

TRANSFER  
NOT NECESSARY

NOV 19 2012

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO



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11/19/2012 3:44PM MEPKAMAN & CU  
Daphne Hawk  
Franklin County Recorder

AMENDMENTS TO THE  
DECLARATION OF  
THE MEWS CONDOMINIUM AT MUIRFIELD

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
THE MEWS CONDOMINIUM AT MUIRFIELD RECORDED AT VOLUME  
3566, PAGE 757 ET SEQ. OF THE FRANKLIN COUNTY RECORDS.

**AMENDMENTS TO THE**  
**DECLARATION OF**  
**THE MEWS CONDOMINIUM AT MUIRFIELD**

**WHEREAS**, the Declaration of The Mews Condominium at Muirfield (the "Declaration") and the Bylaws of The Mews Condominium at Muirfield Unit Owners' Association (the "Bylaws"), attached to and made part of the Declaration, were recorded at Franklin County Records Volume 3566, Page 757 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**, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of The Mews Condominium at Muirfield have in all respects been complied with.

**NOW THEREFORE**, the Declaration of The Mews Condominium at Muirfield is hereby amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."

(4) **DELETE DECLARATION ARTICLE 11** in its entirety. Said deletion is to be made on Page 10 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq.

**INSERT a new DECLARATION ARTICLE 11.** Said addition, to be made on Page 10 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

11. The person to receive service of process for the Association shall 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.

(5) **INSERT a new DECLARATION ARTICLE 14 and a NEW 1<sup>st</sup> PARAGRAPH THEREAFTER.** Said new addition, to be added on Page 11 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

14. In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall 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.

(6) **INSERT a new DECLARATION ARTICLE 15.** Said new addition, to be added on Page 11 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

15. In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

(7) INSERT a new 2<sup>nd</sup> PARAGRAPH to the end of DECLARATION ARTICLE 3, SECTION (g). Said new addition, to be added on Page 3 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 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.

(8) INSERT a new DECLARATION ARTICLE 16. Said new addition, to be added on Page 11 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

16. In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a unit owner in the following order of priority:

- (a) First, to interest owed to the Association;
- (b) Second, to administrative late fees owed to the Association;
- (b) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (d) Fourth, to the principal amounts the unit owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(9) INSERT a new 2<sup>nd</sup> PARAGRAPH to the new DECLARATION ARTICLE 14. Said new addition, to be added on Page 11 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

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 voting privileges of the owner and/or right of the occupants to use the recreational facilities.

(10) INSERT a new BYLAWS ARTICLE XIII, entitled "SPECIAL SERVICES." Said new addition, to be added on Page 11 of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

### ARTICLE XIII

#### SPECIAL SERVICES

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.

(11) INSERT a new DECLARATION ARTICLE 3, SECTION (h). Said new addition, to be added on Page 3 of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

(h) In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each unit owner shall, 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 shall be provided to the Board, in writing, within 30 days of said change.

(12) INSERT a new 2<sup>nd</sup> PARAGRAPH TO BYLAWS ARTICLE IV, SECTION 1. Said addition, to be made on Page 3 of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., and as amended at County Records Volume 3692, Page 477 is as follows:

Each Board member 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.

(13) INSERT a new 3<sup>rd</sup> SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 5. Said new addition, to be added on Page 5 of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 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.

(14) INSERT a new SENTENCE to the end of BYLAWS ARTICLE IX, SECTION 2. Said new addition, to be added on Page 8 of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(15) INSERT a new BYLAWS ARTICLE IV, SECTION 9. Said new addition to be added on Page 5 of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records Volume 3566, Page 757 et seq., is as follows:

Section 9. 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:

(a) 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;

(b) 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;

(c) Enter into contracts and incur liabilities relating to the operation of the condominium property;

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

(e) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to unit owners;

(f) 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; and

(g) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

(16) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall 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.

IN WITNESS WHEREOF, the said The Mews Condominium at Muirfield Unit Owners' Association has caused the execution of this instrument this 31<sup>st</sup> day of October, 2012.

**THE MEWS CONDOMINIUM AT MUIRFIELD  
UNIT OWNERS' ASSOCIATION**

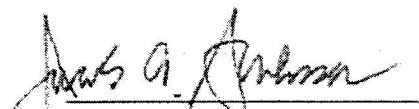
By: James B. Dobbs  
JAMES B. DOBBS, its President



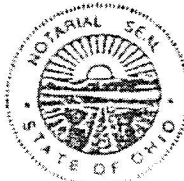
STATE OF OHIO )  
 )  
COUNTY OF FRANKLIN ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Mews Condominium at Muirfield Unit Owners' Association, by James B. Dobbs, its President, who acknowledged that he did sign the foregoing instrument, on Page 8 of 9, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Columbus, Ohio, this 31<sup>st</sup> day of October, 2012.

  
NOTARY PUBLIC

Place notary stamp/seal here:



JACOB A. SCHLOSSER  
Notary Public, State of Ohio  
Lifetime Commission

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