

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
HILLTOP TERRACE CONDOMINIUM



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CONDO 72.00

John A Donofrio, Summit Fiscal Officer

THIS WILL CERTIFY THAT A COPY OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR HILLTOP TERRACE CONDOMINIUM WERE FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 6-14-05

BY: **JOHN A. DONOFRIO**
FISCAL OFFICER *By J. Kapper*

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
HILLTOP TERRACE CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Hilltop Terrace Condominium (the "Declaration") and the Bylaws of Hilltop Terrace Condominium Association, Inc. (the "Bylaws"), Exhibit E to the Declaration, were recorded at Summit County Records Instrument No. 54338595, 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 Hilltop Terrace Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Hilltop Terrace 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) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."
- (4) INSERT a new SECTION C, entitled "Enforcement Assessments," to the end of DECLARATION ARTICLE XIV. Said new addition, to be added on Page 50 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, is as follows:

C. Enforcement Assessments. 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



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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 VIII, SECTION K, entitled "Lien of Association." Said new addition, to be added on Page 39 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(6) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE III, SECTION 11, entitled "Rental of Units." Said new addition, to be added on Page 11 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, 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.

(7) INSERT a new 3rd PARAGRAPH to the end of DECLARATION ARTICLE VIII, SECTION A, entitled "General." Said new addition, to be added on Page 33 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, 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



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(4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(8) INSERT a new 2nd PARAGRAPH to DECLARATION ARTICLE VIII, SECTION I, entitled "Effect of Non-Payment of Assessment." Said new addition, to be added on Page 38 of the as recorded at Summit County Records, Instrument No. 54338595, is as follows:

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 voting privileges of the owner and/or right of the occupants to use the recreational facilities.

(9) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE VIII, SECTION N, entitled "Liability for Assessments Upon Voluntary Conveyance." Said new addition, to be added on Page 40 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, 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.

(10) INSERT a new SECTION 14, entitled "Owner/Resident Information." to DECLARATION ARTICLE III. Said new addition, to be added on Page 12 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, is as follows:

14. Owner/Resident Information. 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.

(11) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE III, SECTION 3.6, entitled "Regular Meetings." Said new addition, to be added on Page 7 of the



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Bylaws, Exhibit E of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, 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 SENTENCE to the end of the 2nd PARAGRAPH to DECLARATION ARTICLE VIII, SECTION B, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 34 of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(13) INSERT a new PARAGRAPH f to BYLAWS ARTICLE III, SECTION 3.11, entitled "Powers of the Board." and INSERT new SUBPARAGRAPHS (i), (ii), (iii), (iv), (v), (vi) and (vii), thereafter. Said new additions to be added on Page 10 of the Bylaws, Exhibit E of the Declaration, as recorded at Summit County Records, Instrument No. 54338595, is as follows:

- f. 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:
 - (i) 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;
 - (ii) 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;
 - (iii) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;
 - (iv) Adopt rules that regulate the use or occupancy of Units, the maintenance, repair, replacement, modification, and appearance of Units, Common Elements, and Limited Common Elements

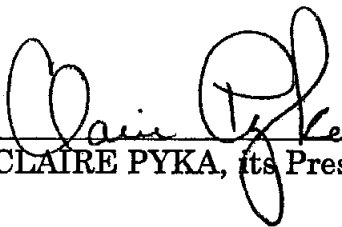
when the actions regulated by those rules affect Common Elements or other Units:

- (v) Grant easements, leases, licenses, and concessions through or over the Common Elements;
- (vi) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners; and
- (vii) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

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 Hilltop Terrace Condominiums Association, Inc. has caused the execution of this instrument this 1st day of June, 2005.

HILLTOP TERRACE CONDOMINIUMS ASSOCIATION, INC.

By: 
CLAIRE PYKA, its President



John A Donofrio, Summit Fiscal Officer

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STATE OF OHIO)
) SS
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Hilltop Terrace Condominiums Associations, Inc., by Claire Pyka, its President, who acknowledged that she 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 Cuyahoga Falls, Ohio, this 1st day of June, 2005.

Andrew Billing
NOTARY PUBLIC

my commission expires 5-1-06



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John A Donofrio, Summit Fiscal Officer

EW This instrument prepared by:
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