

Instrument Book Page
200900792801 OR 1858 2406

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

200900792801
Filed for Record in
GEAUGA COUNTY OHIO
SHARON C GINGERICH
04-09-2009 At 10:58 am.
RSTS 76.00
OR Book 1858 Page 2406 - 2413

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, 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, Section (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 matters to be modified (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 77.71% of the Association's voting power as of January 23, 2009, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.71% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Unit Owners representing 77.11% of the Association's voting power as of January 23, 2009, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.11% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

WHEREAS, attached hereto as Exhibit A is a certification of the Association's President that copies of the Amendments will be mailed or hand delivered to all unit owners and all first mortgagees on the records of the Association once the Amendments are recorded with the Geauga County Recorder's Office and that Unit Owners representing at least

75% of the Association's voting power affirmatively approved the Amendments, in writing, 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 Amendments, 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:

AMENDMENT A

INSERT a new DECLARATION ARTICLE VII(M). Said new addition, to be added on Page 29 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows:

(M) Occupancy Restriction. A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Condominium Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association shall not, however, be liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the occupancy of 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 the 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.

AMENDMENT B

MODIFY DECLARATION ARTICLE VII(E). Said modification, to be made on Page 28 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):

(E) No animals, birds, rabbits, livestock, fowl, poultry or reptiles of any kind shall be raised, bred, or kept, or maintained for any commercial purpose or animal husbandry purpose in any Unit or in the Common Elements, or in the Limited Common Elements, except that dogs (excluding, however, any dog of vicious breed as further described below), cats, domestic, caged (including bird cages and fish tanks) or other normal household pets may be kept in Units, subject to rules and regulations adopted by the Board, including, without limitation, the right to levy fines and enforcement assessments charges against persons who do not clean up after their pets. Furthermore, pets may not be kept, bred, or maintained for any commercial or animal husbandry purpose; and provided further that any such pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Property subject to these restrictions upon three (3) days' written notice from the Board; and provided further that they are not permitted in any area of the Condominium Property other than the Units unless they are on a leash, being carried, or otherwise transported and they are permitted only on those portions of the Condominium Property as shall have been designated for them by the Board.

The term "household pet" does not include "exotic" animals as defined by the Board from time to time, including, but not limited to any snakes, other reptiles, exotic breeds, or wild hybrids. No Doberman, Rottweiler, Presa Canario, any dog commonly known as a pit bull, and any mixed breeds of the foregoing (collectively "Prohibited Dogs") may be kept, harbored, or permitted to remain on any part of the Condominium Property for any length of time. Any "exotic" animal or Prohibited Dog kept on the Condominium Property prior to the recording of this amendment shall be "grandfathered" and permitted to remain on the Condominium Property until its demise or relocation off the Condominium Property, at which time it may not be replaced. If an animal is considered "exotic" or a Prohibited Dog as determined by the Board, the Owner must obtain and maintain liability insurance of at least \$500,000.00 per occurrence and provide proof of such insurance to the Association within thirty (30) days of any written request from the Board.

A "vicious dog" means a dog that: (1) caused injury, including death, to any person or (2) has killed another dog. Upon the Board's determination that a given dog is a vicious dog, such dog is prohibited from being kept, harbored,

or permitted to remain on any part of the Condominium Property for any length of time.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on pets. 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 in the court of common pleas within one year of the recording of the amendment.

AMENDMENT C

[Intentionally Left Blank - Amendment Proposal Did Not Pass]

IN WITNESS WHEREOF, the said The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 8th day of March, 2009.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

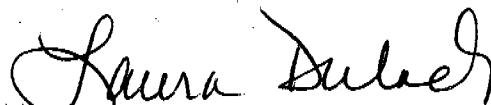
By: Edward M. Ryder
EDWARD RYDER, its President

By: Don Wakeman
DON WAKEMAN, its Secretary

STATE OF OHIO)
)
COUNTY OF 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 5 of 8, 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 Twp , Ohio, this 8th day of MARCH , 2009.



NOTARY PUBLIC

LAURA DULACH
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires May 16, 2010

This instrument prepared by:
KAMAN & CUSIMANO, LLC., Attorneys at Law
2000 Terminal Tower
50 Public Square
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 copies of the Amendments 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.

The undersigned further certifies that the Association received the signed, written consents of Unit Owners representing 77.71% and 77.11%, respectively, of the Association's voting power in favor of the Amendments to the Declaration in accordance with the provisions of Declaration Article XII, Section (A) and caused such signed, written consents to be filed with the corporate records for The Woods at Auburn Lakes Association, Inc.

Edward M. Ryder

EDWARD RYDER, President

STATE OF OHIO)

COUNTY OF Cuyahoga)

SS

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 Solon, Ohio, this 8th day of March, 2009.

Karyn Culver
NOTARY PUBLIC



KARYN CULVER
Notary Public - State Of Ohio
My Commission Expires 12-2-2013

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 Amendments to the Declaration.

NONE



DON WAKEMAN, Secretary

STATE OF OHIO)
)
COUNTY OF Crawford) 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 Auburn Twp., Ohio, this 8th day of MARCH, 2008.



NOTARY PUBLIC

LAURA DULACH
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires May 16, 2010