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LINDA FANKHAUSER
PORTAGE CO. RECORDER

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AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
KENSINGTON COURT CONDOMINIUMS ✓

INDEXED

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR KENSINGTON COURT CONDOMINIUMS
RECORDED AT BOOK 327, PAGE 0450 ET SEQ. OF THE PORTAGE COUNTY
RECORDS.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
KENSINGTON COURT CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Kensington Court Condominiums (the "Declaration") was recorded at Portage County Records Book 327, Page 0450 et seq., and

WHEREAS, the Kensington Court Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Kensington Court and as such is the representative of all Unit Owners, and

WHEREAS, Article 21, Section 21.2 of said Declaration authorizes amendments to the Declaration and Bylaws Article 10, Section 10.12 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 77.19% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.19% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that a copy of the Amendment was mailed by certified mail or hand delivered or sent by telegram to all first mortgagees on the records of the Association, and

WHEREAS, attached hereto 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, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Kensington Court Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Kensington Court Condominiums is hereby amended by the following:

MODIFY DECLARATION ARTICLE XXIII, Section 23.2. Said modification, to be made on Page 24 of the Declaration as recorded at Portage County Records Book 327, Page 0450, is as follows (deleted language is crossed-out; new language is underlined):

23.2 All notices required or permitted hereunder, and under the Bylaws and the Act, to the Declarant, the Association and the Board, shall be in writing and shall be sent by ~~registered or certified mail, return receipt requested, as the case may be,~~ regular U.S. Mail to the Board at the address of the Condominium Property or to such other address as the Board may designate from time to time by notice in writing to all Unit Owners; to the Declarant at 7530 Lucerne Drive, Middleburg Heights, Ohio 44130 or to such other address as the Declarant may designate from time to time by notice in writing to all Unit Owners; or to any Unit Owner at such Unit Owner's Unit address or to such other address as may be designated by him from time to time, in writing, to the Board. All notices shall be deemed to have been given and therefore effective when posted in the U.S. Mail, except notices of change of address which shall be deemed to have been given when received, and except as otherwise provided herein. Any notice required or permitted to be given to any Occupant shall effectively be given if hand delivered to such Occupant ~~or placed in his mail box~~ or placed under the door of the Unit occupied by such Occupant.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting notices by regular U.S. mail. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Kensington Court Condominium Association has caused the execution of this instrument this 26th day of May, 2004.

KENSINGTON COURT CONDOMINIUM ASSOCIATION ✓

By: Bernard Kuhl
BERNARD KUHL, its President

By: Elaine K. Keeler, Sec.
ELAINE K. KEELER, its Secretary

STATE OF OHIO)

COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Kensington Court Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, 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.

Cleveland IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Ohio, this 26th day of May, 2004.


NOTARY PUBLIC

Anne Marie Villnuve - Notary Public
State of Ohio - Cuyahoga County
Commission Expires: February 15, 2005

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

EXHIBIT A

AFFIDAVIT

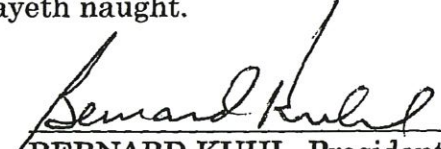
STATE OF OHIO)

COUNTY OF Cuyahoga)

SS

BERNARD KUHL, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Kensington Court Condominium Association.
2. As such President, he certifies that copies of the Amendment to the Declaration of Condominium Ownership for Kensington Court Condominiums were mailed by certified mail or hand delivered or sent by telegram to all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. Further affiant sayeth naught.


BERNARD KUHL, President

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Cleveland, Ohio, this 26th day of May, 2004.


NOTARY PUBLIC

Anne Marie Villeneuve - Notary Public
State of Ohio - Cuyahoga County
Commission Expires: February 15, 2005

CERTIFICATION OF SECRETARY

NONE

Elaine K. Keeler, Sec
ELAINE K. KEELER, Secretary

STATE OF OHIO)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named ELAINE K. KEELER who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in
Cleveland, Ohio, this 26th day of May, 2004.


NOTARY PUBLIC

Anne Marie Villnueve - Notary Public
State of Ohio - Cuyahoga County
Commission Expires: February 15, 2005

INDEXED

X
ECONOMY M. HOWE
PORTAGE CO. RECORDER

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RECEIVED FOR RECORD

AT 10:44:43

FEE 12.00

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
KENSINGTON COURT CONDOMINIUMS

✓

x Kaman + Cuseman

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR KENSINGTON COURT CONDOMINIUMS
RECORDED AT BOOK 327, PAGE 0450 ET SEQ. OF THE PORTAGE COUNTY
RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
KENSINGTON COURT CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Kensington Court Condominiums (the "Declaration") and the Bylaws of Kensington Court Condominium Association (the "Bylaws"), Exhibit "C" to the Declaration, were recorded at Portage County Records Book 327, Page 0450 et seq., 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 as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Kensington Court Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Kensington Court Condominiums 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 X, entitled "SERVICE OF PROCESS," in its entirety. Said deletion is to be made on Page 9 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq.

INSERT a new DECLARATION ARTICLE X, entitled "SERVICE OF PROCESS." Said addition, to be made on Page 9 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

ARTICLE X
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 19.3, to the end of DECLARATION ARTICLE XIX. Said new addition, to be added on Page 19 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

19.3 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 XIII, SECTION 13.2. Said new addition, to be added on Page 11 of the Declaration, as recorded at Portage County Records, Book 327, Page -45- et seq., 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 PARAGRAPH to the end of DECLARATION ARTICLE IV, SECTION 4.2(I). Said new addition, to be added on Page 6 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., 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 BYLAWS ARTICLE VII, SECTION 7.1, entitled "Obligation of Unit Owners." Said new addition, to be added on Page 13 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., 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:

- (a) First, to interest owed to the Association;
- (b) Second, to administrative late fees owed to the Association;
- (c) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (d) 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 BYLAWS ARTICLE VII, SECTION 7.11, entitled "Remedies for Failure to Pay Assessments." Said new addition, to be added on Page 16 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Unit Owner is delinquent in the payment of Assessments for more than thirty (30) days, the Board may, by a majority vote, suspend the voting privileges of the owner and/or right of the occupants to use the recreational facilities.

(10) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE VII, SECTION 7.15, entitled "Special Services." Said new addition, to be added on Page 17 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., 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.

(11) INSERT a new DECLARATION ARTICLE IV, SECTION 4.2(p). Said new addition, to be added on Page 6 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

(p) 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.

(12) INSERT a new 4th SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 4.12, entitled "Regular Meetings." Said new addition, to be added on Page 9 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., 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.

(13) INSERT a new SENTENCE to the end of BYLAWS ARTICLE VII, SECTION 7.2 entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 14 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(14) INSERT a new PARAGRAPH (h) to BYLAWS ARTICLE IV, SECTION 4.9, entitled "Other Duties" and INSERT new SUBPARAGRAPHS (i), (ii), (iii), (iv), (v), (vi) and (vii), thereafter. Said new additions to be added on Page 9 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

(h) 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:

(i) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;

(ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, 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 and relates to matters affecting the Condominium Property;

(iii) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

(iv) Grant easements, leases, licenses, and concessions through or over the Common Elements;

(v) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;

(vi) Purchase insurance and fidelity bonds the Board considers appropriate or necessary; and

(vii) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendments.

IN WITNESS WHEREOF, the said Kensington Court Condominium Association has caused the execution of this instrument this 18th day of March, 2005.

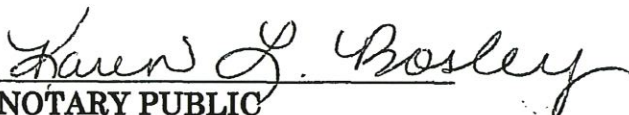
KENSINGTON COURT CONDOMINIUM ASSOCIATION

By:  ✓
MICHAEL SALVINI, its President

STATE OF OHIO)
) SS
COUNTY OF PORTAGE)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Kensington Court Condominium Association, by Michael Salvini, its 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 Aurora, Ohio, this 18 day of March, 2005.


NOTARY PUBLIC

Karen L. Bosley
Notary Public, State of Ohio
My Commission Expires
October, 14 2008

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

BONNIE M. HOWE
PORTAGE CO. RECORDER

INDEXED

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AT 11:41:49

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AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
KENSINGTON COURT CONDOMINIUMS ✓

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR KENSINGTON COURT CONDOMINIUMS
RECORDED AT BOOK 327, PAGE 0450 ET SEQ., OF THE PORTAGE COUNTY
RECORDS.

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
KENSINGTON COURT CONDOMINIUMS**

WHEREAS, the Declaration of Condominium Ownership for Kensington Court Condominiums (the "Declaration") was recorded at Portage County Records Book 327, Page 0450 et seq., and

WHEREAS, the Kensington Court Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Kensington Court and as such is the representative of all Unit Owners, and

WHEREAS, Article XXI, Section 21.2 of said Declaration authorizes amendments to the Declaration and Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 80.0% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 80.0% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that a copy of the Amendment was mailed by certified mail or hand delivered or sent by telegram to all first mortgagees on the records of the Association, and

WHEREAS, attached hereto 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, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Kensington Court Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Kensington Court Condominiums is hereby amended by the following:

INSERT a new DECLARATION ARTICLE IV, SECTION 4.2(q) entitled, "Occupancy Restriction." Said new addition, to be added on Page 6 of the Declaration, as recorded at Portage County Records, Book 327, Page 0450 et seq., is as follows:

(q) Occupancy Restriction. No person who is adjudicated to be a sexual predator or a habitual sex offender and required to register with a designated registering agency, thereby requiring notice to be given pursuant to the Ohio Sex Offenders Act or similar statute from another jurisdiction, as the same may from time to time be amended, may reside in or occupy a Unit for any length of time. Any violation of this restriction shall subject the Unit Owner and/or any Occupant of the Unit to any and all remedies provided for by law as well as this Declaration. The Association shall not, however, be liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the occupancy of Units. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Kensington Court Condominium Association has caused the execution of this instrument this 8th day of June, 2005.

KENSINGTON COURT CONDOMINIUM ASSOCIATION ✓

By: Michael Salvini

MICHAEL SALVINI, its President

By: Elaine K. Keeler

ELAINE K. KEELER, its Secretary

STATE OF OHIO)

COUNTY OF Portage)

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Kensington Court Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Aurora, Ohio, this 8th day of June, 2005.



NOTARY PUBLIC

Ann Marie Villeneuve - Notary Public
State of Ohio - Cuyahoga County
Commission Expires: 3-1-2010

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

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)

COUNTY OF Portage)

SS

MICHAEL SALVINI, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Kensington Court Condominium Association.
2. As such President, he certifies that copies of the Amendment to the Declaration of Condominium Ownership for Kensington Court Condominiums were mailed by certified mail or hand delivered or sent by telegram to all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. Further affiant sayeth naught.



MICHAEL SALVINI, President

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Censora, Ohio, this 8th day of June, 2005.



NOTARY PUBLIC

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Kensington Court Condominium Association, hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for Kensington Court Condominiums.

NONE

Elaine K. Keeler

ELAINE K. KEELER, Secretary

STATE OF OHIO)

COUNTY OF Portage)

SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named ELAINE K. KEELER who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Cumora, Ohio, this 8th day of June, 2005.

Anne Marie Villeneuve

NOTARY PUBLIC

Anne Marie Villeneuve - Notary Public
State of Ohio - Cuyahoga County
Commission Expires: 3-1-2010