

Kaman & Cusimano, LLC
ATTORNEYS AT LAW

(888) 800-1042
OHIOCONDOLAW.COM
OHIOHOALAW.COM

Janice E. Zupon, Esq.
50 Public Square, Suite 2000
Cleveland, Ohio 44113

October 24, 2017

RECEIVED OCT 26 2017

Belden Park Condominium
c/o Caitlin Cheatwood, Property Manager
Grace Property Services, LLC
1375 South Main Street, Suite 201
North Canton, Ohio 44720

Re: Capital Contribution Amendment

Dear Ms. Cheatwood:

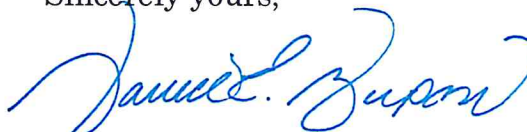
Enclosed, please find the *original*, fully executed and recorded Amendment to the Declaration of Condominium Ownership for Belden Park Condominium. The Amendment was filed with the Stark County Recorder's Office on September 21, 2017, at Instrument No. 201709210039880. The Amendment became binding and effective on the date it was filed. Please keep the original Amendment in the Association's *permanent* file.

The entire Amendment document must be copied and delivered to every owner, including the Board members. Please include with the Amendment document a cover letter to each owner that advises them that the Amendment should be filed with their copy of the Declaration and Bylaws and that they must pass the documents on to any future buyer of their unit.

Now that the Amendment has been recorded and delivered to the Association, our work on this matter is complete and I have closed our file accordingly.

It has been my pleasure to work together with the Association on this matter. Should you or any of the Board members wish to further discuss this matter, please do not hesitate to telephone me.

Sincerely yours,


JANICE E. ZUPON

JEZ: sh

Enclosure

cc: All Board Members (via electronic mail only)

CLEVELAND
Terminal Tower
50 Public Square, Suite 2000
Cleveland, Ohio 44113
(216) 696-0650
(216) 771-8478 Telefax



COLUMBUS
OfficePointe at Polaris
470 Olde Worthington Road, Suite 460
Columbus, Ohio 43082
(614) 882-3100
(614) 882-3800 Telefax



Instr: 201709210039880
P: 1 of 6 F: \$64.00 9/21/2017
Rick Campbell 2:59 PM COND
Stark County Recorder T20170033215

AMENDMENT 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. FOR THE STARK COUNTY RECORDS.

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

DATE:

Sept 21, 2017
STARK COUNTY AUDITOR

BY:

[Signature]
~~DEPUTY~~ AUDITOR

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
BELDEN PARK CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Belden Park Condominium (the "Declaration") and the Bylaws of Belden Park Condominium Association (the "Bylaws"), attached to and made a part of the Declaration, were 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 Bylaws Article X authorizes amendments to the Bylaws, 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 78% of the Association's voting power as of August 28, 2017, and

WHEREAS, the Association has in its records the power of attorney signed by Unit owners representing 78% 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 and Secretary stating that the Amendment was duly adopted in accordance with the Declaration provisions, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Belden Park Condominium is amended by the following:

INSERT a new DECLARATION ARTICLE XVI, SECTION 3(d) entitled, "Capital Contribution." Said new addition, to be added to Page 17 of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows:

(d) Capital Contribution. After the recording of this Amendment with the Stark County Recorder's office, each purchaser of a Unit, regardless of how title is acquired, except as provided below, will be required to make, at the time such purchaser acquires title to a Unit, a one-time "Capital Contribution" to the Association in the amount of two times the monthly share of common expenses attributable to the Unit. The Capital Contribution is not an escrow or advance and is not refundable. The Capital Contribution is due and collectible from the Unit purchaser at the time of transfer of record title of the Unit and is considered late if not paid within 30 days of the purchaser's acquisition of title to the Unit. Notwithstanding the above, the one-time Capital Contribution assessment does not apply, and will not be collected, in the following limited circumstances:

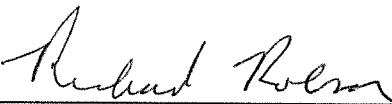
1. If there is a record title transfer between a current Unit owner and that Unit owner's family trust where the trustee or beneficiary of the trust is the Unit owner or where the trustee or beneficiary is an immediate family member of the Unit owner; or
2. If a Unit is refinanced in the name of the current Unit owner; or
3. If a current Unit owner records a deed or other conveyance for the sole purpose of adding the name of a family member(s) to the legal title of the Unit; or
4. If a current Unit owner directly transfers recorded title of a Unit to a family member(s); or
5. In the event of the death of a Unit owner, if the title of the Unit is transferred to a family member(s) of the Unit owner through a probate estate, trust or other legal vehicle or instrument of inheritance; or


6. If the Unit owner records a deed for the purpose of reflecting a personal name change created by marriage or other legal means.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this creation of a one-time, flat Capital Contribution to be paid by Unit owners upon acquisition of title to a Unit. 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 Unit owners of record at the time of such filing have standing to contest the validity of this 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 this amendment.

The Belden Park Condominium Association has caused the execution of this instrument this 11th day of September, 2017.

BELDEN PARK CONDOMINIUM ASSOCIATION

By: 
RICHARD ROBSON, its President

By: 
PAM ROBSON, its Secretary

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 Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 6, 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.

I have set my hand and official seal in Stark, Ohio, this 11th day of September, 2017.


NOTARY PUBLIC

Place notary stamp/seal here:



Caitlin D Cheatwood
Notary Public
State of Ohio
My Commission Expires
Sept 28th 2020
Recorded in Stark County

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

