Declaration and Bylaws
Miranova Condominium Association

Order: SHH4VLFRG
Address: 1 Miranova Pl Apt 2425
Order Date: 03-31-2024
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KAMAN & CUSIMANO LLC

COMMUNITY ASSOCIATION ATTORNEYS

Jeffrey E. Kaman, Esq., Partner
jkaman@kamancus.com
614-882-3100

8101 North High Street, Suite 370
Columbus, Ohio 43235
Fax: 614-882-3800

February 24, 2023

VIA ELECTRONIC MAIL ONLY: leah@onemiranovaplace.com

Miranova Condominium
c/o Leah Solis, Community Association Manager
Link Real Estate Group, LLC
2500 Farmers Drive Suite 250
Columbus, Ohio 43235

Re: SB61 – Ohio Condominium Act Amendments

Dear Ms. Solis:

Enclosed, please find the *original*, fully executed and recorded Amendments to the Declaration of Condominium Ownership for Miranova Condominium Association. The amendments were filed with the Franklin County Recorder's Office on February 16, 2023, at Instrument No. 202302160015472. The amendments became binding and effective on the date they were filed. Please keep the original amendments in the Association's *permanent* file.

The Board must notify every unit owner that the amendments have passed and been filed for record with the County. The Board's notice should, at a minimum, indicate the date the amendments were recorded and the County's Instrument number. The Board may send the notice by regular U.S. mail, hand delivery, or, for those owners who have opted into electronic communications, any owner who has provided the Association with an email address.

Along with the notice to the owners, the Board can include a copy of the recorded amendments, especially when being sent by email, so that owners are more likely to pass the amendments on to future buyers. Alternatively, the Board may indicate how owners can obtain a copy of the recorded amendments, such as by requesting a copy from the Association, through BuildingLink, or by obtaining a copy directly from the County Recorder's Office.

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Now that the amendments have been recorded and delivered to the Association, our work on this matter is complete and I have closed our file accordingly. It has been my pleasure to work together with the Association on this matter.

Should you or any of the Board members wish to further discuss this matter, please do not hesitate to telephone me.

Sincerely yours,



JEFFREY E. KAMAN

JEK: cmc
Enclosure

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DO NOT DETACH

Instrument Number: 202302160015472
Recorded Date: 02/16/2023 1:54:34 PM

Daniel J. O'Connor Jr.
Franklin County Recorder
373 South High Street, 18th Floor
Columbus, OH 43215
(614) 525-3930
http://Recorder.FranklinCountyOhio.gov
Recorder@FranklinCountyOhio.gov

Return To (Mail Envelope):
KAMAN & CUSIMANO

Mail Envelope

Transaction Number: T20230010539
Document Type: CONDOMINIUM DECLARATION
Document Page Count: 9

Submitted By (Mail):
KAMAN & CUSIMANO

Mail

First Grantor:
MIRANOVA CONDOMINIUM ASSN

First Grantee:
MIRANOVA CONDOMINIUM

Fees:	
Document Recording Fee:	$34.00
Additional Pages Fee:	$56.00
Marginal Reference Fee:	$12.00
Total Fees:	$102.00
Amount Paid:	$102.00
Amount Due:	$0.00

Instrument Number: 202302160015472
Recorded Date: 02/16/2023 1:54:34 PM

OFFICIAL RECORDING COVER PAGE

DO NOT DETACH

THIS PAGE IS NOW PART OF THIS RECORDED DOCUMENT

NOTE: If the document data differs from this cover sheet, please first check the document on our website to ensure it has been corrected. The document data always supersedes the cover page.

If an error on the cover page appears on our website after review please let our office know.

COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

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AMENDMENTS TO THE

AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

MIRANOVA CONDOMINIUM

TRANSFER
NOT NECESSARY

FEB 16 2023

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

MICHAEL STINZIANO
FRANKLIN COUNTY AUDITOR

CONVEYANCE TAX
EXEMPT

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR MIRANOVA CONDOMINIUM RECORDED AT INSTRUMENT NO. 200009010177122 AND RE-RECORDED AT INSTRUMENT NO. 200009050177931, AND THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP FOR MIRANOVA CONDOMINIUM RECORDED AT INSTRUMENT NO. 201710110141241 OF THE FRANKLIN COUNTY RECORDS.

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AMENDMENTS TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP FOR MIRANOVA CONDOMINIUM

RECITALS

A. The Declaration of Condominium Ownership for Miranova Condominium was recorded at Franklin County Records, Instrument No. 200009010177122 and was re-recorded at Instrument No. 200009050177931.

B. The Amended and Restated Declaration of Condominium Ownership for Miranova Condominium (the "Declaration") and the Bylaws, attached to and made part of the Declaration were recorded at Franklin County Records, Instrument No. 201710110141241 (the "Declaration").

C. 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."

D. 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").

E. Each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311.

F. Attached as Exhibit A is a certification of the Association's President and Secretary stating that the Amendments were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).

G. 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 Amended and Restated Declaration of Condominium Ownership for Miranova Condominium is amended by the Board of Directors as follows:

(1) **INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XIX, SECTION 2.** Said new addition to the Declaration, as recorded at the Franklin County Records, Instrument No. 201710110141241, is:

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a. 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:

i. A description of the property damage or violation;

ii. The amount of the proposed charge or assessment;

iii. A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;

iv. A statement setting forth the procedures to request a hearing;

v. A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.

b. Hearing Requirements:

i. 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.

ii. 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.

iii. The Board will not levy a charge or assessment before holding a properly requested hearing.

c. The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.

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d. 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.

e. 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 DECLARATION ARTICLE XVI, SECTION 5(e). Said modification to the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is: (new language is underlined)

e. The continuing lien provided for herein shall become effective from the time a certificate of lien or renewal certificate was duly filed therefor, and shall continue for a period of five (5) years unless sooner released or satisfied in the same manner provided by law in the State of Ohio for the release and satisfaction of mortgages on real property, or discharged by the final judgment or order of a court in an action brought to discharge the lien.

(3) MODIFY THE 2nd SENTENCE of DECLARATION ARTICLE XVI, SECTION 5(d). Said modification to the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is: (deleted language is crossed out; new language is underlined)

The certificate shall contain a description or other sufficient legal identification of the Unit against which the continuing lien exists, the name or names of the record Owner or Owners thereof, and the amount of the unpaid portion of the assessments and charges, and shall be signed by the president or other ~~chief officer~~ designated representative of the Association.

(4) INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE VII. Said new addition to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, 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;

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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 and regulations 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.

(5) MODIFY the LAST SENTENCE of BYLAWS ARTICLE IV, SECTION 4. Said modification to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is: (deleted language is crossed out; new language is underlined)

~~That notwithstanding, no one (1) Unit may be represented by more than one person on the Board at any one (1) 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.

(6) INSERT A NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 12. Said new addition to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is:

Those written consents will be filed with the Board meeting minutes.

(7) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XVIII, SECTION 1(d). Said new addition to the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is:

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In addition, without a Unit Owner vote, the Board may amend the Declaration in any manner necessary for any of the following purposes:

a. To meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans, the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration, the veterans administration, and similar institutions;

b. To meet the requirements of insurance underwriters;

c. To bring the Declaration into compliance with the Ohio Condominium Act (Revised Code Chapter 5311);

d. To designate a successor to the person named to receive service of process for the Association. If the Association is incorporated in Ohio, this may be accomplished by filing with the Secretary of State an appropriate change of statutory agent designation;

e. 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

f. 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.

Any Unit Owner who is aggrieved by an amendment to the Declaration that the Board of Directors makes in accordance with the above may commence a declaratory judgment action to have the amendment declared invalid as violative of the above. Any action filed to contest the validity of the amendment must be filed in the appropriate court of common pleas within one year from the date of the recordation of the amendment.

(8) MODIFY BYLAWS ARTICLE IV, SECTION 13(n)(ii). Said modification to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is: (deleted language is crossed out; new language is underlined)

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ii. 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;

(9) MODIFY DECLARATION ARTICLE XVI, SECTION 3(a)(i)(f). Said modification to the Declaration, as recorded at Franklin County Records, Instrument No. 201710110141241, is: (deleted language is crossed out; new language is underlined)

f. 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 for which cash reserves over a period of time in excess of one year ought to be maintained;

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 Miranova Condominium Association has caused the execution of this instrument this 7th day of February, 2023.

MIRANOVA CONDOMINIUM ASSOCIATION

By: _____
PRESS SOUTHWORTH, III, its President

By: _____
DIRK D. DEFENBAUGH, its Secretary

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STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Miranova Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on page 7 of 9, 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 8th day of February, 2023.

NOTARY PUBLIC

Place notary stamp/seal here:

JEFFREY E KAMAN, Attorney
NOTARY PUBLIC
My commission has no expiration
Sec. 147.03 R.C.

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

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EXHIBIT A

CERTIFICATION OF OFFICERS

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

Press Southworth, III and **Dirk Defenbaugh**, being the duly elected and acting President and Secretary of the Miranova Condominium Association, certify that the Amendments to the Amended and Restated Declaration of Condominium Ownership for Miranova Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

Press Southworth III
PRESS SOUTHWORTH, III, President

Dirk D Defenbaugh
DIRK D. DEFENBAUGH, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **Press Southworth, III** and **Dirk D. Defenbaugh** 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 8th day of February, 2023.

Jeffrey Kaiman
NOTARY PUBLIC

Place notary stamp/seal here:

JEFFREY KAIMAN, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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