

CUYAHOGA COUNTY RECORDER

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

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") and the Bylaws of MacIntosh Farms Condominium No. 2 Owners' Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were 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 and as such is the representative of all Unit Owners, and

WHEREAS, Article XII(A) of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, 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 added (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 85.785% of the Association's voting power as of May 1, 2008, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 85.785% 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 an Affidavit of the Association's President that copies of the Amendment will be mailed or hand delivered to all unit owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Cuyahoga County Recorder's 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 MacIntosh Farms Condominium No. 2 is hereby amended by the following:

INSERT a new DECLARATION ARTICLE VII(N). Said new addition, to be added on Page 33 of the Declaration, as recorded at Cuyahoga County Records, Volume 95-02546, Page 53 et seq., is as follows:

(N) A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County Sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Condominium Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association shall not, however, be liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner 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 Bylaws shall be interpreted in favor of this restriction on the occupancy of 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.

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF Summit) SS

JOHN BARAONA, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the MacIntosh Farms Condominium No. 2 Owners' Association, Inc.
2. He caused copies of the Amendment to the Declaration to be 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.
3. The Association received the signed, written consents of Unit Owners representing 85.785% of the Association's voting power in favor of the Amendment to the Declaration in accordance with the provisions of Declaration Article XII(A) and caused such signed, written consents to be filed with the corporate records for MacIntosh Farms Condominium No. 2 Owners' Association, Inc.
4. Further affiant sayeth naught.

John Baraona
JOHN BARANOVA, President

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 Sagamore Hills, Ohio, this 31st day of May, 2008.

Nancy-Anne Wargo
NOTARY PUBLIC

NANCY-ANNE WARGO
Notary Public, State of Ohio
My Commission Expires May 5, 2011
Recorded in Summit County

