



Doc ID: 005695140006 Type: AMEND
Recorded: 11/16/2020 at 01:51:14 PM
Fee Amt: \$66.00 Page 1 of 6
Portage County Ohio
Lori Calcei County Recorder
File **202021464**

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS**

OF

HICKORY RIDGE

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS WAS FILED IN THE PORTAGE COUNTY RECORDER'S OFFICE. PLEASE CROSS-REFERENCE IN THE MARGINAL INDICES WITH VOLUME 421, PAGE 190, *ET SEQ.* OF PORTAGE COUNTY RECORDS.

DATED: _____

BY: _____

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS OF HICKORY RIDGE**

WHEREAS, the Declaration of Covenants, Conditions, Easements and Restrictions (“Declaration”) for Hickory Ridge was originally recorded on May 4, 1999, with the Portage County Recorder, at Volume 421, Page 190, *et seq.*; and

WHEREAS, the Hickory Ridge Homeowners’ Association, Inc. (“Association”) is a non-profit corporation consisting of all Members in the Association and as such is the representative of all Members; and

WHEREAS, Article XIV, Section 14.3(b) of said Declaration authorizes amendments to the Declaration by the provided that two-thirds of the members consent to said Declaration; and

WHEREAS, seventy-five percent (75%) of the voting power of the Association has voted in favor of the matter to be amended in the Declaration as of September 11, 2020, and the Association has in its records the written consents of said members; and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that proper notice of the Amendment will be sent by mail or hand delivered to all Members of the Association; and

WHEREAS, the Association has in its records the consents to the Amendment signed by the membership representing 75% of the voting power, as certified by the Secretary in the attached Exhibit B; and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5312 of the Ohio Revised Code and the Declaration have in all respects been complied with.

NOW THEREFORE, the following hereby amends the Declaration as follows:

DELETE the DECLARATION, ARTICLE VI, SECTION 6.1(m), entitled “Living Unit Exterior Maintenance and Replacement.”

DELETE the DECLARATION, at ARTICLE VII, SECTION 7.1(a)(1), entitled “Maintenance and Repair” and replace it with the following language:

(1) Each Owner and Occupant of a Living Unit shall maintain such Living Unit in good condition and repair, and shall keep the exterior and interior of such Living

Unit, including the Party Walls, and adjacent Common Areas free from debris, rubbish, rubble and other conditions created by such Owners or Occupants or their guests. Any Sublot Owner intending on replacing roofing and siding shall submit a proposal to the Board of Trustees in advance of said replacement which includes a bid from the proposed contractor, samples of the proposed materials, and a warranty certified to be honored should the roof be re-woven when the roofs of other Living Units are replaced. No replacement of roofing and/or siding shall commence until approved by the Association in writing.

Any conflict between this document and any prior version of the Declaration shall be interpreted in favor of this document. Upon the recording of this amendment, only Sublot Owners of record at the time of such filing shall have standing to contest the validity of the Amendment, whether of procedural, substantive, or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the Amendment.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY BLANK]

HICKORY RIDGE HOMEOWNERS' ASSOCIATION, INC.

IN WITNESS WHEREOF, the officers of Hickory Ridge Homeowners' Association, Inc. has caused the execution of this instrument this 16th day of October 2020.

Signed and acknowledged in the presence of all:

By: Julie Mecone
Julie Mecone, President

By: Lisa Jagielo
Lisa Jagielo, Secretary

STATE OF OHIO)
) SS.
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 16th day of October 2020 by Julie Mecone and Lisa Jagielo, personally known to me, in their capacity as President and Secretary of Hickory Ridge Homeowners' Association, Inc., an Ohio non-profit corporation, on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Sagamore Hills, Ohio, this 16th day of October, 2020.

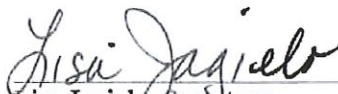


Nancy Anne Wargo
Notary Public

STATE OF OHIO)
) SS.
COUNTY OF Summit)

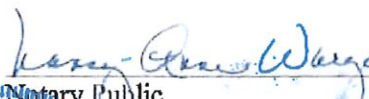
CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Hickory Ridge Homeowners' Association, Inc. hereby certifies that there is on file in the records of the Association, the names of 75% of the voting power of the Membership who have consented to the Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions of Hickory Ridge.



Lisa Jagielo, Secretary

BEFORE ME, a Notary Public in and for said County, the foregoing instrument was acknowledged before me this 16th day of October 2020 by Lisa Jagielo, personally known to me, in her capacity as Secretary of Hickory Ridge Homeowners' Association, Inc., an Ohio non-profit corporation, on behalf of said corporation.



Notary Public

This instrument prepared by:
Lindsey A. Wrubel, Esq.
Ott & Associates Co., L.P.A.
1300 E. 9th St., Suite 1520
Cleveland, Ohio 44114
Telephone: (216) 771-2600
Facsimile: (216) 830-8939
lwrubel@ottesq.com
(1739-170)



AFFIDAVIT

STATE OF OHIO)
) ss.
COUNTY OF Summit)


Julie Mecone, being first duly sworn, states as follows:

1. She is the duly elected and acting President of Hickory Ridge Homeowners' Association, Inc.
2. As such President, she will cause copies of the Amendment to the Declaration to be mailed or hand-delivered to all Owners of record at the time of the filing of this Amendment.
3. Further affiant sayeth naught.


Julie Mecone, President

BEFORE ME, a Notary Public in and for said County, the foregoing instrument was acknowledged before me this 25th day of September 2020, by Julie Mecone, personally known to me, in her capacity as President of Hickory Ridge Homeowners' Association, Inc., an Ohio non-profit corporation, on behalf of said corporation.




Notary Public