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Lorain County, Ohio
Mike Doran County Recorder

File **2023-0907246**

SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
FOR
PIONEER RIDGE

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PIONEER RIDGE RECORDED AT INSTRUMENT NO. 2014-0521956 ON OCTOBER 10, 2014 AND THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PIONEER RIDGE RECORDED ON NOVEMBER 18, 2005 AT INSTRUMENT NO. 2005-111477 OF THE LORAIN COUNTY RECORDS.

SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR PIONEER RIDGE

RECITALS

- A.** On or about November 18, 2005, Pulte Homes of Ohio, LLC, a Michigan limited liability company ("Developer"), filed the Declaration of Covenants, Conditions, Restrictions and Easements for Pioneer Ridge ("Original Declaration") at Lorain County Records, Instrument No. 2014-0521956.
- B.** On or about January 4, 2011, the Board of Directors filed the Bylaws of Pioneer Ridge Homeowners' Association, Inc. ("Original Bylaws") at Lorain County Records, Instrument No. 2011-0359725 to bring the Association's governing documents into compliance with Section 5312.02 of the Ohio Revised Code.
- C.** On or about October 10, 2014, the Developer filed the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Pioneer Ridge ("Amended Declaration") at Lorain County Records, Instrument No. 2014-0521956.
- D.** The Original Declaration and Amended Declaration subjected the real estate described in Exhibit "A" of the Original Declaration and Amended Declaration ("Property") to the easements, covenants, and restrictions contained in the Original Declaration and Amended Declaration.
- E.** The Pioneer Ridge Homeowners' Association, Inc. ("Association") is a corporation consisting of all Owners in Pioneer Ridge and as such is the representative of all Owners.
- F.** Amended Declaration Article XVI, Section 16.10(d) authorizes amendments to the Amended Declaration and Original Bylaws Article XI authorizes amendments to the Original Bylaws.
- H.** A meeting, including any change, adjournment, or continuation of the meeting, of the Association's Owners was held on or about November 29, 2022, and, at the meeting and any adjournment, Owners representing at least 2/3rds of the voting power of the Association executed, in person or by proxy, an instrument in writing setting forth specifically the matters to be modified (the "Amendment").

J. Owners representing 76.23 percent of the Association's voting power have affirmatively consented to or voted in favor of the Amendment and signed powers of attorney authorizing the Association's officers to execute the Amendment on the Owners' behalf, as documented in the Association's records.

K. The proceedings necessary to amend the Amended Declaration and Original Bylaws as required by Chapter 5312 of the Ohio Revised Code and the Amended Declaration and Original Bylaws have in all respects been complied with.

AMENDMENT

The Amended Declaration of Covenants, Conditions, Restrictions and Easements for Pioneer Ridge and Original Bylaws are amended by the following:

A) DELETE AMENDED DECLARATION Pages 1 through 62 and AMENDED BYLAWS Pages 1 through 17 (Exhibit C of the Amended Declaration) as recorded at Lorain County Records, Instrument No. 2014-0521956, as well as all other Exhibits (except to the extent, if any, that any Exhibit is made part of the Second Declaration) and any subsequent amendments to the Declaration and Bylaws.

B) INSERT the new SECOND AMENDED AND RESTATED Declaration of Covenants, Conditions, Restrictions and Easements of Pioneer Ridge Pages 1 through 75, along with Exhibits "A," "B," and "D" as attached hereto and as if fully rewritten herein.

INSERT the new SECOND AMENDED AND RESTATED BYLAWS of Pioneer Ridge Homeowners' Association, Inc. Pages 1 through 32, as Exhibit "C" to the Second Amended and Restated Declaration, as attached hereto and as if fully rewritten herein.

C) Any conflict between the provisions of the Second Amended and Restated Declaration and Bylaws as contained in the attached documents and the Amended and Restated Declaration and the Bylaws previously recorded at Lorain County Records Instrument No. 2014-0521956, is to be interpreted in favor of the provisions of this amendment. The invalidity of any part of any provision in the Second Amended and Restated Declaration and Bylaws does not impair or affect in any manner the validity or enforceability of the remainder of the Second Amended and Restated Declaration and Bylaws. Upon the recording of this

amendment, only Owners of record at the time of filing have standing to contest the validity of the amendment, whether on procedural, substantive, or any other grounds. Any legal challenge *must* be brought in the Lorain County Court of Common Pleas within *one year* of the recording of the amendment.

The Pioneer Ridge Homeowners' Association, Inc. has caused the execution of this instrument this 12 day of Feb., 2023.

PIONEER RIDGE HOMEOWNERS' ASSOCIATION, INC.

By: 
PATRICK J. GRAHAM, President

By: 
DAVID A. RICHARDS, Treasurer

STATE OF OHIO)
COUNTY OF Lorain) SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Pioneer Ridge Homeowners' Association, Inc., by its President and its Treasurer, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, and that the same is the free act and deed of the corporation and the free act and deed of each of them personally and as the officers.

I have set my hand and official seal this 12th day of February, 2023.

Patricia Gargalianos
NOTARY PUBLIC

Place notary stamp/seal here:



PATRICIA GARGALIANOS
Notary Public, State of Ohio
My Commission Expires
11/3/2027

✓
This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
50 Public Square, Suite 2000
Cleveland, Ohio 44113
(216) 696-0650
ohiohoalaw.com

ARTICLE IV

ASSOCIATION RIGHTS

Notwithstanding the rights and easements of enjoyment and use created in this Declaration, and in addition to any right the Association has pursuant to this Declaration or in law, the Association has the following rights:

Section 4.1 - Borrowing. The Association may borrow money, issue, sell, or pledge notes, bonds, or other evidence of indebtedness of the Association, assign the Association's right to present or future income, including the right to receive insurance proceeds, and other income or compensation, as collateral for any monies borrowed, and to assign the Association's lien rights, and execute related documents, with the prior approval of the Majority of the Association's voting power.

Section 4.2 – Capital Additions and Improvements Fund or “CAIF”. The Board is authorized, but is not obligated, to establish an account for capital additions and improvements, or for the purchase or lease of any Living Unit or Lot by the Association, the CAIF, which is, distinguished from maintenance, repair, or replacements. The CAIF is distinct, separate, and apart from the reserve funds for operating contingencies and reserves for major repairs and replacements. The Board is authorized to expend money contained in the CAIF solely for the purpose of acquiring fixtures, alterations, additions, or improvements to upgrade and enhance the Common Elements for the benefit of the Owners. The CAIF will be comprised solely of funds received by the Association from the one-time Resale Assessment due and collectible from Living Unit purchasers at the time of transfer of record title to the Lot as described in Article X, Section 10.3. Annual contributions to the CAIF will not exceed the amount received that year from the Association's receipt of Resale Assessments. The Board is authorized to expend no more 5 percent of the current fiscal year's annual budget (including reserves for operating contingencies and reserves for major repairs and replacements contributions) for any one project or in total within any fiscal year. The prior approval of the Majority of the Association's voting power is required for an expenditure exceeding 5 percent of the current year's annual budget.

If the CAIF- accumulates funds not needed for any planned capital addition or improvement, the Board may transfer funds from the CAIF to the reserves for operating contingencies or to the reserves for major repairs and replacements at any time the Board determines to be appropriate. The limitations on expenditures by the