

**BK 8420 PG 2237 - 2241**

**AMENDMENT NUMBER TEN TO THE DECLARATION OF  
CONDOMINIUM OWNERSHIP AND IMPOSING COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR THE PROJECT KNOWN  
AS THE BLUFFS OF WILDWOOD CONDOMINIUM**

**WHEREAS**, the Declaration of Condominium Ownership Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions and Restrictions for the Project known as The Bluffs of Wildwood Condominium was recorded on June 29, 1981 in Book 1425, Pages 1-96 of the Deed Records of Butler County, Ohio ("Declaration"); Amendment No. 1 to the Declaration was recorded on August 27, 1981 in Book 1429, Page 153 of the Deed Records of Butler County, Ohio; Amendment No. 2 to the Declaration was recorded on September 20, 1982 in Book 1451, Page 88 of the Deed Records of Butler County, Ohio; Amendment No. 3 to the Declaration was recorded on February 14, 1983 in Book 1460, Page 127 of the Deed Records of Butler County, Ohio; Amendment No. 4 to the Declaration was recorded on April 20, 1983 in Book 1464, Page 418 of the Deed Records of Butler County, Ohio; Amendment No. 5 was recorded on June 16, 1983 in Book 1468, Page 658 of the Deed Records of Butler County, Ohio; the Amendment No. 6 to the Declaration was recorded on June 24, 1983 in Book 1469, Page 442 of the Deed Records of Butler County, Ohio; Amendment No. 7 to the Declaration was recorded on November 16, 1983 in Book 1481, Page 664 of the Deed Records of Butler County, Ohio; Amendment No. 8 to the Declaration was recorded on January 26, 1984 in Book 1487, Page 136 of the Deed Records of Butler County, Ohio; and Amendment No. 9 to the Declaration was recorded on January 29, 1992 in Book 1744, Page 457 of the Deed Records of Butler County, Ohio;

**WHEREAS**, the Declaration and Amendments to it are binding upon the owners of the property described in Exhibit "A" and attached hereto;

**WHEREAS**, O.R.C. §5311.05(E)(1)(a) empowers the Board of Directors of a Condominium Association to amend the declaration of condominium ownership without a vote of the unit owners as necessary to meet the requirements of the Federal Housing Administration ("FHA");

**WHEREAS**, governing documents of condominiums which contain a rental restriction that completely prohibits the leasing of units render the condominium ineligible for FHA approval;

**WHEREAS**, Amendment No. 9 to the Declaration prohibits the leasing of units except in the case of undue hardship, thereby making The Bluffs of Wildwood Condominium ineligible for FHA certification;

**WHEREAS**, the Board of Directors desires to amend the Declaration, specifically Section 14.1(B) as amended by Amendment No. 9, to allow the leasing of units so that The Bluffs of Wildwood Condominium may obtain FHA approval and to bring the Declaration into compliance with FHA's guidelines for approval;

**NOW, THEREFORE,** pursuant to O.R.C. §5311.05(E)(1)(a), the Board of Directors amends the Declaration as follows:

Section 14.1(B) is hereby deleted and the following is substituted in its place:

**Section 14.1(B) Leasing of Units.** In order to (a) protect the equity of the individual property owners at The Bluffs of Wildwood Condominium; (b) to carry out the purposes for which the Condominium was formed by preserving the character of the Condominium as a homogenous residential community of predominantly owner-occupied homes and by preventing the Condominium from assuming the character of a renter-occupied apartment complex; and (c) to comply with the eligibility requirements for financing in the secondary mortgage market and under the Federal Housing Administration, leasing of units shall be governed by the following restrictions.

- (i) No more than one of the Units within the Condominium Property may be leased at any one time.
- (ii) The Board of Directors shall be empowered, however, to allow for a Unit to be leased to ensure that a proposed lease conforms to these restrictions and does not violate the Declaration or the Association's rules, all proposed leases must be approved by the Association prior to being signed.
- (iii) The Association may request and receive a copy of the lease agreement or any sublease agreement. Unit Owners are prohibited from leasing their Units for an initial term of less than thirty days. The Association may request the names of tenants, tenants' family members, and roommates who will occupy the Unit.
- (iv) The Board shall have the power to make and enforce reasonable rules and regulations and to fine, in accordance with the Declaration and By-Laws, for violations of the provisions of this Section. Any transaction which does not comply with this Section 14.1(B) shall be void unless subsequently approved by the Board of Directors in writing.
- (v) No unit maybe leased for transient or hotel purposes, which shall include, without limitation, the following:
  - a. Rental for any period less than thirty (30) days; or
  - b. Any rental where the occupants of the unit are provided customary hotel service, such as room service for food and beverage, maid service, laundry and linen service, or bellboy service.

- (vi) Any lessee or tenant of a unit shall in all respects be subject to the Declaration, By-Laws, and all rules and regulations as are from time to time promulgated by the Association or Board of Directors as though such lessee or tenant were an owner. The lease of any unit shall be in writing. Such lease shall provide that the occupant of the Unit is subject to the terms and provisions of the Condominium Instruments. If the lease shall not so provide, then, by a means of this covenant on the Condominium Property and Units, such provisions shall be deemed automatically included in the lease. Each Owner agrees, furthermore, to ensure his or her lessee or persons living with such Owner or with his or her lessee to comply with the Declaration, By-Laws, and the rules and regulations promulgated thereunder and is responsible and liable for all violations and losses caused by such tenant or lessee, notwithstanding the fact that such occupants of the Units are fully liable for any violation of the Condominium Instruments and regulations. Any fines levied against a lessee and not paid by said lessee shall constitute a lien against the Unit.
- (vii) The occupancy of a unit by an immediate family member of the owner(s) shall not be prohibited by this provision. "Immediate family member" shall mean father, mother, brother, sister, or children of the owners(s).
- (viii) Any first mortgagee of a Unit who becomes the Owner of that Unit shall be permitted to lease the Unit without having to demonstrate undue hardship or without inclusion in the 1% cap listed above.

IN WITNESS WHEREOF, Timothy Brennan, the President of The Bluffs of Wildwood Homeowners' Association, Inc., an Ohio non-profit corporation, hereby certifies that this Amendment was approved unanimously by the Board of Directors of The Bluffs of Wildwood Homeowners' Association, Inc.

**THE BLUFFS OF WILDWOOD  
HOMEOWNERS' ASSOCIATION, INC.**  
An Ohio non-profit corporation

Timothy Brennan  
By: Timothy Brennan  
President

STATE OF OHIO

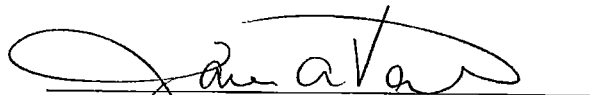
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) SS:

COUNTY OF BUTLER

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The foregoing instrument was acknowledged before me this 28 day of February, 2012 by Timothy Brennan, the President of The Bluffs of Wildwood Homeowners' Association, Inc., an Ohio non-profit corporation, on behalf of the corporation.



Notary Public



JANE A. VAIL  
Notary Public, State of Ohio  
My Commission Expires  
September 27, 2014

Prepared by:

Amy Schott Ferguson, Esq.  
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**EXHIBIT A**  
**LEGAL DESCRIPTION**

Situate in Section 21, Town 2, Range 2, Fairfield Township, City of Fairfield, Butler County, Ohio and being Units 11 through 18 inclusive, 21 through 27, 31 through 36, 41 through 45, 51 through 55, 61 through 66, 71 through 75, 81 through 86, 91 through 95, 101 through 104, and 111 through 115 of The Bluffs of Wildwood Condominium, as formed by the Declaration of Condominium Ownership Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions and Restrictions for the Project Known as The Bluffs Condominium (the "Declaration"), recorded on the 30<sup>th</sup> day of June, 1981, in Official Record Volume 1425, Page 1 of the records of the Recorder of Butler County, Ohio.