

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: 12-1-10

JOHN A. DONOFRIO
FISCAL OFFICER



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12/07/2010 07:52A
CONDO 72.00

John A Donofrio, Summit Fiscal Officer

By Jay O. Curry
Jay O Curry

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 D to the Declaration, were recorded at Summit County Records OR 1244, Page 860 et seq., and

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

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

WHEREAS, Unit Owners representing at least 75% 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"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 75% of the Association's voting power as of April 15, 2010, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 75% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that copies of the Amendment will be mailed by certified mail to all mortgagees on the records of the Association once the Amendment is recorded with the Summit County Fiscal Office, 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 proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration have in all respects been complied with.

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

AMENDMENT A

MODIFY DECLARATION ARTICLE XII, SECTION B, PARAGRAPH 2. Said modification, to be made on Page 14 of the Declaration, as recorded at Summit County Records, OR 1244, Page 860 et seq., is as follows (deleted language is crossed-out; new language is underlined):

2. To maintain, ~~and repair, and replace~~ all interior and exterior windows in the Unit and all interior doors, exterior or perimeter doors, including the glass, screens, trim, hinges, locks, thresholds, frames, sashes, jambs, and hardware of or attached to any such doors, vestibules and entry-ways within the Owner's Unit and all associated structures and fixtures therein, which are appurtenances to the Owner's Unit. The foregoing includes, without limitation, the Unit Owner's responsibility for all breakage, damage, malfunctions and ordinary wear and tear of such appurtenances.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment making the individual Owners responsible for the maintenance, repair, and replacement of the exterior or perimeter doors on their 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 in the court of common pleas within one year of the recording of the amendment.



AMENDMENT B

[Intentionally Left Blank - Amendment Proposal Did Not Pass]

IN WITNESS WHEREOF, the said Rockport Colony Condominiums Owners Association, Inc. has caused the execution of this instrument this 10 day of November 2010.

ROCKPORT COLONY CONDOMINIUM OWNERS ASSOCIATION, INC.

By: Linda Nichols
LINDA NICHOLS, its Vice President

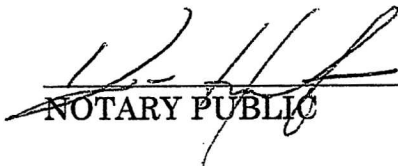
By: Alfred M Rose
ALFRED ROSE, its Treasurer



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 Vice President and its Treasurer, 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 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 10th day of November, 2010.


NOTARY PUBLIC

Place notary stamp/seal here:



KEVIN HUEBSCHMAN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Summit County
My Comm. Exp. 3/12/13

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

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John A Donofrio, Summit Fiscal Officer

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EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF Summit) SS

LINDA NICHOLS, being first duly sworn, states as follows:

1. She is the duly elected and acting Vice President of the Rockport Colony Condominium Owners Association, Inc.
2. She caused 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 Ownerships of whose mortgage interests notice had been given to the Association.
3. Further affiant sayeth naught.

Linda Nichols
LINDA NICHOLS, its Vice President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named LINDA NICHOLS who acknowledges 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 10th day of November, 2010.

[Signature]
NOTARY PUBLIC

Place notary stamp/seal here:



KEVIN HUEBSCHMAN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Summit County
My Comm. Exp. 3/12/13



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.

NONE

Charlotte Marky
CHARLOTTE MARKY, Secretary

STATE OF OHIO)
COUNTY OF Summit) SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named CHARLOTTE MARKY 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 10th day of November, 2010.

[Signature]
NOTARY PUBLIC

Place notary stamp/seal here:



KEVIN HUEBSCHMAN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Summit County
My Comm. Exp. 3/12/13

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John A Donofrio, Summit Fiscal Officer

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