

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DEED 02/26/2004 09:26:21 AM
200402260035

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
MACINTOSH FARMS CONDOMINIUM NO. 2

CUYAHOGA COUNTY RECORDER
200402260035 PAGE 1 of 6

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR MACINTOSH FARMS CONDOMINIUM NO. 2
RECORDED AT VOLUME 95-02546, PAGE 53 ET SEQ. OF THE CUYAHOGA
COUNTY RECORDS.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
MACINTOSH FARMS CONDOMINIUM NO. 2

WHEREAS, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 2 (the "Declaration") was recorded at Cuyahoga County Records Volume 95-02546, Page 53 et seq., and

WHEREAS, the MacIntosh Farms Condominium No. 2 Owners' Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in MacIntosh Farms Condominium No. 2 Owners' Association, Inc. 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 75% of the Association's voting power 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 the Amendment signed by Unit Owners representing 77.053% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.053% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, 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 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 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 of Condominium Ownership for MacIntosh Farms Condominium No. 2 have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 2 is hereby amended by the following:

DELETE DECLARATION Article XIX, Section H, entitled "Notices," in its entirety. Said deletion is to be taken from Pages 52-53 of the Declaration as recorded at Cuyahoga County Records Volume 95-02546, Page 53 et seq.

INSERT a new DECLARATION Article XIX, Section H, entitled "Notices." Said addition, to be made on Pages 52-53 of the Declaration as recorded at Cuyahoga County Records Volume 95-02546, Page 53 et seq., is as follows:

(H) 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 U.S. mail, first-class postage prepaid, 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 U.S. mail, first-class postage prepaid, 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 U.S. mail, first-class postage prepaid, 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 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. 2 Owners' Association, Inc. has caused the execution of this instrument this 16th day of February, 2004.

MACINTOSH FARMS CONDOMINIUM NO. 2 OWNERS' ASSOCIATION, INC.

By: John Baraona
JOHN BARAONA, its President

By: Jeffrey Lechak
JEFFREY LECHAK, its Secretary

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS
 SUMMIT

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MacIntosh Farms Condominium No. 2 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 Sagamore Hills, Ohio, this 16th day of February, 2004.

Nancy-Anne Wargo
NOTARY PUBLIC
NANCY-ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2006
Recorded in Summit County

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

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified Secretary of the MacIntosh Farms Condominium No. 2 Owners' Association, Inc., hereby certifies that the Association received the signed, written consents of the Unit Owners representing 77.053% of the Association's voting power in favor of the Amendment to the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 2 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. 2 Owners' Association, Inc. corporate records.

The undersigned further certifies that copies of the Amendment to the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 2 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.




JOHN BARAONA, President

STATE OF OHIO)
)
COUNTY OF CUYAHOGA)
 SUMMIT

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named JOHN BARAONA 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 Jagamore Hills, Ohio, this 16th day of February, 2004.



NOTARY PUBLIC ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2006
Recorded in Summit County

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the MacIntosh Farms Condominium No. 2 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 MacIntosh Farms Condominium No. 2 Owners' Association, Inc..

NONE




JEFFREY LECHAK, Secretary

STATE OF OHIO)
)
) SS
COUNTY OF CUYAHOGA)
 SUMMIT

BEFORE ME, a Notary Public in and for said County, personally appeared the above named JEFFREY LECHAK who acknowledged 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 Paganone Hills, Ohio, this 16th day of February, 2004.



NOTARY PUBLIC
NANCY ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2006
Recorded in Summit County