

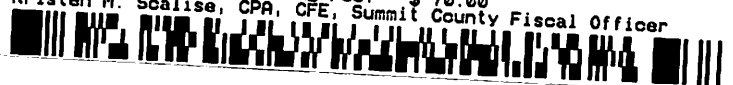
**AMENDMENT TO THE**  
**DECLARATION OF CONDOMINIUM OWNERSHIP**  
**FOR**  
**ROCKPORT COLONY CONDOMINIUMS**

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR ROCKPORT COLONY CONDOMINIUMS RECORDED AT OR 1244, PAGE 860 ET SEQ. OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR ROCKPORT COLONY CONDOMINIUMS WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 8-14-24

BY: **KRISTEN M. SCALISE CPA, CFE**  
FISCAL OFFICER  
By: *Kathryn Daniels*  
Kathryn Daniels



**AMENDMENT TO THE**  
**DECLARATION OF CONDOMINIUM OWNERSHIP FOR**  
**ROCKPORT COLONY CONDOMINIUMS**

**RECITALS**

- A.** The Declaration of Condominium Ownership for Rockport Colony Condominiums (the "Declaration") and the Bylaws of Rockport Colony Condominium Owners Association, Inc. (the "Bylaws"), Exhibit D of the Declaration, were recorded at Summit County Records, OR 1244, Page 860 et seq.
- B.** The Rockport Colony Condominium Owners Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Rockport Colony Condominium and as such is the representative of all Unit Owners.
- C.** Declaration Article IX authorizes amendments to the Declaration and Bylaws Article VI, Section 13 authorizes amendments to the Bylaws.
- D.** Unit Owners representing at least 75 percent of the Association's current voting power, based on ownership interests, have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").
- E.** As of June 25, 2024, Unit Owners representing 75.49 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.
- F.** Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendment will be mailed by certified mail to all mortgagees having bona fide liens against a Unit, on the records of the Association, once the Amendment is recorded with the Summit County Fiscal Office.
- G.** Attached as Exhibit B is a certification of the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment.
- H.** The Association has complied with the proceedings necessary to amend the Declaration and Bylaws, as required by Chapter 5311 of the Ohio Revised Code, the Declaration, and the Bylaws, in all material respects.



## **AMENDMENT**

The Declaration of Condominium Ownership for Rockport Colony Condominiums is amended by the following:

## **AMENDMENT**

**INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE IX. Said new addition to the Declaration is:**

**In addition, the Board of Directors, without further vote of the Unit Owners, may amend this Declaration and the Bylaws to delete or modify provisions that are no longer substantively applicable, such as elimination of provisions that applied to the original development of the Rockport Colony Condominium, and references to the Grantor and the Grantor's control period. The authority provided in this paragraph also includes the authority to update or modify the terminology used throughout this Declaration and the Bylaws to ensure consistency with Ohio law. Any amendment made by the Board pursuant to this paragraph must be recorded with the Summit County Fiscal Office to be effective. No amendment made by the Board pursuant to this paragraph may substantively change, alter, delete, or in any way modify any rights, responsibilities, or powers of the Association, the Board of Directors, or the Unit Owners.**

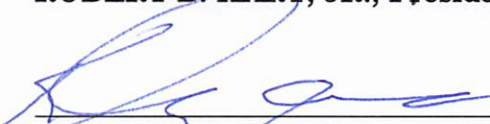
**Any conflict between these provisions and any other provisions of the Declaration or Bylaws will be interpreted in favor of this amendment giving the Board the authority to delete obsolete references, and update terminology in the Declaration and Bylaws. The invalidity of any part of the above provision 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. 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 Rockport Colony Condominium Owners Association, Inc. has caused the execution of this instrument this 26 day of JULY, 2024.

**ROCKPORT COLONY CONDOMINIUM OWNERS ASSOCIATION, INC.**

By:   
ROBERT B. HART, JR., President

By:   
ROSS MANZONE, Secretary

STATE OF OHIO )  
COUNTY OF SUMMIT ) SS

**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Rockport Colony Condominium Owners Association, Inc., 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 the corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal this 26 day of JULY, 2024.

  
NOTARY PUBLIC

This instrument prepared by:  
KAMAN & CUSIMANO, LLC  
Attorneys at Law  
2000 Terminal Tower  
50 Public Square  
Cleveland, Ohio 44113  
(216) 696-0650  
ohiocondolaw.com

Place notary stamp/seal here:



EXHIBIT A

AFFIDAVIT

STATE OF OHIO )

COUNTY OF SUMMIT )

SS

ROBERT B. HART, JR., being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Rockport Colony Condominium Owners Association, Inc.
2. He will cause copies of the Amendment to the Declaration to be mailed by certified mail to all mortgagees of record having bona fide liens of record against any Unit once the Amendment is recorded with the Summit County Fiscal Office.

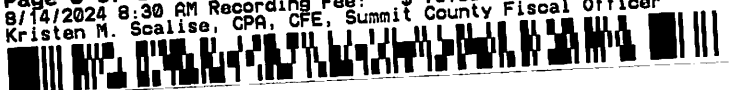
  
ROBERT B. HART, JR., President

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named **ROBERT B. HART, JR.**, who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this 26 day of July, 2024.

  
NOTARY PUBLIC

Place notary stamp/seal here:



**EXHIBIT B**

**CERTIFICATION OF SECRETARY**

**ROSARIO MANZONE**, the duly elected and acting Secretary of the Rockport Colony Condominium Owners Association, Inc., certifies there are no, as the term is used in Declaration Article IX, "mortgagees" of record on file with the Association as no holders, insurers or guarantors of a first mortgage on a Unit have given the Association a written request to receive notice of certain actions or amendments and so none have consented to the Amendment.

  
**ROSARIO MANZONE, Secretary**

STATE OF OHIO )

COUNTY OF )

SUMMIT

SS

**BEFORE ME**, a Notary Public in and for the County, personally appeared the above-named **ROSARIO MANZONE** who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this 26 day of July, 2024.

  
**NOTARY PUBLIC**

Place notary stamp/seal here:

