



# KAMAN & CUSIMANO LLC

COMMUNITY ASSOCIATION ATTORNEYS

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June 6, 2024

Broad Brunson Place Condominium  
c/o Liz Nusken, President  
12 Brunson Ave  
Columbus, Ohio 43203

Re: SB61 – Ohio Condominium Act Amendments

Dear Ms. Nusken:

Enclosed, please find the *original*, fully executed and recorded Amendments to the Declaration of Condominium Ownership for Broad-Brunson Place Condominium Unit Owners' Association. The amendments were filed with the Franklin County Recorder's Office on May 23, 2024, at Instrument No. 202405230050720. The amendments became binding and effective on the date they were filed. Please keep the original amendments in the Association's *permanent* file.

The Board must notify every unit owner that the amendments have passed and been filed for record with the County. The Board's notice should, at a minimum, indicate the date the amendments were recorded and the County's Instrument number. The Board may send the notice by regular U.S. mail, hand delivery, or, for those owners who have opted into electronic communications, any owner who has provided the Association with an email address.

Along with the notice to the owners, the Board can include a copy of the recorded amendments, especially when being sent by email, so that owners are more likely to pass the amendments on to future buyers. Alternatively, the Board may indicate how owners can obtain a copy of the recorded amendments, such as by requesting a copy from the Association, or by obtaining a copy directly from the Franklin County Recorder's Office.

Now that the amendments have been recorded and delivered to the Association, our work on this matter is complete and I have closed our file accordingly. It has been my pleasure to work together with the Association on this matter.

Should you or any of the other Board members wish to further discuss this matter, please do not hesitate to telephone me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jeffrey E. Kaman". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Kaman" clearly distinguishable. Below the signature, the name "JEFFREY E. KAMAN" is printed in a standard, black, sans-serif font.

JEFFREY E. KAMAN

JEK: cmc

Enclosure

cc: All Board members (via electronic mail only)



## **DO NOT DETACH**



Instrument Number: 202405230050720  
Recorded Date: 05/23/2024 8:32:18 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](mailto:Recorder@FranklinCountyOhio.gov)

**Return To (Mail Envelope):**  
KAMAN & CUSIMANO

Mail Envelope

**Transaction Number:** T20240035316  
**Document Type:** CONDOMINIUM DECLARATION  
**Document Page Count:** 12

**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:	\$34.00
Additional Pages Fee:	\$80.00
Marginal Reference Fee:	\$4.00
<b>Total Fees:</b>	<b>\$118.00</b>
<b>Amount Paid:</b>	<b>\$118.00</b>
<b>Amount Due:</b>	<b>\$0.00</b>

**Instrument Number:** 202405230050720  
**Recorded Date:** 05/23/2024 8:32:18 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.

12/1  
10

TRANSFER  
NOT NECESSARY

MAY 21 2024

MICHAEL STINZIANO  
AUDITOR  
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX  
EXEMPT

m

JD

MICHAEL STINZIANO  
FRANKLIN COUNTY AUDITOR

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 FOR  
BROAD-BRUNSON PLACE CONDOMINIUM**

**RECITALS**

- A.** The Amended and Restated Declaration for Broad-Brunson Place Condominium (the "Declaration") and the 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)(c) 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 approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).
- 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 is amended by the Board of Directors as follows:

- (1) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XVIII, SECTION 2.** Said new addition to the Declaration, as amended at Instrument No. 201907290093298, and as amended at Instrument No. 201910160137105, is:

**The Board will impose the following enforcement procedure for levying enforcement assessments:**

(a) Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit Owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the Unit Owner in writing, that includes:

(1) A description of the property damage or violation;

(2) The amount of the proposed charge or assessment;

(3) A statement that the Unit Owner has a right to a hearing before the Board to contest the proposed charge or assessment;

(4) A statement setting forth the procedures to request a hearing;

(5) A reasonable date by which the Unit Owner must cure the violation to avoid the proposed charge or assessment.

(b) Hearing Requirements:

(1) To request a hearing, the Unit Owner must deliver a written notice to the Board not later than the tenth day after receiving the notice required above. If the Unit Owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose a charge for damages or an enforcement assessment.

(2) If a Unit Owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the Unit Owner with a written notice that includes the date, time, and location of the hearing.

(3) The Board will not levy a charge or assessment before holding a properly requested hearing.

(c) The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.

(d) Within 30 days following a hearing at which the Board imposes a charge or assessment, the Association will deliver a written notice of the charge or assessment to the Unit Owner.

(e) The Association will deliver any written notice required above to the Unit Owner or any occupant of the Unit by personal delivery, by electronic mail, by certified mail, return receipt requested, or by regular mail.

(2) **MODIFY** the **LAST SENTENCE** of **DECLARATION ARTICLE XV, SECTION 5(c)**. Said modification to the Declaration, as amended at Instrument No. 201907290093298, is: (new language is underlined)

**The certificate shall contain a description of the Unit against which the lien exists, the name or names of the record owner or owners thereof, and the amount of the unpaid portion of the assessments, and shall be signed by the president or other designated representative of the Association.**

(3) **INSERT** a **NEW PARAGRAPH** to the end of **BYLAWS ARTICLE VII**. Said new addition to the Bylaws is:

**The Association, as determined by the Board, is not required to permit the examination and copying of any of the following from books, records, or minutes that contain any of the following:**

- (a) **Information that pertains to Condominium Property-related personnel matters;**
- (b) **Communications with legal counsel or attorney work product pertaining to pending litigation or other Condominium Property-related matters;**
- (c) **Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;**
- (d) **Information that relates to the enforcement of the Declaration, Bylaws, or Association rules against a Unit Owner;**
- (e) **Information the disclosure of which is prohibited by state or federal law; or**



- (f) Records that date back more than five years prior to the date of the request.

(4) **MODIFY the 1st PARAGRAPH of BYLAWS ARTICLE IV, SECTION 2.** Said modification to the Bylaws, as amended at Instrument No. 201910160137105, is: (deleted language is crossed out; new language is underlined)

The Board of Directors will consist of 6 persons, each of whom must be Unit owners, or the spouse of a Unit owner. A Unit owner, who is not a Person, may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Unit owner. ~~No Unit may be represented by more than one person on the Board at any one time.~~ The majority of the Board will not consist of Unit Owners or representatives from the same Unit unless authorized by a resolution adopted by the Board of Directors prior to the Board majority being comprised of Unit Owners or representatives from the same Unit. All six Directors will be elected for a three-year term, however, the terms will be staggered so that at least one-third of the members' terms will expire annually and a 2-2-2 rotation is maintained at all times.

(5) **INSERT a NEW SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 11.** Said new addition to the Bylaws is:

Those written consents will be filed with the Board meeting minutes.

(6) **INSERT a NEW DECLARATION ARTICLE XVII, SECTION 1(c).** Said new addition to the Declaration is:

(c) Without a Unit Owner vote, the Board may amend the Declaration in any manner necessary for any of the following purposes:

- (i) To meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans, the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration, the veterans administration, and similar institutions;

- (ii) To meet the requirements of insurance underwriters;

- (iii) To bring the Declaration into compliance with the Ohio Condominium Act (Revised Code Chapter 5311);

- (iv) To correct clerical or typographical errors or obvious factual errors in the Declaration or an exhibit to the Declaration;



(v) To designate a successor to the person named to receive service of process for the Association. If the Association is incorporated in Ohio, this may be accomplished by filing with the Secretary of State an appropriate change of statutory agent designation;

(vi) To delete as void, any provision within the Declaration or Bylaws, or in any applicable restriction or covenant, that prohibits, limits the conveyance, encumbrance, rental, occupancy, or use of property subject to Revised Code Chapter 5311 on the basis of race, color, national origin, sex, religion, or familial status; or

(vii) To permit notices to Unit Owners, as required by the Declaration or Bylaws, to be sent by electronic mail and, if returned undeliverable, by regular mail, provided the Association has received the prior, written authorization from the Unit Owner.

Any Unit Owner who is aggrieved by an amendment to the Declaration that the Board of Directors makes in accordance with the above may commence a declaratory judgment action to have the amendment declared invalid as violative of the above. Any action filed to contest the validity of the amendment must be filed in the appropriate court of common pleas within one year from the date of the recordation of the amendment.

(7) **MODIFY BYLAWS ARTICLE IV, SECTION 12(I)(ii).** Said modification to the Bylaws, as amended at Instrument No. 201907290093298, is: (deleted language is crossed out; new language is underlined)

(ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning 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, impacts zoning, or otherwise—and relates to matters affecting the Condominium Property;

(8) **MODIFY the DECLARATION ARTICLE XV, SECTION 3(a)(1)(e).** Said modification to the Declaration is: (new language is underlined)

e. an amount not less than that necessary to maintain, in reserve, an amount necessary, in the Directors' opinion, in order to have funds desirable or necessary in order to make repairs and replacements of capital improvements a part of the Common Elements in the normal course of operations without the necessity of special assessments, unless the Unit

Owners, exercising not less than a majority of the voting power of the Association, waive the reserve requirement in writing annually; and

(9) **DELETE DECLARATION ARTICLE XI, SECTION 7 entitled “Fidelity Bonds” in its entirety.**

**INSERT a NEW DECLARATION ARTICLE XI, SECTION 7 entitled “Fidelity Coverage.”**  
Said new addition to the Declaration is:

**Section 7. Fidelity Coverage.** The Board must maintain blanket fidelity, crime, or dishonesty insurance coverage for any person who controls or disburses Association funds. As used in this section, “person who controls or disburses Association funds” means any individual with authority or access to sign checks, conduct electronic transfers, or otherwise withdraw funds from any Association account or deposit, including the following:

- (a) A management company's principals and employees;
- (b) A bookkeeper;
- (c) The president, secretary, treasurer, any other board member, or employee of the Association.

All of the following apply to the insurance coverage required under this section:

- (1) Coverage shall be for the maximum amount of funds that will be in the custody of the Association or its designated agent at any one time plus three months of operating expenses.
- (2) The insurance shall be the property of and for the sole benefit of the Association and shall protect against theft, embezzlement, misappropriation, or any other unauthorized taking or loss of Association funds.
- (3) The policy shall include in its definition of “employee” the manager and the managing agent of the Association's funds or provide for this inclusion by an endorsement to the policy.

(4) The policy shall name the Association as the insured party and shall include a provision requiring the issuer of the policy to provide a ten-day written notice to the Association's president or manager in the event of cancellation or substantial modification of the policy. The manager or managing agent, if any, of the Association shall be the designated agent on the policy.

(5) If there is a change in the manager or the managing agent of the Association, then within ten days of the effective start date, the new manager or managing agent shall notify the insurer of such change.

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 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 the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any 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 5<sup>th</sup> day of MAY, 2024.

**BROAD-BRUNSON PLACE CONDOMINIUM UNIT OWNERS' ASSOCIATION**

By: Elizabeth A. Nusken  
**ELIZABETH NUSKEN, President**

STATE OF OHIO )  
COUNTY OF Franklin ) SS

**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Broad-Brunson Place Condominium Unit Owners' Association, by its President, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of them personally and as such officers.

I have set my hand and official seal this 5<sup>th</sup> day of MAY, 2024.

Ralph E. Nusken  
**NOTARY PUBLIC**

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

Place notary stamp/seal here:

RALPH E. NUSKEN, Attorney-At-Law  
NOTARY PUBLIC — STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 B.C.

The Broad-Brunson Place Condominium Unit Owners' Association has caused the execution of this instrument this 8<sup>th</sup> day of May, 2024.

**BROAD-BRUNSON PLACE CONDOMINIUM UNIT OWNERS' ASSOCIATION**

By: Lucy O. Hadley  
LUCY O. HADLEY, Secretary

STATE OF OHIO )  
COUNTY OF Franklin ) SS

**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Broad-Brunson Place Condominium Unit Owners' Association, by its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of them personally and as such officers.

I have set my hand and official seal this 8 day of May, 2024.

[Signature]  
NOTARY PUBLIC

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

Place notary stamp/seal here:



**HANNA HAISON**  
Notary Public, State of Ohio  
My Commission Expires  
September 1, 2026  
COMMISSION: 2016-RE-604084



EXHIBIT A-1

CERTIFICATION OF OFFICERS

STATE OF OHIO )  
COUNTY OF Franklin ) SS

**Elizabeth Nusken**, being the duly elected and acting President of the Broad-Brunson Place Condominium Unit Owners' Association, certifies that the Amendments to the Amended and Restated Declaration for Broad-Brunson Place Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

*Elizabeth H. Nusken*

**ELIZABETH NUSKEN, President**

**BEFORE ME**, a Notary Public in and for the County, personally appeared the above-named **Elizabeth Nusken** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

I have set my hand and official seal this 5<sup>th</sup> day of May, 2024.

*Ralph E. Nusken*  
**NOTARY PUBLIC**

Place notary stamp/seal here:

RALPH E. NUSKEN, Attorney-At-Law  
NOTARY PUBLIC — STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 RC

EXHIBIT A-2

CERTIFICATION OF OFFICERS

STATE OF Ohio )  
 )  
COUNTY OF Franklin ) SS

Lucy O. Hadley, being the duly elected and acting Secretary of the Broad-Brunson Place Condominium Unit Owners' Association, certifies that the Amendments to the Amended and Restated Declaration for Broad-Brunson Place Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

Lucy O. Hadley  
LUCY O. HADLEY, Secretary

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

I have set my hand and official seal this 8 day of May, 2024.

[Signature]  
NOTARY PUBLIC

Place notary stamp/seal here:

HANNA HAISSON  
Notary Public, State of Ohio  
My Commission Expires  
September 1, 2026  
COMMISSION: 2016-RE-604084

