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AMENDMENTS 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.

**AMENDMENTS 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., Exhibit B of the Declaration (the "Bylaws"), were recorded at Geauga County Records Volume 1008, Page 622 et seq.
- B. Ohio Revised Code Section 5311.05(E)(1)(c) authorizes the Board of Directors (the "Board"), without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration into compliance with this Chapter."
- C. The Board approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311").
- D. Each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311.
- E. The proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

AMENDMENTS

The Declaration of Condominium Ownership for The Woods at Auburn Lakes Condominium is amended by the Board of Directors as follows:

- (1) **INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XVII, SECTION (B).** Said new addition to the Declaration, as recorded at the Geauga County Records, Volume 1008, Page 622 et seq., and as amended at Instrument No. 200500712277, is:

The Board will impose the following enforcement procedure:

- (1) **Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit Owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the owner in writing, that includes:**

- (a) A description of the property damage or violation;
 - (b) The amount of the proposed charge or assessment;
 - (c) A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;
 - (d) A statement setting forth the procedures to request a hearing;
 - (e) A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.
- (2) Hearing Requirements:
- (a) To request a hearing, the Unit Owner must deliver a written notice to the Board not later than the tenth day after receiving the notice required above. If the Unit Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose a charge for damages or an enforcement assessment.
 - (b) If a Unit Owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the Unit Owner with a written notice that includes the date, time, and location of the hearing.
 - (c) The Board will not levy a charge or assessment before holding a properly requested hearing.
- (3) The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.
- (4) Within 30 days following a hearing at which the Board imposes a charge or assessment, the Association will deliver a written notice of the charge or assessment to the Unit Owner.

- (5) The Association will deliver any written notice required above to the Unit Owner or any Occupant of the Unit by personal delivery, by electronic mail, by certified mail, return receipt requested, or by regular mail.

(2) MODIFY THE 1st SENTENCE of the 1st PARAGRAPH of DECLARATION ARTICLE V, SECTION (D). Said modification to the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., and as amended at Instrument No. 200500712277, is: (new language is underlined)

The Association shall have the right to place a continuing lien upon the estate or interest in any Unit of the owner thereof and his percentage of interest in the Common Areas and Facilities for the payment of the portion of the Common Expenses chargeable against such Unit which remains unpaid for ten (10) days after such portion has become due and payable by filing a certificate therefor with the Recorder of Geauga County, Ohio, pursuant to authorization given by the Board of Directors of the Association.

(3) INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE V, SECTION 6. Said new addition to the Bylaws, Exhibit B of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is:

The Association, as determined by the Board, is not required to permit the examination and copying of any of the following from books, records, or minutes that contain any of the following:

(a) Information that pertains to Condominium Property-related personnel matters;

(b) Communications with legal counsel or attorney work product pertaining to pending litigation or other Condominium Property-related matters;

(c) Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;

(d) Information that relates to the enforcement of the Declaration, Bylaws, or Association rules against a Unit Owner;

(e) Information the disclosure of which is prohibited by state or federal law; or

(f) Records that date back more than five years prior to the date of the request.

(4) MODIFY THE LAST SENTENCE of BYLAWS ARTICLE II, SECTION 1. Said modification to the Bylaws, Exhibit B of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is: (deleted language is crossed out; new language is underlined)

No single Unit may be represented on the Board by more than one (1) person at any time. The majority of the Board will not consist of Unit Owners or representatives from the same Unit unless authorized by a resolution adopted by the Board of Directors prior to the Board majority being comprised of Unit Owners or representatives from the same Unit.

(5) INSERT A NEW PARAGRAPH to the end of BYLAWS ARTICLE II, SECTION 9. Said new addition, to the Bylaws, Exhibit B of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is:

In lieu of conducting a meeting, the Board may take action with the unanimous written consent of the Directors. Those written consents will be filed with the Board meeting minutes.

(6) INSERT NEW ITEMS (9) and (10) to the end of DECLARATION ARTICLE XII, SECTION (B). Said new additions to the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., and as amended at Instrument No. 200500712277, are:

... (9) to delete as void, any provision within the Declaration or Bylaws, or in any applicable restriction or covenant, that prohibits, limits the conveyance, encumbrance, rental, occupancy, or use of property subject to Revised Code Chapter 5311 on the basis of race, color, national origin, sex, religion, or familial status; or (10) to permit notices to Unit Owners, as required by the Declaration or Bylaws, to be sent by electronic mail and, if returned undeliverable, by regular mail, provided the association has received the prior, written authorization from the Unit Owner.

(7) MODIFY BYLAWS ARTICLE II, SECTION 10(i)(1). Said modification to the Bylaws, Exhibit B of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., and as amended at Instrument No. 200500712277, is: (deleted language is crossed out; new language is underlined)

(1) Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning 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, impacts zoning, or otherwise—and relates to matters affecting the Condominium Property;

(8) MODIFY the 1st SENTENCE of BYLAWS ARTICLE V, SECTION 3. Said modification to the Bylaws, Exhibit B of the Declaration, as recorded at Geauga County Records, Volume 1008, Page 622 et seq., is: (new language is underlined)

The Association shall create and fund a reasonable working capital fund for contingencies in an amount deemed adequate by the Board to maintain a reserve for the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements in the normal course of operations without the necessity of special assessments, unless the Unit Owners, exercising not less than a majority of the voting power of the Association, waive the reserve requirement in writing annually.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendments. The invalidity of any part of the above provision will not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of these amendments, 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 11 day of JANUARY, 2023.

THE WOODS AT AUBURN LAKES ASSOCIATION, INC.

By:


ALAN RESNIK, President

By:

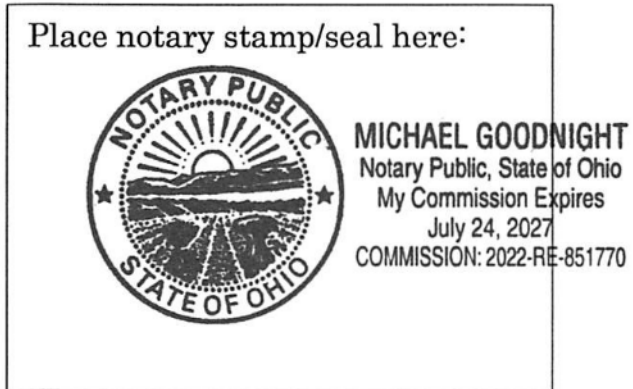

SYLVIA MUSTONEN, Secretary

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 6 of 7, and that the same is the free act and deed of said corporation and the free act and deed of them personally and as such officers.

I have set my hand and official seal this 11th day of January, 2023.

Michael Goodnight
NOTARY PUBLIC



This instrument prepared by:
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