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AMEN 70.00
OR Book 2111 Page 2894

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**

RECITALS

A. 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 the Declaration, were recorded at Geauga County Records, Volume 1008, Page 622 et seq.

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

C. Declaration Article XII, Section (A) authorizes amendments to the Declaration.

D. Unit Owners representing at least 75 percent of the Association's current voting power, based on ownership interests, have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").

E. As of November 23, 2020, Unit Owners representing 78.01 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.

F. Attached as Exhibit A is a certification of the Association's President stating that copies of the Amendment will be mailed or hand delivered to the 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 Unit Owners representing at least 75 percent of the Association's voting power affirmatively approved the Amendment.

G. Attached as Exhibit B is a certification of the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment.

H. The Association has complied with the proceedings necessary to amend the Declaration, as required by Chapter 5311 of the Ohio Revised Code and the Declaration, in all material respects.

AMENDMENT

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

INSERT a new 3rd PARAGRAPH to DECLARATION ARTICLE II, SECTION (B)(1). 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 any time following the recording of this Amendment with the Geauga County Recorder, the Board may, at its sole discretion and without further vote of the Unit Owners, permanently close and remove the small swimming pool, including any and all related installations, buildings, fixtures, components, and improvements (the "swimming pool facility") as a Common Element amenity and landscape the former swimming pool facility in a manner consistent with the existing Condominium Property. Any further improvement or modification of the small swimming pool area is subject to the capital improvement requirements set forth in Bylaws Article IV, Section 1(l).

Any conflict between this provision and any other provision of the Declaration, Bylaws, Drawings, and Plat Maps will be interpreted in favor of this provision permitting the Board to removing the swimming pool facility as a Common Element amenity. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Unit Owners of record at the time of the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The Woods at Auburn Lakes Association, Inc. has caused the execution of this instrument this 8th day of December, 2020.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

By: *Edward M. Ryder*
EDWARD M. RYDER, President

By: *Sylvia Mustonen*
SYLVIA MUSTONEN, 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 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.

I have set my hand and official seal this 8th day of December, 2020.

Nancy R. Herman

NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
50 Public Square, Suite 2000
Cleveland, Ohio 44113
(216) 696-0650
ohiocondolaw.com

Place notary stamp/seal here:



NANCY R. HERMAN
Notary Public, State of Ohio
Commission No. 2015-RE-531433
My Commission Expires
May 27, 2025

EXHIBIT A

CERTIFICATION OF PRESIDENT

STATE OF OHIO)
)
COUNTY OF Geauga) SS

EDWARD M. RYDER, the duly elected and acting President of The Woods at Auburn Lakes Association, Inc., certifies he will cause copies of the Amendment to the Declaration to be mailed by certified mail or hand delivered to all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association once the Amendment is recorded with the Geauga County Recorder's Office.

He also certifies the Association received the signed, written consents of Unit Owners representing at least 75 percent 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).


Edward M. Ryder
EDWARD M. RYDER, President

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

I have set my hand and official seal this 8th day of December, 2020

Nancy R. Herman
NOTARY PUBLIC

Place notary stamp/seal here:




NANCY R. HERMAN
Notary Public, State of Ohio
Commission No. 2015-RE-531433
My Commission Expires
May 27, 2025

EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
)
COUNTY OF Crawford) SS

SYLVIA MUSTONEN, the duly elected and acting Secretary of The Woods at Auburn Lakes Association, Inc., certifies there are no, as the term is used in Declaration Article XII, Section (A), "first mortgagees" of record on file with the Association, as no holders, insurers or guarantors of a first mortgage on a Unit have given the Association a written request to receive notice of certain actions or amendments.



SYLVIA MUSTONEN, Secretary


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

I have set my hand and official seal this 8th day of December, 2020



NOTARY PUBLIC

Place notary stamp/seal here:



NANCY R. HERMAN
Notary Public, State of Ohio
Commission No. 2015-RE-531433
My Commission Expires
May 27, 2025