

4  
10/08/2008



Instr: 200810080044782  
P: 1 of 4 F: \$48.00 10/08/2008  
Rick Campbell 3:11PM COND  
Stark County Recorder T20080038266

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO  
FOR  
EASTWOOD CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE REVISED CODE OF  
OHIO FOR EASTWOOD CONDOMINIUM RECORDED AT VOLUME 885, PAGE 510  
ET SEQ., OF THE STARK COUNTY RECORDS.



Instr: 200810080044782  
 P: 2 of 4 F: \$48.00 10/08/2008  
 Rick Campbell 3:11PM COND  
 Stark County Recorder T20080038266

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO  
EASTWOOD CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership Under Chapter 5311 of the Revised Code of Ohio for Eastwood Condominium (the "Declaration"), Exhibit H to the Declaration, was recorded at Stark County Records Volume 885, Page 510 et seq., and

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

WHEREAS, Article XX 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 added (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 79% of the Association's voting power as of September 10, 2008, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 79% 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 have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Eastwood Condominium is hereby amended by the following:

INSERT a new DECLARATION ARTICLE XVI, SECTION 8 entitled, "Cost of Collection." Said new addition, to be added on Page 32 of the Declaration, as recorded at Stark County Records, Volume 885, Page 510 et seq., is as follows:

Section 8. Cost of Collection. A Unit Owner, who fails to pay any assessments within ten (10) days after same have become due and payable, shall be liable for any late charges as established by the Board and any and all costs and expenses incurred by the Association in connection with the



Instr: 200810080044782  
 P: 3 of 4 F: \$48.00 10/08/2008  
 Rick Campbell 3:11PM COND  
 Stark County Recorder T20080038266

collection of said Unit Owner's account, including reasonable attorney fees, recording costs, title reports and/or court costs.

INSERT a new 3<sup>rd</sup> PARAGRAPH to DECLARATION ARTICLE XXI, SECTION 2 entitled, "Enforcement." Said new addition, to be added on Page 40 of the Declaration, as recorded at Stark County Records, Volume 885, Page 510 et seq., is as follows:

If any Unit Owner (either by his or her conduct or by the conduct of any Occupant or guest of his or her Unit) shall violate any provision of the Declaration, Bylaws or Rules and Regulations adopted by the Board, said Unit Owner shall pay to the Association, in addition to any other sums due, any enforcement assessments for violation of said provision or rule levied by the Board, all costs and expenses incurred by the Association in connection with the enforcement of said provision or rule, including reasonable attorney fees and/or court costs. Said enforcement assessments, costs and expenses shall be charged as a special assessment against said Unit Owner. The Association, in addition to all other remedies available, shall have the right to place a lien upon the estate or interest of said Unit Owner as further explained and set forth in Declaration Article XVI, Section 5(c).

Any conflict between these provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment regarding the cost of collection and cost of enforcement. 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.

IN WITNESS WHEREOF, the said Eastwood Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 3<sup>rd</sup> day of October, 2008.

EASTWOOD CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

By: Jerry Wolman  
 JERRY WOLTMAN, its President

By: Nancy Tomsho  
 NANCY TOMSHO, its Secretary

STATE OF OHIO )  
 )  
COUNTY OF STARK )

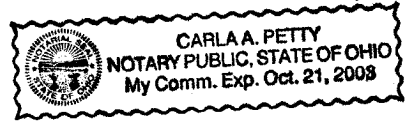
SS

Instr: 200810080044782 10/08/2008  
P: 4 of 4 F: \$48.00  
Rick Campbell 3:11PM COND  
Stark County Recorder T20080038266

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Eastwood Condominium Unit Owners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 4, 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 CANTON, Ohio, this 4<sup>th</sup> day of October, 2008.

Carla A. Petty  
NOTARY PUBLIC



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