

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



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 10/31/2003 01:21P  
 MISC 64.00

John A Donofrio, Summit Fiscal Officer

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 FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
 FISCAL OFFICER

**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 (the "Declaration") was recorded at Summit County Records Volume OR 364, Page 001 et seq., and

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

WHEREAS, Article XII of said Declaration authorizes amendments to the Declaration, 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, attached hereto as Exhibit A is a certification of the Association's President that a copy of the Amendment was mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association and that Unit Owners having at least 75% of the Association's voting power affirmatively approved the Amendment, 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 Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 76% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 76% of the Association's voting power authorizing the Association's officers to execute the Amendment 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:



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MODIFY DECLARATION Article XVIII, Section I, entitled, "Notices." Said modification, to be made on Page 40 of the Declaration as recorded at Summit County Records Volume 364, Page 001 et seq., is as follows (deleted language is stricken; new language is underlined):

(I) Notices. All notices required or permitted hereunder, and under the Bylaws and the Act, to the Declarant, the Association, the Board of Managers and its delegates shall be in writing and shall be sent by registered or certified mail, return receipt requested, regular U.S. mail to the Board of Managers or its delegates 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. ~~All notices to the Declarant shall be sent by registered or certified mail, return receipt requested, to: Ameri-Con Greenwood, Inc., P.O. Box 22746, Beachwood, Ohio 44122, with a copy of same to Richard A. Rosner, Esq., Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A., The Tower At Erievew, Suite 2600, 1301 East Ninth Street, Cleveland, Ohio 44114, Cleveland, Ohio 44113, or to such other address as the Declarant or its counsel may designate from time to time by notice in writing to all Unit Owners.~~ All notices to any Unit Owner shall be sent by registered or certified regular U.S. mail to 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 of Managers. All notices shall be deemed to have been given and therefore effective not later than forty-eight (48) hours after the date that such notice is deposited 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 of a Unit other than a Unit Owner shall effectively be given if hand delivered to such Occupant or ~~placed in his mail box or placed in his mail box or~~ placed under the door to such Occupant's Unit.

Any conflict between this provision and any other provision 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 in the court of common pleas within one year of the recording of the amendment.



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John A Donofrio, Summit Fiscal Officer

IN WITNESS WHEREOF, the said The Arboretum at Greenwood Condominium Owners' Association has caused the execution of this instrument this 20 day of October, 2003.

THE ARBORETUM AT GREENWOOD CONDOMINIUM OWNERS' ASSOCIATION

By: Joe Zielinski  
 JOE ZIELINSKI, its President

By: Christine Turner  
 CHRISTINE TURNER, its Secretary

STATE OF OHIO                     )  
   )  
 COUNTY OF SUMMIT               )       SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Arboretum at Greenwood Village 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 in Summit Hills, Ohio, this 20 day of October, 2003.

Catherine Miller  
 \_\_\_\_\_  
 NOTARY PUBLIC

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

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

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 John A Donofrio, Summit Fiscal Officer

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified President of The Arboretum at Greenwood Condominium Owners' Association, hereby certifies that the Association received the signed, written consents of the Unit Owners representing 76% of the Association's voting power in favor of the Amendment to the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium in accordance with provisions of Declaration Article XII and caused such signed, written consents to be filed with The Arboretum at Greenwood Condominium Owners' Association corporate records. He also certifies that copies of the Amendment to the Declaration of Condominium Ownership for The Arboretum at Greenwood Condominium were mailed or hand delivered to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.

  
JOE ZIELINSKI, President

STATE OF OHIO                    )  
  )     SS  
COUNTY OF SUMMIT            )

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named JOE ZIELINSKI 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 Singapore Hills, Ohio, this 20 day of October, 2003.

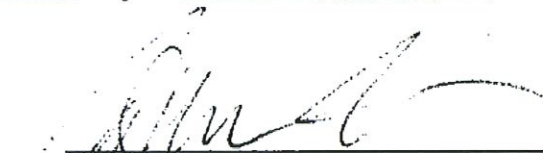
  
NOTARY PUBLIC  
CATHERINE MILLER  
Notary Public - State of Ohio  
My Commission Expires Oct. 20, 2003

EXHIBIT B

CERTIFICATION OF SECRETARY

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

NONE

*Christine Turner*  
CHRISTINE TURNER, Secretary

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John A Donofrio, Summit Fiscal Officer

STATE OF OHIO                    )  
  )     SS  
COUNTY OF SUMMIT            )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named CHRISTINE TURNER 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 Springfield, Ohio, this 20 day of October, 2003.

*Catherine Miller*  
\_\_\_\_\_  
NOTARY PUBLIC

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