

Transferred
 In Compliance with sections
 319-202 and 322-02 of the
 Ohio Revised Code.

FEE \$ _____

Exempt:

R.E. TRANSFER: _____

\$ _____
 Richard H. Jeffrey
 Erie County Auditor

Trans. Fees: \$ _____

Date: 5/5/17 By: [Signature]

Per O.R.C. 319.203

Erie County Auditor/Engineer

Date

TRANSFER NOT NECESSARY

Barbara A. Sessler
 County Recorder, Erie County OH

201703923 Total Pages: 8
 05/05/2017 11:34:31 AM Fees: \$80.00

[Signature]

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
MARINA VILLA CONDOMINIUM NO. 1

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
 CONDOMINIUM OWNERSHIP FOR MARINA VILLA CONDOMINIUM NO. 1
 RECORDED AT VOLUME 514, PAGE 477 ET SEQ. OF THE ERIE COUNTY
 RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
MARINA VILLA CONDOMINIUM NO. 1

WHEREAS, the Declaration of Condominium Ownership for Marina Villa Condominium No. 1 (the "Declaration") and the Bylaws of Marina Villa Condominium No. 1, Exhibit B of the Declaration, were recorded at Erie County Records Volume 514, Page 477 et seq., 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 into 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 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 have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Marina Villa Condominium No. 1 is 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" are 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" are replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" are replaced with the term "Board of Directors."

(4) DELETE the LAST SENTENCE in DECLARATION ARTICLE XVIII, SECTION C, entitled "Service of Notice on Board and Service of Process," in its entirety. Said deletion is to be made on Page 25 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq.

INSERT a new SENTENCE to the end of DECLARATION ARTICLE XVIII, SECTION C, entitled "Service of Notice on Board and Service of Process." Said new addition to be added on Page 25 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

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.

(5) INSERT a new DECLARATION ARTICLE XV, SECTION C, entitled "Enforcement Assessments." Said new addition, to be added on Page 23 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

C. Enforcement Assessments. The Board has the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with Chapter 5311, 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.

(6) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE IX, SECTION E, entitled "Lien of Association." Said new addition, to be added on Page 12 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 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.

(7) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XII, entitled "Sale or Rental of Units." Said new addition, to be added on Page

17 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq. , is as follows:

The Association may initiate eviction proceedings to evict any tenant, for any violation of the Declaration, Bylaws, Rules and regulations, or applicable laws, by the tenant, any Occupant of the Unit, or the owner of the Unit. The Association, as the Unit Owner's agent, will bring such action in the name of the Unit Owner(s). In addition to any procedures required by State law, the Association will give the Unit Owner(s) at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be charged to the Unit Owner(s) and the subject of a special Assessment against the offending Unit Owner and made a lien against that Unit.

(8) INSERT a new PARAGRAPH to the end of BYLAWS ARTICLE V, SECTION 1, entitled "Obligation of Owners to Pay Assessments." Said new addition, to be added on Page 10 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 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.

(9) INSERT a new PARAGRAPH to BYLAWS ARTICLE V, SECTION 9, entitled "Remedies for Failure to Pay Assessments." Said new addition, to be added on Page 12 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

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 voting privileges of the owner and the right of the Occupants to use the recreational facilities.

(10) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE IX, SECTION J, entitled "Special Services." Said new addition, to be added on Page 13 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq. is as follows:

J. 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 or resale documentation, and statements of unpaid Assessments.

(11) INSERT a new DECLARATION ARTICLE XI, SECTION L, entitled "Owner/Resident Information." Said new addition, to be added on Page 16 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

L. Owner/Resident Information. Each Unit Owner must, within 30 days of the recording of this Amendment or within 30 days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and 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 Unit Owner. Any change in the information must be provided to the Board, in writing, within 30 days of said change.

(12) MODIFY BYLAWS ARTICLE II, SECTION 1, entitled "Number and Qualifications." Said modification, to be made on Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows: (new language is underlined)

Section 1. Number and Qualifications. The Board of Managers shall consist of not less than three 3 persons nor more than five (5) persons all of which must be members of the Association and a Unit Owner or the spouse of a Unit Owner; provided, however, that during the period Grantor retains control, the Board of

Managers so selected by Grantor need not be members of the Association. 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.

(13) INSERT a new SENTENCE to the end of BYLAWS ARTICLE II, SECTION 7, entitled "Quorum; Adjournment." Said new addition, to be added on Page 5 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

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.

(14) INSERT a new SENTENCE to the end of BYLAWS ARTICLE V, SECTION 2, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 10 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

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.

(15) INSERT a new PARAGRAPH (j) to BYLAWS ARTICLE II, SECTION 8, entitled "Powers and Duties." Said new addition to be added on Page 5 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

(J) 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 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) Adopt Rules that regulate the use or occupancy of Units, the maintenance, repair, replacement, modification, and appearance of Units, Common Elements, and Limited Common Elements when the actions regulated by those Rules affect Common Elements or other Units;

(iv) Grant easements, leases, licenses, and concessions through or over the Common Elements;

(v) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;

(vi) 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; and

(vii) 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 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 Marina Villa Condominium No. 1 Unit Owners' Association, Inc. has caused the execution of this instrument this 18th day of FEBRUARY, 2017.

MARINA VILLA CONDOMINIUM NO. 1 UNIT OWNERS' ASSOCIATION, INC.

By: William Bayer
WILLIAM BAYER, its President

STATE OF OHIO)
) SS
COUNTY OF ERIE)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Marina Villa Condominium No. 1 Unit Owners' Association, Inc., by its President, who acknowledged that he 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 him personally and as such officer.

IN WITNESS WHEREOF, I have set my hand and official seal in Avon, Ohio, this 18th day of February, 2017.

Paula A. Jazwa
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

