



JAMES B MCCARTHY SUMMIT CO AUDITOR

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AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
ROCKPORT COLONY CONDOMINIUMS

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 COUNTY AUDITOR OF SUMMIT COUNTY, OHIO.

James B. McCarthy

DATED: January 3, 2000

BY: *Gregory J. Schmitt*
COUNTY AUDITOR

TRANSFER NOT NECESSARY
1-3-2000
James B. McCarthy County Auditor

APPROVED AS TO FORM
William E. Schmitt
Assistant Prosecuting Attorney
Summit County, Ohio



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

WHEREAS, the Declaration of Condominium Ownership for Rockport Colony Condominiums was recorded at Volume 1244, Pages 861 et seq., of Summit County Records, and

WHEREAS, the Rockport Colony Condominium Owners Association, Inc. is a corporation consisting of all Unit Owners in Rockport Colony Condominiums and as such is the representative of all owners, and

WHEREAS, Article IX of said Declaration authorizes amendments to the Declaration, and

WHEREAS, Unit Owners in excess of 75% of the voting power of the Association have executed an instrument in writing setting forth specifically the new matter to be added, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the amendment was mailed by certified mail to all mortgagees on the records of the Association having bona fide liens of record against any Unit ownership, and

WHEREAS, the Association has in its records the consents to the Amendment signed by 75.5102% of the Unit Owners and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B, and

WHEREAS, the Association has in its records the power of attorney signed by 75.5102% of the Unit Owners authorizing the officers of the Rockport Colony Condominium Owners Association, Inc. to execute this recorded document on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Rockport Colony Condominiums have in all respects been complied with,

NOW THEREFORE, the Declaration of Condominium Ownership for Rockport Colony Condominiums is hereby amended by the following:



DELETE ARTICLE III, SECTION 11 entitled "Rental of Units." in its entirety as contained on Page 6 of the Declaration as recorded at Volume 1244, Pages 861 et seq., in the Summit County Records.

INSERT a new DECLARATION ARTICLE III, SECTION 11 entitled "Leasing of Units." Said new addition, to be added on Page 6 of the Declaration as recorded in the Summit County Records, Volume 1244, Pages 861 et seq., is as follows:

11. Leasing of Units. No Unit shall be leased by a Unit Owner to others for business, speculative, investment or any other purpose. The purpose of this restriction is to create a community of resident owners.

This restriction does not apply to: A) Units which are occupied by the parent(s) or child(ren) of the Unit Owner; or, B) any Unit Owner leasing his Unit at the time of recording of this amendment with the County Recorder, and who has registered his Unit as being leased with the Association within three (3) months of the recording of this amendment, said Unit Owner shall continue to enjoy the privilege of leasing that Unit until the title to said Unit is transferred to a subsequent owner.

To meet a special situation and to avoid an undue hardship or practical difficulty, the Board shall grant permission to a Unit Owner to lease his/her Unit to a specified lessee for a one-time period not less than six (6) consecutive months nor more than twenty-four (24) consecutive months. The one-time hardship exception of up to twenty-four (24) months may in no event be extended beyond the one twenty-four (24) month period.

In no event shall a Unit be leased by the Unit Owner thereof for transient purposes, which is defined to mean a lease for any period less than six (6) full, consecutive calendar months.



All exempted leases must be in writing. The lessee must abide by the terms of the Declaration, Bylaws, and Rules. The Board is appointed as Agent, with full power of attorney, to dispossess the lessee or otherwise act for the Unit Owner in case of default under the lease or for violation of the Declaration, Bylaws or the rules and regulations. Any land contract for the sale of a Unit must be recorded and a recorded copy of the same shall be delivered to the Association. Any land contract not recorded shall be considered an impermissible lease. The Unit Owner shall continue to be responsible for all obligations of ownership of his Unit and shall be jointly and severally liable with the lessee to the Association for the conduct of the lessee and/or any damage to property. Copies of all exempted leases shall be delivered to the Board prior to the beginning of the lease term.

Any conflict between this provision and other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the leasing of units. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.



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IN WITNESS WHEREOF, the said Rockport Colony Condominium Owners Association, Inc. has caused the execution of this instrument this 20th day of December, 1999.

ROCKPORT COLONY CONDOMINIUM OWNERS ASSOCIATION, INC.

Signed and acknowledged
in the presence of both:

LT4 Cardamone
Witness #1: LT4 Fox-Cardamone
Please print name below signature.

M J Henkel
Witness #2: M J. HENKEL
Please print name below signature.

By: [Signature]
JACK WILSON, its President

By: [Signature]
JACK WOLFE, its Secretary

This instrument prepared by:
DAVID W. KAMAN, Esq.
Kaman & Ott, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650 [Signature]



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STATE OF OHIO)
)
COUNTY OF SUMMIT) SS

BEFORE ME, a Notary Public in and for said 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 said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at STON, Ohio, this 20th day of DECEMBER, 1999.



NOTARY PUBLIC STATE OF OHIO
CHARLES K. SCHUMAN
RECORDED IN CUYAHOGA COUNTY
MY COMMISSION EXPIRES 11/18/2004


EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF SUMMIT) SS

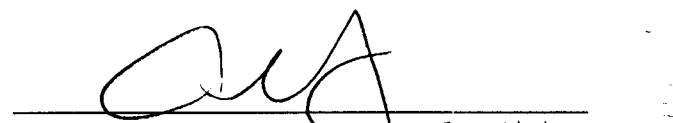
JACK WILSON, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Rockport Colony Condominium Owners Association, Inc.
2. As such President, he caused copies of the amendment to the Declaration of Rockport Colony Condominiums to be mailed by certified mail to all mortgagees on the record of the Association having bona fide liens of record against any Unit Ownership.
3. Further affiant sayeth naught.


JACK WILSON, President

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **JACK WILSON** who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at STON, Ohio, this 20th day of DECEMBER, 1999.


NOTARY PUBLIC STATE OF OHIO
CHARLES K. SCHULMAN
RECORDED IN CUYAHOGA COUNTY
MY COMMISSION EXPIRES 11/18/2001

