

200200642310
Filed for Record in
GEAUGA COUNTY, OHIO
MARY MARGARET MCBRIDE
11-06-2002 At 11:03 am.
AMEND 30.00
OR Book 1539 Page 380 - 385

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE WOODS AT AUBURN LAKES CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR THE WOODS AT AUBURN LAKES
CONDOMINIUM RECORDED AT VOLUME 1008, PAGE 622 ET SEQ. OF THE
GEAUGA COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR THE WOODS AT AUBURN LAKES CONDOMINIUM**

WHEREAS, the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium (the "Declaration") was recorded at Geauga County Records Volume 1008, Page 622 et seq., and

WHEREAS, The Woods at Auburn Lakes Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in The Woods at Auburn Lakes and as such is the representative of all Unit Owners, and

WHEREAS, Article XII, Section A of said Declaration authorizes amendments to the Declaration, and

WHEREAS, Unit Owners representing in excess of 75.00% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, attached hereto as Exhibit A is a certification of the Association's President that a copy of the Amendment was mailed or hand delivered to all unit owners and all first mortgagees on the records of the Association as well as certification that a least 75% of the Association's voting power affirmatively approved the Amendment, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment, and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 76% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 76% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium is hereby amended by the following:

(I) Notices. All notices required or permitted hereunder, and under the Bylaws and the Act, to the Declarant, the Association, the Board of

Managers and its delegates shall be in writing and shall be sent by ~~registered or certified mail, return receipt requested,~~ regular U.S. mail to the Board of Managers or its delegates at the address of the Condominium Property or to such other address as the Board may designate from time to time by notice in writing to all Unit Owners. All notices to the Declarant shall be sent by registered or certified mail, return receipt requested, to: Auburn Lakes Limited Partnership, 29001 Cedar Road, Cleveland, Ohio 44124, with a copy of same to Dale H. Markowitz, Esq., Thrasher, Dinsmore & Dolan, 100 7th Avenue, Suite 150, Chardon, Ohio 44024-1079, or to such other address as the Declarant or its counsel may designate from time to time by notice in writing to all Unit Owners. All notices to any Unit Owner shall be sent by ~~registered or certified~~ regular U.S. mail to such Unit Owner's Unit address or to such other address as may be designated by him from time to time, in writing, to the Board of Managers. All notices shall be deemed to have been given and therefore effective not later than forty-eight (48) hours after the date that such notice is deposited in the U.S. Mail, except notices of change of address which shall be deemed to have been given when received, and except as otherwise provided herein. Any notice required or permitted to be given any Occupant of a Unit other than a Unit Owner shall effectively be given if hand delivered to such Occupant or placed in his mail box or placed under the door to such Occupant's Unit.

Any conflict between this provision and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting notices by regular U.S. mail. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 31 day of OCTOBER, 2002.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

By: James Berlinski
JAMES BERLINSKI, its President

By: Barbara Miller
BARBARA MILLER, its Secretary

STATE OF OHIO)
)
COUNTY OF GEAUGA) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Woods at Auburn Lakes Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Auburn Township, Ohio, this 31ST day of OCTOBER, 2002.

Laura Dulach
NOTARY PUBLIC

LAURA DULACH
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Comm. Expires Dec. 10, 2005

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified President of The Woods at Auburn Lakes Association, Inc., hereby certifies that:

1. The Association received the signed, written consents of the unit owners representing 76% of the Association's voting power in favor of the Amendment to the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium in accordance with provisions of Article XII, Section A of the Declaration and caused such signed, written consents to be filed with The Woods at Auburn Lakes Association, Inc. corporate records.
2. Accordingly, the Amendment was duly adopted in accordance with the provisions of the Declaration.
3. Copies of the Amendment to the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium were mailed or hand delivered to all unit owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.



 JAMES BERLINSKI, President

STATE OF OHIO)
)
 COUNTY OF GEAUGA) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named JAMES BERLINSKI who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Auburn Township, Ohio, this 31st day of OCTOBER, 2002.



 NOTARY PUBLIC

LAURA DULACH
 Notary Public, State of Ohio
 Recorded in Cuyahoga County
 Comm. Expires Mar. 19, 2005

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of The Woods at Auburn Lakes Association, Inc., hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium.

NONE

Barbara Miller

BARBARA MILLER, Secretary

STATE OF OHIO)
)
COUNTY OF GEAUGA) SS

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Auburn Township, Ohio, this 31ST day of OCTOBER, 2002.

Laura Dulach

NOTARY PUBLIC

LAURA DULACH
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Comm. Expires Mar. 19, 2005