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Bryan A. Long Licking County Recorder

AMENDMENTS TO THE
AMENDED AND RESTATED DECLARATION OF
CONDOMINIUM OWNERSHIP
FOR
THE CONDOMINIUM AT ERINWOOD

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR THE CONDOMINIUM AT ERINWOOD
RECORDED AT VOLUME 540, PAGE 412, ET SEQ. and THE AMENDED AND
RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE
CONDOMINIUM AT ERINWOOD RECORDED AT INSTRUMENT NO.
201801220001342 OF THE LICKING COUNTY RECORDS.

AMENDMENTS TO THE
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
OWNERSHIP FOR
THE CONDOMINIUM AT ERINWOOD

RECITALS

A. The Amended and Restated Declaration of Condominium Ownership for The Condominium at Erinwood (the "Declaration") and the Bylaws of The Condominium at Erinwood Association (the "Bylaws"), attached to and made part of the Declaration, were recorded at Licking County Records, Instrument No. 201801220001342.

B. The Condominium at Erinwood Association (the "Association") is a corporation consisting of all Unit owners in Condominium at Erinwood and as such is the representative of all Unit owners.

C. Declaration Article XIX, Section 1 authorizes amendments to the Declaration and Bylaws Article X authorizes amendments to the Bylaws.

D. Unit owners representing the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendments").

E. As of April 15, 2020, Unit owners representing 75 percent of the Association's voting power have signed and delivered to the Association written consents, along with limited powers of attorney, in favor of Amendment A and authorizing the Association's officers to execute Amendment A on their behalf.

F. As of April 15, 2020, Unit owners representing 80 percent of the Association's voting power have signed and delivered to the Association written consents, along with limited powers of attorney, in favor of Amendment B and authorizing the Association's officers to execute Amendment B on their behalf.

G. Attached as Exhibit A is a Certification of the Association's President and Secretary stating that the Amendments were duly adopted in accordance with the Declaration provisions in all material respects.

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

AMENDMENTS

The Amended and Restated Declaration of Condominium Ownership for The Condominium at Erinwood is amended by the following:

AMENDMENT A

INSERT a new PARAGRAPH (n) to BYLAWS ARTICLE IV, SECTION 12. Said new addition, to be added to Page f of the Bylaws, as recorded at Licking County Records, Volume 540, Page 412 et seq., and restated at Instrument No. 201801220001342, is as follows:

(n) the Board may arrange for the provision of any special services for the benefit of such Unit owners and Occupants as the Board, in its business judgment discretion, desires to pay for same as a common expense, including services for cable, internet, telephone, or other special services or concessions to all Units; any such special service that the Association provides to all Unit will be a common expense that is assessed against all units as part of the operating assessment provided in Declaration Article XV, Section 3(a); if the Board enters into a contract for any such special services that applies to all the Units, the Board may restrict a Unit owner from separately contracting for similar services from another provider or contractor;

In addition, the Board may also arrange for the provisions of special services and concessions for individual Units that a Unit owner may elect to participate in, including services for maintenance, cleaning, or other concessions and services for a Unit; the Board will determine the cost and fees for any such special services and concessions that are elected by the participating Unit owners or Occupants as a special individual unit assessment.

Any conflict between this provision and any other provision in the Declaration and Bylaws will be interpreted in favor of this provision permitting the

Association to contract for special services such as satellite, internet, telephone, or cable service for the Common Elements and the Units as the Board determines. 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.

AMENDMENT B

DELETE DECLARATION ARTICLE XI, SECTION 1(f), in its entirety. Said deletion to be taken from Page 23 of the Declaration, as recorded at Licking County Records Volume 540, Page 412 et seq., and restated at Instrument No. 201801220001342.

INSERT a new DECLARATION ARTICLE XI, SECTION 1(f). Said new addition, to be added to Page 23 of the Declaration, as recorded at Licking County Records Volume 540, Page 412 et seq., and restated at Instrument No. 201801220001342, is as follows:

(f) will include a reasonable deductible as determined by the Board; the Unit owner is responsible for any repairs or expenses up to the amount of any applicable deductible for loss or damage to their Unit and the Association is responsible for all costs and other expenses pertaining to the Common Elements, provided that if a single loss affects multiple portions of the Condominium Property, for example, one or more Units and the Common Elements, the repair costs and expenses not paid for by the insurance proceeds are to be proportionately allocated in relation to the amount each party's claim bears to the total amount of the claim, with the party incurring the larger share of the loss responsible for the larger share of the deductible; the Association may assess the amount of any deductible expense attributable to any Unit(s) to the Unit owner(s) of the affected Unit(s);


Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this provision modifying the deductible requirements for the Association's insurance coverage. 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 Condominium at Erinwood Association has caused the execution of this instrument this 28 day of April, 2020.

THE CONDOMINIUM AT ERINWOOD ASSOCIATION

By: 
RUSSELL W. GRIFFITH, its President

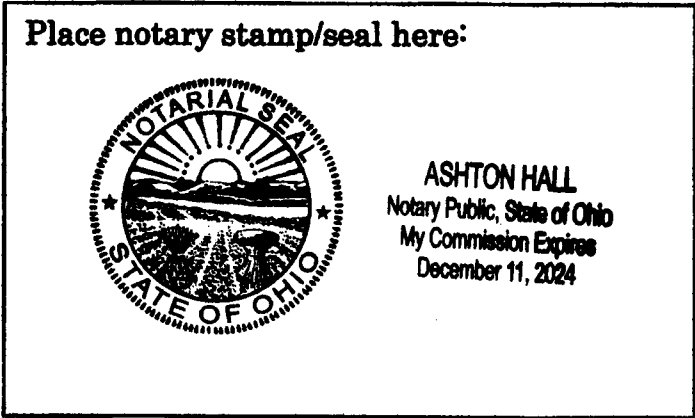
By: 
JOHN D. RALSTON, its Secretary

STATE OF OHIO)
COUNTY OF Licking) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named The Condominium at Erinwood Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 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.

I have set my hand and official seal this 28 day of April, 2020.

Ashton Hall
NOTARY PUBLIC



This instrument prepared by:
KAMAN & CUSIMANO, LLC, Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
ohiocondolaw.com

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

STATE OF OHIO)
COUNTY OF Licking) SS

RUSSELL W. GRIFFITH and JOHN D. RALSTON, being the duly elected and acting President and Secretary of The Condominium at Erinwood Association, certifies that the Amendments to the Amended and Restated Declaration of Condominium Ownership for The Condominium at Erinwood was duly adopted in accordance with the provisions set forth in the Declaration for amendments in all material respects.

Russell Griffith
RUSSELL W. GRIFFITH, President

John D. Ralston
JOHN D. RALSTON, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named RUSSELL W. GRIFFITH and JOHN D. RALSTON who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

I have set my hand and official seal this 28 day of April, 2020.

Ashton Hall
NOTARY PUBLIC

