

WAYNE COUNTY, OHIO

9-1-2015

TRANSFER NOT NECESSARY  
JARRAL L. UNDERWOOD, AUDITOR

BY *JoAnna Hatten* DEPUTY

*JoAnna Hatten*

NOTATED

201500009594  
Filed for Record in  
WAYNE COUNTY OHIO  
JANE CARMICHAEL, RECORDER  
09-01-2015 At 10:44 am.  
DECL/BYLAWS 68.00  
OR Book 806 Page 2274 - 2279

201500009594  
KAMAN & CUSMANO  
2000 TERMINAL TOWER  
50 PUBLIC SQUARE  
CLEVELAND OH 44113

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS RECORDED AT O.R. 489, PAGE 1505 ET SEQ. AND THE BYLAWS OF THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUM ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 201200009219 OF THE WAYNE COUNTY RECORDS.

O.R. Vol. 717 Page 936

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for The Groves at The Villages of Wetherington Condominiums (the "Declaration") was recorded at Wayne County Records O.R. 489, Page 1505 et seq. and the Bylaws of The Groves at the Villages of Wetherington Condominium Association, Inc., attached to and made a part of the Declaration, (the "Bylaws") were recorded at Wayne County Records Instrument No. 201200009219, and

WHEREAS, Ohio Revised Code Section 5311.05(E)(1) authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311"), and

WHEREAS, each of the changes set forth in these Amendments are based on, made pursuant to, or in accordance with Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration of Condominium Ownership for The Groves at The Villages of Wetherington Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Groves at The Villages of Wetherington Condominiums is amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Fines" will be replaced with the term "Enforcement Assessments."
- (2) DELETE DECLARATION ARTICLE IX, entitled "AGENT FOR SERVICE," in its entirety. Said deletion is to be made on Page 14 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq.

INSERT a new DECLARATION ARTICLE IX, entitled "AGENT FOR SERVICE." Said new addition to be added on Page 14 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq., is as follows:

## ARTICLE IX

### AGENT FOR SERVICE

The Board will designate the Person to receive service of process for the Association. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(3) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION 5(b). Said new addition, to be added on Page 22 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq., is as follows:

The Association has a lien upon each Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(4) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION 5(a). Said new addition, to be added on Page 22 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq., is as follows:

The Association will credit payments made by a Unit Owner in the following order of priority:

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;
- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(5) INSERT a new DECLARATION ARTICLE XVI, SECTION 5(i). Said new addition, to be added on Page 23 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq., is as follows:

(i) When a Unit Owner is delinquent in the payment of assessments for more than 30 days, the Board may, by a majority vote, suspend the privileges of the owner and/or right of the Occupants to use the recreational facilities.

(6) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION 3(c), entitled "Special Individual Unit Assessments." Said new addition, to be added on Page 21 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq. is as follows:

The Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

(7) INSERT a new PARAGRAPH to DECLARATION ARTICLE VIII, SECTION 4, entitled "Board of Directors." Said addition, to be added to Page 13 of the Declaration, as recorded at Wayne County Records, O.R. 489, Page 1505 et seq., and as amended at Instrument No. 201200009219, is as follows: (deleted language is crossed out; new language is underlined)

Each Director must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one Unit may be represented by more than one Person on the Board at any one time. If a Unit Owner is not an individual, that Unit Owner may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Unit Owner.

(8) INSERT a new PARAGRAPH (m) to BYLAWS ARTICLE IV, SECTION 14, entitled "Powers." Said new addition to be added on Page 6 of the Bylaws, attached to and made a part of the Declaration, as recorded at Wayne County Records, Instrument No. 201200009219, is as follows:

- (m) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:
- (i) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;
  - (ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, or administrative action or proceeding that is in the name of, or threatened against, the Association, the Board, or the Condominium Property, or that involves two or more Unit Owners and relates to matters affecting the Condominium Property;
  - (iii) Grant easements, leases, licenses, and concessions through or over the Common Elements;
  - (iv) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners; and
  - (v) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the Occupants of that Unit or another Unit.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendments. The invalidity of any part of the above provision will not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of these amendments, only Unit Owners of record at the time of such filing have standing to contest the validity of these amendments, 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 amendments.

The Groves at the Villages of Wetherington Condominium Association, Inc. has caused the execution of this instrument this 24 day of AUGUST, 2015.

THE GROVES AT THE VILLAGES OF WETHERINGTON CONDOMINIUM ASSOCIATION, INC.

By: [Signature]  
BOB BATKE, its President

By: [Signature]  
JANIS CARLSON, its Secretary

STATE OF OHIO )  
                                  ) SS  
COUNTY OF WAYNE )


BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Groves at the Villages of Wetherington Condominium Association, Inc., by its President and its Secretary, 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 them personally and as such officers.

IN WITNESS WHEREOF, I have set my hand and official seal in Wooster, Ohio, this 24<sup>th</sup> day of August, 2015.

[Signature]  
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:

TIFFANY DONNELLY  
Notary Public, State of Ohio  
My Comm. Expires Jan. 30, 2017  
Recorded in Wayne County