

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

200500712277  
Filed for Record in  
GEAUGA COUNTY, OHIO  
MARY MARGARET MCBRIDE  
02-14-2005 At 01:46 pm.  
AMEND                      60.00  
OR Book 1754 Page 2339 - 2344

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.

**AMENDMENTS 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") and the Bylaws of The Woods at Auburn Lakes Association, Inc. Condominium Owners' Association (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Geauga County Records Volume 1008, Page 622 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 as permitted 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 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) DELETE DECLARATION ARTICLE IV, SECTION (C) entitled "Service of Process," in its entirety. Said deletion is to be made on Page 20 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq.

INSERT a new DECLARATION ARTICLE IV, SECTION (C) entitled "Service of Process." Said addition, to be made on Page 20 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows:

(C) 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.

(5) All references in the Declaration and Bylaws to the term "fines" shall be replaced with the term "penalty assessments."

**DELETE DECLARATION ARTICLE XVII, SECTION (B) entitled "Fines," in its entirety. Said deletion is to be made on Page 43 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq.**

**INSERT a new DECLARATION ARTICLE XVII, SECTION (B) entitled "Enforcement Assessments." Said addition, to be made on Page 43 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows:**

(B) 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.

(6) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE V, SECTION (D), entitled "Lien of Association." Said new addition, to be added on Page 21 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 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.

(7) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION (B), entitled "Unit Owner's Right to Lease Unit." Said new addition, to be added on Page 42 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq.

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.

(8) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE V, SECTION (A), entitled "General." Said new addition, to be added on Page 20 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 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.

(9) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 4, entitled "Special Services." Said new addition, to be added on Page 14 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 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.

(10) INSERT a new 2<sup>nd</sup> SENTENCE to the end of BYLAWS ARTICLE II, SECTION 7, entitled "Regular Meetings." Said new addition, to be added on Page 7 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 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.

(11) 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 16 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 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.

(12) INSERT a new PARAGRAPH (i) to BYLAWS ARTICLE II, SECTION 10, entitled "Powers and Duties," and INSERT new SUBPARAGRAPHS (1), (2), and (3), thereafter. Said new additions to be added on Page 8 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows:

(i) 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:

(1) 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;

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

(3) 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 The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 2 day of FEBRUARY, 2005.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

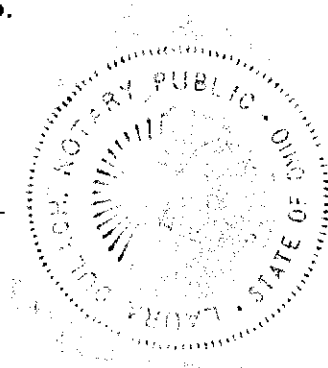
By: Alan Resnik  
ALAN RESNIK, its President

STATE OF OHIO                    )  
  )      SS  
COUNTY OF GEAUGA            )

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Woods at Auburn Lakes Association, Inc., by Alan Resnik, its President, who acknowledged that he did sign the foregoing instrument, on Page 6 of 6, 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 CLEVELAND, Ohio, this 2ND day of FEBRUARY, 2005.

Laura Dulach  
NOTARY PUBLIC



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

This instrument prepared by:  
KAMAN & CUSIMANO, Attorneys at Law  
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