

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
ROCKPORT COLONY CONDOMINIUMS



54863445
Pg: 1 of 6
04/29/2003 12:55P
CONDO 32.00

John A Donofrio, Summit Fiscal Officer

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: 4-29-03

BY: **JOHN A. DONOFRIO**
FISCAL OFFICER

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
ROCKPORT COLONY CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Rockport Colony Condominiums (the "Declaration") and the By-laws of Rockport Colony Condominium Unit Owners Association, Inc. (the "Bylaws"), Exhibit Two to the Declaration, were recorded at Summit County Records Volume 1244, Page 860 et seq., and

WHEREAS, the Rockport Colony Condominium Owners Association, Inc. (the "Association") is a corporation consisting of all Owners in Rockport Colony and as such is the representative of all Owners, and

WHEREAS, Article IX of said Declaration authorizes amendments to the Declaration and Bylaws Article VI, Section 13 authorizes amendments to the Bylaws, and

WHEREAS, Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be added (the "Amendment"), and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that a copy of the Amendment was mailed by certified mail to all mortgagees on the records of the Association, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment, and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Owners representing over 76% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing over 76% of the Association's voting power authorizing the Association's officers to execute the Amendment 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:



John A. Denofrio, Summit Fiscal Officer

54863445
Pg: 2 of 6
04/29/2003 12:55P
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INSERT a new DECLARATION ARTICLE III, SECTION B, Paragraph 12, entitled "Occupancy Restriction." Said new addition, to be added on Page 6 of the Declaration as recorded in the Summit County Records, Volume 1244, Page 861 et seq., is as follows:

12. Occupancy Restriction. No person who is determined to be a sexual predator pursuant to the Ohio Sex Offenders Act or similar statute from another jurisdiction and required to register with a designated registering agency pursuant to said Act or similar statute, as the same may from time to time be amended, may reside in or occupy a Unit for any length of time. Any violation of this restriction shall subject the Owner and/or any occupant of the Unit to any and all remedies provided for by law as well as this Declaration. The Association shall not, however, be liable to any Owner or occupant, or anyone visiting any Unit or the Association, as a result of the Association's alleged failure, whether negligent, intentional or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and/or Bylaws shall be interpreted in favor of this restriction on the occupancy of Units. Upon the recording of this amendment, only 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 in the court of common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Rockport Colony Condominium Owners Association, Inc. has caused the execution of this instrument this 15th day of March, 2003.

ROCKPORT COLONY CONDOMINIUM OWNERS ASSOCIATION, INC.

By: 
TOM SALISBURY, its President

By: 
LINDA NICHOLS, its Secretary

 54863445
Pg: 3 of 6
04/28/2003 12:55P
CONDO 32.00
John A Deneffrio, Summit Fiscal Officer

STATE OF OHIO)
) SS
COUNTY OF SUMMIT)

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, on Page 3 of 6, 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 in Hudson, Ohio, this 15th day of March, 2003.

Kimberly Apinis
NOTARY PUBLIC

KIMBERLY APINIS
Notary Public - State Of Ohio
My Commission Expires Sept. 9, 2004

 **54863445**
Pg: 4 of 6
04/29/2003 12:55P
CONDO 32.00
John A Donefric, Summit Fiscal Officer

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

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF SUMMIT) SS

TOM SALISBURY, 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 certifies that copies of the Amendment to the Declaration of Declaration of Condominium Ownership for Rockport Colony Condominiums were mailed by certified mail to all mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. Further affiant sayeth naught.


TOM SALISBURY, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named TOM SALISBURY 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 in Hudson, Ohio, this 15th day of March, 2003.


NOTARY PUBLIC

KIMBERLY APINIS
Notary Public - State Of Ohio
My Commission Expires Sept. 9, 2004



54863445
Pg: 5 of 6
04/29/2003 12:55P
CONDO 32.00

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Rockport Colony Condominium Owners Association, Inc., hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for Rockport Colony Condominiums.

NONE

Linda Nichols
LINDA NICHOLS, Secretary

STATE OF OHIO)
)
COUNTY OF SUMMIT) SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named LINDA NICHOLS who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Hudson, Ohio, this 15th day of March, 2003.

Kimberly Apinis J.K.A. Kimberly Apinis
NOTARY PUBLIC

KIMBERLY APINIS
Notary Public - State Of Ohio
My Commission Expires Sept. 9, 2004

 54863445
Pg: 6 of 6
01/29/2003 12:55P
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