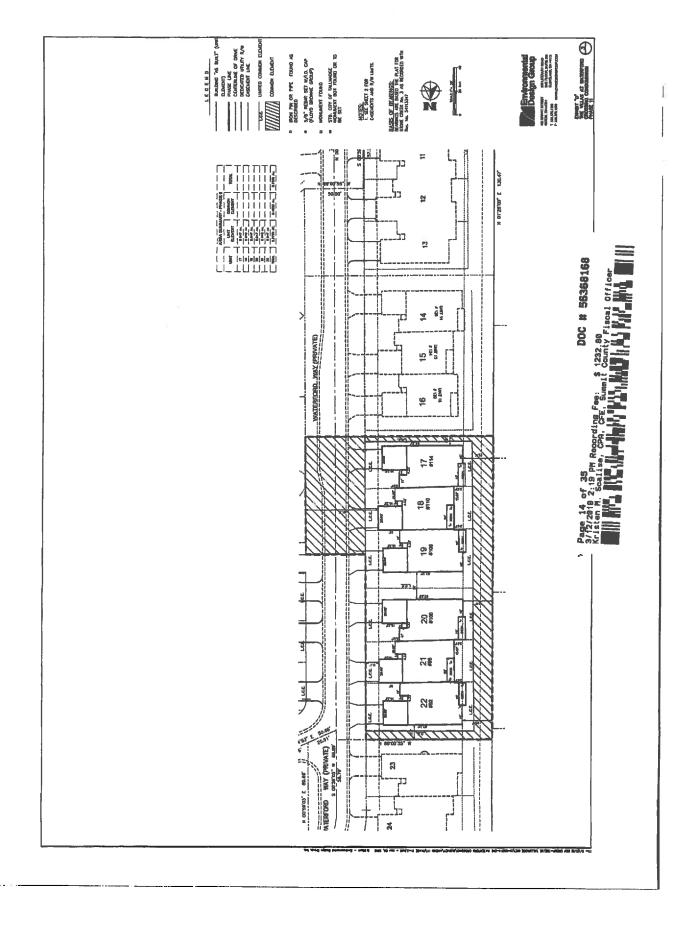
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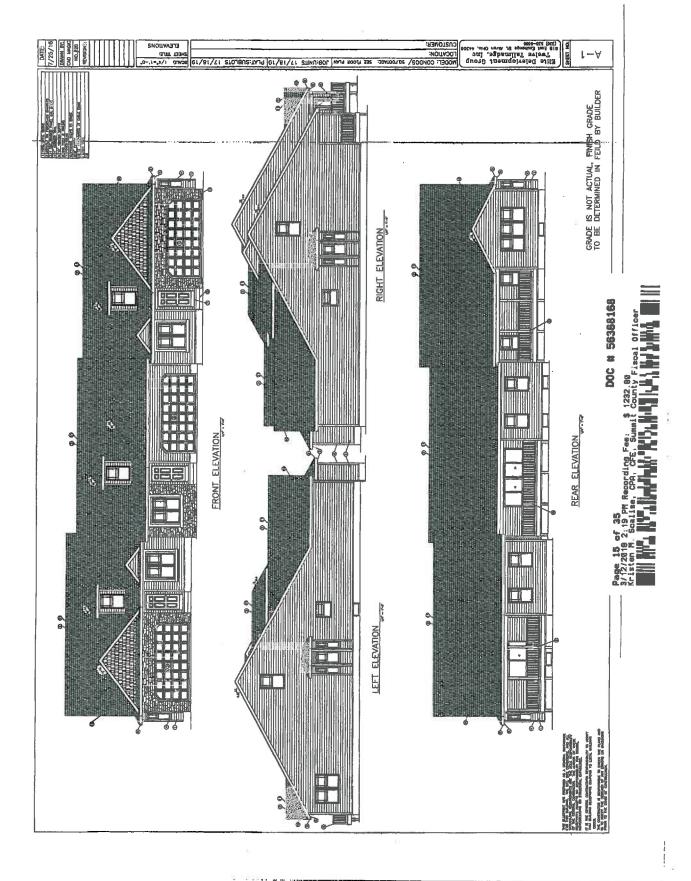
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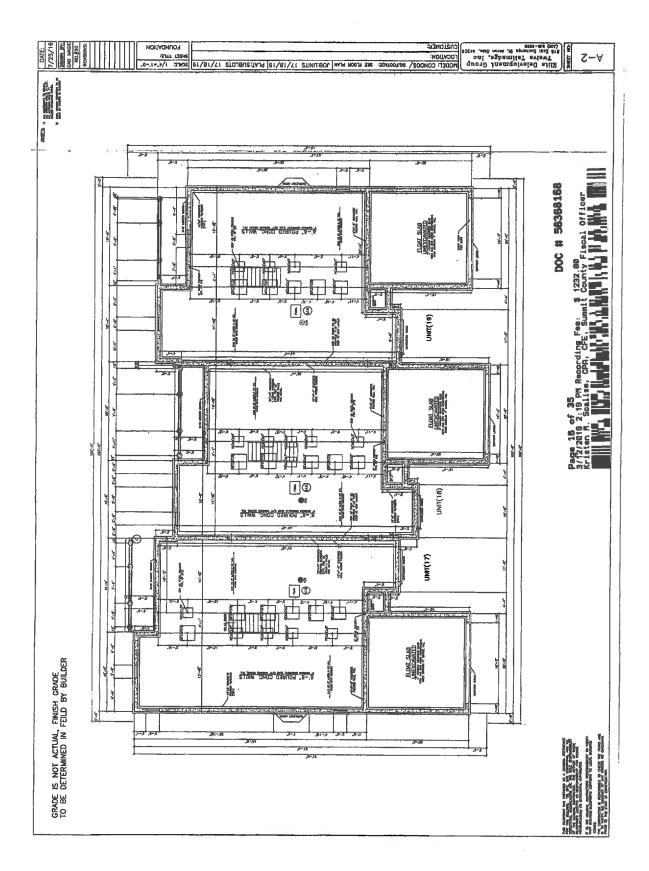
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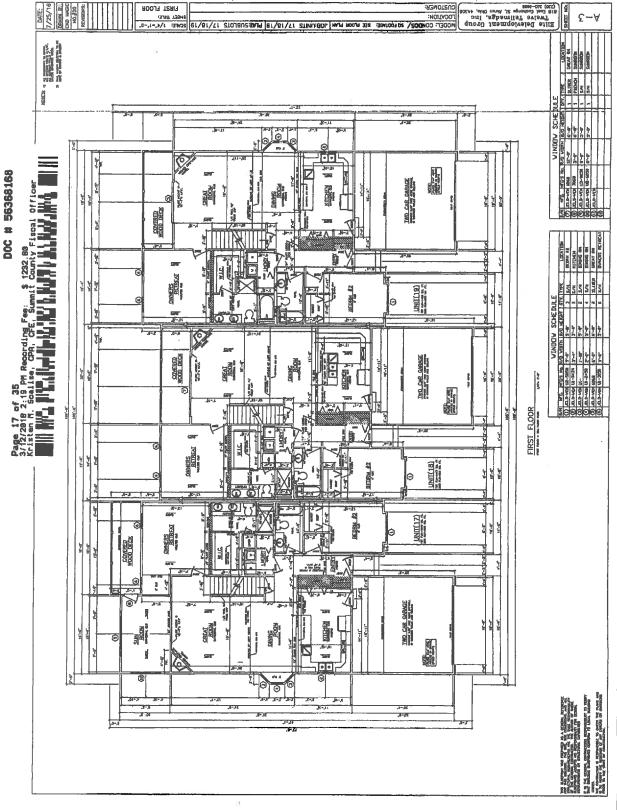
COHINT TO THE VILLAS AT WATCHCORD CHOSSING CONDOMINEM PHASE II

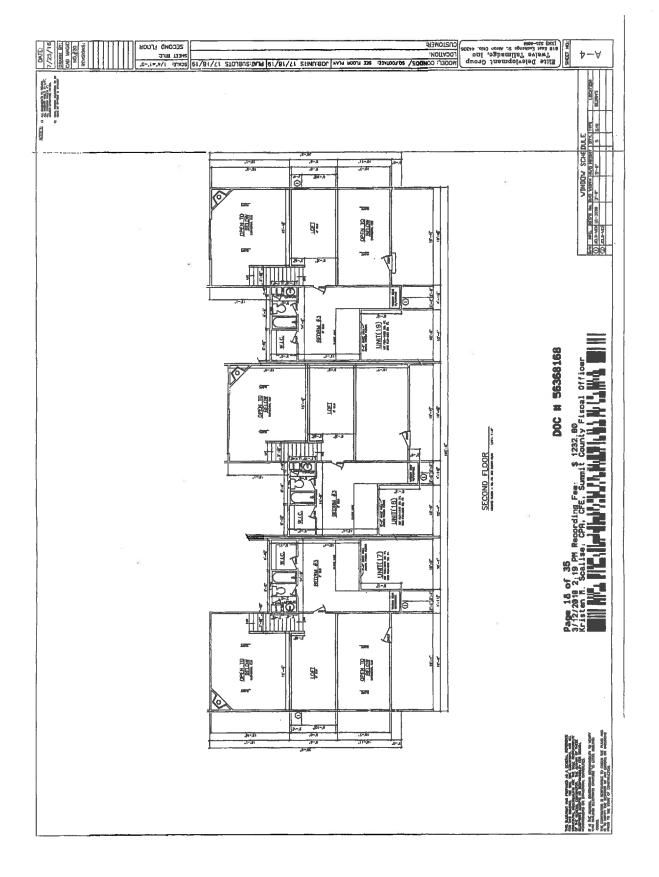


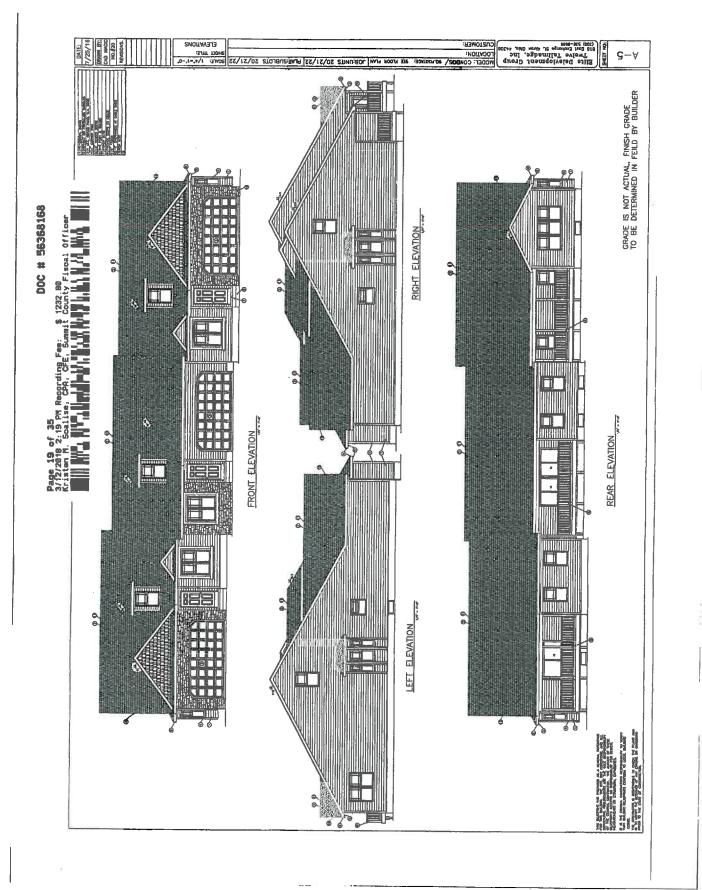


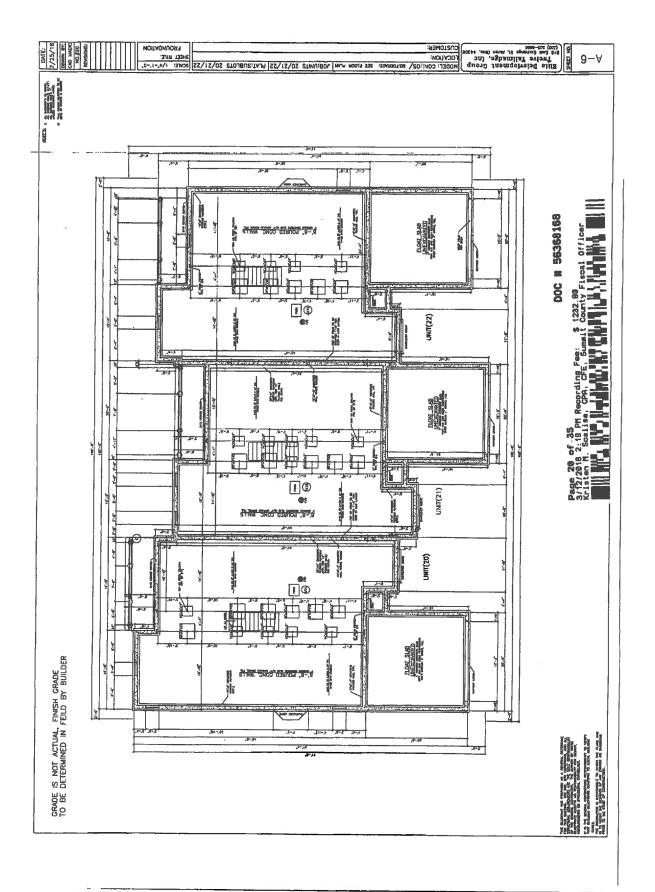


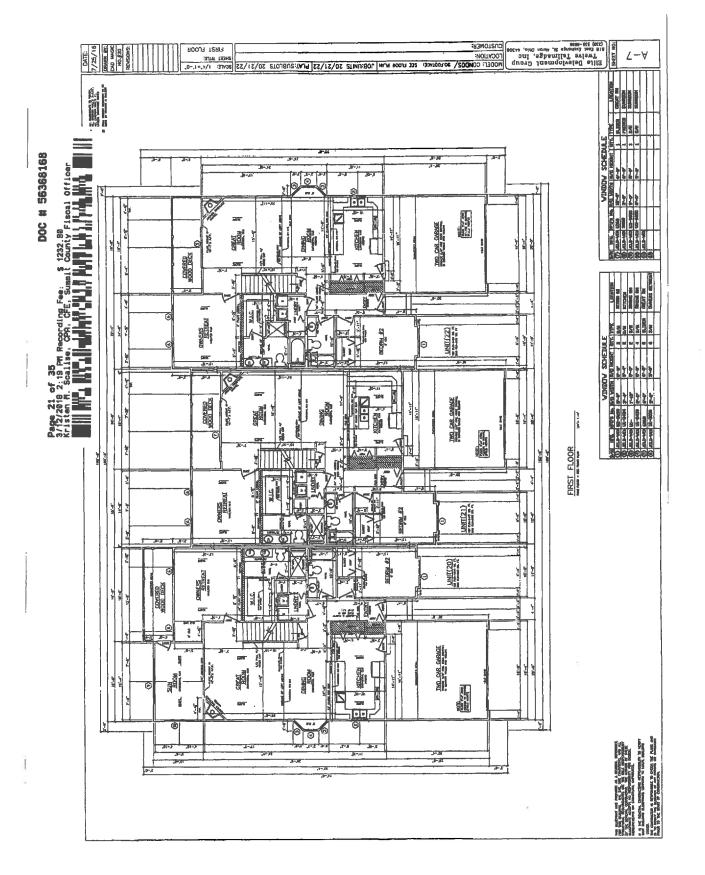


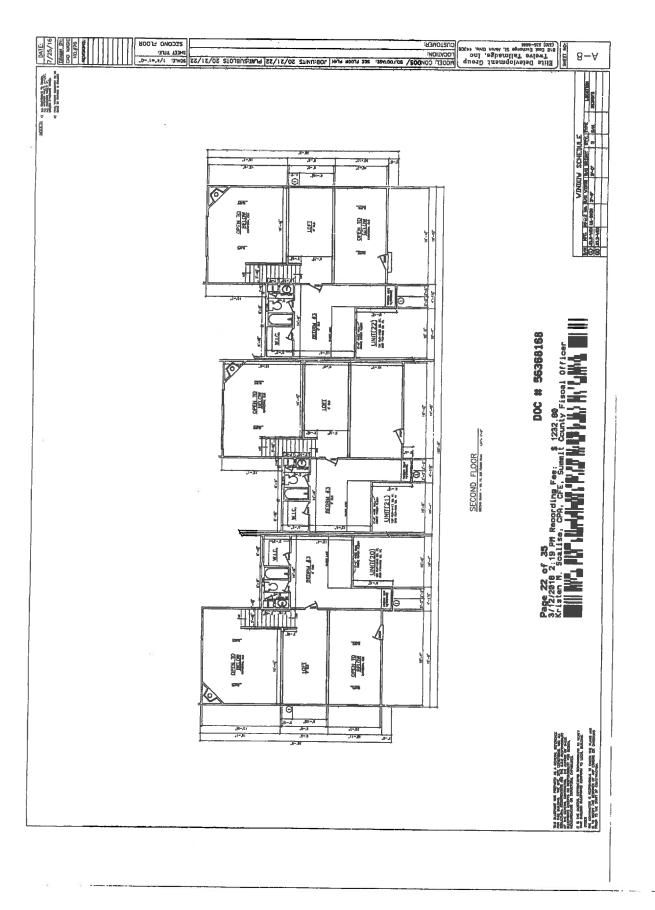


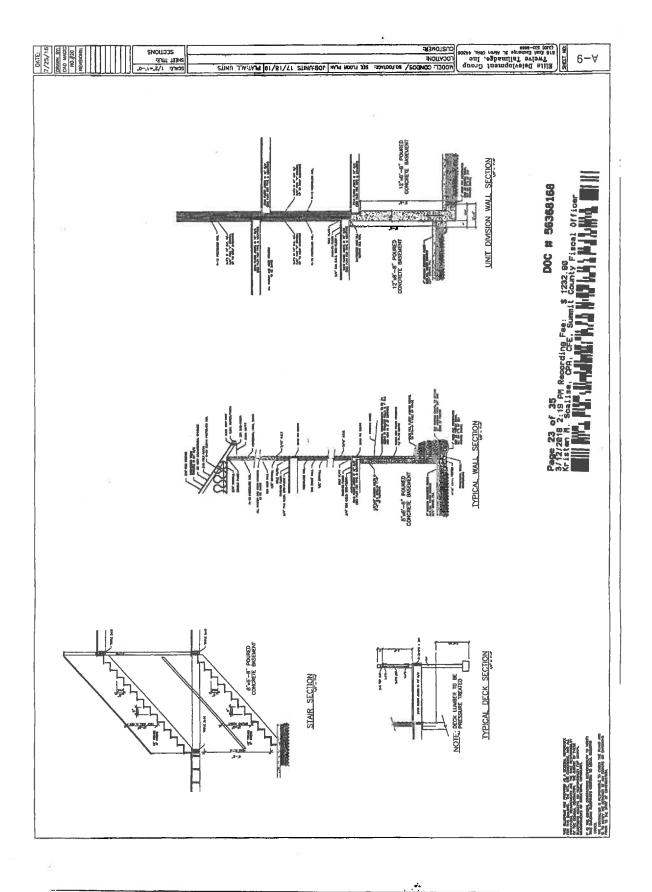












THE VILLAS AT WATERFORD CROSSING CONDOMINIUM PHASE 11 AMENDMENT

ADDING UNITS AS CONSTRUCTED (17,18,19,20,21 & 22)

SUBLOT 9 IN STONE CREEK ALLOTMENT No. 3 BEING PART OF: O.L. 8, TRACT II, FORMERLY TALLMADGE TWP. COUNTY OF SUMMIT, STATE OF OHIO THE CITY OF TALLMADGE (RECEPTION No. 54113347) LOCATED IN: AND

i, ACE SOILLY, horsely certify that the actes/ord develops entitled Echief TO' dietes A-1 through A-6 échative — correctly set forth the development of their 1778;18,20.21 & 22 the VLLS. AT MATEPROR OKCESSIA on they free bean constructed. The entire space within these dimensions revides up such Unit.

[ROBERT a. WARROR, here; carrier that the attached seruing entitled Eabhal "Y.—Sheet 2 – corneally locates the Concountion Develor entitlety RE, VILLS AT WATER/ORD CROSSING on throughed and bocardiely indicates the location of the essemental booted therean.

I obso certify that Edabit "D" — Sheet 3 — correctly locates building leastlans, sizes and livited common elements for Units 17,18,18,20,21 iz 22 as anxitracted.

Robust polow ROBERT J. WARNER/ DATE 3.2 - 20/16 REGISTERED SURVEYOR NO. 6931

ARCHITECT'S GERPPICATION

3-4-18 DATE

LOREST A SALMY THE LOS SECTIONS HOW THE

Vikas at Waterford Crossing Phase 2— Reception No. 55398388 Illas at Waterford Crassing Phase 1- Reception No. \$5331125 Dedicated UITTLy R/W - Reception No. 55636797 Dedicated Utility R/W - Reception No. 55331126

Vilus at Waterford Crassing Phase 3- Recaption No. 55423541 Villas of Waterford Croiting Phase 4— Reception No. 55447146 Villes at Waterford Crossing Phaes 5— Reception No. \$2493285

Wilce at Waterford Crossing Phase 6— Reception No. 45520250. Villas et Waterford Crossing Phase 7— Receptio: No. 45558226. Waterford Crossing Phose &~ Reception No. 35659933 Villes at Waterford Crossing Phase 9- Reception No. 56339371 PISCAL OFFICE STAMPS Will scause Ora OF

S Patente Bond & Asiec. C.

Plat Approved By 319118 GISA. Poulto

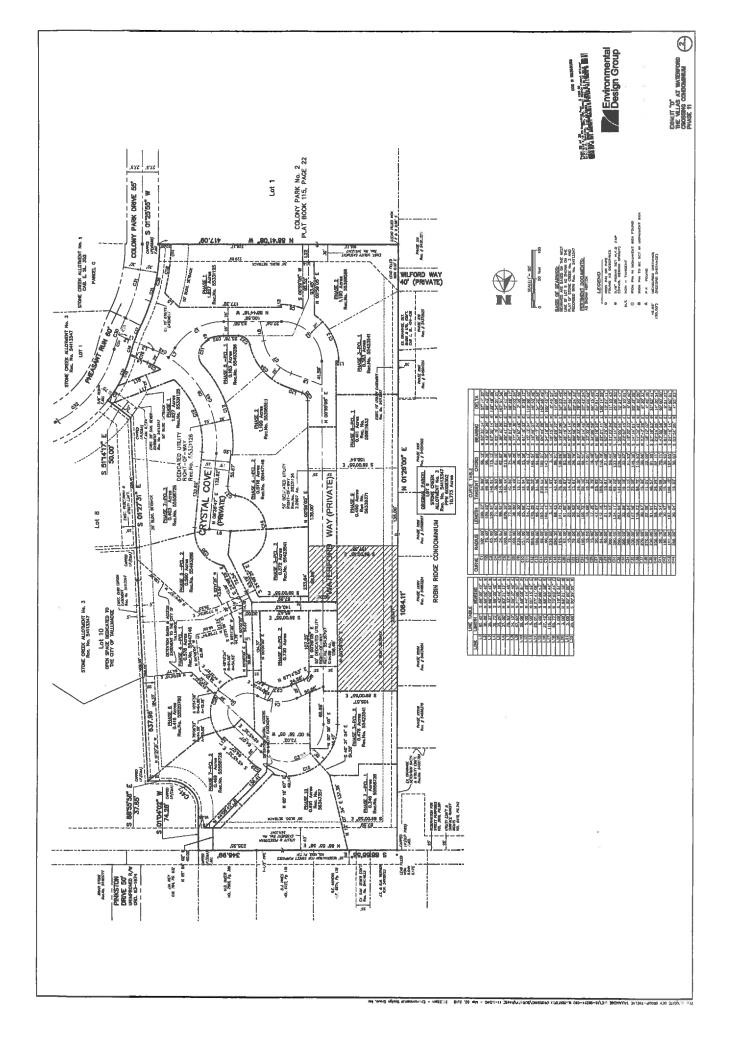
Environmental Design Group

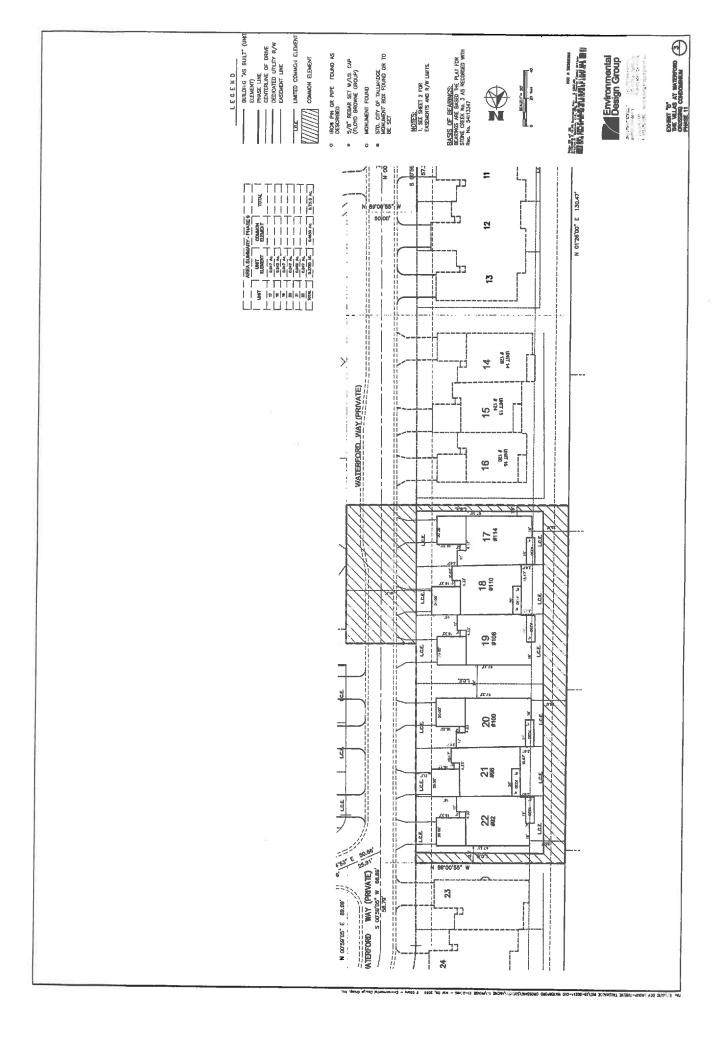
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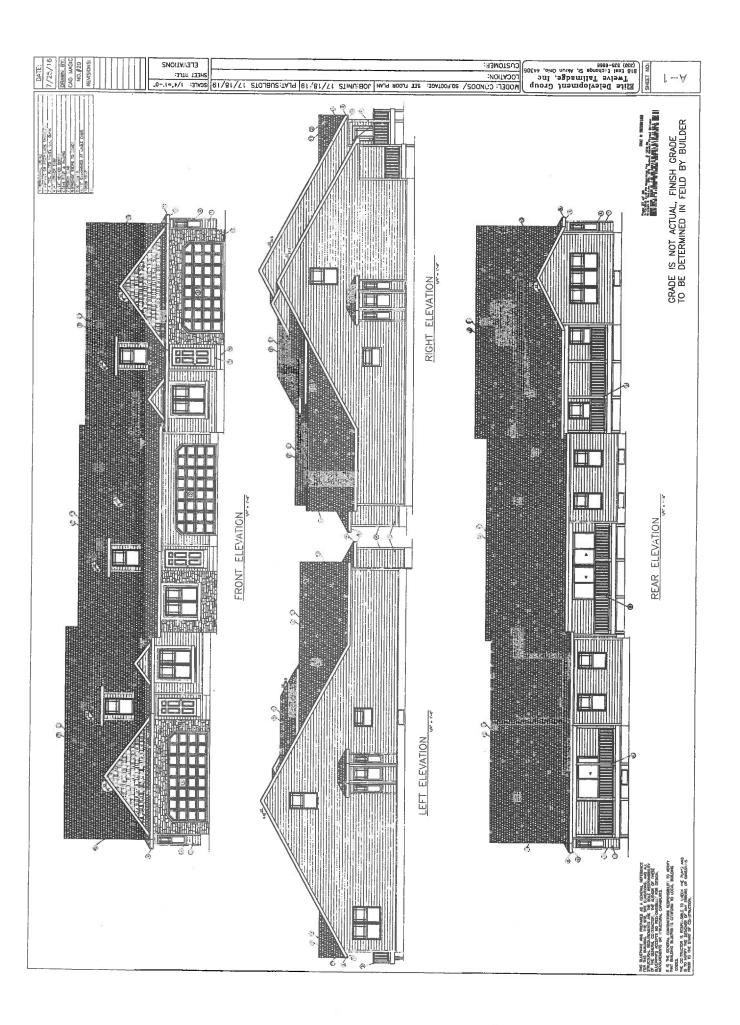
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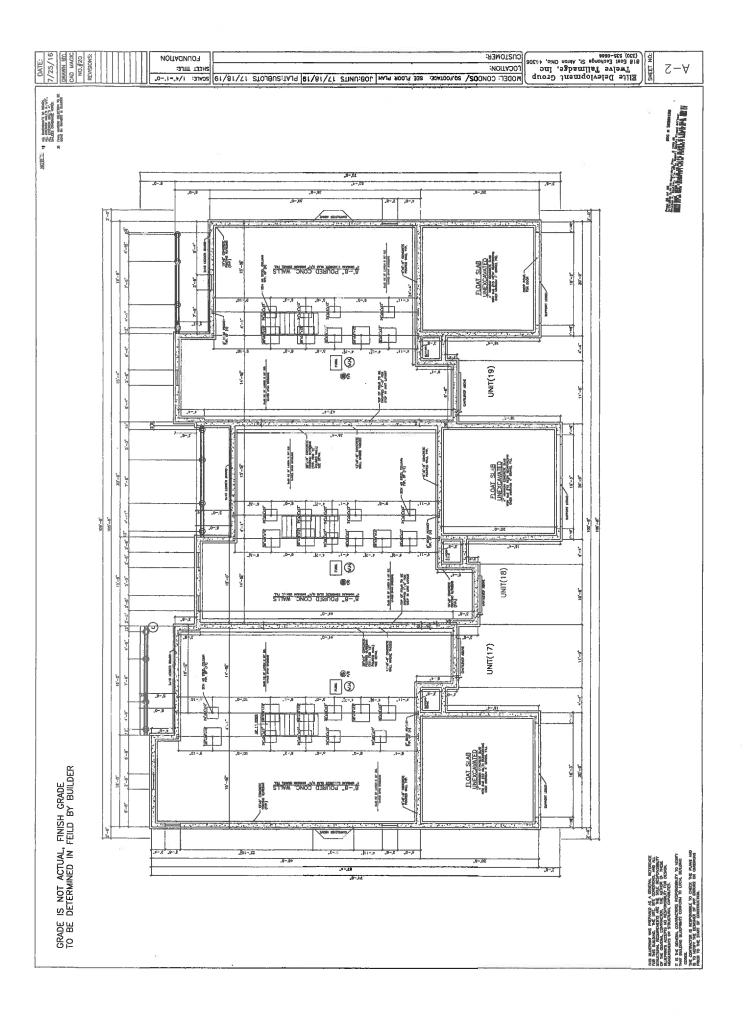
EXHIBIT "D"
THE WILLAS AT WATERFORD CROSSING CONDOMINUM
PHASE 11

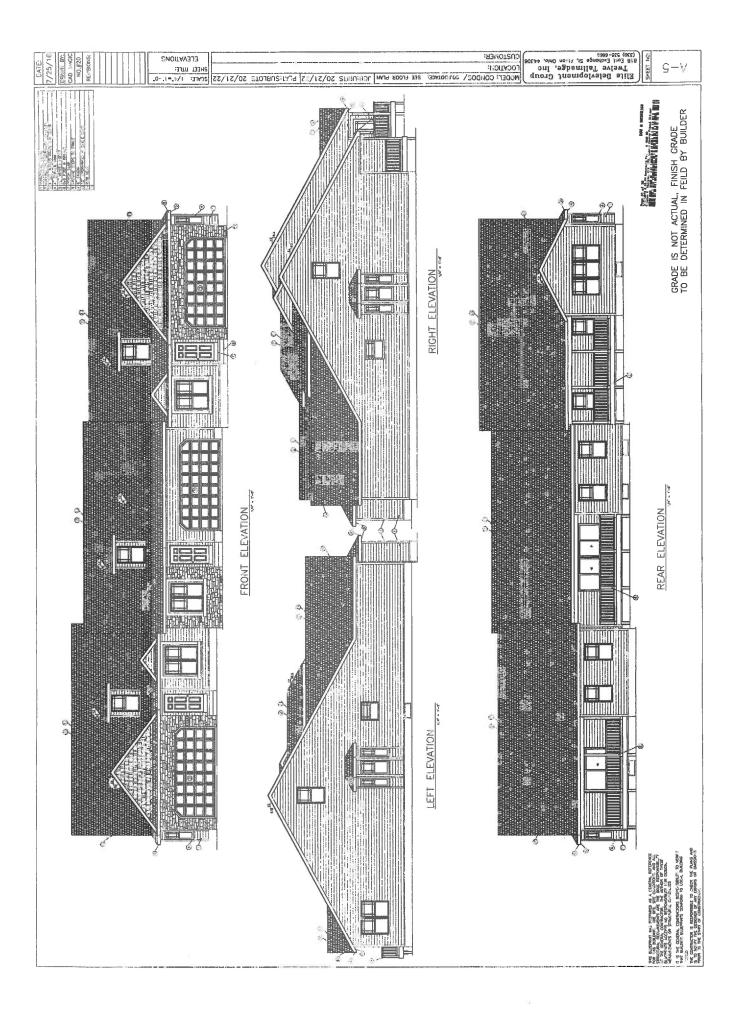
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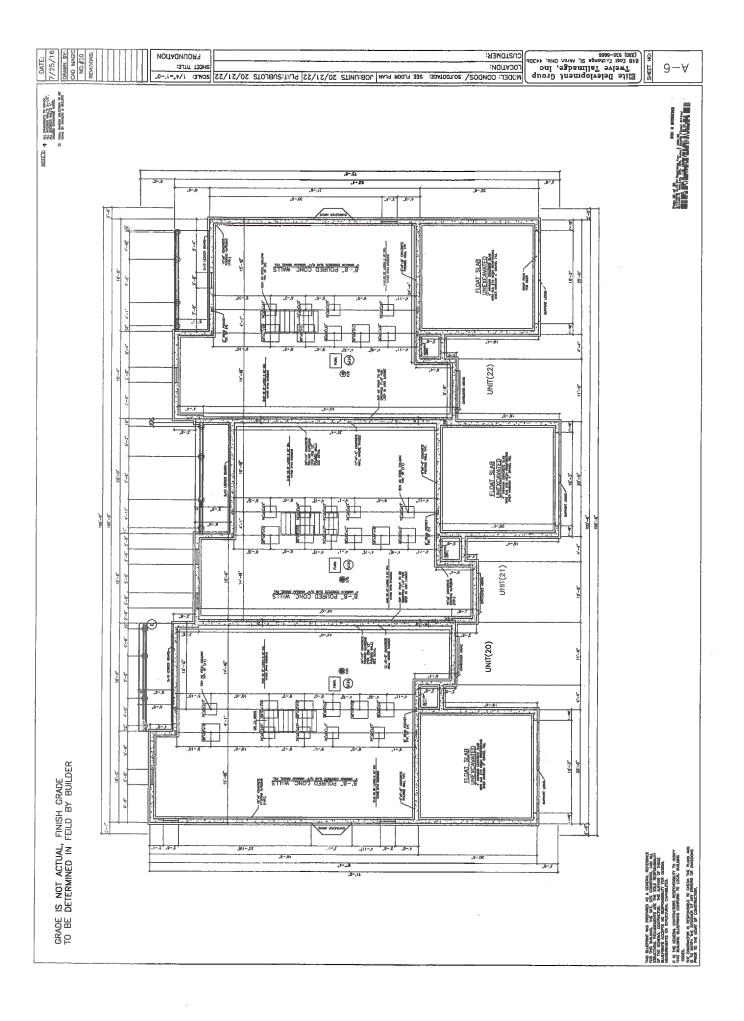












AMENDMENT TO THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION RECORDED AT INSTRUMENT NO. 56200466 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE AMENDED AND RESTATED WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. DECLARATION WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: SHOUR 4/22/24

KRISTEŇ M. SCALISE CPA, CFE

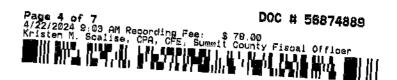
BY: FISCAL OFFICER

DOC # 56874889



The Waterford Crossing Condominiums Homeowners' Association, Inc. has caused WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC. John H. MCKEE, President STATE OF OHIO SS COUNTY OF Summit **BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Waterford Crossing Condominiums Homeowners' Association, Inc., by its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of him personally and as such officer. I have set my hand and official seal this 4th April , 2024. Jessica Miller NOTARY PUBLIC Place notary stamp/seal here:

Page 4 of 7



The Waterford Crossing Condominiums Homeowners' Association, Inc. has caused the execution of this instrument this 17th day of February, 2024.

WATERFORD CROSSING CONDOMINIUMS HOMEOWNERS' ASSOCIATION, INC.

By: Carolyn O'BRIEN, Secretary

STATE OF _	South Craling	
COUNTY OF	Horry)	

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Waterford Crossing Condominiums Homeowners' Association, Inc., by its Secretary, who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of her personally and as such officer.

SS

I have set my hand and official seal this 17 day of

NOTARY PUBLIC

This instrument prepared by: KAMAN & CUSIMANO, LLC Attorneys at Law 2000 Terminal Tower 50 Public Square Cleveland, Ohio 44113 (216) 696-0650 ohiocondolaw.com Place notary stamp/seal here:

MARCUS A. DAVIS
Notary Public
State of South Carolina
My Commission Expires 10-09-2033

Page 5 of 7

DOC # 56874889

EXHIBIT A-1

CERTIFICATION OF OFFICERS

JOHN H. MCKEE, being the duly elected and acting President of the Waterford Crossing Condominiums Homeowners' Association, Inc., certifies that the Amendment to the Amended and Restated Waterford Crossing Condominiums Homeowners' Association, Inc. Declaration was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

JOHN H. MCKEE, President

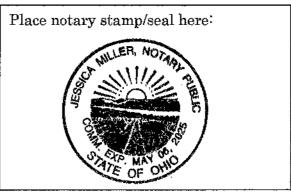
STATE OF OHIO

COUNTY OF Summit

BEFORE ME, a Notary Public in and for the County, personally appeared the above named JOHN H. MCKEE who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this day of April 2024.

Place notary stamp/seal here:



Page 6 of 7

DOC # 56874889



EXHIBIT A-2

CERTIFICATION OF OFFICERS

CAROLYN O'BRIEN, being the duly elected and acting Secretary of the Waterford Crossing Condominiums Homeowners' Association, Inc., certifies that the Amendment to the Amended and Restated Waterford Crossing Condominiums Homeowners' Association, Inc. Declaration was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

STATE OF South Casalan SS

COUNTY OF Horry

BEFORE ME, a Notary Public in and for the County, personally appeared the above-named CAROLYN O'BRIEN who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this day of the county, personally appeared the above-named CAROLYN O'BRIEN who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this day of the county of th

Notary Public State of South Carolina My Commission Expires 10-09-2033

Page 7 of 7

