

CUYAHOGA COUNTY RECORDER  
PATRICK J. O'MALLEY  
DECL 12/12/2003 10:06:34 AM  
200312120118

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
MACINTOSH FARMS CONDOMINIUM NO. 1

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR MACINTOSH FARMS CONDOMINIUM NO. 1  
RECORDED AT VOLUME 86-4892, PAGE 7 ET SEQ. OF THE CUYAHOGA COUNTY  
RECORDS.

CUYAHOGA COUNTY RECORDER  
200312120118 PAGE 1 of 6

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
MACINTOSH FARMS CONDOMINIUM NO. 1

WHEREAS, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 (the "Declaration") was recorded at Cuyahoga County Records Volume 86-4892, Page 7 et seq., and

WHEREAS, the MacIntosh Farms Condominium No. 1 Owners Association (the "Association") is a corporation consisting of all Unit Owners in MacIntosh Farms Condominium No. 1 Owners Association and as such is the representative of all Unit Owners, and

WHEREAS, Article XII, Section A of said Declaration authorizes amendments to the Declaration, and

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

WHEREAS, attached hereto as Exhibit A is a certification of the Association's President that a copy of the Amendment was mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association and that Unit Owners having at least 75% of the Association's voting power affirmatively approved the Amendment, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting first 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 Unit Owners representing 77.46% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.46% 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 MacIntosh Farms Condominium No. 1 have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 is hereby amended by the following:

DELETE DECLARATION Article XVIII, Section I, entitled "Notices," in its entirety. Said deletion to be made on Pages 41-42 of the Declaration as recorded at Cuyahoga County Records Volume 86-4892, Page 7 et seq.

INSERT a new DECLARATION Article XVIII, Section I, entitled "Notices." Said addition, to be made on Pages 41-42 of the Declaration as recorded at Cuyahoga County Records Volume 86-4892, Page 7 et seq., is as follows:

(I) Notices. All notices required or permitted hereunder, and under the Bylaws, to the Association, the Board of Managers, or the Unit Owners, shall be in writing and shall be sent by regular first-class U.S. mail to the Board of Managers or the Association at the address of the Condominium Property or to such other address as the Board of Managers may designate from time to time by notice in writing to all Unit Owners. All notices to any Unit Owner shall be sent by regular first-class U.S. mail to such Unit Owner's Unit address or to such other address as may be designated by him from time to time, in writing, to the Board of Managers. Any notice required or permitted to be given to any occupant of a Unit other than a Unit Owner shall effectively be given if sent by regular first-class U.S. mail to the Unit address.

Any conflict between this provision and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting notices by regular first-class U.S. mail. 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.

IN WITNESS WHEREOF, the said MacIntosh Farms Condominium No. 1 Owners Association has caused the execution of this instrument this 9<sup>th</sup> day of ~~November~~, DECEMBER, 2003. <sub>RC</sub>

MACINTOSH FARMS CONDOMINIUM NO. 1 OWNERS ASSOCIATION

By: Richard Crofoot - Pres.  
RICHARD CROFOOT, its President

By: Noreen Butano, Secretary  
NOREEN BUTANO, its Secretary

STATE OF OHIO )  
 )  
COUNTY OF CUYAHOGA ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MacIntosh Farms Condominium No. 1 Owners Association, 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 Cuyahoga, Ohio, this 9 day of ~~November~~, 2003. CAIT  
DECEMBER

CALVIN DAVIS, II  
RESIDENT SUMMIT COUNTY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 5/4/5

Calvin Davis II  
NOTARY PUBLIC

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

CUYAHOGA COUNTY RECORDER  
200312120118 PAGE 4 of 6

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified President of the MacIntosh Farms Condominium No. 1 Owners Association, hereby certifies that the Association received the signed, written consents of the Unit Owners representing 77.46% of the Association's voting power in favor of the Amendment to the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 in accordance with provisions of Article XII, Section A of the Declaration and caused such signed, written consents to be filed with MacIntosh Farms Condominium No. 1 Owners Association corporate records. Accordingly, the Amendment was duly adopted in accordance with the provisions of the Declaration.

The undersigned further certifies that copies of the Amendment to the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 were mailed or hand delivered to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.

  
RICHARD CROFOOT, President

STATE OF OHIO                    )  
                                          )     SS  
COUNTY OF CUYAHOGA        )

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named RICHARD CROFOOT 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 Richfield, Ohio, this 9<sup>th</sup> day of ~~November~~ DECEMBER, 2003.

CALVIN DAVIS, II  
RESIDENT SUMMIT COUNTY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 5/4/8

  
NOTARY PUBLIC

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the MacIntosh Farms Condominium No. 1 Owners Association, hereby certifies that there is on file in the Association's records, the names of the following first mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1.

NONE

*Noreen Butano, Secretary*  
\_\_\_\_\_  
NOREEN BUTANO, Secretary

STATE OF OHIO                    )  
                                          )     SS  
COUNTY OF CUYAHOGA        )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named NOREEN BUTANO 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 *R. Davis*, Ohio, this *9<sup>th</sup>* day of ~~November~~, 2003. *DECEMBER 2003*

CALVIN DAVIS, II  
RESIDENT SUMMIT COUNTY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES *5/4/3*

*Calvin Davis II*  
\_\_\_\_\_  
NOTARY PUBLIC