

Instrument Book Page
200800774284 OR 1836 3494

200800774284
Filed for Record in
GEAUGA COUNTY OHIO
GLEN ERIC QUIGLEY
01-22-2008 At 12:49 pm.
AMEND 68.00
OR Book 1836 Page 3494 - 3500

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

WHEREAS, Article XII(A) of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 78.18% of the Association's voting power as of October 8, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 78.18% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that copies of the Amendment will be mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Geauga County Recorder's Office and that the Amendment was duly adopted by Unit Owners in accordance with the Declaration provisions, 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 proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration 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:

MODIFY DECLARATION ARTICLE II(C)(1), entitled "The Association." Said modification, to be made on Page 13 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows (deleted language is crossed-out; new language is underlined):

(1) The Association. The Association shall manage the Common Elements and shall maintain and keep the same in a state of good working order, condition and repair, in a clean, neat, safe and sanitary condition, and in conformity with all laws, ordinances and regulations applicable to the Common Elements, by promptly, properly and in a good and workmanlike manner, making all repairs, replacements, alterations and other improvements necessary to comply with the foregoing. Except as expressly provided for below, the Association shall also reasonably maintain, repair, and replace the Limited Common front sidewalk serving each Unit. The Association shall also be responsible for repairing all damage to a Unit caused by the Association, including damage caused by the performance by the Association of its obligations hereunder. As provided in Article II(B)(6)(c) hereof, the Association may delegate all or any portion of its authority to discharge such responsibility to a manager or Management Company.

MODIFY DECLARATION ARTICLE II(C)(2)(a). Said modification, to be made on Pages 13-14 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows (deleted language is crossed-out; new language is underlined):

(a) To maintain, repair and replace at his expense all portions of his Unit, and all internal installations of such Unit such as appliances, plumbing, electrical and air conditioning fixtures or installations, and any portion of any other utility service facilities located within the Unit boundaries, other than such utility facilities serving other Units, and to assume the same responsibility with respect to the other Limited Common Elements belonging to his Unit, excluding the Limited Common front sidewalk serving each Unit, but including the concrete garage floor and the watering the yard areas adjacent to his Unit or making such water available to the Association, Management Company or their respective contractors, agents and employees. Each Unit Owner is responsible for maintenance, repair, and replacement of all walks, excluding the front sidewalk, serving his/her Unit. ~~Each Unit Owner is responsible for maintenance and repair of the walks serving his Unit, including snow removal from his all walk(s) serving his Unit.~~ Notwithstanding the previous sentence, the Association may contract, on an annual basis, to provide for snow removal from sidewalks and driveways that may be located in the Common Elements and/or the Limited

Common Elements, so long as such services are provided to all such Common Elements and Limited Common Elements. In the event the Association does provide such service, it shall give notice to the Unit Owners as soon as possible after entering into a contract for snow removal service for such purpose.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment making the individual Unit Owners responsible for the maintenance, repair and replacement of garage floors and the Association responsible for the maintenance, repair and replacement of front sidewalks serving the Units. 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 this amendment, 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 amendment.

IN WITNESS WHEREOF, the said The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 18TH day of JANUARY, 2008.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.


By: Edward M. Ryder
EDWARD RYDER, its President


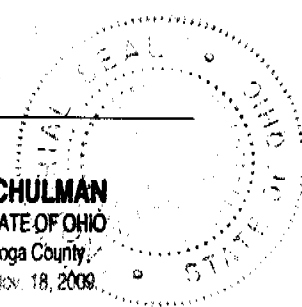
By: Don Wakeman
DON WAKEMAN, its Secretary

STATE OF OHIO)
)
COUNTY OF SEAVGA)
)
) 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 4 of 7, 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, Ohio, this 18th day of JANUARY, 2008.



NOTARY PUBLIC
 **CHARLES K. SCHULMAN**
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
Commission Expires Nov. 18, 2009


This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
COUNTY OF CUYAHOGA)
SS

EDWARD RYDER, being first duly sworn, states as follows:

- 1. He is the duly elected and acting President of The Woods at Auburn Lakes Association, Inc.
2. He caused copies of the Amendment to the Declaration to be 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.
3. The Association received the signed, written consents of Unit Owners representing 78.18% of the Association's voting power in favor of the Amendment to the Declaration in accordance with the provisions of Declaration Article XII(A) and caused such signed, written consents to be filed with the corporate records for The Woods at Auburn Lakes Association, Inc.
4. Further affiant sayeth naught.

Edward M. Ryder
EDWARD RYDER, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named EDWARD RYDER 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, Ohio, this 18th day of January, 2008.

NOTARY PUBLIC



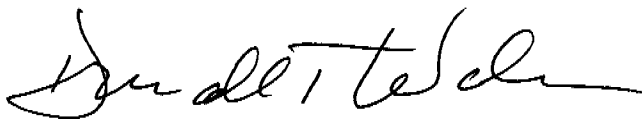
CHARLES K. SCHULMAN
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires Nov. 18, 2009

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.

NONE



DON WAKEMAN, Secretary

STATE OF OHIO)
)
COUNTY OF CLAYTON)

SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named DON WAKEMAN who acknowledged 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 Cuyahoga, Ohio, this 12TH day of JANUARY, 200e.



NOTARY PUBLIC



CHARLES K. SCHULMAN
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires Nov. 18, 2008

