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AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
THE WOODS OF BRECKSVILLE CONDOMINIUM

COPY

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR THE WOODS OF BRECKSVILLE  
CONDOMINIUM RECORDED AT VOLUME 14609, PAGE 919 ET SEQ. OF THE  
CUYAHOGA COUNTY RECORDS.

**AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE WOODS OF BRECKSVILLE CONDOMINIUM**

**RECITALS**

- A. The Declaration of Condominium Ownership for The Woods of Brecksville Condominium (the "Declaration") and the Bylaws of The Woods of Brecksville Condominium Owners' Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq.
- B. The Woods of Brecksville Condominium Owners' Association, Inc. (the "Association") is a corporation consisting of all Owners in Woods of Brecksville Condominium and as such is the representative of all Owners.
- C. Declaration Article 19 authorizes amendments to the Declaration and Bylaws.
- D. Owners representing at least 77 percent of the Association's current voting power have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments").
- E. As of December 30, 2019, Owners representing 81.25 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendments A and C and authorizing the Association's officers to execute Amendments A and C on their behalf.
- F. As of December 30, 2019, Owners representing 77.50 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment B and authorizing the Association's officers to execute Amendment B on their behalf.
- G. Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendments will be mailed by certified mail to all mortgagees on the records of the Association and all Unit Owners once the Amendments are recorded with the Cuyahoga County Fiscal Office.

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 Amendments.

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.

**AMENDMENTS**

The Declaration of Condominium Ownership for The Woods of Brecksville Condominium is amended by the following:

**AMENDMENT A**

**DELETE ALL REFERENCES TO "TENNIS COURT" FROM THE DECLARATION, BYLAWS, DRAWINGS, AND PLAT MAPS**, as the same are recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq. and Plat Volume 29, Page 12 et seq.

**INSERT a new PARAGRAPH to the end of DECLARATION ITEM 5, Section A entitled, "Common Elements."** Said new addition, to be added to Page 6 of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq., is as follows:

At any time following the recording of this Amendment, the Board may, at its sole discretion and without further notice to or vote of the Owners, cause the tennis court located on the Common Elements to be permanently removed and to be replaced with landscaping that is consistent with the existing Condominium Property. Any further improvement or modification of the former tennis court area is subject to the capital improvement requirements set forth in Bylaws Article IV, Section 2.

Any conflict between this provision and any other provision of the Declaration, Bylaws, and Drawings will be interpreted in favor of this provision permitting the

Board to permanently remove the tennis court. 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 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.

### AMENDMENT B

INSERT a new DECLARATION ITEM 3(B)(13) entitled, "Occupancy Restriction." Said new addition, to be added to Page 5 of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq., is as follows:

(13) Occupancy Restriction. A person who is classified as a sex offender/child-victim offender and for whom the County Sheriff or other government entity must provide community notice of the sex offender's residential address, is prohibited from residing in or occupying a Family Unit and from remaining in or on the Condominium Property for any length of time. The classification of a sex offender/child-victim offender and the determination of whether notice is required is made by a court of law in accordance with the Ohio Sex Offenders Act, or similar statute from another jurisdiction as either may be amended or renamed from time to time. The Association is not liable to any Owner, occupant, or visitor of any Owner, or of the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce any provision of this Occupancy Restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on the occupancy of Family Units. 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 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.

## AMENDMENT C

INSERT a new DECLARATION ITEM 20 entitled, "Notices and Other Actions and Communications." Said new addition, to be added to Page 29 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq., is as follows:

20. Notices and Other Actions and Communications.

A. Service of Notices on the Association and Board. All notices required or permitted by the Declaration or Bylaws, to the Association or the Board, must be made in writing and sent (1) by regular U.S. mail, first-class postage prepaid, or (2) delivered in accordance with Paragraph C below, to the Board President, to any two other Board members, to the Association at the address of the Condominium Property, to the Association's manager or management company, if any, or to any other address as the Board may designate by written notice to all Owners.

B. Service of Notices on Owners. All notices required or permitted by the Declaration or Bylaws to any Owner will be in writing and is deemed effectively given if it has been (1) personally delivered to the Owner, (2) placed under or attached to the front or main entry door of the Owner's Family Unit, (3) sent by regular U.S. mail, first-class postage prepaid, to the Owner's Family Unit address or to another address the Owner designates in writing to the Board, or (4) delivered in accordance with Paragraph C below. If there is more than one person owning a single Family Unit, a notice given to any one of those several persons is deemed to have been given personally to all of the persons owning an interest in the Family Unit.

C. New Communication Technologies.

(1) Due to the ongoing development of new technologies and corresponding changes in business

practices, to the extent permitted or approved by the Board, as well as by Ohio and federal law, now or in the future, in addition to the methods described in Paragraphs A and B above, the following may be accomplished using electronic mail or other transmission technology available at that time that is a generally accepted business practice:

(a) any notice required in the Declaration or Bylaws to be sent or received;

(b) any signature, vote, consent, or approval required to be obtained; and

(c) any payment required to be made by the Declaration or Bylaws.

(2) The use of electronic mail or other transmission technology is subject to the following:

(a) The Association may use electronic mail or other transmission technology to send any required notice only to Owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices, including any notice of delinquency of any payment due, in accordance with Paragraph B above.

(b) For voting on matters other than the election of Board members, the Association may provide for voting by electronic mail or other transmission technology.

(c) An electronic mail or transmission technology to an Owner is not considered delivered

and effective if the Association's transmission to the Owner fails two consecutive times, e.g. the Association receives an "undeliverable" or similar message, or the inability to deliver the transmission to the 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 Owner in accordance with Paragraph B above.

**DELETE BYLAWS ARTICLE VIII, SECTION 3** entitled, "Service of Notice on the Board of Directors," in its entirety. Said deletion to be taken from Page 19 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq.

**INSERT a new BYLAWS ARTICLE VII, SECTION 3** entitled, "Notices and Other Actions and Communications."

Section 3. All notices required or permitted under the Declaration or Bylaws, to the Association, the Board, or Owners must be delivered in accordance with Declaration Item 20.

**DELETE BYLAWS ARTICLE VIII, SECTION 4** entitled, "Service of Notice on Devises and Personal Representatives," in its entirety. Said deletion to be taken from Page 19 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq.

**RENUMBER BYLAWS ARTICLE VIII, SECTIONS 5, 6, 7, 8, and 9 TO READ SECTIONS 4, 5, 6, 7, and 8, respectively.** Said modifications, to be made on Page 19 of the Declaration Bylaws, Exhibit "B" of the Declaration, as recorded at Cuyahoga County Records, Volume 14609, Page 919 et seq.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment permitting notices by regular U.S. or electronic mail and permitting the Association to use electronic communications to the extent permitted by Ohio and Federal law. 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 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 Woods of Brecksville Condominium Owners' Association, Inc. has caused the execution of this instrument this 29<sup>th</sup> day of January, 2020.

**WOODS OF BRECKSVILLE CONDOMINIUM OWNERS' ASSOCIATION, INC.**

By:

Marcia M. Davis, Pres.  
MARCIA M. DAVIS, President

By:

John R. Benko  
JOHN R. BENKO, Secretary



STATE OF OHIO )

COUNTY OF Summit )

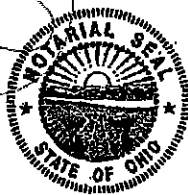
SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named Woods of Brecksville Condominium Owners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 8 of 11, 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 this 29<sup>th</sup> day of January, 2020.

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  
50 Public Square, Suite 2000  
Cleveland, Ohio 44113  
(216) 696-0650  
ohiocondolaw.com




EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO )  
 )  
COUNTY OF Summit ) SS

JOHN R. BENKO, the duly elected and acting Secretary of the Woods of Brecksville Condominium Owners' Association, Inc., certifies there are no, as the term is used in Declaration Article 19, "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.


  
JOHN R. BENKO, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named JOHN R. BENKO 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 29th day of January, 2020.

  
NOTARY PUBLIC

Place notary stamp/seal here:



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