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Rick Campbell 10:59 AM COND
Stark County Recorder T20190035356

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. OF 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 27, 2019

STARK COUNTY AUDITOR

BY: [Signature]

DEPUTY AUDITOR

Alan Harold

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
BELDEN PARK CONDOMINIUM**

RECITALS

A. 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.

B. 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.

C. Declaration Article IX authorizes amendments to the Declaration and Bylaws Article X authorizes amendments to the Bylaws.

D. Unit owners representing at least 75 percent of the Association's current voting power, have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").

E. As of August 21, 2019, Unit owners representing 75.64 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.

F. 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 in all material respects.

G. The Association has complied with the proceedings necessary to amend the Declaration and Bylaws, as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws, in all material respects.

AMENDMENT

The Declaration of Condominium Ownership for Belden Park Condominium is amended by the following:

DELETE DECLARATION ARTICLE VII, SECTION 4 entitled, "Board of Directors," in its entirety. Said deletion to be taken from Page 8 of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq. and as amended at Instrument No. 200704090018716.

INSERT a new DECLARATION ARTICLE VII, SECTION 4 entitled, "Board of Directors." Said new addition, to be added to Page 8 of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., and as amended at Instrument No. 200704090018716, is as follows:

Section 4. Board of Directors. The Board and officers of the Association, elected as provided in the Bylaws, will exercise the powers, discharge the duties, and be vested with the rights of the Association conferred by operation of law, Bylaws, and this Declaration, unless a vote of the Unit owners is specifically required; provided, however, that in the event any such power, duty, or right will be deemed exercisable or dischargeable by, or vested in, an officer or member of the Board, solely in their capacity as an officer or a member of the Board, they will be deemed to act in such capacity to the extent required to authenticate their acts and to carry out the purposes of this Declaration and Bylaws.

DELETE BYLAWS ARTICLE IV, SECTION 1 entitled, "Initial Directors," in its entirety. Said deletion to be taken from Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq.

INSERT a new BYLAWS ARTICLE IV, SECTION 1 entitled, "Number and Qualification." Said new addition, to be added to Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows:

Section 1. Number and Qualification.

The Board of Directors will consist of five persons.

(a) Each Board member must be a Unit owner or the spouse of a Unit owner.

(b) If a Unit owner is not an individual, the Unit owner may nominate any principal, member of a limited liability company, partner, director, officer, or employee of that Unit owner to serve on the Board of Directors.

(c) Board members must be in good standing. Good standing requires the Board member not be an adverse party in any litigation involving one or more of the following parties: the Association, the Board or any Board member (in that member's capacity as a Board member). Good standing requires that the Board member not be more than 60 days delinquent in the payment of any fees or Assessments owed to the Association.

(d) Any current Board member not in good standing, as defined above, at the time this amendment is recorded with the Stark County Recorder's Office, has 30 days to become in good standing, otherwise they may be removed by a majority vote of the remaining Board Members, pursuant to Bylaws Article IV, Section 3, as amended.

DELETE BYLAWS ARTICLE IV, SECTION 2 entitled, "Successor Directors," in its entirety. Said deletion to be taken from Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq.

INSERT a new BYLAWS ARTICLE IV, SECTION 2 entitled, "Term of Office; Resignations; Vacancies." Said new addition, to be added to Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows:

Section 2. Term of Office; Resignations; Vacancies.

(a) Each Board member will hold office until the expiration of their designated term and until their successor is elected, or until their earlier resignation, removal from office or death.

(b) All Directors will be elected for a three-year term with staggered elections to facilitate either a 2-2-1 rotation.

(c) Any Board member may resign at any time by oral statement to that effect made at a meeting of the Board or in a writing to that effect delivered to the Secretary or President of the Association, with the resignation taking effect immediately or at such other time as the Board member may specify.

(d) In the event of any vacancy or vacancies on the Board, the remaining Director(s), may appoint an Association member in good standing to fill any vacancy(ies) for the remainder of the unexpired term.

DELETE BYLAWS ARTICLE IV, SECTION 3 entitled, "Removal," in its entirety. Said deletion to be taken from Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq.

INSERT a new BYLAWS ARTICLE IV, SECTION 3 entitled, "Removal of Directors." Said new addition, to be added to Page 2 of the Bylaws, attached to and made a part of the Declaration, as recorded at Stark County Records, Volume 108, Page 109 et seq., is as follows:

Section 3. Removal of Directors.

(a) The Board of Directors may remove any individual Board member and create a vacancy on the Board, if:

(1) the Director files for bankruptcy or has been adjudicated bankrupt;

(2) the Director is or has been convicted of a felony for theft or other theft related crime, including larceny, forgery,

false pretense, fraud, embezzlement, conversion, or any conspiracy related to any such theft related crime, at any time in the past, or convicted of a felony for any other type of crime;

(3) the Director no longer qualifies for serving on the Board as defined in Bylaws Article IV, Section 2;

(4) the Director is physically or mentally incapacitated;

(5) by order of court the Director has been found to be of unsound mind; or

(6) the Director fails to attend three consecutive or a total of four meetings of the Board within a twelve month period.

(b) Unit owners may remove any one or more Board members at any Association meeting duly called at which a quorum is present, with or without cause, by the vote of Unit owners entitled to exercise at least 75 percent of the Association's total voting power. A successor(s) to any removed Director(s) may be elected at the same meeting to serve the unexpired term for each removed Board member(s). Any Director(s), whose removal has been proposed, must have an opportunity to speak and be heard at the meeting prior to the vote of their removal.

Any conflict between these provisions and any other provision of the Declaration or Bylaws will be interpreted in favor of this amendment establishing the procedure for electing five or seven Directors, their qualifications, terms of office, and removal. 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 this amendment, only Unit owners of record at the time of the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment 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 17 day of SEPTEMBER, 2019.

BELDEN PARK CONDOMINIUM ASSOCIATION

By: Richard Robson Jr
RICHARD ROBSON, JR, President

By: Pamela M Robson
PAMELA M. ROBSON, 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 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 this 17 day of SEPTEMBER, 2019.

Jason C Saal
NOTARY PUBLIC

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

Place notary stamp/seal here:



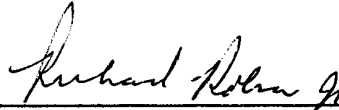
Jason C. Saal
 Notary Public, State of Ohio
 My Commission Expires
 April 29, 2023

EXHIBIT A

CERTIFICATION OF PRESIDENT

STATE OF OHIO)
)
 COUNTY OF STARK) SS

RICHARD ROBSON, JR., being the duly elected and acting President of the Belden Park Condominium Association, 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 in all material respects.



RICHARD ROBSON, JR., President

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **RICHARD ROBSON, JR.** who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this 17 day of SEPTEMBER, 2019.


NOTARY PUBLIC

Place notary stamp/seal here:



Jason C. Saal
 Notary Public, State of Ohio
 My Commission Expires
 April 29, 2023