VILLAGE AT SCIOTO RESERVE CONDOMINIUM ASSOCIATION

TO: Village at Scioto Reserve Homeowners

FROM: The Board of Directors

DATE: April 8, 2011

SUBJECT: Approved Amendments to the Declaration

The Board of Directors recently learned that our Declaration needed to be amended to comply with the State Law passed in 2004. As a result, we have followed the legal advice of our law firm and approved the attached amendments. These amendments, housekeeping in nature, do not require the approval of the owners. A simple majority of the Board of Directors sufficed to adopt these amendments. They have already been recorded with the county.

Please place these amendments with your Declaration and By-laws. Should you sell your unit, you are responsible for passing on these documents to the new owners.

The Board has approved five additional amendments which require the approval of at least 3/4 of the owners before they can be recorded with the county. You will receive in the mail information regarding those amendments within the next few weeks.

Thank you.

The Board of Directors

Professionally managed by Towne Properties
777 Dearborn Park Lane, Suite A
Worthington, OH 43085
(614)781-0055 fax (614)781-0832

201100008746
Filed for Record in
DELAWARE COUNTY, OHIO
MELISSA JORDAN, RECORDER
03-21-2011 At 03:38 pm.
DECLAR AMEN 80.00
OR Book 1036 Page 419 - 426

201100008746
KAMAN & CUSIMANO
50 PUBLIC SQ
CLEVELAND OH 44113

AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE VILLAGE AT SCIOTO RESERVE CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE VILLAGE AT SCIOTO RESERVE CONDOMINIUMS RECORDED AT INSTRUMENT NO. 200400028916 OF THE DELAWARE COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE VILLAGE AT SCIOTO RESERVE CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for The Village at Scioto Reserve Condominiums (the "Declaration") and the By-Laws of The Village at Scioto Reserve Condominium Association (the "Bylaws"), attached to and made a part of the Declaration, were recorded at Delaware County Records Instrument No. 200400028916, and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for The Village at Scioto Reserve Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Village at Scioto Reserve Condominium is hereby amended by the Board of Directors as follows:

(1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."

(2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."

(3) DELETE DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE," in its entirety. Said deletion is to be made on Page 13 of the

Declaration, as recorded at Delaware County Records, Instrument No. 200400028916

INSERT a new DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE." Said addition, to be made on Page 13 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

ARTICLE VIII

AGENT FOR SERVICE

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

(4) INSERT a new 2nd PARAGRAPH DECLARATION ARTICLE XX, SECTION 2, entitled "Actions." Said new addition, to be added on Page 39 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

(5) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE III, SECTION 2(g), entitled "Renting and Leasing." Said new addition, to be added on Page 6 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by the Association, as the Unit Owner's Agent, in the

name of the Unit Owner. In addition to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Unit Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorney's fees, shall be charged to the Unit Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(6) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 5(b). Said new addition, to be added on Page 28 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a Unit Owner in the following order of priority:

(1) First, to interest owed to the Association;
(2) Second, to administrative late fees owed to the Association;
(3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
(4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(7) INSERT a new DECLARATION ARTICLE XV, SECTION 5(i), entitled "Suspended Rights." Said new addition, to be added on Page 29 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

(i) In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Unit Owner is delinquent in the payment of Assessments for more than thirty (30) days, the Board may, by a majority vote, suspend the privileges of the owner and/or right of the occupants to use the recreational facilities.

(8) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE XV, SECTION 3(c), entitled "Special Individual Unit Assessments." Said new addition, to be added on Page 27 of the Bylaws, Exhibit bylaws exhibit letter of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

> In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

(9) INSERT a new DECLARATION ARTICLE III, SECTION 2(r), entitled "Owner/Resident Information." Said new addition, to be added on Page 8 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

> (r) In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or 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 Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(10) DELETE DECLARATION ARTICLE VII, SECTION 4 entitled "Board of Directors," in its entirety. Said deletion is to be made on Pages 11-12 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916

INSERT a new DECLARATION ARTICLE VII, SECTION 4 entitled "Board of Directors." Said addition, to be made on Page 11 of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

> Section 4. Board of Directors. The Board shall consist of six (6) members, each of whom must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one (1) Unit may be represented by

more than one (1) person on the Board at any one (1) time. The six (6) Directors shall serve three-year terms and the terms shall be staggered so that one-third (1/3) of the Directors will expire and successors will be elected at each annual meeting of the Association.

INSERT TWO NEW SENTENCES to the end of BYLAWS ARTICLE V, SECTION 4, entitled "Nomination." Said modification, to be made on Page d of the Bylaws, attached to and made a part of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows: (deleted language is crossed out; new language is underlined)

Each Board member must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one (1) Unit may be represented by more than one (1) person on the Board at any one (1) time.

(11) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE V, SECTION 9, entitled "Quorum; Adjournment." Said new addition, to be added on Page d of the Bylaws, attached to and made a part of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(12) INSERT a new PARAGRAPH (m) to BYLAWS ARTICLE V, SECTION 12, entitled "Powers." Said new addition to be added on Page f of the Bylaws, attached to and made a part of the Declaration, as recorded at Delaware County Records, Instrument No. 200400028916, is as follows:

(m) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, the Board may exercise all powers of the Association, including the power to do the following:

(1) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board

determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;

(2) Commence, defend, intervene in, settle, or compromise any civil, criminal, 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 and relates to matters affecting the Condominium Property;

(3) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

(4) Grant easements, leases, licenses, and concessions through or over the Common Elements;

(5) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;

(6) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the occupants of that Unit or another Unit;

(13) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendments.

IN WITNESS WHEREOF, the said The Village at Scioto Reserve Condominium Association has caused the execution of this instrument this 14th day of March, 2011.

THE VILLAGE AT SCIOTO RESERVE CONDOMINIUM ASSOCIATION

By: Robert Keefer
ROBERT KEEFER, its President

STATE OF OHIO)
) SS
COUNTY OF DELAWARE)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Village at Scioto Reserve Condominium Association, by Robert Keefer, its President, who acknowledged that he 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 him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Wauseon, Ohio, this 14 day of March, 2011.

Jaime Willet
NOTARY PUBLIC

Place notary stamp/seal here:

NOTARIAL SEAL
STATE OF OHIO

Notary Public
In and for the State of Ohio
Jaime Willet
My Commission Expires
June 25, 2012

This instrument prepared by:
KAMAN & CUSIMANO, LLC.,
Attorneys at Law
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Columbus, Ohio 43082
(614) 882-3100