

DO NOT DETACH



Instrument Number: 201907290093298

Recorded Date: 07/29/2019 9:19:31 AM



Daniel J. O'Connor Jr.
Franklin County Recorder
373 South High Street, 18th Floor
Columbus, OH 43215
(614) 525-3930
<http://Recorder.FranklinCountyOhio.gov>
Recorder@FranklinCountyOhio.gov

Return To (Mail Envelope):

KAMAN & CUSIMANO

Mail Envelope

Transaction Number: T20190044017

Document Type: CONDOMINIUM DECLARATION

Document Page Count: 8

Submitted By (Mail):

KAMAN & CUSIMANO

Mail

First Grantor:

BROAD BRUNSON PLACE CONDOMINIUM UNIT OWNERS
ASSN

First Grantee:

BROAD BRUNSON PLACE CONDOMINIUM

Fees:

Document Recording Fee: \$28.00

Additional Pages Fee: \$48.00

Marginal Reference Fee: \$4.00

Total Fees: \$80.00

Amount Paid: \$80.00

Amount Due: \$0.00

Instrument Number: 201907290093298

Recorded Date: 07/29/2019 9:19:31 AM

OFFICIAL RECORDING COVER PAGE

DO NOT DETACH

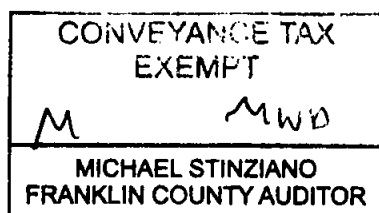
THIS PAGE IS NOW PART OF THIS RECORDED DOCUMENT

NOTE: If the document data differs from this cover sheet, please first check the document on our website to ensure it has been corrected. The document data always supersedes the cover page.

If an error on the cover page appears on our website after review please let our office know.

COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

8.1
8



TRANSFER
NOT NECESSARY

JUL 25 2019

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

AMENDMENTS TO THE
AMENDED AND RESTATED DECLARATION
FOR
BROAD-BRUNSON PLACE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND
RESTATED DECLARATION FOR BROAD-BRUNSON PLACE
CONDOMINIUM RECORDED AT VOLUME 3780, PAGE 1 ET SEQ. OF THE
FRANKLIN COUNTY RECORDS.

AMENDMENTS TO THE
AMENDED AND RESTATED DECLARATION AND BYLAWS
FOR BROAD-BRUNSON PLACE CONDOMINIUM

RECITALS

- A. The Amended and Restated Declaration for Broad-Brunson Place Condominium (the "Declaration") and the Amended Bylaws of Broad-Brunson Place Condominium Unit Owners' Association, attached to and made part of the Declaration (the "Bylaws"), were recorded at Franklin County Records Volume 3780, Page 1 et seq.
- B. Ohio Revised Code Section 5311.05(E)(1) 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 Secretary stating that the Amendments were duly adopted in accordance with the Declaration provisions.
- 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 Amended and Restated Declaration for Broad-Brunson Place Condominium and the Amended Bylaws of Broad-Brunson Place Condominium Unit Owners' Association are 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" are 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" are replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Trustees" are replaced with the term "Board of Directors."
- (4) DELETE DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE," in its entirety. Said deletion is to be made on Page 10 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq.

INSERT a new DECLARATION ARTICLE VIII, entitled "AGENT FOR SERVICE." Said new addition to be added on Page 10 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

ARTICLE VIII

AGENT FOR SERVICE

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

- (5) INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XVIII, SECTION 2. Said new addition, to be added on Page 20 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

The Board has the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with Chapter 5311, 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 XV, SECTION 5(i). Said new addition, to be added on Page 18 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

(i) 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 PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 1. Said new addition, to be added on Page 15 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

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.

(8) INSERT a new DECLARATION ARTICLE XV, SECTION 3(c) . Said new addition, to be added on Page 17 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq. is as follows:

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 or resale documentation, and statements of unpaid Assessments.

(9) INSERT a new DECLARATION ARTICLE III, SECTION 2(q), entitled "Owner/Resident Information." Said new addition, to be added on Page 7 of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

(q) Owner/Resident Information. Each Unit owner must, 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 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 must be provided to the Board, in writing, within 30 days of said change.

(10) INSERT a new PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 2. Said new addition, to be added on Page b of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

Each Board member must be a Unit owner or the spouse of a Unit owner. 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.

(11) INSERT a new SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 9. Said new addition, to be added on Page c of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

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.

(12) INSERT a new PARAGRAPH (l) to BYLAWS ARTICLE IV, SECTION 12. Said new addition to be added on Page d of the Bylaws, attached to and made part of the Declaration, as recorded at Franklin County Records, Volume 3780, Page 1 et seq., is as follows:

(l) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:

(i) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and operation of the Condominium Property and the Association;

(ii) 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;

(iii) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

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

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

(vi) 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;

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

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 this amendment, only Unit owners of record at the time of such filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any contest or other legal challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The Broad-Brunson Place Condominium Unit Owners' Association has caused the execution of this instrument this 14th day of June, 2019.

BROAD-BRUNSON PLACE CONDOMINIUM UNIT OWNERS' ASSOCIATION

By: *Holly Raduege*
HOLLY RADUEGE, its President

By: *Lucy O. Buzzee*
LUCY O. BUZZEE, its Secretary

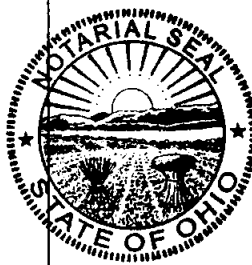
STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Broad-Brunson Place Condominium Unit Owners' Association, by its President and its Secretary, 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.

IN WITNESS WHEREOF, I have set my hand and official seal this 14th day of June, 2019.

Karen S. Shively
NOTARY PUBLIC

Place notary stamp/seal here:




KAREN S. SHIVELY
Notary Public, State of Ohio
My Commission Expires 05-26-2021

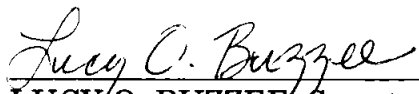
This instrument prepared by:
KAMAN & CUSIMANO, LLC.
Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
ohiocondolaw.com

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

The undersigned, being the duly elected and qualified President and Secretary of the Broad-Brunson Place Condominium Unit Owners' Association, certifies that the Amendments were duly adopted in accordance with the provisions set forth in the Declaration for amendments.


HOLLY RADUEGE, President


LUCY O. BUZZEE, Secretary

STATE OF OHIO)
) SS
COUNTY OF)

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **HOLLY RADUEGE** and **LUCY O. BUZZEE** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

14th IN TESTIMONY WHEREOF, I have set my hand and official seal this
day of June, 2019.


NOTARY PUBLIC

