

Instrument Book Page
201000807967 OR 1878 1614

201000807967
Filed for Record in
GEAUGA COUNTY OHIO
SHARON C GINGERICH,
04-13-2010 At 09:44 am.
RSTS 96.00
OR Book 1878 Page 1614 - 1621

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 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 Bylaws, and

WHEREAS, Unit Owners representing 79% 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 79% of the Association's voting power as of March 10, 2010, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 79% 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 a certification of the Association's President that copies of the Amendment will be mailed or hand delivered to all Unit Owners and mortgagees on the records of the Association once the Amendment is recorded with the Geauga County Recorder's Office and that Unit Owners representing 79% of the Association's voting power affirmatively approved the Amendment, 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 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:

INSERT a new 2nd PARAGRAPH to DECLARATION ARTICLE II, SECTION (B)(1) entitled, "Description of Common Elements." Said new addition, to be added on Page 9 of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is as follows:

At anytime following the recording of this Amendment, the Board may, at its sole discretion and without further vote of the Unit Owners, cause one of the two (2) tennis courts to be removed as a Common Element amenity and landscaped in a manner consistent with the existing Condominium Property. Any further improvement or modification of the tennis court area is subject to the capital improvement requirements set forth in Bylaws Article IV, Section 1(1).

Any conflict between this provision and any other provision of the Declaration, Bylaws, and/or Drawings shall be interpreted in favor of this provision permitting the Board to remove one of the two (2) paved tennis courts. 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.

IN WITNESS WHEREOF, the said The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 7th day of APRIL, 2010.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

By: ~~James C. Berlinski, President~~
JIM BERLINSKI, its President

By: Don Wakeman
DON WAKEMAN, its Secretary

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) 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 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 BEACHWOOD, Ohio, this 7th day of APRIL, 2010.

Laura Dulach

NOTARY PUBLIC

Place notary stamp/seal here:
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

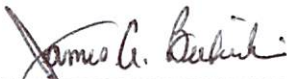
EXHIBIT A

CERTIFICATION OF PRESIDENT

STATE OF OHIO)
COUNTY OF CUYAHOGA) SS

JIM BERLINSKI, 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 to all Unit Owners and mortgagees by 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 79% of the Association's voting power in favor of the Amendment 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..
4. Further affiant sayeth naught.



JIM BERLINSKI, President

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named JIM BERLINSKI who acknowledges that he did sign the foregoing instrument, on Page 6 of 8, and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in BEACHWOOD, Ohio, this 7th day of APRIL, 2010.

Laura Dulach
NOTARY PUBLIC

Place notary stamp/seal here:
LAURA DULACH
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires May 16, 2010



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.

N O N E

Don Wakeman

DON WAKEMAN, Secretary

STATE OF OHIO)
COUNTY OF CUYAHOGA) 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 BEACHWOOD, Ohio, this 7th day of APRIL, 2010.

Laura Dulach

NOTARY PUBLIC

Place notary stamp/seal here:
LAURA DULACH
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Comm. Expires May 16, 2010

