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Delaware County, OH
Melissa Jordan County Recorder
File# 2014-00024210

KAMAN & CUSIMANO
470 OLDE WORTHINGTON RD
COLUMBUS, OH 43082

BK 1309 PG 1924-1932

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE LAKES AT POLARIS CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR THE LAKES AT POLARIS
CONDOMINIUMS RECORDED AT OR BOOK 851, PAGE 543 ET SEQ. OF THE
DELAWARE COUNTY RECORDS.

**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE LAKES AT POLARIS CONDOMINIUMS**

WHEREAS, the Declaration of Condominium Ownership for The Lakes at Polaris Condominiums (the "Declaration") and the Bylaws of The Lakes at Polaris Condominium Association, attached to and made part of the Declaration, were recorded at Delaware County Records OR Book 851, Page 543 et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code 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") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, attached hereto 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 of the Ohio Revised Code and the Declaration of Condominium Ownership for The Lakes at Polaris Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Lakes at Polaris Condominiums is hereby 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 15-16 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq.

INSERT a new DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE." Said new addition to be added on Page 15-16 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

ARTICLE VIII
AGENT FOR SERVICE

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

(2) **INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XX, SECTION 2.** Said new addition, to be added on Page 42 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board will have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

(3) **INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 2(h).** Said new addition, to be added on Page 6 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

In accordance with Ohio law, 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 action will be brought by the Association, as the Unit Owner(s)'s agent, 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.

(4) INSERT a new 2nd SUBPARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 5(a).” Said new addition, to be added on Page 30 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), 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.**

(5) INSERT a new PARAGRAPH (i) to DECLARATION ARTICLE XV, SECTION 5. Said new addition, to be added on Page 32 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

(i) In accordance with Ohio Revised Code Section 5311.081(B)(18), 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.

(6) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 3(c). Said new addition, to be added on Page 30 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), 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.

(7) INSERT a new DECLARATION ARTICLE III, SECTION 2(t), entitled "Owner/Resident Information." Said new addition, to be added on Page 9 of the Declaration, as recorded at County Records, OR Book 851, Page 543 et seq., is as follows:

(t) Owner/Resident Information. In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner will, within 30 days of the recording of this Amendment or within 30 days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or all Occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any Person who manages the Unit as an agent of that Unit Owner. Any change in the information will be provided to the Board, in writing, within 30 days of said change.

INSERT a new 6th PARAGRAPH of DECLARATION ARTICLE VII, SECTION 4, entitled "Board of Directors." Said new addition, to be made on Page 15 of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

All Board members must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one Unit may be represented by more than one Person on the Board at any one time. If a Unit Owner is not an individual, that Unit Owner may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Unit Owner.

(8) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE V, SECTION 9. Said new addition, to be added on Page c of the Bylaws, attached to and made a part of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in Person or by any method of communication, including electronic or telephonic communication,

provided that each Board member can hear, participate and respond to every other Board member.

(9) **INSERT a new PARAGRAPH (m) to BYLAWS ARTICLE V, SECTION 12.** Said new addition to be added on Page f of the Bylaws, attached to and made a part of the Declaration, as recorded at Delaware County Records, OR Book 851, Page 543 et seq., is as follows:

(m) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, 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) Adopt rules that regulate the use or occupancy of Units, the maintenance, repair, replacement, modification, and appearance of Units, Common Elements, and Limited Common Elements when the actions regulated by those rules affect Common Elements or other Units;

(4) Grant easements, leases, licenses, and concessions through or over the Common Elements;

(5) 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

(6) 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;

(10) 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 does 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 Lakes at Polaris Condominium Association has caused the execution of this instrument this 11th day of September, 2014.

THE LAKES AT POLARIS CONDOMINIUM ASSOCIATION

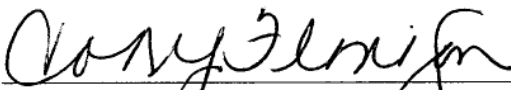
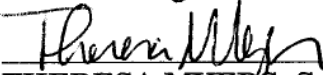

By: 
JODY FLANIGAN, its President

THERESA MYERS, Secretary

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

The undersigned, being the duly elected and qualified President and Secretary of The Lakes at Polaris Condominium Association, hereby certify that the Amendments were duly adopted in accordance with the provisions set forth in the Declaration for amendments.



JODY FLANIGAN, President



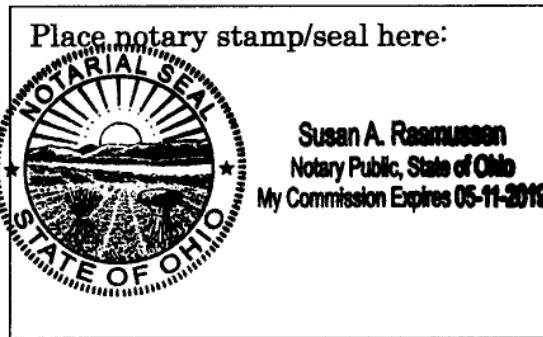
THERESA MYERS, Secretary

STATE OF OHIO)
) SS
COUNTY OF)

BEFORE ME, a Notary Public in and for said County, personally appeared the above named JODY FLANIGAN and THERESA MYERS who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Columbus, Ohio, this 11th day of September, 2014.


NOTARY PUBLIC

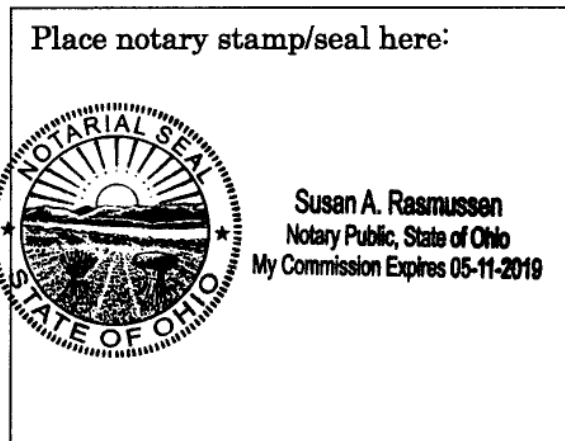


STATE OF OHIO)
)
COUNTY OF DELAWARE) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Lakes at Polaris Condominium Association, by its President and Secretary, who acknowledged that they did sign the foregoing instrument, on Page 7 of 9, 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 hereunto set my hand and official seal in Columbus, Ohio, this 11th day of September, 2014.

Susan A. Rasmussen
NOTARY PUBLIC



This instrument prepared by:
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