

WAYNE COUNTY, OHIO
2/24 2023
TRANSFER NOT NECESSARY
ARRA L. UNDERWOOD, AUDITOR

BY Mackenzie Taylor DEPUTY
MACKENZIE TAYLOR



202300001717 02/24/2023 10:04 AM
Filed for Record in WAYNE County, Ohio
Jane Carmichael Rec Fees: \$78.00
D&B OR Vol 950 Pgs 4529 - 4535

KAMAN & CUSIMANO
2000 TERMINAL TOWER
50 PUBLIC SQUARE
CLEVELAND, OH 44113
Inst #202300001717

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE FORESTS AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR THE FORESTS AT THE VILLAGES OF
WETHERINGTON CONDOMINIUMS RECORDED AT VOLUME 602 PAGE 446 OF
THE WAYNE COUNTY RECORDS.



**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE FORESTS AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS**

RECITALS

- A. The Declaration of Condominium Ownership for The Forests at The Villages of Wetherington Condominiums (the "Declaration") and the Bylaws of The Forests at the Villages of Wetherington Condominium Association, Inc., attached to and made a part of the Declaration (the "Bylaws"), were recorded at Wayne County Records Volume 602 Page 446.
- B. Ohio Revised Code Section 5311.05(E)(1)(c) authorizes the Board of Directors (the "Board"), without a vote of the s, 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 The Forests at The Villages of Wetherington Condominiums is amended by the Board of Directors as follows:

- (1) **MODIFY THE DECLARATION ARTICLE XVI, SECTION 5(d)**. Said modification, to be made to the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, is as follows: (new language is underlined)

(d) The continuing lien provided for herein shall remain valid for a period of five (5) 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 any action brought to discharge the lien.

(2) **MODIFY THE LAST SENTENCE of DECLARATION ARTICLE XVI, SECTION 5(c).** Said modification, to be made to the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, is as follows: (deleted language is crossed out; new language is underlined)

The certificate shall contain a description of the Unit against which the lien exists, the name or names of the record owner or owners thereof, and the amount of the unpaid portion of the assessments and other fees and charges recoverable under this Article XVI, and shall be signed by the president or other chief officer, or designated representative of the Association, as authorized by the Board of Directors.

(3) **INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE VII.** Said addition, to be added to the Bylaws, attached to and made a part of the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, and as amended at Instrument No. 201500013110 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 meet either of the following conditions:

(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;



(f) Records that date back more than five years prior to the date of the request.

(4) MODIFY THE SECOND PARAGRAPH of DECLARATION ARTICLE VII, SECTION 4. Said modification, to be made to the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, and as amended at Instrument No. 201500013110 is as follows: (deleted language is crossed out; new language is underlined)

The terms of the three Directors shall be staggered so that the terms of one-third of the Directors, each of whom must be a Unit Owner or the spouse of a Unit Owner, will expire and successors be elected at each annual meeting of the Association. ~~That notwithstanding, no one 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.

(5) MODIFY BYLAWS ARTICLE IV, SECTION 14(m)(ii). Said modification, to be made to the Bylaws, Attached to and made a part of the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, and as amended at Instrument No. 201500013110, 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 s, impacts zoning, or otherwise relates to matters affecting the Condominium Property;

(6) MODIFY DECLARATION ARTICLE XVI, SECTION 3(a)(v). Said modification, to be made to the Bylaws, Attached to and made a part of the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, is as follows: (deleted language is crossed out; new language is underlined)

(v) An amount deemed adequate by the Board to maintain a reserve for the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements in the normal course of operations without the necessity of special assessments, ~~provided that the amount set aside annually for such reserves shall not be less than ten percent (10%) of the budget for that year unless~~



the reserve requirement is waived in writing annually by the Unit owners exercising not less than a majority of the voting power of the Association;

(7) **MODIFY DECLARATION ARTICLE XII, SECTION 8.** Said modification, to be made to the Declaration, as recorded at Wayne County Records, Volume 602 Page 446, is as follows: (deleted language is crossed out; new language is underlined)

Section 8. Fidelity Bond Coverage. The Board may obtain fidelity bond coverage with respect to persons handling Association funds that includes all of the following:

- (a) in amounts 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 deemed reasonably necessary by the Board to protect against substantial losses.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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 s of record at the time of such filing have standing to contest the validity of these



202300001717
BK 950 PG 4534

amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendments.

The Forests at the Villages of Wetherington Condominium Association, Inc. has caused the execution of this instrument this 2nd day of September, 2022.

THE FORESTS AT THE VILLAGES OF WETHERINGTON CONDOMINIUM ASSOCIATION, INC.

By: *Jeannie Wilson*
JEANNIE WILSON, Secretary

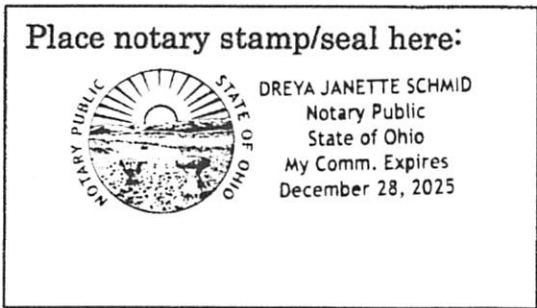
By: *Frances Bean*
FRANCES BEAN, Treasurer

STATE OF OHIO)
)
COUNTY OF WAYNE) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Forests at the Villages of Wetherington Condominium Association, Inc., by its Secretary and its Treasurer, 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.

I have set my hand and official seal this 2nd day of September, 2022.

Dreya Janette Schmid
NOTARY PUBLIC



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



202300001717
BK 950 PG 4535

EXHIBIT A

CERTIFICATION OF OFFICERS

STATE OF OHIO)
)
COUNTY OF Wayne) SS

Jeannie Wilson and Frances Bean, being the duly elected and acting Secretary and Treasurer of The Forests at the Villages of Wetherington Condominium Association, Inc., certify that the Amendments to the Declaration of Condominium Ownership for The Forests at The Villages of Wetherington Condominiums were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

By: Jeannie Wilson
JEANNIE WILSON, Secretary

By: Frances Bean
FRANCES BEAN, Treasurer

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named Jeannie Wilson and Frances Bean 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 2nd day of September, 2022.

Dreya Janette Schmid
NOTARY PUBLIC

Place notary stamp/seal here:

DREYA JANETTE SCHMID
Notary Public
State of Ohio
My Comm. Expires
December 28, 2025