TRANSFER
NOT NECESSARY

02-27-2025

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT

M JO

MICHAEL STINZIANO
FRANKLIN COUNTY AUDITOR

AMENDMENT TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

HILLIARD HEIGHTS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR HILLIARD HEIGHTS CONDOMINIUM RECORDED AT OFFICIAL RECORD 13673, PAGE A-01 ET SEQ. OF THE FRANKLIN COUNTY RECORDS.

AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR HILLIARD HEIGHTS CONDOMINIUM

RECITALS

A. The Declaration of Condominium Ownership for Hilliard Heights Condominium (the "Declaration"), was recorded at Franklin County Records Official Record 13673, Page A-01 et seq.

B. Section 5311.05(E)(1)(b) of the Ohio Revised Code authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to meet the requirements of insurance underwriters."

C. Attached as Exhibit "A" is a letter from the Association's insurance agent stating there is no insurance policy available on the admitted insurance market that complies with the Association's current insurance deductible requirement, as set forth in the Declaration Article XI, Section 1(f), making a higher minimum deductible required by insurance underwriters.

D. In accordance with Section 5311.05(E)(1)(b), the Board of Directors approved the following matter to be modified (the "Amendment") to bring the Declaration into compliance with the requirements of insurance underwriters.

E. Attached as Exhibit B is a certification of the Association's President and Secretary stating that that the Amendment was approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(b).

F. The proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

AMENDMENT

The Declaration of Condominium Ownership for Hilliard Heights Condominium is amended by the Board of Directors as follows:

(1) MODIFY DECLARATION ARTICLE XI, SECTION 1(f). Said modification to the Declaration is: (deleted language is crossed out; new language is underlined)

(f) shall have a deductible amount no greater than the lesser of ~~ten~~ twenty-five thousand dollars or one percent of the policy face amount;

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 limit for the Association's property 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, provided further that any challenge must be brought in the court of common pleas within one year of the recording of this amendment.

[SIGNATURES TO FOLLOW]

The Hilliard Heights Condominium Association has caused the execution of this instrument this 24th day of FEBRUARY, 2025.

HILLIARD HEIGHTS CONDOMINIUM ASSOCIATION

By: _____
JENNIFER L. EICHER, President

STATE OF OHIO)
) **SS**
COUNTY OF Franklin)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named Hilliard Heights Condominium Association, by its President, who acknowledged that she 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 her personally and as an officer.

I have set my hand and official seal this 24th day of February, year.

_____
NOTARY PUBLIC

Place notary stamp/seal here:

KATHRYN M BERK
Notary Public
State of Ohio
My Comm. Expires
October 26, 2027

The Hilliard Heights Condominium Association has caused the execution of this instrument this 21 day of February, 2025.

HILLIARD HEIGHTS CONDOMINIUM ASSOCIATION

By: _____
AUDREY K. PROKOP, Secretary

STATE OF OHIO)
) **SS**
COUNTY OF Franklin)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above-named Hilliard Heights Condominium Association, by its Secretary, who acknowledged that she 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 her personally and as an officer.

I have set my hand and official seal this 24th day of February, year.

_____
NOTARY PUBLIC

Place notary stamp/seal here:

KATHRYN M BERK
Notary Public
State of Ohio
My Comm. Expires
October 26, 2027

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

INSURANCE LETTER

11/11/24

Nataleigh Dillon
Hilliard Heights Condominium Association
PO Box 630
Worthington, OH 43085

Nataleigh,

We recently did an extensive search for insurance options on behalf of Hilliard Heights Condominium Association.

The prior claims history for Hilliard Heights Condominium Association makes them ineligible for standard coverage through insurance carriers or programs in the admitted market. Therefore, the only available options are in the non-admitted or high-risk market.

Article XI, Section 1(f) of the Declaration requires the Board to purchase a deductible no greater than $10,000. In our search, the minimum deductible available in any quote is $25,000. This presents an issue because the deductible limit set by the Association's governing documents is lower than what is available in the market.

If you have any questions, please let me know.

Sincerely,

Jerry Geswein
Geswein Insurance Agency, LLC.
9918 Brewster Ln
Powell, OH 43065
Office: (614) 389-2360 | Fax (614) 538-2945
www.gesweinagency.com

GESWEIN
INSURANCE AGENCY

EXHIBIT B-1

CERTIFICATION OF PRESIDENT

JENNIFER L. EICHER, being the duly elected and acting President of the Hilliard Heights Condominium Association, certifies that the Amendment was duly adopted by the Board in accordance with the provisions set forth in Ohio Revised Code Section 5311.05(E)(1)(b).

JENNIFER L. EICHER, President

STATE OF OHIO)
) **SS**
COUNTY OF Franklin)

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **JENNIFER L. EICHER** who acknowledge that she did sign the foregoing instrument and that the same is she free act and deed.

I have set my hand and official seal this 24th day of February, 2024.

Kathryn M. Berk
NOTARY PUBLIC

Place notary stamp/seal here:

KATHRYN M BERK
Notary Public
State of Ohio
My Comm. Expires
October 26, 2027

EXHIBIT B-2

CERTIFICATION OF SECRETARY

AUDREY K. PROKOP, being the duly elected and acting Secretary of the Hilliard Heights Condominium Association, certifies that the Amendment was duly adopted by the Board in accordance with the provisions set forth in Ohio Revised Code Section 5311.05(E)(1).

Audrey K. Prokop
AUDREY K. PROKOP, Secretary

STATE OF OHIO)
) **SS**
COUNTY OF Franklin)

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **AUDREY K. PROKOP** who acknowledge that she did sign the foregoing instrument and that the same is she free act and deed.

I have set my hand and official seal this 24th day of February, 2024.

Kathryn M. Berk
NOTARY PUBLIC

Place notary stamp/seal here:

NOTARY PUBLIC STATE OF OHIO

KATHRYN M BERK
Notary Public
State of Ohio
My Comm. Expires
October 26, 2027