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


PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE ARBORETUM AT GREENWOOD CONDOMINIUM RECORDED AT OR 364, PAGE 1 ET SEQ., OF THE SUMMIT COUNTY FISCAL COUNTY RECORDS.

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.

**JOHN A. DONOFRIO**

DATED: 8-14-08

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

  
By Deputy Fiscal Officer  
Tom Pheasant

John A Donofrio, Summit Fiscal Officer  
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08/14/2008 10:04AM  
CONDO 64.00

**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") and the Bylaws of The Arboretum at Greenwood Condominium Owners' Association (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Summit County Fiscal County Records OR 364, Page 1 et seq., and

WHEREAS, The Arboretum at Greenwood Condominium Owners Association (the "Association") is a corporation consisting of all Unit Owners in 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 Bylaws Article VII, Section 10 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 added (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 as of June 5, 2008, 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, attached hereto as Exhibit A is a certification of the Association's President that copies of the Amendment will be mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Summit County Fiscal Office and that Unit Owners representing a least 75% of the Association's voting power affirmatively approved the Amendment, in writing, 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 have in all respects been complied with.



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CONDO 64.00



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

MODIFY DECLARATION ARTICLE VII(E). Said modification, to be made on Page 25 of the Declaration, as recorded at Summit County Records, Volume 364, Page 1 et seq., is as follows (new language is underlined):

(E) Dogs to be considered a vicious breed, as defined in Ohio Revised Code Section 955.11, as the same may be amended from time to time, that have been registered with the Association on or before the date of recording of this amendment will be permitted on or within the Condominium Property. Furthermore, upon the relocation, removal, or demise of any such registered vicious dog, it may not be replaced.

Any pet residing on the Condominium Property prior to the recording of this amendment shall be permitted to remain provided that said pet is registered with the Association within thirty (30) days of the recording of this amendment. Upon the relocation, removal, or demise of any such registered pet, it may not be replaced. Subsequent to the recording of this amendment, no new pet shall be permitted to be kept or remain in any Unit unless the Unit Owner shall first have obtained the written consent of the Board of Directors. The Board of Directors shall not unreasonably withhold approval of a pet that meets all the requirements of this amendment.

No animals, birds, rabbits, livestock, fowl, reptiles or poultry of any kind shall be raised, bred, or kept in any Unit or in the Common Elements, or in the Limited Common Elements, except that two (2) pets, including dogs (excluding, however, any dog of vicious breed, including, without limitation, any dog of full or mixed pit-bull, rottweiler or Presa Canario breeds, which are strictly prohibited from residing, visiting or being anywhere on the property at anytime, except as specifically authorized in writing by the Board), cats, and domestic, caged (including bird cages and fish tanks) or other household pets may be kept in Units, subject to rules and regulations adopted by the Board, provided that they are not kept, bred, or maintained for any commercial purpose; and provided further that any such pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Property upon three (3) days' notice from the Board. The term "household pet" does not include "exotic" animals as defined by the Board from time to time, including, but not limited to any snakes, other reptiles, exotic breeds or wild hybrids.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on pets. Upon the recording of this amendment, only Unit Owners of record at





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 Amendment to the Declaration will be 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.

The undersigned further certifies that the Association received the signed, written consents of Unit Owners representing 76% of the Association's voting power in favor of the Amendment to the Declaration in accordance with the provisions of Declaration Article XII and caused such signed, written consents to be filed with the corporate records for The Arboretum at Greenwood Condominium Owners Association.

  
\_\_\_\_\_  
JOE ZIELINSKI, President

STATE OF OHIO                     )  
   )  
COUNTY OF Summit             )

SS

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 Mayfield Village, Ohio, this 8<sup>th</sup> day of August, 2008.

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

ANETTE MCKINNEY  
Notary Public  
State of Ohio  
My Commission Expires Feb. 4, 2013

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CONDO 64.00

John A Donofrio, Summit Fiscal Officer

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 mortgagees, if any, who have consented to the proposed Amendment to the Declaration.

NONE



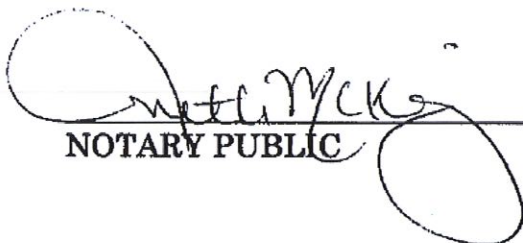
ED POPERNECK, its Secretary

STATE OF OHIO )  
 )  
COUNTY OF Summit )

SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named ED POPERNECK who acknowledged 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 Mayfield Village, Ohio, this 8<sup>th</sup> day of August, 2008.

  
NOTARY PUBLIC

ANETTE MCKINNEY  
Notary Public  
State of Ohio  
My Commission Expires Feb. 4, 2013

