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First Grantor:
PRESERVE CROSSING CONDOMINIUM ASSN

First Grantee:
PRESERVE CROSSING CONDOMINIUM

Fees:	
Document Recording Fee:	$34.00
Additional Pages Fee:	$56.00
Marginal Reference Fee:	$4.00
Total Fees:	$94.00
Amount Paid:	$94.00
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OCT 04 2022
MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

AMENDMENTS TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

PRESERVE CROSSING CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR PRESERVE CROSSING CONDOMINIUM RECORDED AT INSTRUMENT NO. 200508220170029 OF THE FRANKLIN COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
PRESERVE CROSSING CONDOMINIUM

RECITALS

A. The Declaration of Condominium Ownership for Preserve Crossing Condominium (the "Declaration") and the Bylaws of Preserve Crossing Condominium Association, attached to and made part of the Declaration (the "Bylaws"), were recorded at Franklin County Records Instrument No. 200508220170029.

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

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.

AMENDMENTS

The Declaration of Condominium Ownership for Preserve Crossing Condominium is amended by the Board of Directors as follows:

(1) DELETE DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE," in its entirety. Said deletion is to be taken from the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029.

INSERT a NEW DECLARATION ARTICLE VIII entitled "AGENT FOR SERVICE." Said new addition to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

ARTICLE VIII

AGENT FOR SERVICE

The Board will designate the person to receive service of process for the Condominium Association. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(2) MODIFY THE LAST SENTENCE OF THE LAST PARAGRAPH OF DECLARATION ARTICLE III, SECTION 3. Said modification, to be made to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (new language is underlined)

Any written notice required pursuant to the section shall be delivered to the Unit Owner or any Occupant of the Unit by any one of the following: personal delivery, certified mail, return receipt requested, electronic mail to an electronic mail address previously provided by the Unit Owner in writing, or regular mail.

(3) MODIFY THE LAST SENTENCE OF DECLARATION ARTICLE XV, SECTION 5(c). Said modification, to be made to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (deleted language is crossed out; new language is underlined)

The certificate shall contain a description of the Unit against which the 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, designated representative, or other chief officer of the Condominium Association, as authorized by the Board of Directors.

(4) MODIFY DECLARATION ARTICLE XV, SECTION 5(d). Said modification, to be made to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (new language is underlined)

(d) 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.

(5) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE III, SECTION 2(g). Said new addition, to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029 , is as follows:

> The Condominium Association may initiate eviction proceedings to evict any tenant, for any violation of the Declaration, Bylaws, rules and regulations, or applicable laws, by the tenant, any Occupant of the Unit, or the owner of the Unit. The Condominium Association, as the Unit Owner's agent, will bring such action in the name of the Unit Owner(s). In addition to any procedures required by State law, the Condominium Association will give the Unit Owner(s) at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be charged to the Unit Owner(s) and the subject of a special Assessment against the offending Unit Owner and made a lien against that Unit.

(6) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 1. Said new addition, to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

> The Condominium Association will credit payments made by a Unit Owner in the following order of priority:
>
> (a) First, to interest owed to the Condominium Association;
>
> (b) Second, to administrative late fees owed to the Condominium Association;
>
> (c) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Condominium Association; and
>
> (d) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Condominium Assessments chargeable against the Unit.

(7) MODIFY BYLAWS ARTICLE IV, SECTION 13(p). Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (deleted language is crossed out; new language is underlined)

> (p) suspend the voting privileges of a Unit Owner <u>and the right of the Occupants to use the recreational facilities</u> who is delinquent in the payment of assessments for more than thirty (30) days;

(8) INSERT a NEW DECLARATION ARTICLE III, SECTION 2(r), entitled "Owner/Resident Information." Said new addition, to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

> (r) Unit Owner/Resident Information. Each Unit Owner must, within 30 days of the recording of this Amendment or within 30 days of title transferring to the Unit Owner, provide to the Condominium Association the Unit Owner's and all Occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any person who manages the Unit as an agent of that Unit Owner. Any change in the information must be provided to the Board, in writing, within 30 days of said change.

(9) INSERT NEW PARAGRAPH (f) to the end of BYLAWS ARTICLE VII. Said addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029 is as follows:

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

(10) INSERT A NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 4. Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (deleted language is crossed out; new language is underlined)

> 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.

(11) INSERT A NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 12. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

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

(12) INSERT TWO NEW PARAGRAPHS (vi) and (vii) to the end of DECLARATION ARTICLE XIX, SECTION 1(c). Said new addition, to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

(vi) 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.

(vii) 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;

(13) MODIFY BYLAWS ARTICLE IV, SECTION 13(b). Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (deleted language is crossed out; new language is underlined)

(b) 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 (2) or more Unit Owners, impacts zoning, or otherwise ~~and~~ relates to matters affecting the Condominium Property;

(14) INSERT A NEW DECLARATION ARTICLE XX, SECTION 6 entitled Service of Notices on Unit Owners. Said new addition, to be added to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows:

Section 6. Service of Notices on Unit Owners. All notices required or permitted by the Declaration or Bylaws to any Unit Owner will be in writing and is deemed effectively given if it has been sent by regular U.S. mail, first-class postage prepaid, to their address or to another address the designates in writing to the Board, or delivered using electronic mail subject to the following:

(a) The Association may use electronic mail or other transmission technology to send any required notice only to Unit Owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Unit Owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices by either regular mail or hand delivered.

(b) An electronic mail or transmission technology to a Unit Owner is not considered delivered and effective if the Association's transmission to the fails, e.g. the Association receives an "undeliverable" or similar message, or the inability to deliver the transmission to the becomes known to the person responsible for sending the transmission. If the electronic mail or transmission is not delivered or effective, the Association will deliver the notice or other communication to the by either regular mail or hand delivered.

(15) MODIFY DECLARATION ARTICLE XV, SECTION 3(a)(1)(e). Said modification, to be made to the Declaration, as recorded at Franklin County Records, Instrument No. 200508220170029, is as follows: (deleted language is crossed out; new language is underlined)

e. 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 an amount adequate to repair and replace major capital items 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 (1) year ought to be maintained~~; and

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 s of record at the time of such filing have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendments.

[SIGNATURES TO FOLLOW]

The Preserve Crossing Condominium Association has caused the execution of this instrument this 13th day of September, 2022.

PRESERVE CROSSING CONDOMINIUM ASSOCIATION

By: Annette Misenko
ANNETTE MISENKO, President

By: Michael Gast
MICHAEL GAST, Secretary

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Preserve Crossing Condominium Association, 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 them personally and as such officers.

I have set my hand and official seal this 13th day of September, 2022.

NOTARY PUBLIC

Place notary stamp/seal here:



Troy Gattshall
Notary Public, State of Ohio
My Commission Expires 05-25-2027

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

CERTIFICATION OF OFFICERS

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

Annette Misenko and **Michael Gast**, being the duly elected and acting President and Secretary of the Preserve Crossing Condominium Association, certify that the Amendments to the Declaration of Condominium Ownership for Preserve Crossing Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

Annette Misenko
ANNETTE MISENKO, President

Michael Gast
MICHAEL GAST, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **Annette Misenko** and **Michael Gast** 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 13th day of September, 2022.

NOTARY PUBLIC

Place notary stamp/seal here:

NOTARIAL SEAL STATE OF OHIO

Troy Gattshall
Notary Public, State of Ohio
My Commission Expires 05-25-2027