

AMENDMENTS TO THE
DECLARATION CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM
OWNERSHIP FOR
THE VILLAGE AT NORTH FALLS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP FOR THE VILLAGE AT NORTH FALLS CONDOMINIUM RECORDED AT OR BOOK 566, PAGE 966 ET SEQ. OF THE DELAWARE COUNTY RECORDS.

**AMENDMENTS TO THE
DECLARATION CREATING AND ESTABLISHING A PLAN
FOR CONDOMINIUM OWNERSHIP FOR
THE VILLAGE AT NORTH FALLS CONDOMINIUM**

RECITALS

- A.** The Declaration Creating and Establishing a Plan for Condominium Ownership for The Village at North Falls Condominium (the “Declaration”) and the Bylaws of The Village at North Falls Condominium Association, attached to and made part of the Declaration (the “Bylaws”), were recorded at Delaware County Records OR Book 566, Page 966 et seq.
- B.** Ohio Revised Code Section 5311.05(E)(1)(c) authorizes the Board of Directors (the “Board”), without a vote of the Unit Owners, to amend the Declaration “to bring the Declaration into compliance with this Chapter.”
- C.** The Board approved the following matters to be modified (the “Amendments”) to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 (“Chapter 5311”).
- D.** Each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311.
- E.** Attached as Exhibit A is a certification of the Association’s President and Treasurer stating that the Amendments were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).
- F.** The proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

AMENDMENTS

The Declaration Creating and Establishing a Plan for Condominium Ownership for The Village at North Falls Condominium and the Bylaws of The Village at North Falls Condominium Association are amended by the Board of Directors as follows:

- (1) MODIFY THE LAST PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 14.** Said modification, to be made to the Bylaws, attached to, and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows: (new language is underlined)

The notice by the Board given pursuant to the foregoing may be delivered personally to the Unit Owner to whom a Special Individual Unit Assessment is proposed to be charged, an Occupant of that Owner's Unit, by certified mail, return receipt requested, by electronic mail to an electronic mail address previously provided by the owner in writing, or by regular mail. In the event after such hearing the Board determines to levy the Special Individual Unit Assessment proposed, the Board shall deliver to the Unit Owner written notice thereof within thirty (30) days of the date of that hearing.

(2) **MODIFY THE DECLARATION ARTICLE XV, SECTION 5(e).** Said modification, to be made to the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows: (new language is underlined)

(e) The continuing lien provided for herein shall become effective from the time a certificate of lien or renewal certificate was duly filed therefor, and shall continue for a period of five (5) years unless sooner released or satisfied in the same manner provided by law in the State of Ohio for the release and satisfaction of mortgages on real property, or discharged by the final judgment or order of a court in an action brought to discharge the lien.

(3) **INSERT a NEW PARAGRAPH to the end of BYLAWS ARTICLE VII.** Said addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows:

The Association, as determined by the Board, is not required to permit the examination and copying of any of the following from books, records, or minutes that contain any of the following:

(a) Information that pertains to Condominium Property-related personnel matters;

(b) Communications with legal counsel or attorney work product pertaining to pending litigation or other Condominium Property-related matters;

(c) Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;

(d) Information that relates to the enforcement of the Declaration, Bylaws, or Association rules and regulations against a Unit Owner;

(e) Information the disclosure of which is prohibited by state or federal law; or

(f) Records that date back more than five years prior to the date of the request.

(4) INSERT a NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 4. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows:

The majority of the Board will not consist of Unit Owners or representatives from the same Unit unless authorized by a resolution adopted by the Board of Directors prior to the Board majority being comprised of Unit Owners or representatives from the same Unit.

(5) INSERT A NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 12. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows:

Those written consents will be filed with the Board meeting minutes.

(6) INSERT ITEMS (e) and (f) to the end of DECLARATION ARTICLE XVIII, SECTION 1(c)(ii) and a NEW PARAGRAPH THEREAFTER. Said new addition, to be added to the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., and as amended at Book 1661, Page 555 et seq., is as follows:

e. To delete as void, any provision within the Declaration or Bylaws, or in any applicable restriction or covenant, that prohibits, limits the conveyance, encumbrance, rental, occupancy, or use of property subject to Revised Code Chapter 5311 on the basis of race, color, national origin, sex, religion, or familial status; or

f. To permit notices to Unit Owners, as required by the Declaration or Bylaws, to be sent by electronic mail and, if returned undeliverable, by regular mail, provided the association has received the prior, written authorization from the Unit Owner.

Any Unit Owner who is aggrieved by an amendment to the Declaration that the Board of Directors makes in accordance with the above may commence a declaratory judgment action to have the amendment declared invalid as violative of the above. Any action filed to contest the validity of the amendment must be filed in the appropriate court of common pleas within one year from the date of the recordation of the amendment.

(7) **MODIFY BYLAWS ARTICLE IV, SECTION 13(n)(ii).** Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., and as amended at Book 1661, Page 555 et seq., is as follows: (deleted language is crossed out; new language is underlined)

(ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning 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, impacts zoning, or otherwise~~and~~ relates to matters affecting the Condominium Property;

(8) **INSERT A NEW DECLARATION ARTICLE XIX, SECTION 7, entitled "Notices to Unit Owners."** Said new addition, to be added to the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows:

Section 7. Notices to Unit Owners. All notices required or permitted by the Declaration or Bylaws to any Unit Owner will be in writing and is deemed effectively given if it has been sent by regular U.S. mail, first-class postage prepaid, to their Unit address or to another address the Unit Owner designates in writing to the Board, or delivered using electronic mail subject to the following:

(a) The Association may use electronic mail or other transmission technology to send any required notice only to Unit Owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Unit Owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices by either regular mail or hand delivered.

(b) An electronic mail or transmission technology to a Unit Owner is not considered delivered and effective if the Association's transmission to the Unit Owner fails, e.g. the Association receives an "undeliverable" or similar message, or the

inability to deliver the transmission to the Unit Owner becomes known to the person responsible for sending the transmission. If the electronic mail or transmission is not delivered or effective, the Association will deliver the notice or other communication to the Unit Owner by either regular mail or hand delivered.

(9) **MODIFY DECLARATION ARTICLE XV, SECTION 3(a)(i)(e).** Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Delaware County Records, OR Book 566, Page 966 et seq., is as follows: (new language is underlined)

e. an amount deemed adequate by the Board in its sole and unfettered discretion, and without vote of Unit Owners, to establish or augment an existing reserve for the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements in an amount adequate to repair and replace major capital items in the normal course of operations without the necessity of special assessments, unless the Unit Owners, exercising not less than a majority of the voting power of the Association, waive the reserve requirement in writing annually for which cash reserves over a period of time in excess of one year ought to be maintained; and

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 Village at North Falls Condominium Association has caused the execution of this instrument this _____ day of _____, 2022.

THE VILLAGE AT NORTH FALLS CONDOMINIUM ASSOCIATION

By: _____
HARRY WOOLHISER, President

By: _____
EMILIE ROGERS, Treasurer

STATE OF OHIO)
) SS
COUNTY OF _____)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Village at North Falls Condominium Association, by its President and its Treasurer, 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.

I have set my hand and official seal this _____ day of _____, 2022.

NOTARY PUBLIC

Place notary stamp/seal here:

This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
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