

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE ARBORETUM AT GREENWOOD CONDOMINIUM

 **54536050**  
Page: 1 of 7  
04/23/2001 10:01A  
CONDO 38.00  
FRANK WILLIAMS, SUMMIT CO AUDITOR

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ARBORETUM AT GREENWOOD CONDOMINIUM WAS FILED IN THE OFFICE OF THE COUNTY AUDITOR OF SUMMIT COUNTY, OHIO.

DATED: April 23, 2001

BY: Frank Williams  
COUNTY AUDITOR

**FRANK WILLIAMS**

Assistant Prosecuting Attorney  
[Signature]  
Assistant Prosecuting Attorney





54536050  
 Page: 2 of 7  
 04/23/2001 10:01A  
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FRANK WILLIAMS, SUMMIT CO AUDITOR

AMENDMENT TO THE  
 DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
 THE ARBORETUM AT GREENWOOD CONDOMINIUM

**WHEREAS**, the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium was recorded at Volume OR 364, Pages 1 et seq., of Summit County Records, and

**WHEREAS**, The Arboretum at Greenwood Condominium Owners Association is a corporation consisting of all Unit Owners in The Arboretum at Greenwood Condominium and as such is the representative of all Unit Owners, and

**WHEREAS**, Article XII, Section A of said Declaration authorizes amendments to the Declaration, and

**WHEREAS**, Unit Owners in excess of 75.00% of the voting power of the Association have executed an instrument in writing setting forth specifically the new matter to be added, and

**WHEREAS**, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the amendment was mailed by certified mail to all mortgagees on the records of the Association having bona fide liens of record against any Unit ownership and all Unit Owners, and

**WHEREAS**, the Association has in its records the consents to the Amendment signed by 82.00% of the Unit Owners and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B, and

**WHEREAS**, the Association has in its records the power of attorney signed by 82.00% of the Unit Owners authorizing the officers of The Arboretum at Greenwood Condominium Owners Association to execute this recorded document on their behalf, 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 The Arboretum at Greenwood Condominium have in all respects been complied with.

**NOW THEREFORE**, the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium is hereby amended by the following:



INSERT a new DECLARATION ARTICLE X, Section C entitled, "Cost of Collection." Said new addition, to be added on Page 29 of the Declaration as recorded at Summit County Records Volume OR 364, Pages 1 et seq., is as follows:

(C) Cost of Collection. A delinquent Unit Owner shall be liable for any and all costs incurred by the Association in connection with the collection of the delinquent Unit Owner's account, including reasonable attorney fees, recording costs, title reports and/or court costs.

INSERT a new DECLARATION ARTICLE X, Section D entitled, "Cost of Enforcement." Said new addition, to be added on Page 29 of the Declaration as recorded at Summit County Records Volume OR 364, Pages 1 et seq., is as follows:

(D) Cost of Enforcement. If any Unit Owner (either by his/her conduct or by the conduct of any occupant of his/her Unit) shall violate any provision of the Declaration, Bylaws or Rules, said Unit Owner shall pay to the Association, in addition to any other sums due, all costs and expenses incurred by the Association in connection with the enforcement of said provision or rule, including reasonable attorney fees and/or court costs. Said costs and expenses shall be charged as a special assessment against said Unit Owner. The Association, in addition to all other remedies available, shall have the right to place a lien upon the estate or interest of said Unit Owner as further explained and set forth in Declaration Article V, Section D.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment regarding the cost of collection and cost of enforcement. 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 The Arboretum at Greenwood Condominium Owners Association has caused the execution of this instrument this 5 day of April, 2001.

THE ARBORETUM AT GREENWOOD CONDOMINIUM OWNERS ASSOCIATION

Signed and acknowledged  
in the presence of both:

*Math Zamecnik*  
Witness #1: Math Zamecnik  
Please print name below signature.

By: *Joe Zielinski*  
JOE ZIELINSKI, its President

*Fatizria B. McNamee*  
Witness #2: FATIZRIA B. McNamee  
Please print name below signature.

By: *Kathy Roveri-Krzewinski*  
KATHY ROVERI-KRZEWINSKI, its  
Secretary

*ow*  
This instrument prepared by:  
Kaman, Ott & Cusimano, Attorneys at Law  
50 Public Square  
600 Terminal Tower  
Cleveland, Ohio 44113  
(216) 696-0650



STATE OF OHIO )  
 ) SS  
COUNTY OF Cuyahoga )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named The Arboretum at Greenwood Condominium Owners Association, by its President and its Secretary, 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 each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Sagamore Hills, Ohio, this 5 day of April, 2001.

  
NOTARY PUBLIC

CATHERINE MILLER  
Notary Public - State of Ohio  
My Commission Expires Oct. 20 2003

 **54536050**  
Page: 5 of 7  
04/23/2001 10:01A  
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FRANK WILLIAMS, SUMMIT CO AUDITOR

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being duly elected and qualified Secretary of The Arboretum at Greenwood Condominium Owners Association, hereby certifies that there is on file in the records of the Association, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of The Arboretum at Greenwood Condominium.

N O N E

  
\_\_\_\_\_  
KATHY ROVERI-KRZEWINSKI, Secretary

STATE OF OHIO                    )  
  )    SS  
COUNTY OF Cuyahoga        )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named KATHY ROVERI-KRZEWINSKI 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 at Sugar Hill, Ohio, this 5 day of April, 2001.

  
\_\_\_\_\_  
NOTARY PUBLIC

CATHERINE MILLER  
Notary Public - State of Ohio  
My Commission Expires Oct. 29, 2003

