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AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
WATERFRONT PLACE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR WATERFRONT PLACE CONDOMINIUM  
RECORDED AT DEED 89-0648, PAGE A01 ET SEQ. OF THE MONTGOMERY  
COUNTY RECORDS. PLAT 141-26

**AMENDMENTS TO THE**  
**DECLARATION OF CONDOMINIUM OWNERSHIP FOR**  
**WATERFRONT PLACE CONDOMINIUM**

WHEREAS, the Declaration of Condominium Ownership for Waterfront Place Condominium (the "Declaration") and the Bylaws of Waterfront Place Condominium Association, Inc. (the "Bylaws"), Exhibit "C" to the Declaration, were recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the 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") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Waterfront Place Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Waterfront Place Condominium is hereby amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."
- (4) All references in the Declaration and Bylaws to the term "Fines" shall be replaced with the term "Enforcement Assessments."
- (5) **DELETE DECLARATION ARTICLE XII, SECTION 12.04, entitled "Service of Process,"** in its entirety. Said deletion is to be made on Page 11 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq.

INSERT a new DECLARATION ARTICLE XII, SECTION 12.04, entitled "Service of Process." Said addition, to be made on Page 11 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

**12.04 Service of Process.** The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(6) INSERT a new SECTION 20.05, entitled "Enforcement Assessments," to the end of DECLARATION ARTICLE XX. Said new addition, to be added on Page 23 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

**20.05 Enforcement Assessments.** In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

(7) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE XXI, SECTION 21.05, entitled "Lien of Association." Said new addition, to be added on Page 24 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), 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.

(8) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE XI, SECTION 11.11, entitled "Rental." Said new addition, to be added on Page 11 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by the Association, as the Unit Owner's Agent, in the name of the Unit Owner.

In addition to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Unit Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorney's fees, shall be charged to the Unit Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(9) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE XXI, SECTION 21.01, entitled "General." Said new addition, to be added on Page 23 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall 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.

(10) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE XII, SECTION 12.12, entitled "Special Services." Said new addition, to be added on Page 12 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), 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.

(11) INSERT a new SECTION 11.13, entitled "Owner/Resident Information," to DECLARATION ARTICLE XI. Said new addition, to be added on Page 11 of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

11.13 Owner/Resident Information. In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30)

days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or all occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any person who manages the Unit as an agent of that Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(12) INSERT a new 2<sup>nd</sup> SENTENCE to the end of BYLAWS ARTICLE II, SECTION 2.07, entitled "Regular Meetings." Said new addition, to be added on Page 4 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(13) INSERT a new SENTENCE to the end of BYLAWS ARTICLE V, SECTION 5.02, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 7 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(14) INSERT a new BYLAWS ARTICLE II, SECTION 2.12, entitled "Powers and Duties." Said new additions to be added on Page 4 of the Bylaws, Exhibit "C" of the Declaration, as recorded at Montgomery County Records Deed 89-0648, Page A01 et seq., is as follows:

2.12 Powers and Duties. In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, the Board may exercise all powers of the Association, including the power to do the following:


(a) Hire and fire managing agents, 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;

- (b) 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;
- (c) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;
- (d) Grant Easements, leases, licenses, and concessions through or over the Common Elements;
- (e) 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;
- (f) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, 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 amendments.

IN WITNESS WHEREOF, the said Waterfront Place Condominium Association, Inc. has caused the execution of this instrument this 10<sup>th</sup> day of August, 2006.

**WATERFRONT PLACE CONDOMINIUM ASSOCIATION, INC.**

By:   
**NORMA LAKES, its President**

STATE OF OHIO )  
 ) SS  
COUNTY OF MONTGOMERY )

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Waterfront Place Condominium Association, Inc., by Frank McGee, its President, who acknowledged that he did sign the foregoing instrument, on Page 6 of 7, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Wadsworth, Ohio, this 10<sup>th</sup> day of August, 2006





JOHN G. JANSING, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 O. R. C.

This instrument prepared by:  
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