

*AMEND  
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MACINTOSH FARMS CONDOMINIUM NO. 1

BROADVIEW HEIGHTS, OHIO

VOL. 90-6281 PAGE 54

SEVENTEENTH AMENDMENT (SPECIAL AMENDMENT) TO  
DECLARATION OF CONDOMINIUM OWNERSHIP CORRECTING  
A CLERICAL OR TYPOGRAPHICAL ERROR

This will certify that a copy of this Seventeenth Amendment (Special Amendment) to Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 Correcting a Clerical or Typographical Error has been filed in the office of the County Auditor, Cuyahoga County, Ohio.

90 OCT 16 PM 2:56  
CUYAHOGA COUNTY  
CLERK OF COURTS  
RECORDED

Date: October 16, 1990

Cuyahoga County Auditor

By: Darlene L. Peoples  
Deputy Auditor

This Instrument Prepared By:

Richard A. Rosner, Attorney at Law  
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.  
The Tower At Erieview  
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Cleveland, Ohio 44114  
(216) 696-3311

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SEVENTEENTH AMENDMENT (SPECIAL AMENDMENT) TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR MACINTOSH FARMS CONDOMINIUM NO. 1  
BROADVIEW HEIGHTS, OHIO,  
CORRECTING A CLERICAL OR TYPOGRAPHICAL ERROR

WHEREAS, ZAREMBA-MACINTOSH CO., an Ohio Corporation, hereinafter referred to as "Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") for MacIntosh Farms Condominium No. 1 with the Bylaws of MacIntosh Farms Condominium No. 1 Owners Association ("Bylaws") attached as an exhibit thereto, and Drawings incorporated by reference therein, on August 6, 1986, with the Cuyahoga County Recorder, the Declaration being recorded in Volume 86-4892, Page 7 of Cuyahoga County Records and the Drawings being recorded in Volume 61, Pages 75-89 of Cuyahoga County Condominium Map Records and thereby submitted Phase No. 1 of the MacIntosh Farms Condominium No. 1 ("Condominium Property") to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by First Amendment to the Declaration ("First Amendment") recorded on October 1, 1986, with the Cuyahoga County Recorder in Volume 86-6347, Pages 26 et seq., and Condominium Map Volume 62, Pages 79-99, submitted Phase No. 2 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Second Amendment to the Declaration ("Second Amendment") recorded on December 11, 1986, with the Cuyahoga County Recorder in Volume 86-8061, pages 79-99, and Condominium Map Volume 63, Pages 92-99, and Volume 64, Pages 00-23, submitted Phase No. 3 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Third Amendment to the Declaration ("Third Amendment") recorded on March 23, 1987, with the Cuyahoga County Recorder in Volume 87-1774, Pages 64 through Volume 87-1775 Page 27, and Condominium Map Volume 65, Pages 54-76, submitted Phase No. 4 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Fourth Amendment to the Declaration ("Fourth Amendment") recorded on June 12, 1987, with the Cuyahoga County Recorder in Volume 87-3927, Pages 70 et seq., and Condominium Map Volume 66, Pages 81 through Volume 67, Pages 00-5, inclusive, submitted Phase No. 5 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Fifth Amendment to the Declaration ("Fifth Amendment") recorded on October 30, 1987, with the Cuyahoga County Recorder in Volume 87-7095, Pages 9 et seq., and Condominium Map Volume 69, Pages 00 to

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48, inclusive, submitted Phase No. 6 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant, by Sixth Amendment to the Declaration ("Sixth Amendment") recorded on December 23, 1987, with the Cuyahoga County Recorder in Volume 87-8087, Pages 40 et seq., and Condominium Map Volume 70, Pages 9 to 23, inclusive, submitted Phase No. 7 to the Condominium Property and to the provisions of the Ohio Revised Code; and

WHEREAS, Declarant by Seventh Amendment to the Declaration ("Seventh Amendment") recorded on May 2, 1988, with the Cuyahoga County Recorder in Volume 88-1901, Page 55 et seq., and Condominium Map Volume 71, Pages 26 to 52 inclusive, submitted Phase No. 8 to the Condominium Property and to the provisions of the Ohio Revised Code; and

WHEREAS, Declarant by Eighth Amendment to the Declaration ("Eighth Amendment") recorded on July 5, 1988, with the Cuyahoga County Recorder in Volume 88-3241, Page 62 et seq. of Cuyahoga County Records, and Condominium Map Volume 72, Pages 43 to 58, inclusive, submitted Phase No. 9 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Ninth Amendment to the Declaration ("Ninth Amendment") recorded on September 19, 1988, with the Cuyahoga County Recorder in Volume 88-4847, Page 28 et seq. of Cuyahoga County Records, and Condominium Map Volume 73, Pages 38 to 85, inclusive, submitted Phase No. 10 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Tenth Amendment to the Declaration ("Tenth Amendment") recorded on January 10, 1989, with the Cuyahoga County Recorder in Volume 89-0103, Page 40 et seq. of Cuyahoga County Records, and Condominium Map Volume 74, Pages 65 to 99, inclusive, and Volume 75, Pages 00-10, inclusive, submitted Phase No. 11 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Eleventh Amendment to the Declaration ("Eleventh Amendment") recorded on April 14, 1989, with the Cuyahoga County Recorder in Volume 89-1777, Page 7 et seq. of Cuyahoga County Records, and Condominium Map Volume 75, Pages 72 to 95, inclusive, submitted Phase No. 12 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Twelfth Amendment to the Declaration ("Twelfth Amendment") recorded on July 6, 1989, with the Cuyahoga County Recorder in Volume 89-3308, Page 16 et seq. of Cuyahoga County Records, and Condominium Map Volume 77, Pages 03 to 22, inclusive, submitted Phase No. 13 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Thirteenth Amendment to the Declaration ("Thirteenth Amendment") recorded on November 30, 1989, with the Cuyahoga County Recorder in Volume 89-6624, Page 29 et seq. of Cuyahoga County Records, and Condominium Map Volume 79, Pages 32 to 75, inclusive, submitted Phase No. 14

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to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Fourteenth Amendment to the Declaration ("Fourteenth Amendment") recorded on January 26, 1990, with the Cuyahoga County Recorder in Volume 90-0512, Page 34 et seq. of Cuyahoga County Records, and Condominium Map Volume 30, Pages 30 to 59, inclusive, submitted Phase No. 15 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Fifteenth Amendment to the Declaration ("Fifteenth Amendment") recorded on April 20, 1990, with the Cuyahoga County Recorder in Volume 90-2195, Page 59 et seq. of Cuyahoga County Records, and Condominium Map Volume 81, Pages 04 to 68, inclusive, submitted Phase No. 16 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, Declarant by Sixteenth Amendment to the Declaration ("Sixteenth Amendment") recorded on June 29, 1990, with the Cuyahoga County Recorder in Volume 90-3802, Page 44 et seq. of Cuyahoga County Records, and Condominium Map Volume 82, Pages 4 to 25, inclusive, submitted Phase No. 17 to the Condominium Property and to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, under the Declaration the right was reserved by Declarant and/or the Board of Managers ("Board") of MacIntosh Farms Condominium No. 1 Owners Association ("Association"), to record a Special Amendment to the Declaration at any time, and from time to time, which amends the Declaration to correct clerical or typographical errors in the Declaration or any exhibit thereto or any supplement or amendment thereto; and

WHEREAS, the Board desires to amend the Bylaws (Exhibit "B" to the Declaration) to correct a clerical or typographical error contained in Article I, Section 6(E) of the Bylaws, which incorrectly states that the number of members of the Association needed to constitute a quorum for meetings of the members of the Association to be one-half (1/2) of the voting power of the Association present in person or by proxy for such meetings, which provision is inconsistent with Article II, Section 11 of the Bylaws of MacIntosh Farms Community Association, Inc. ("Community Association") which requires the number of members of the Community Association to be one-third (1/3) of the members in person or by proxy for such meetings; and

WHEREAS, the members of the Association are also members of the Community Association and it would be in the best interest of the members to correct the aforesaid clerical or typographical error in the Bylaws in order to have consistent quorum requirements.

NOW, THEREFORE, the Board, pursuant to the authority of Article XII of the Declaration, hereby declares that the Declaration be and hereby is amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration):

90-6281-57

1. The words "one-half (1/2)" are deleted from Article 1, Section 6(E) of the Bylaws (Exhibit "B" of the Declaration) and the words "one-third (1/3)" are substituted in lieu thereof.

2. Except as heretofore amended and as amended herein, the Declaration thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the said MacIntosh Farms Condominium No. 1 Owners Association, has caused its name to be signed to these presents as of this 14th day of September, 1990.

Witnessed By:  
(witnesses as to all signatures)

MacINTOSH FARMS CONDOMINIUM NO. 1  
OWNERS ASSOCIATION, an Ohio non-profit  
corporation

Cecilia Foster  
Robert Holmes

By: [Signature]

And: [Signature]

STATE OF OHIO }  
CUYAHOGA COUNTY } SS.

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named MacINTOSH FARMS CONDOMINIUM NO. 1 OWNERS ASSOCIATION, an Ohio non-profit corporation, by Nathan Laruga, its President, and Fred Cross, its Secretary, who acknowledged that they executed the within instrument and that such execution was the free act and deed of said corporation and was their free act and deed both individually and in their capacity as such officers.

IN TESTIMONY WHEREOF, I have herein set my hand and notarial seal this 14th day of September, 1990.

[Signature]  
Notary Public

ROSEMARIE B. FANT  
Notary Public, State of Ohio  
My Commission Expires 03/31/1994  
(Records in Medina County)

This Instrument Prepared By:

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