

ASA



55480337

Pg: 1 of 8
09/18/2007 10:54
CONDO 80.00

John A Donofrio, Summit Fiscal Officer

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE GREENWOOD HIGHLANDS CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE GREENWOOD HIGHLANDS CONDOMINIUMS RECORDED AT INSTRUMENT NO. 54588702, OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE GREENWOOD HIGHLANDS CONDOMINIUMS WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: Sept 17, 2007

JOHN A. DONOFRIO
BY: _____
FISCAL OFFICER

Bry O. Taylor, Deputy Auditor



**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE GREENWOOD HIGHLANDS CONDOMINIUMS**

WHEREAS, the Declaration of Condominium Ownership for The Greenwood Highlands Condominiums (the "Declaration") and the Bylaws of The Greenwood Highlands Condominium Association, Inc. (the "Bylaws"), Exhibit A to the Declaration, were recorded at Summit County Records Instrument No. 54588702, and

WHEREAS, The Greenwood Highlands Condominium Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Greenwood Highlands and as such is the representative of all Unit Owners, and

WHEREAS, Paragraph 17 of said Declaration authorizes amendments to the Declaration and Bylaws Article VI, Section 2 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 matters to be modified (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 76.82% of the Association's voting power as of August 6, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 76.82% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Unit Owners representing 83.09% of the Association's voting power as of August 6, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 83.09% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment C signed by Unit Owners representing 84.56% of the Association's voting power as of August 6, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 84.56% of the Association's voting power authorizing the Association's officers to execute Amendment C on their behalf, and



55480337

Pg: 3 of 8
09/18/2007 10:54
CONDO 80.00

WHEREAS, the Association has in its records the signed, written consents to Amendment D signed by Unit Owners representing 87.98% of the Association's voting power as of August 6, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 87.98% of the Association's voting power authorizing the Association's officers to execute Amendment D on their behalf, and

WHEREAS, attached hereto as Exhibit A is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendments, 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.

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

AMENDMENT A

DELETE BYLAWS ARTICLE I, SECTION 4 entitled, "Voting Rights," in its entirety. Said deletion to be taken from Page 4 of the Bylaws, Exhibit A of the Declaration, as recorded at Summit County Records, Instrument No. 54588702.

INSERT a new BYLAWS ARTICLE I, SECTION 4 entitled, "Voting Rights." Said new addition, to be added on Page 4 of the Bylaws, Exhibit A of the Declaration, as recorded at Summit County Records, Instrument No. 54588702, is as follows:

Section 4. Voting Rights. There shall be one (1) vote for each of the Units comprising the Condominium Property, with the total number of votes equaling the total number of Units. If more than one person shall own a Unit, they shall be entitled collectively to cast only one (1) vote exercising the voting power of such Unit inasmuch as such voting power may not be divided among plural Unit Owners. In the case of a Unit owned or held in the name of a corporation, partnership, or limited liability company, a certificate signed by said Unit Owner(s) shall be filed with the Secretary of Association naming the person authorized to cast a vote for such Unit, which certificate shall be conclusive until a subsequent substitute certificate is filed with the Secretary of the Association. If such certificate is not on file, the vote of such corporation, partnership, or limited liability company shall not be considered nor shall the presence of such Unit Owner at a meeting be considered in

determining whether the quorum requirement for such meeting has been met. Fiduciaries and minors who are Unit Owners of record of a Unit may vote their respective interests as a Unit Owner. When any fiduciary or other legal representative of a Unit Owner has furnished to the Association proof, satisfactory to it, of his/her authority, he/she may vote as though he/she were the Unit Owner. The vote of the Association with respect to any Units owned by the Association shall be determined by the Board.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of having Unit Owners exercise one vote per Unit. Upon the recording of this amendment, only Unit Owner of record at the time of such filing shall have standing to contest the validity of this 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.

AMENDMENT B

DELETE BYLAWS ARTICLE II, SECTION 4 entitled, "Term of Office; Resignations," in its entirety. Said deletion to be taken from Page 7 of the Bylaws, Exhibit A of the Declaration, as recorded at Summit County Records, Instrument No. 54588702.

INSERT a new BYLAWS ARTICLE II, SECTION 4 entitled, "Term of Office; Resignations." Said new addition, to be added on Page 7 of the Bylaws, Exhibit A of the Declaration, as recorded at Summit County Records, Instrument No. 54588702, is as follows:

Section 4. Term of Office; Resignations. At the first annual meeting following the passage of this amendment, the Unit Owners shall elect five (5) Board members. The two (2) candidates receiving votes representing the greatest number of votes shall be elected to a term of three (3) years. The two (2) candidates receiving votes representing the next highest number of votes shall serve a two (2) year term. The one (1) candidate receiving votes representing the next highest number of votes shall serve a one (1) year term. At the expiration of the initial terms of office of each of the Board of Directors, the respective successors shall be elected to serve for a term of three (3) years as aforesaid. This 2-2-1 rotation shall continue thereafter.

Except as specifically provided otherwise herein, each Director shall hold office until the third annual meeting of the members of the Association following that at which he/she was elected and until his/her successor is elected, or until his/her earlier resignation, removal from office, or death. Any Director may resign at any time by oral statement to that effect made at



55480337

Pg: 5 of 8
05/18/2007 10:54
CONDO 80.00

John A Donofrio, Summit Fiscal Officer

a meeting of the Board of Directors or in writing to that effect delivered to the Secretary of the Association; such resignation shall take effect immediately or at such other time as the Director may specify. Members of the Board of Directors shall serve without compensation.

Any conflict between this provision and any other provision of the Bylaws shall be interpreted in favor of this amendment establishing a three-year term for the Board of Directors. 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.

AMENDMENT C

MODIFY DECLARATION PARAGRAPH II, SECTION I entitled, "Lounging or Storage in Common Elements." Said modification, to be made on Page 21 of the Declaration, as recorded at Summit County Records, Instrument No. 54588702, is as follows (deleted language is crossed-out; new language is underlined):

I. ~~Lounging or Storage~~ Lounging or Storage in Common Elements. There shall be no ~~playing, lounging storage~~ or parking of baby carriages, playpens, bicycles, wagons, toys, vehicles, benches or chairs of any kind in any part of the Common Elements not within the bounds of a Unit except in accordance with the Rules and except that balcony, deck and patio areas may be used for their intended purposes.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment restricting storage in the Common Elements. Upon the recording of this amendment, only Unit Owner of record at the time of such filing shall have standing to contest the validity of this 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.



55480337
Pg: 6 of 8
09/18/2007 10:54
CONDO 80.00

AMENDMENT D


INSERT a new DECLARATION PARAGRAPH 11, SECTION Q entitled, "Permitted Activities in Common Elements." Said new addition, to be added on Page 22 of the Declaration, as recorded at Summit County Records, Instrument No. 54588702, is as follows:


Q. Permitted Activities in Common Elements. Casual recreational activities such as congregating for conversation, sitting in chairs, and playing are permitted in the Common Elements, as long as there is no damage to the Condominium Property, and the activities are in compliance with Section F of this Paragraph 11.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting casual recreational activities in the Common Elements. Upon the recording of this amendment, only Unit Owner of record at the time of such filing shall have standing to contest the validity of this 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.

IN WITNESS WHEREOF, the said The Greenwood Highlands Condominium Association, Inc. has caused the execution of this instrument this 10th day of September, 2007.

THE GREENWOOD HIGHLANDS CONDOMINIUM ASSOCIATION, INC.

By: 
DWIGHT COLEMAN, its President

By: 
LEE SHOEMAKER, 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 Greenwood Highlands Condominium Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 6 of 8, 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 Sagamore Hills, Ohio, this 10th day of September, 2007.

Barbara S. Petrillo
NOTARY PUBLIC

Barbara S. Petrillo
Notary Public, State of Ohio
My Commission Expires 9-28-11

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650



55480337

Pg: 8 of 8
09/18/2007 10:54
CONDO 80.00

John A Donofrio, Summit Fiscal Officer

EXHIBIT A

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of The Greenwood Highlands Condominium Association, Inc., 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

LEE SHOEMAKER, Secretary

STATE OF OHIO)
)
COUNTY OF Summit)

SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named LEE SHOEMAKER 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 Sagamore Hills, Ohio, this 10th day of September, 2007.

Barbara S. Petrillo
NOTARY PUBLIC

Barbara S. Petrillo
Notary Public, State of Ohio
My Commission Expires 9-26-11