

CUYAHOGA COUNTY  
OFFICE OF FISCAL OFFICER - 4  
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AMENDMENT TO THE  
MASTER DECLARATION OF EASEMENTS,  
COVENANTS AND RESTRICTIONS  
FOR  
EMERY WOODS

PLEASE CROSS MARGINAL REFERENCE WITH THE MASTER  
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR  
EMERY WOODS RECORDED AT INSTRUMENT NO. 200412170227 OF THE  
CUYAHOGA COUNTY RECORDS.

**AMENDMENT TO THE  
MASTER DECLARATION OF EASEMENTS,  
COVENANTS AND RESTRICTIONS FOR  
EMERY WOODS**

**WHEREAS**, the Master Declaration of Easements, Covenants and Restrictions for Emery Woods (the "Declaration") was recorded at Cuyahoga County Records, Instrument No. 200412170227, and

**WHEREAS**, the Emery Woods Master Association, Inc. (the "Association") is a corporation consisting of all Owners in Emery Woods Master Association and as such is the representative of all Owners, and

**WHEREAS**, Declaration Article, Section 13.7(c) authorizes amendments to the Declaration, and

**WHEREAS**, a meeting, including any change, adjournment, or continuation of such meeting, of the Association's Owners was held on or about May 27, 2015, and, at such meeting and any adjournment, Owners representing 66 2/3% of the voting power of the Association executed, in person or by proxy, an instrument 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 Owners representing 75.67% of the Association's voting power, together with the minutes from said meeting and any continuation, and

**WHEREAS**, the Association has in its records the power of attorney signed by Owners representing 75.67% 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 the Declaration have in all respects been complied with.

**NOW THEREFORE**, the Master Declaration of Easements, Covenants and Restrictions of Emery Woods is amended by the following:

MODIFY DECLARATION ARTICLE II, SECTION 2.2(16)(vi). Said modification, to be made on Page 5 of the Declaration, as recorded at Cuyahoga County Records, Instrument No. 200412170227, is as follows (deleted language is crossed-out; new language is underlined):

(vi) ~~club house~~ and Recreational Facilities;

MODIFY DECLARATION ARTICLE II, SECTION 2.2(36) entitled "Recreational Facilities." Said modification, to be made on Page 8 of the Declaration, as recorded at Cuyahoga County Records, Instrument No. 200412170227, is as follows (deleted language is crossed-out; new language is underlined):

(36) "Recreational Facilities". ~~Shall include the clubhouse and attendant~~ recreational facilities available for use by the Owners within the Property and shall will be owned and administered by the Master Association.

INSERT a new DECLARATION ARTICLE XIII, SECTION 13.14 entitled, "Conveyance of Clubhouse." Said new addition, to be added on Page 41 of the Declaration, as recorded at Cuyahoga County Records, Instrument No. 200412170227, is as follows:

13.14 Conveyance of Clubhouse. The Association consents to the Declarant's conveyance of the clubhouse that was originally intended to be part of the Recreational Facilities to the City of Warrensville Heights.

Any conflict between this provision and any other provisions of the Declaration and Bylaws is to be interpreted in favor of this amendment conveying the clubhouse to the City of Warrensville Heights. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing have standing to contest the validity of the amendment, whether on procedural, substantive, or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendment.

The Emery Woods Master Association, Inc. has caused the execution of this instrument this 6<sup>th</sup> day of June, 2015.

**EMERY WOODS MASTER ASSOCIATION, INC.**

By: Marsha Brooks  
MARSHA BROOKS, its President

By: MyLayna S. Albright  
MYLAYNA ALBRIGHT, its Secretary

STATE OF OHIO                    )  
  )  
COUNTY OF Cuyahoga         )         SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Emery Woods Master Association, Inc., 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 set my hand and official seal in Warrensville Heights, Ohio, this 6<sup>th</sup> day of June, 2015.

Nancy Anne Wargo  
NOTARY PUBLIC

This instrument prepared by:  
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