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JUL 13 2015

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX EXEMPT	
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CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR	



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Terry J. Brown
Franklin County Recorder

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
GLENABBY CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR GLENABBY CONDOMINIUM
RECORDED AT INSTRUMENT NO. 200602170031322 OF THE FRANKLIN
COUNTY RECORDS.

**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
GLENABBY CONDOMINIUM**

WHEREAS, the Declaration of Condominium Ownership for Glenabby Condominium (the "Declaration") and the Bylaws of Glenabby Condominium Association, attached to and made part of the Declaration, were recorded at Franklin County Records Instrument No. 200602170031322, and

WHEREAS, Ohio Revised Code Section 5311.05(E)(1) authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311"), and

WHEREAS, each of the changes set forth in these Amendments are based on, made pursuant to, or in accordance with Chapter 5311, and

WHEREAS, attached as Exhibit A is a certification of the Association's President and Secretary stating that the Amendments were duly adopted in accordance with the Declaration provisions, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration of Condominium Ownership for Glenabby Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Glenabby Condominium is amended by the Board of Directors as follows:

(1) **DELETE DECLARATION ARTICLE VIII**, entitled "**AGENT FOR SERVICE**," in its entirety. Said deletion is to be made on Page 9 of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322.

INSERT a new DECLARATION ARTICLE VIII, entitled "**AGENT FOR SERVICE**." Said new addition to be added on Page 9 of the Declaration, as

recorded at Franklin County Records, Instrument No. 200602170031322, is as follows:

ARTICLE VIII

AGENT FOR SERVICE

The Board will designate the Person to receive service of process for the Association. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(2) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE III, SECTION 2(g). Said new addition, to be added on Page 4 of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322 , is as follows:

The Association may initiate eviction proceedings to evict any tenant, for any violation of the Declaration, Bylaws, rules and regulations, or applicable laws, by the tenant, any Occupant of the Unit, or the owner of the Unit. The Association, as the Unit Owner's agent, will bring such action in the name of the Unit Owner(s). In addition to any procedures required by State law, the Association will give the Unit Owner(s) at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be charged to the Unit Owner(s) and the subject of a special Assessment against the offending Unit Owner and made a lien against that Unit.

(3) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 5(a). Said new addition, to be added on Page 20 of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322, is as follows:

The Association will credit payments made by a Unit Owner in the following order of priority:

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;

- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(4) INSERT a new DECLARATION ARTICLE XV, SECTION 5(l). Said new addition, to be added on Page 21 of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322, is as follows:

(l) When a Unit Owner is delinquent in the payment of Assessments for more than 30 days, the Board may, by a majority vote, suspend the privileges of the owner and/or right of the Occupants to use the recreational facilities.

(5) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 3(c). Said new addition, to be added on Page 20 of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322, is as follows:

The Board may impose reasonable charges to the Unit Owner for providing copies of the Declaration, Bylaws or amendments thereto as well as reasonable charges for the handling of re-financing and/or resale documentation, and/or statements of unpaid Assessments.

(6) INSERT a new PARAGRAPH (n) to BYLAWS ARTICLE IV, SECTION 13. Said new addition to be added on Page f of the Bylaws, attached to and made part of of the Declaration, as recorded at Franklin County Records, Instrument No. 200602170031322, is as follows:

(n) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:

- (1) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the

management and/or operation of the Condominium Property and the Association;

- (2) Commence, defend, intervene in, settle, or compromise any civil, criminal, or administrative action or proceeding that is in the name of, or threatened against, the Association, the Board, or the Condominium Property, or that involves two or more Unit Owners and relates to matters affecting the Condominium Property;
- (3) Grant easements, leases, licenses, and concessions through or over the Common Elements;
- (4) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners; and
- (5) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the Occupants of that Unit or another Unit.

Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendments. The invalidity of any part of the above provision will not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of these amendments, only Unit Owners of record at the time of such filing have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendments.

The Glenabby Condominium Association has caused the execution of this instrument this 19 day of JUNE, 2015.

GLENABBY CONDOMINIUM ASSOCIATION

By: *Len Pavuk*
LEN PAVUK, its President

By: *Don Kraemer*
DON KRAEMER, its Secretary

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

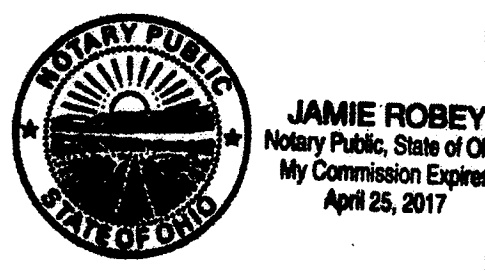
BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Glenabby Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of them personally and as such officers.

IN WITNESS WHEREOF, I have set my hand and official seal in COLUMBUS, Ohio, this 19 day of JUNE, 2015.

Jamie Robey
NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, LLC.
Attorneys at Law
OfficePointe at Polaris
470 Olde Worthington Road, Suite 460
Columbus, Ohio 43082
(614) 882-3100
ohiocondolaw.com

Place notary stamp/seal here:



JAMIE ROBEY
Notary Public, State of Ohio
My Commission Expires
April 25, 2017

