

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 6
DECL 8/9/2012 1:34:32 PM
201208090431

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VALLEY CREEK VILLAGE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR VALLEY CREEK VILLAGE
CONDOMINIUM RECORDED AT VOLUME 14814, PAGE 525 ET SEQ. OF
THE CUYAHOGA COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
VALLEY CREEK VILLAGE CONDOMINIUM ASSOCIATION

WHEREAS, the Declaration of Condominium Ownership for Valley Creek Village Condominium (the "Declaration") and the Bylaws of Valley Creek Village Condominium Association (the "Bylaws"), Exhibit B to the Declaration, were recorded at Cuyahoga County Records Volume 14814, Page 525 et seq., and

WHEREAS, the Valley Creek Village Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Valley Creek Village and as such is the representative of all Unit Owners, and

WHEREAS, Declaration Article XXI, Section (1) authorizes amendments to the Declaration and Bylaws Article XI authorizes amendments to the Bylaws, and

WHEREAS, a meeting, including any change, adjournment, or continuation of such meeting, of the Association's Unit Owners was held on or about June 14, 2012, and, at such meeting and any adjournment thereof, Unit Owners representing not less than 80% of the voting power of the Association executed, in person or by proxy, an instrument in writing setting forth specifically the matters to be modified (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendments A and B signed by Unit Owners representing 87% of the Association's voting power, together with the minutes from said meeting and any continuation thereof, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 87% of the Association's voting power authorizing the Association's officers to execute Amendments A and B 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 have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Valley Creek Village Condominium is hereby amended by the following:

AMENDMENT A

MODIFY DECLARATION ARTICLE III entitled, "NAME." Said modification, to be made on Page 3 of the Declaration, as recorded at Cuyahoga County Records, Volume 14814, Page 525 et seq., is as follows (deleted language is crossed-out; new language is underlined):

ARTICLE III

NAME

The name by which this condominium property shall be known is The Valley Creek Village Condominium Association.

MODIFY the SECOND SENTENCE of DECLARATION ARTICLE IX, SECTION (1) entitled, "ASSOCIATION." Said modification, to be made on Pages 7-8 of the Declaration, as recorded at Cuyahoga County Records, Volume 14814, Page 525 et seq., is as follows (deleted language is crossed-out; new language is underlined):

ARTICLE IX

ASSOCIATION

The Association shall be called "The Valley Creek Village ~~Condominium~~ Association" or a name similar thereto, and shall ~~may~~ be ~~unincorporated association or may be or become~~ an Ohio Corporation not for profit.

DELETE SECTION (2) of DECLARATION ARTICLE IX entitled, "ASSOCIATION," in its entirety. Said deletion to be taken from Page 8 of the Declaration, as recorded at Cuyahoga County Records, Volume 14814, Page 525 et seq., is as follows (deleted language is crossed-out):

INSERT a new DECLARATION ARTICLE XXIII entitled, "MERGER." Said new addition, to be added on Page 21 of the Declaration, as recorded at Cuyahoga County Records, Volume 14814, Page 525 et seq., is as follows:

ARTICLE XII

MERGER

The Valley Creek Village Condominium Association Bylaws are hereby merged into the Amended and Restated Bylaws for Valley Creek Village Association. The Valley Creek Village Association shall hereafter administer the covenants and restrictions established upon the Valley Creek Village Association and Valley Creek Village Condominium properties as one scheme. Except as specifically stated above, the merger does not, however, effect any revocation, change, or addition to the covenants and restrictions established by the Declaration of Condominium Ownership for Valley Creek Village Condominium and the Declaration of Covenants, Restrictions and Easement of Valley Creek Village.

REVOKE the BYLAWS of VALLEY CREEK VILLAGE CONDOMINIUM ASSOCIATION as adopted on or about June 15, 1978, and recorded as Exhibit B to the Declaration of Condominium Ownership for Valley Creek Village Condominium Association at Cuyahoga County Records Volume 14814, Page 525 et seq., by Bob Schmitt Homes, Inc., and any subsequent amendments, in their entirety, the same to be replaced by the Bylaws of the Valley Creek Village Association as part of the merger.

Any conflict between the above provisions and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment. The invalidity of any part of the above provision shall not impair or affect in any manner the validity or enforceability of the remainder of the provision. 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

INSERT a new DECLARATION ARTICLE IV, SECTION (2)(k). Said new addition, to be added on Page 4 of the Declaration, as recorded at Cuyahoga County Records, Volume 14814, Page 525 et seq., is as follows:

(k) 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. The invalidity of any part of the above provision, shall not impair or affect in any manner the validity or enforceability of the remainder of the provision. 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.

[THIS SPACE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the said Valley Creek Village Condominium Association has caused the execution of this instrument this 4th day of August, 2012.

VALLEY CREEK VILLAGE CONDOMINIUM ASSOCIATION

By: Bradley C. Sieber
BRAD SIEBER, its President

By: Vicki Hanacek
VICKI HANACEK, its Secretary

STATE OF OHIO)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Valley Creek Village Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument 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 Stringsville, Ohio, this 4th day of August, 2012.

Lauren M. Maslowski
NOTARY PUBLIC

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

Place notary stamp/seal here:

LAUREN M. MASLOWSKI
NOTARY PUBLIC • STATE OF OHIO
Recorded in Cuyahoga County
My commission expires May 12, 2013