

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
STONE CREEK LANE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR STONE CREEK LANE CONDOMINIUM RECORDED AT OR 1577, PAGE 708 ET SEQ. OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR STONE CREEK LANE CONDOMINIUM WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 9-10-2018

BY: B. Coble
FISCAL OFFICER

DOC # 56411048



AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
STONE CREEK LANE CONDOMINIUM

RECITALS

- A. The Declaration of Condominium Ownership for Stone Creek Lane Condominium (the "Declaration") and the Bylaws of Stone Creek Lane Condominium Association, Inc. (the "Bylaws"), Exhibit C the Declaration, were recorded at Summit County Records, OR 1577, Page 708 et seq.
- B. The Stone Creek Lane Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Stone Creek Lane Condominium and as such is the representative of all Unit Owners.
- C. Declaration Article 9 authorizes amendments to the Declaration and Bylaws Article XI authorizes amendments to the Bylaws.
- D. Unit Owners representing at least 75% of the Association's current voting power have executed instruments in writing setting forth specifically the matters to be modified (the "Amendment(s)").
- E. As of July 31, 2018, Unit Owners representing 75.770% of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment D and authorizing the Association's officers to execute Amendment D on their behalf.
- F. As of July 31, 2018, Unit Owners representing 79.620% of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment E and authorizing the Association's officers to execute Amendment E on their behalf.
- G. Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendment will be mailed by certified mail to all mortgagees on the records of the Association.
- H. Attached as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment.



I. The Association has complied with the proceedings necessary to amend the Declaration and Bylaws, as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws, in all material respects.

AMENDMENT

The Declaration of Condominium Ownership for Stone Creek Lane Condominium is amended by the following:

AMENDMENT A

Intentionally Left Blank - Amendment Proposal Pending

AMENDMENT B

Intentionally Left Blank - Amendment Proposal Pending

AMENDMENT C

Intentionally Left Blank - Amendment Proposal Pending

AMENDMENT D

INSERT TWO NEW SENTENCES to DECLARATION ARTICLE 4 entitled, "General Description of Buildings." Said new addition, to be added to Page 7 of the Declaration, as recorded at Summit County Records, OR 1577, Page 708 et seq., is as follows:

The Board may decide to replace the exterior building materials with alternate materials that are selected by a majority vote of the Unit Owners who are present in person or by proxy at a meeting at which there is a quorum. If the Board substitutes alternate exterior building material(s) for the current building material(s), the Board will not again alter the exterior building material(s), except as necessary for

the maintenance, repair, and replacement of such material(s), without again prior Unit Owner approval.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment permitting the Board to replace the exterior building materials with alternate materials as approved by owners. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Unit Owner of record at the time of such filing have standing to contest the validity of this amendment, 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 this amendment.

AMENDMENT E

DELETE BYLAWS ARTICLE III, SECTION 2 entitled, "Number and Qualification," in its entirety. Said deletion to be taken from Page 5 of the Bylaws, Exhibit C of the Declaration, as recorded at Summit County Records, OR 1577, Page 708 et seq., and as amended at Instrument No. 55211099.

INSERT a new BYLAWS ARTICLE III, SECTION 2 entitled, "Number and Qualification." Said new addition, to be added to Page 5 of the Bylaws, Exhibit C of the Declaration, as recorded at Summit County Records, OR 1577, Page 708 et seq., is as follows:

Section 2. Number and Qualification. The Board consists of five persons, each of whom must be a Unit Owner, or the spouse of a Unit Owner, and occupier of a Unit, and a member in good standing at the time of the Annual or Special Meeting held for the election of Board members, except that in the case of a Unit held by a Corporation, partnership, fiduciary, or nominee, the designated representative thereof will be eligible to serve as a member of the Board. Good standing requires that the member not be more than 30 days delinquent in the payment of any fees or Assessments owed to the Association. If a Board member ceases to meet such good standing qualifications during their term, they may be removed by a majority vote of the remaining Board Members. Notwithstanding anything

herein, 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.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the qualifications and removal of Board members. The invalidity of any part of the above provision will not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Unit Owners of record at the time of such filing will have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds, provided further that any such challenge will be brought in the court of common pleas within one year of the recording of this amendment.

AMENDMENT F

Intentionally Left Blank - Amendment Proposal Pending

The Stone Creek Lane Condominium Association has caused the execution of this instrument this 29th day of August, 2018.

STONE CREEK LANE CONDOMINIUM ASSOCIATION

By: 
JILL M. SZENTE, its President

By: 
JAMES J. DZURILLA, its Secretary



STATE OF OHIO)
COUNTY OF Summit) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Stone Creek Lane Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 of 9, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal in Twinsburg, Ohio, this 29th day of August, 2018.

Denise Lynn Bogucki
NOTARY PUBLIC

Place notary stamp/seal here:



Denise Lynn Bogucki
Resident Summit County
Notary Public, State of Ohio
My Commission Expires:
April 22, 2023

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



EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
COUNTY OF Summit) SS

JILL M. SZENTE, being first duly sworn, states as follows:

1. She is the duly elected and acting President of the Stone Creek Lane Condominium Association.
2. She will cause copies of the Amendment to the Declaration to be mailed by certified mail to all mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association once the Amendment is recorded with the Summit County Fiscal Office.

Jill M. Szente

JILL M. SZENTE, President


BEFORE ME, a Notary Public, in and for said County, personally appeared the above named **JILL M. SZENTE** who acknowledges that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and official seal in Twinsburg, Ohio, this 29th day of August, 2018.

Denise Lynn Bogucki

NOTARY PUBLIC

Place notary stamp/seal here:



Denise Lynn Bogucki
Resident Summit County
Notary Public, State of Ohio
My Commission Expires:
April 22, 2023

EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
COUNTY OF Summit) SS

JAMES J. DZURILLA, the duly elected and acting Secretary of the Stone Creek Lane Condominium Association, certifies there are no, as the term is used in Declaration Article 9, "mortgagees" of record on file with the Association as no holders, insurers or guarantors of a mortgage on a Unit have given the Association a written request to receive notice of certain actions or amendments.

James J. Dzurilla
JAMES J. DZURILLA, Secretary

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

IN TESTIMONY WHEREOF, I have set my hand and official seal in Twinsburg, Ohio, this 29th day of August, 2018.

Denise Lynn Bogucki
NOTARY PUBLIC

