


Transferred	
In Compliance with sections 319-209 and 322-02 of the Ohio Revised Code.	
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RE TRANSFER:	
Richard H. Jeffrey Erie County Auditor	
Trans Fees \$	
Date 12/14/2020	By 

Per O.R.C. 319.203

Erie County Auditor Engineer

Date 12/14/2020

TRANSFER NOT NECESSARY

Barbara A. Sessler
County Recorder, Erie County OH

202011869 Total Pages: 16
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AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
MARINA VILLA TOWNHOME CONDOMINIUM NO. 1

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR MARINA VILLA TOWNHOME CONDOMINIUM NO. 1 RECORDED AT VOLUME 519, PAGE 403 ET SEQ. OF THE ERIE COUNTY RECORDS.

RECEIVED
MAY 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

MEMORANDUM FOR THE RECORD
SUBJECT: [Illegible]

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a memorandum with several paragraphs of text.]

Very truly yours,
[Illegible Signature]

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

RECITALS

A. The Declaration of Condominium Ownership for Marina Villa Townhome Condominium No. 1 (the "Declaration") and the Bylaws of Marina Villa Townhome Condominium No. 1 (the "Bylaws"), Exhibit B the Declaration, were recorded at Erie County Records, Volume 519, Page 403 et seq.

B. The Marina Villa Townhome Condominium No. 1 Unit Owners' Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Marina Villa Townhome 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 matter to be modified (the "Amendment").

E. As of October 20, 2020, Unit Owners representing 84.20 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 an Affidavit of the Association's President stating that copies of the Amendment will be mailed by ordinary U.S. mail to all mortgagees on the records of the Association and all Unit Owners once the Amendment is recorded with the Erie County Recorder's Office.

G. Attached as Exhibit B is a certification of the Association's Secretary as to the consenting mortgagees having a bona fide lien of record against any Unit ownership on the records of the Association, to the Amendment.

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

TO : SAC, [illegible]

FROM : [illegible]

SUBJECT: [illegible]

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a memorandum detailing an investigation or report.]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

H. 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 Marina Villa Townhome Condominium No. 1 and the Bylaws of Marina Villa Townhome Condominium No. 1 are amended by the following:

DELETE DECLARATION ARTICLE XIX, SECTION C entitled, "Service of Notice on Board and Service of Process," in its entirety. Said deletion to be taken from Page 26 of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., and as amended at Instrument No. 201501127.

INSERT a new DECLARATION ARTICLE XIX, SECTION C entitled, "Notices and Other Actions and Communications." Said new addition, to be added to Page 26 of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows:

C. Notices and Other Actions and Communications. For all notices to be sent to the Association, the Board, or the Unit Owners, the following provisions apply:

(1) Service of Notices on the Association and Board. All notices required or permitted by the Declaration or Bylaws, to the Association or the Board, must be made in writing and sent either:

(a) by regular U.S. mail, first-class postage prepaid, or

(b) delivered in accordance with Paragraph (c) below, to the Board President, to any two other Directors, to the Association at the address of the Condominium Property, to the Association's manager or management company, if any, the Association's statutory agent registered with the Ohio Secretary of State, or to any other address as the Board may designate by written notice to all Unit Owners.

On receipt of your letter of the 10th inst. regarding the matter of the ...

REPLY

I am sorry to hear that you are having trouble with the ...

I have discussed this matter with the relevant departments and ...

I am sure that you will be satisfied with the solution ...

I am sure that you will be satisfied with the solution ...

I am sure that you will be satisfied with the solution ...

I am sure that you will be satisfied with the solution ...

I am sure that you will be satisfied with the solution ...

Yours faithfully,

(2) Service of Notices on Unit Owners. All notices required or permitted by the Declaration or Bylaws to any Unit Owner will be in writing and is deemed effectively given if it has been sent by one of the following methods:

(a) personally delivered to the Unit Owner;

(b) placed under or attached to the front or main entry door of the Unit Owner's Unit;

(c) sent by regular U.S. mail, first-class postage prepaid, to the Unit Owner's Unit address or to another address the Unit Owner designates in writing to the Board; or

(d) delivered in accordance with Paragraph (3) below. If there is more than one person owning a single Unit, a notice given to any one of those several persons is deemed to have been given personally to all of the persons owning an interest in the Unit.

(3) New Communication Technologies.

(a) Due to the ongoing development of new technologies and corresponding changes in business practices, to the extent permitted or approved by the Board, as well as by Ohio and federal law, now or in the future, in addition to the methods described in Paragraphs (1) and (2) above, the following may be accomplished using electronic mail or other transmission technology available at that time that is a generally accepted business practice:

(i) any notice required in the Declaration or Bylaws to be sent or received;

(ii) any signature, vote, consent, or approval required to be obtained; and

(iii) any payment required to be made by the Declaration or Bylaws.

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(b) The use of electronic mail or other transmission technology is subject to the following:

(i) The Association may use electronic mail or other transmission technology to send any required notice only to Unit Owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Unit Owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices, including any notice of delinquency of any payment due, by either of the methods identified in Paragraph (2)(a)-(c) above.

(ii) For voting on matters, including the election of Board members, the process for which is outlined separately in these Bylaws, the Association may provide for voting by electronic mail or other transmission technology.

(iii) An electronic mail or transmission technology to a Unit Owner is not considered delivered and effective if the Association's transmission to the Unit Owner fails two consecutive times, e.g. the Association receives an "undeliverable" or similar message, or the inability to deliver the transmission to the Unit Owner becomes known to the person responsible for sending the transmission. If the electronic mail or transmission is not delivered or effective, the Association will deliver the notice or other communication to the Unit Owner by either of the methods identified in Paragraph (2)(a)-(c) above.

(4) Service of Process. 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.

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 519, Page 403 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 519, Page 403 et seq., is as follows:

Section 4. Voting Methods. Prior to sending the notice for any meeting, as required by Bylaws Article I, Section 5(c), as amended, and depending on the conduct of the meeting as determined by the Board in accordance with Bylaws Article I, Section 5(f), as amended, voting will be conducted via one of the following methods:

(a) Voting in Person or by Proxy. For meetings that are held in person and provide for physical attendance, members may vote 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 and must be returned to the Association by regular mail, hand delivery, electronic mail, or other method of delivery provided for or permitted by the Board. Every proxy will automatically cease upon conveyance of the Unit by the member.

(b) Voting by Mail and Electronic Voting Technology. For meetings that are held via Authorized Communications Equipment, voting will be conducted by mail or through the use of Electronic Voting Technology that is approved by the Board.

"Authorized Communications Equipment," as used in these Bylaws, means any communications equipment that is selected by the Board, in its sole discretion, that provides an electronic communication transmission, including but not limited to, by telephone, video conference, or any electronic means, from which it can be determined that the transmission was authorized by, and accurately reflects the intention and participation of, the member. "Electronic Voting Technology" as used in these Bylaws, means an electronic voting system that accurately and securely records the voting member's intent to cast a ballot on a matter in the way identified by the member, and provides for the counting of electronic votes submitted, including by means of internet, application, web, virtual, or other electronic technology.

All matters to be voted on at a meeting utilizing Authorized Communications Equipment must be sent to the members no later than the date the meeting notice is sent to the members in accordance with Bylaws Article I, Section 5(c), as amended. Voting via mail or by use of Electronic Voting Technology is considered to be voting at the meeting, as if the member were physically present.

(c) Voting in Person, by Proxy, by Mail, and by Electronic Voting Technology. For meetings that are held in person and provide for physical attendance, voting may be conducted in person or by proxy, as provided for in Bylaws Article I, Section 4(a) above, and in addition, the Board may authorize the members to vote by mail or Electronic Voting Technology as provided for in this Bylaws Article I, Section 4(b) above.

Any ballots, regardless of method, received subsequent to the calling of the vote at the meeting will be held invalid. Any costs associated with voting, including mailing costs, printing, Authorized Communications Equipment and Electronic Voting Technology costs and subscriptions, are Common Expenses. The Board may adopt any additional regulations, procedures, or rules as may be necessary to effectuate the intent and purpose of this voting provision to provide for the use of the desired voting method.

DELETE BYLAWS ARTICLE I, SECTION 5(c) entitled, "Notices of Meetings," 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 519, Page 403 et seq.

INSERT a new BYLAWS ARTICLE I, SECTION 5(c) entitled, "Notices of Meetings." Said new addition, to be added to Page 2 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows:

(c) Notices of Meetings. Written notice of each meeting of members will be given by, or at the direction of, the Secretary or person authorized to call the meeting, delivered in accordance with Declaration Article XIX, Section C, as amended, at least fifteen days before the meeting, to each member entitled to vote at the meeting, addressed to the member's address last appearing on the books of the Association, or supplied by the member to the Association for the purpose of notice. The notice will specify the place, day and hour of the meeting, and in the case of a special meeting, the specific purposes of the

meeting, and in the case of special meetings called by the members, the specific motion or motions (other than procedural) to be voted upon.

If the meeting is held via Authorized Communications Equipment, the meeting notice must include any applicable links, access codes, password, telephone numbers, and/or other pertinent information that is necessary to allow the member to participate at the meeting via the Authorized Communications Equipment.

The attendance of any member of the Association at any meeting without protesting, prior to the commencement of the meeting, the lack of proper notice will be deemed to be a waiver by the member of notice of the meeting.

MODIFY BYLAWS ARTICLE I, SECTION 5(d) entitled, "Quorum." Said modification, to be made on Pages 2-3 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows (deleted language is crossed-out; new language is underlined):

(d) Quorum; Adjournment. Except as may be otherwise provided by law or by the Declaration ~~or these Bylaws~~, at any meeting of the members of the Association, the members of the Association entitled to exercise a majority of the voting power of the Association present either in person or by proxy at a physical meeting providing for in person attendance or that attend by using the method of Authorized Communications Equipment approved by the Board for meetings that are held via Authorized Communications Equipment, shall ~~constitutes~~ a quorum for ~~such the~~ meeting; provided, however, that no action required by law, by the Declaration, or by these ~~By-Laws~~ Bylaws to be authorized or taken by a designated percentage of the voting power of the Association may be authorized or taken by a lesser percentage; and provided further, that the members of the Association entitled to exercise a majority of the voting power represented at a meeting of members, whether or not a quorum is present, may adjourn ~~such the~~ meeting from time to time; if any meeting is adjourned, notice of ~~such~~ adjournment need not be given if the time and place to which ~~such the~~ meeting is adjourned are fixed and announced at ~~such the~~ meeting. Ballots submitted via mail or by Electronic Voting Technology also will count that Unit towards the quorum. The Board of Directors may adopt procedures and guidelines to permit the Association to verify that the person attending, either in person or by Authorized Communications

Equipment, is a member that is eligible to vote and to maintain a record of any vote.

INSERT a new BYLAWS ARTICLE I, SECTION 5(e) entitled, "Conduct of Meetings." Said new addition, to be added to Page 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows:

(e) Conduct of Meetings. Prior to the meeting notice being sent to the members in accordance with Bylaws Article I, Section 5(c), as amended, the Board will determine whether the meeting will be conducted physically so that the members may attend in person, or by the use of Authorized Communications Equipment.

If Authorized Communications Equipment is used, the persons utilizing the Authorized Communications Equipment must have the ability to communicate with the other participants to indicate their motion, vote, or statement, provided that the president, chair, or other person designated by the Board moderating the meeting, may silence or mute the Authorized Communications Equipment utilized by members to attend the meeting, unless the member is voting or has been recognized by the meeting chair or moderator to participate in the meeting. The meeting chair or moderator has the authority to decide and determine all procedural motions or other procedural matters to be decided at the meeting, including points of order and adjournment. The Board's purpose or reason for not conducting an in person meeting and instead having a meeting via Authorized Communications Equipment must be documented in the Board's meeting minutes.

MODIFY BYLAWS ARTICLE I, SECTION 7 entitled, "Actions Without a Meeting." Said modification, to be made on Paged 3 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows (deleted language is crossed-out; new language is underlined):

Section 7. Actions Without a Meeting. All actions which may be taken at a meeting of the Association, except an action for the election and removal of a Board member as provided for in these Bylaws, may be taken without a meeting with the approval of, and in a writing or writings signed by the members of the Association or through the use of electronic ballots utilizing Electronic Voting Technology having the percentage of voting power required to take such the action if the same were taken for a

meeting. ~~Such~~ The writing or writings or copies of electronic records shall ~~will~~ be filed with the Secretary of the Association.

DELETE BYLAWS ARTICLE II, SECTION 2 entitled, "Election of Directors; Vacancies," in its entirety. Said deletion to be taken from Pages 3-4 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq.

INSERT a new BYLAWS ARTICLE II, SECTION 2 entitled, "Nominations, Elections, and 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 519, Page 403 et seq., is as follows:

Section 2. Nominations, Elections, and Vacancies. The procedures as outlined below apply:

(a) Nominations. When all members are voting only in person or by proxy at the meeting (no members are permitted to vote before the meeting by mail-in or electronic ballot), candidates may submit their name to the Association prior to the meeting to be placed on the ballot. Nominations may also be taken from the floor. Only persons nominated as candidates and satisfy the qualifications for Board members set forth in these Bylaws are eligible for election.

When members are permitted to vote by mail-in or electronic ballot, nominations for the election of Directors must be made by a nominating committee, or if the Board fails to appoint a nominating committee, by the Board itself. The nominating committee, or Board, will make as many nominations for election to the Board as it, in its discretion, determines, but no fewer than the number of vacancies that are to be filled and will verify that the nominees satisfy all qualification requirements of Bylaws Article II, Section 1, as amended. Prior to the meeting, the nominating committee will establish a process and deadlines by which any member may submit their name to the nominating committee as a candidate, and the nominating committee must nominate that member if that member satisfies all the qualifications to be a Director as further provided for in Bylaws Article II, Section 1, as amended. If there are fewer nominees than vacancies, the nominating committee must nominate additional member(s) to be elected prior to the 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.

Nominations must be made prior to the notice of any meeting where Directors are to be elected is sent in accordance with Bylaws Article I, Section 5(c), as amended, so that the voting information containing all the candidates' names and an informational sheet, within size limitations determined by the Board, containing their biographical information and affirming their candidacy, can be transmitted to the members no later than the sending of the meeting notice.

(b) Election of Directors. Unless there are no more nominees than vacancies, election to the Board by the members is by secret ballot, submitted either in person, by proxy, by mail, or by Electronic Voting Technology, as determined by the Board pursuant to Bylaws Article I, Section 4 as amended. The Association is not required to send ballots to the members via any method if there are an equal number of nominations as there are candidates, and the terms for all open positions are equal; in which case the nominated candidates will automatically be elected to the Board of Directors at the election meeting.

Regardless of the voting method, the Board must adopt rules and safeguards to determine a method by which the secrecy of the ballots are maintained for those members while also maintaining the integrity of the voting process to ensure each member has only exercised their allotted vote once so that any other individuals can only identify that a Unit has voted, and not how a Unit has voted. The ballots, whether electronic or written, will list the number of Director positions up for election and list the names of all of the nominated candidates.

If voting by mail, ballots must be submitted within dual envelopes. One of the two envelopes must contain the ballot itself, the "Ballot Envelope." The Ballot Envelope need not be signed. The second envelope must contain the Ballot Envelope and the ballot, the "Signature Envelope." The Signature Envelope must be signed by the member(s) voting, and will be used as a record of receipt of the Owners' ballot as well as to determine quorum. If the Signature Envelope is not signed by the member(s), the ballot in the Ballot Envelope will not be counted.

For the election of Directors, the members, or their proxies, may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration and these Bylaws. The persons receiving the largest number of votes will be elected. Ties will be determined by lot or flip of a coin by the chair or moderator of the

meeting. Cumulative voting is not permitted.

The nominating committee, or if the Board fails to appoint a nominating committee, the Board itself (excluding any incumbent Directors who are running for re-election), is responsible for (i) confirming all nominated candidates meet the qualifications to serve as a Director, (ii) receiving and verifying any ballots that are cast in person or by mail, (iii) receiving, verifying, and opening any ballots cast using Electronic Voting Technology, (iv) counting each ballot submitted through any voting method, and (v) verifying the results of the election by providing the ballots and results to the chair or moderator of the meeting. The chair or moderator will announce the election results at the meeting to be reflected in the meeting minutes and ensuring the election results are provided to all members no later than fifteen days after the meeting.

DELETE BYLAWS ARTICLE VII, SECTION 2 entitled, "Service of Notices on the Board of Directors," in its entirety. Said deletion to be taken from Page 13 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq.

INSERT a new BYLAWS ARTICLE VII, SECTION 2 entitled, "Notices and Other Actions and Communications." Said new addition, to be added to Page 13 of the Bylaws, Exhibit B of the Declaration, as recorded at Erie County Records, Volume 519, Page 403 et seq., is as follows:

Section 2. Notices and Other Actions and Communications.

All notices required or permitted under the Declaration or Bylaws, to the Association, the Board, or Unit Owners must be delivered in accordance with Declaration Article XIX, Section C, as amended.

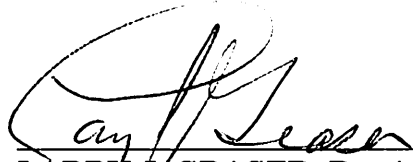
Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment allowing the Association to use electronic communications to the extent permitted by Ohio and Federal law, establishing a method to use mail-in and electronic ballots for voting purposes, and permitting meetings to be conducted utilizing Authorized Communications Equipment. 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 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.

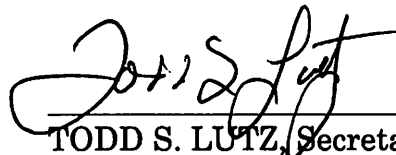
The Marina Villa Townhome Condominium No. 1 Unit Owners' Association, Inc. has caused the execution of this instrument this 21 day of November, 2020.

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

By:


LARRY J. GRASER, President

By:


TODD S. LUTZ, Secretary

STATE OF OHIO)
)
COUNTY OF Eire)


SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named Marina Villa Townhome Condominium No. 1 Unit Owners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 13 of 16, 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 21 day of NOVEMBER, 2020


NOTARY PUBLIC

Place notary stamp/seal here:



DJ KRAFT
Notary Public
State of Ohio

My Commission Expires
March 4, 2024

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

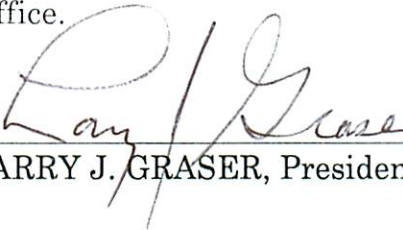
EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF Erie) SS

LARRY J. GRASER, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Marina Villa Townhome Condominium No. 1 Unit Owners' Association, Inc.
2. He will cause copies of the Amendment to the Declaration to be mailed by ordinary 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 Amendment is recorded with the Erie County Recorder's Office.



 LARRY J. GRASER, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named LARRY J. GRASER who acknowledges 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 21 day of NOVEMBER, 2026.



 NOTARY PUBLIC

Place notary stamp/seal here:



DJ KRAFT
 Notary Public
 State of Ohio
 My Commission Expires
 March 4, 2024

EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
)
COUNTY OF Eire) SS

TODD S. LUTZ, the duly elected and acting Secretary of the Marina Villa Townhome Condominium No. 1 Unit Owners' Association, Inc., certifies there are no 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, and therefore, no mortgagees have consented to the Amendment.


TODD S. LUTZ, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named TODD S. LUTZ 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 21 day of NOVEMBER , 20 20


NOTARY PUBLIC

Place my stamp/seal here:
DJ KRAFT
Notary Public
State of Ohio
My Commission Expires
March 4, 2024

