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 319-202 and 321-02 of the
 Ohio Revised Code.

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Exempt: ☒

R.E. TRANSFER:

\$ _____

Richard H. Jeffrey
 Erie County Auditor

Trans. Fees: \$ 0

Date: 7.23.19 By: [Signature]

Per O.R.C. 319.203

Erie County Auditor \ Engineer

Date

TRANSFER NOT NECESSARY

Barbara A. Sessler
 County Recorder, Erie County OH

201905881 Total Pages: 13
 07/23/2019 08:51:31 AM Fees: \$120.00

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.

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

RECITALS

A. The Declaration of Condominium Ownership for Marina Villa Condominium No. 1 (the "Declaration") and the Bylaws of Marina Villa Condominium No. 1 (the "Bylaws"), Exhibit B of the Declaration, were recorded at Erie County Records, Volume 514, Page 477 et seq.

B. The Marina Villa Condominium No. 1 Unit Owners' Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Marina Villa Condominium No. 1 and as such is the representative of all Unit Owners.

C. Declaration Article XVI authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws.

D. Unit Owners representing at least 75 percent of the Association's current voting power, based on ownership interests, have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments").

E. As of June 1, 2019, Unit Owners representing 94.67 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendments A and C and authorizing the Association's officers to execute Amendments A and C on their behalf.

F. As of June 1, 2019, Unit Owners representing 92.01 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment B and authorizing the Association's officers to execute Amendment B on their behalf.

G. As of June 1, 2019, Unit Owners representing 79.05 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment D and authorizing the Association's officers to execute Amendment D on their behalf.

H. Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendments will be mailed by regular U.S. mail to all mortgagees on the records of the Association and all Unit Owners once the Amendments are recorded with the Erie County Recorder's Office.

I. Attached as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendments.

J. 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.

AMENDMENTS

The Declaration of Condominium Ownership for Marina Villa Condominium No. 1 is amended by the following:

AMENDMENT A

MODIFY the FIRST SENTENCE in DECLARATION ARTICLE VIII, SECTION B entitled, "Responsibilities of the Association." Said modification, to be made on Page 10 of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows (deleted language is crossed-out; new language is underlined):

Except as otherwise provided herein, the reasonable management, repair, maintenance, replacement, alterations and improvement of the Common Elements, including decks and patios, which includes the deck wall siding, deck flooring, deck knee wall, deck top rails, all patio wall siding, patio privacy walls, and concrete surfaces and stabilizing components reaching to decks over patios, shall will be the responsibility of the Association. Reasonable maintenance, management and repair of decks and patios does not include snow removal and general cleaning.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment making the Association

responsible for the maintenance, repair, and replacement of patios and decks serving the 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.

AMENDMENT B

DELETE BYLAWS ARTICLE I, SECTION 5(a) entitled, "Annual Meeting," in its entirety. Said deletion to be taken from Page 2 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq.

INSERT a new BYLAWS ARTICLE I, SECTION 5(a) entitled, "Annual Meeting." Said new addition, to be added to Page 2 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

(a) Annual Meeting. For the election of Directors, the presentation of reports, and the transaction of such other business as is set forth in the meeting notice, the Association's annual meeting will be held at such time, at such place, and on such date during the second quarter of each calendar year as the Board determines and as stated in the meeting notice.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment changing the date for holding the annual meeting. 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.

AMENDMENT C

DELETE BYLAWS ARTICLE I, SECTION 4 entitled, "Proxies," in its entirety. Said deletion to be taken from Page 1 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq.

INSERT a new BYLAWS ARTICLE I, SECTION 4 entitled, "Voting Methods." Said new addition, to be added to Page 1 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

Section 4. Voting Methods.

(a) Proxies. Members may vote or act in person or by proxy. The person appointed as proxy need not be a member of the Association. Each proxy will be executed in writing by the member entitled to vote or by their duly authorized attorney-in-fact and filed with the Secretary of the Association. A written proxy may be revoked by a later dated appointment of proxy that is received by the Association, or by written notice of revocation of proxy received by the Association or communicated to the Association orally or in writing in an open meeting up to the time the voting or act is closed. The mere presence of the member(s) at a meeting, who has an appointed proxy does not revoke the appointment. Later dated appointments or revocations of a proxy have no effect on any previously taken or previously authorized vote.

(b) Board Election and Ballots. Elections will be held using the following procedure:

(i) Notice of the Annual Meeting of the members, or for a Special Meeting called for the election of members to the Board will be sent to members at least 60 days prior to the meeting. The notice will include the meeting date, time, and location and explain the qualifications for serving on the Board, the number of positions open for election, and their respective terms.

(ii) Not less than 45 days before the Annual or Special Meeting for election, any member, including any current Board member whose term is to expire as of the date of the meeting, who desires to be a candidate for the Board, must submit to the Board a written statement of Acceptance of Nomination signed by the nominated candidate and at least one nominating Association member who does not reside with the candidate. The nominated candidate may also include an informational sheet, no larger than 8 ½ by 11 inches, containing their biographical information and affirming their candidacy. The Board may nominate additional candidates as provided for in Bylaws Article III, Section 11 below.

(iii) Votes for the election of members of the Board will be cast by written ballot, by proxy, electronic transmission in accordance with Declaration Article XVIII Section R(1), or by using the most advanced technology and methods available at that time, provided such use is a generally accepted business practice. If the voting method employed is by written ballot the following procedures apply:

(a) at least 30 days before the date of the Annual or Special Meeting for election, one ballot, one return envelope and the candidates' informational sheets, if any, will be sent to all Association members. If ballots are not sent 30 days or more before the date of scheduled Annual or Special Meeting for election and if there are more candidates than the number of vacancies on the Board to be filled, the Board must reschedule the Annual or Meeting for election at least 30 days, but less than 60 days from the date the ballots are sent to the members.

(b) The ballots will identify the number of Director's positions to be elected and will list the names of each of the nominated candidates. The

return envelope must contain the ballot, which must be signed by the member(s) who receives it. The signature will be used as a record of receipt of the member's ballot as well as to determine quorum. If the ballot is not signed by the member the ballot will not be counted. The returned envelope will contain the signed ballot.

(c) Ballots and the return envelope must be returned no later than the time the Annual Meeting is called to order.

(iv) Prior to the start of the Annual or Special meeting for election:

(a) The Board must appoint an Election Committee consisting of at least three persons, two of whom must be Association members. Members of the Election Committee may not be related to or occupy the Residence of any nominated candidate. The Election Committee is responsible for: verifying the signatures of members; opening the Ballot envelopes; counting each of the ballots and; verifying the results of the election. The Election Committee will provide Ballot results to the chairperson of the Annual meeting. The chairperson will announce the election results prior to the end of the Annual Meeting.

(b) The Board will adopt a procedure for the Election Committee to allow it to verify that no more than one vote per Residence has been cast.

(v) The Election Committee may open envelopes and count ballot votes as soon as the Annual or Special Meeting for election is called to order.

(vi) Ballots received after the Annual or Special Meeting for election is called to order will not be counted and will be invalid.

·DELETE BYLAWS ARTICLE II, SECTION 2 entitled, "Election of Directors; Vacancies," in its entirety. Said deletion to be taken from Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq.

INSERT a new BYLAWS ARTICLE II, SECTION 2 entitled, "Election of Directors; Vacancies." Said new addition, to be added to 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:

Section 2. Election of Directors; Vacancies. Board members will be elected at the annual meeting of members of the Association or at a special meeting called for such purpose. Election to the Board by the members will be by written ballot and conducted in accordance with the other provisions of these Bylaws. At a meeting of the Association's members at which Board members are to be elected, only persons nominated as candidates will be eligible for election as Board members and the candidates receiving the greatest number of votes will be elected. In cases of ties, the winner will be determined by lot. Cumulative voting is not permitted. In the event of the occurrence of any vacancy or vacancies in the Board, however caused, the remaining Board members, though less than a majority of the whole authorized number of Board members, may, by vote of a majority of their number, fill any such vacancy for the unexpired term.

INSERT a new BYLAWS ARTICLE II, SECTION 11 entitled, "Nominations." Said new addition, to be added to Page 1 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:

Section 11. Nominations. Nominations for the election of Directors to be elected by the members will be made in accordance with Bylaws Article II, Section 2 as amended. The number of nominees must at least equal the number of vacancies on the Board that are to be filled. If there are fewer nominees than vacancies, the Board will serve as a nominating committee and must nominate additional member(s) to be elected prior to the absentee ballots being sent to the members so that there are, at all times, a sufficient number of nominees to fill all Board vacancies that are up for election.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment establishing an absentee balloting method for electing members to the Board of Directors. 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 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.

AMENDMENT D

DELETE BYLAWS ARTICLE IV, SECTION 1(k) entitled, "Capital Additions and Improvements," in its entirety. Said deletion to be taken from Page 9 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq..

INSERT a new BYLAWS ARTICLE IV, SECTION 1(k) entitled, "Capital Additions, Alterations, and Improvements." Said new addition, to be added to Page 9 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 514, Page 477 et seq., is as follows:


(k) Capital Additions, Alterations, and Improvements. Notwithstanding anything in these Bylaws or in the Declaration which authorizes expenditures, no single expenditure exceeding 15 percent of that year's estimated budget, as determined in accordance with Bylaws Article V, Section 2 hereinafter, will be made by the Association for any additions, alterations, or improvements (as distinguished from maintenance, repair, or replacement) of the Common Elements, without the prior approval of the members of the Association entitled to exercise a majority of the voting power of all members of the Association present in person or by proxy at an Association meeting duly held for such purpose. If such approval is obtained, the Board will proceed with such additions, alterations or improvements and will assess all Unit Owners for the cost as a common expense. The limitations on expenditures by the Association contained in this Section will not apply to repair of the

Condominium Property due to casualty loss, emergency repairs immediately necessary for the preservation and safety of the Condominium Property, for the safety of persons, to maintain compliance with any applicable local, state or federal codes, ordinances, laws, rules or regulations, or to avoid suspension of any necessary services.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment establishing the capital additions limit as a percentage of the estimated budget and clarifying the applicability of the limit. 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 Marina Villa Condominium No. 1 Unit Owners' Association, Inc. has caused the execution of this instrument this 11 day of July, 2019.

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

By: 
MARIANNE K. SHIFF, President

By: 
DANIEL A. COBB, Secretary

STATE OF OHIO)
COUNTY OF Erie) SS

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 and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 10 of 13, 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 11 day of July, 2019.

Liz Fagan
NOTARY PUBLIC

Place notary stamp/seal here:

LIZ FAGAN
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
ACTING IN THE COUNTY OF Wayne
MY COMMISSION EXPIRES 3/12/2025



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

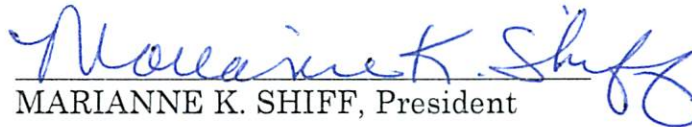
EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
COUNTY OF Erie) SS

MARIANNE K. SHIFF, being first duly sworn, states as follows:

1. She is the duly elected and acting President of the Marina Villa Condominium No. 1 Unit Owners' Association, Inc.
2. She will cause copies of the Amendments to the Declaration to be mailed by regular U.S. mail to all mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association and all Unit Owners once the Amendments are recorded with the Erie County Recorder's Office.


MARIANNE K. SHIFF, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named MARIANNE K. SHIFF who acknowledges that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this 11 day of July, 2019.

Place notary stamp/seal here:

LIZ FAGAN
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
ACTING IN THE COUNTY OF Wayne
MY COMMISSION EXPIRES 3/12/2025


NOTARY PUBLIC

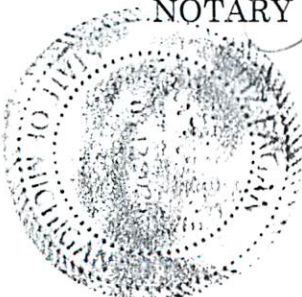


EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
COUNTY OF Erie) SS

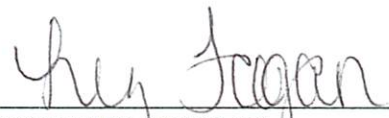
DANIEL A. COBB, the duly elected and acting Secretary of the Marina Villa Condominium No. 1 Unit Owners' Association, Inc., certifies there are no, as the term is used in Declaration Article XVI, "mortgagees" of record on file with the Association as no holders, insurers or guarantors of a mortgage on a Unit have given the Association a written request to receive notice of certain actions or amendments.



DANIEL A. COBB, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named DANIEL A. COBB who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this 11 day of July, 2019.


NOTARY PUBLIC



Place notary stamp/seal here:

LIZ FAGAN
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
ACTING IN THE COUNTY OF Wayne
MY COMMISSION EXPIRES 3/12/2025