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Rick Campbell 3:41PM COND
Stark County Recorder T20140029506

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
BELDEN PARK CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR BELDEN PARK CONDOMINIUM RECORDED AT VOLUME 108, PAGE 109 ET SEQ. OF THE STARK COUNTY RECORDS.

THIS WILL CERTIFY THAT COPIES OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR BELDEN PARK CONDOMINIUM HAVE BEEN FILED IN THE OFFICE OF THE COUNTY AUDITOR, STARK COUNTY, OHIO

DATE: August 11TH, 2014

STARK COUNTY AUDITOR

BY: 
DEPUTY AUDITOR Jason Frost

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
BELDEN PARK CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Belden Park Condominium (the "Declaration") was recorded at Stark County Records, Volume 108, Page 109 et seq., and

WHEREAS, the Belden Park Condominium Association (the "Association") is a corporation consisting of all Unit owners in Belden Park Condominium and as such is the representative of all Unit owners, and

WHEREAS, Declaration Article IX authorizes amendments to the Declaration, and

WHEREAS, Unit owners representing at least 75% of the Association's current voting power have executed instruments 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 Unit owners representing 76.92% of the Association's voting power as of August 1, 2014, and

WHEREAS, the Association has in its records the power of attorney signed by Unit owners representing 76.92% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached as Exhibit A is a certification of the Association's President stating that the Amendment was duly adopted in accordance with the Declaration provisions, 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 Belden Park Condominium is hereby amended by the following:

MODIFY DECLARATION ARTICLE X, SECTION 1 entitled, "Association Responsibility." Said modification, to be made on Page 11 of the Declaration as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows (deleted language is crossed-out; new language is underlined):

The Association shall maintain and repair the Common Elements, but not the Limited Common Elements except as stated below, including and not limited to utility facilities serving more than one Unit, utility lines in the Common Elements, lawns, shrubs, trees, walkways, the patio areas, and all buildings, which are a part of the Common Elements, provided, however, that the Association provide reasonable snow removal from the driveways and front walkways~~shall not be required to perform cleaning of the driveway and patio areas.~~

MODIFY the first two sentences of DECLARATION ARTICLE X, SECTION 2 entitled, "Individual Responsibility." Said modification, to be made on Page 11 of the Declaration as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows (deleted language is crossed-out; new language is underlined):

Each Unit owner shall repair and maintain the Unit or Units, and all components thereof, owned by that Unit owner, along with any Limited Common Element~~including the patio or deck area, driveway (as further described and defined below), and walkway leading to any entrance door to the Unit, any patio or deck for the Unit, or the driveway for the Unit~~and garage appurtenant to a Unit, to the extent not the obligation of the Association (i.e. snow removal from the driveways and front walkways). Without limiting the generality of the foregoing, this repair and maintenance responsibility shall include repair and maintenance of all windows, screens and doors, including the frame, sashes and jambs, and the hardware therefor; ~~and cleaning of the patio and driveway.~~

INSERT three new paragraphs to the end of DECLARATION ARTICLE X, Section 2 entitled, "Individual Responsibility." Said new additions, to be added on Page 11 of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., are as follows:

Except for the reasonable removal of snow the Association is to perform, each Unit owner is responsible to maintain and repair the Limited Common Element driveway area assigned to the Unit owner's Unit as the Board so determines. The Board will determine the driveway area each Unit owner must maintain and repair based on the area of concrete each Unit Owner exclusively uses. If a given driveway area serves more than one Unit but less than all Units, as determined by the Board, the Unit owners sharing in the use of such driveway area will be jointly responsible for the maintenance and repair of the shared driveway area.

In addition, each Unit owner is also responsible to maintain and repair any additional driveway or parking area or patio or deck area installed by the Unit owner or a prior owner of the Unit owner's Unit.

In the event of any uncertainty or good faith dispute as to whether the Association or an individual Unit owner or Unit owners is responsible for the maintenance or repair of any given item, including, without limitation, any driveway or parking area, any patio or deck area, or any walkway, the Board's determination, exercised in good faith, as to whether the particular maintenance or repair to be made is the Association or individual Unit owner's responsibility, is final, provided that such determination must thereafter be consistently followed.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment clarifying Association and individual Unit owner responsibility for the maintenance and repair of the Limited Common Elements. The invalidity of any part of the above provisions does not impair or affect in any manner the validity or enforceability of the remainder of the provisions. Upon the recording of this amendment, only Unit 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 Belden Park Condominium Association has caused the execution of this instrument this 11 day of AUGUST, 2014.

BELDEN PARK CONDOMINIUM ASSOCIATION

By: Dick Robson
DICK ROBSON, its President

By: Bob Kessel
BOB KESSEL, its Treasurer

STATE OF OHIO)
COUNTY OF STARK) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Belden Park Condominium Association, by its President and its Treasurer, 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 hereunto set my hand and official seal in STARK, Ohio, this 11 day of AUGUST, 2014.

Jason C. Saal
NOTARY PUBLIC

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

Place notary stamp/seal here:



Jason C. Saal
Notary Public, State of Ohio
My Commission Expires
April 27, 2018

EXHIBIT A

CERTIFICATION OF PRESIDENT

STATE OF OHIO)
)
COUNTY OF STARK) SS

DICK ROBSON, being the duly elected and acting President of the Belden Park Condominium Association, hereby certifies that the Amendment to the Declaration of Condominium Ownership for Belden Park Condominium was duly adopted in accordance with the provisions set forth in the Declaration for amendments.

Dick Robson
DICK ROBSON, President

BEFORE ME, a Notary Public in and for said County, personally appeared the above named DICK ROBSON 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 STARK, Ohio, this 11 day of AUGUST, 2014.

Jason C Saal
NOTARY PUBLIC

