

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: 8-10-2023

BY: KRISTEN M. SCALISE CPA, CFE  
FISCAL OFFICER

By: *Beverly Coble*  
*Beverly Coble*

DOC # 56829105



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 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 Owners in Rockport Colony Condominium and as such is the representative of all Owners.
- C. Bylaws Article VI, Section 13 authorizes amendments to the Bylaws.
- D. 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 July 10, 2023, Owners representing 76.15 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment D and authorizing the Association's officers to execute Amendment D on their behalf.
- F. Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendments will be mailed by certified mail to all mortgagees having bona fide liens of record against any Unit once the Amendments are 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 Amendments.
- 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 and the Declaration and Bylaws, in all material respects.



## AMENDMENT

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

### AMENDMENT A

*Intentionally Left Blank*

*Amendment Previously Recorded on April 11, 2023, at Instrument No. 56806722*

### AMENDMENT B

*Intentionally Left Blank*

*Amendment Previously Recorded on April 11, 2023, at Instrument No. 56806722*

### AMENDMENT C

*Intentionally Left Blank*

*Amendment Previously Recorded on April 11, 2023, at Instrument No. 56806722*

### AMENDMENT D

DELETE BYLAWS ARTICLE I, SECTION 5(d) entitled, "Quorum/Adjournment," in its entirety. Said deletion to be taken from the Bylaws, Exhibit D of the Declaration, as recorded at Summit County Records, OR 1244, Page 860 et seq., and as amended at Instrument No. 56612253.

INSERT a new BYLAWS ARTICLE I, SECTION 5(d) entitled, "Quorum." Said new addition, to be added to the Bylaws, Exhibit D of the Declaration, as recorded at Summit County Records, OR 1244, Page 860 et seq., is as follows:

(d) Quorum. Except as otherwise provided for by law or by the Declaration, the Members entitled to exercise at least 25 percent of the voting power who are present in person or by proxy, constitutes a quorum for any Association meeting. Under no circumstance, however, can any action required by law or by the Declaration or these Bylaws be authorized or taken by Members entitled to exercise a designated



proportion of the voting power be authorized or taken by a lesser proportion. Members entitled to exercise a majority of the voting power at a meeting may adjourn the meeting to another date; if the date, time, and place to which the meeting is adjourned to are fixed and announced at the meeting, no additional notice to the Members is needed.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment reducing the quorum requirement. 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 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 contest or other legal 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 2 day of AUGUST, 2023.

ROCKPORT COLONY CONDOMINIUM OWNERS ASSOCIATION, INC.

By:   
ROBERT B. HART, JR., President

By:   
ROSARIO MANZONE, Secretary



STATE OF OHIO )  
 )  
 ) SS  
COUNTY OF Summit )

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, on Page 4 of 7, 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 2nd day of August, 2023.

NOTARY PUBLIC

Place notary stamp/seal here:



**KELLY KNAPP**  
Notary Public, State of Ohio  
My Commission Expires:  
March 17, 2026

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



EXHIBIT A

AFFIDAVIT

STATE OF OHIO )  
 )  
COUNTY OF Summit ) SS

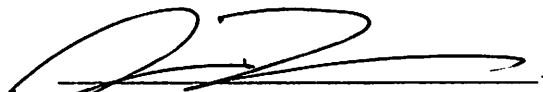
ROBERT B. HART, JR., being first duly sworn, states as follows:

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 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 2nd day of August, 2023.

  
NOTARY PUBLIC

Place notary stamp/seal here:



KELLY KNAPP  
Notary Public, State of Ohio  
My Commission Expires:  
March 17, 2026



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                    )  
  )     SS  
COUNTY OF Summit        )

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 2nd day of August, 2023.

  
NOTARY PUBLIC

Place notary stamp/seal here:



KELLY KNAPP  
Notary Public, State of Ohio  
My Commission Expires:  
March 17, 2026

