

AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF RESTRICTIONS,
COVENANTS AND EASEMENTS
FOR
VILLAS OF TUSCANY

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR VILLAS OF TUSCANY RECORDED AT INSTRUMENT NO. 56454751 OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR VILLAS OF TUSCANY WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 1/2/24

1/18/24

BY: John J. Joyce

FISCAL OFFICER

S. Hall
KRISTEN M. SCALISE CPA, CFE



**AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF RESTRICTIONS,
COVENANTS AND EASEMENTS FOR
VILLAS OF TUSCANY**

RECITALS

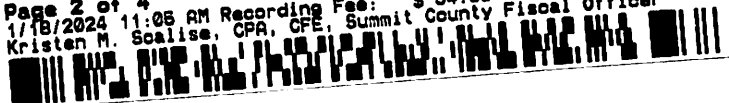
- A. The Amended and Restated Declaration of Restrictions, Covenants and Easements for Villas of Tuscany (the “Declaration”) was recorded at Summit County Records, Instrument No. 56454751.
- B. The Villas of Tuscany Homeowners Association, Inc. (the “Association”) is a corporation consisting of all Owners in Villas of Tuscany and as such is the representative of all Owners.
- C. Declaration Article VII(a) authorizes amendments to the Declaration.
- D. Owners representing at least 65 percent of the Association’s current voting power have executed instruments in writing setting forth specifically the matter to be modified (the “Amendment”).
- E. As of December 4, 2023, Owners representing 69.44 percent of the Association’s voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association’s officers to execute the Amendment on their behalf.
- F. The Association has complied with the proceedings necessary to amend the Declaration, as required by Chapter 5312 of the Ohio Revised Code and the Declaration, in all material respects.

AMENDMENT

The Amended and Restated Declaration of Restrictions, Covenants and Easements for Villas of Tuscany is amended by the following:

INSERT TWO NEW SENTENCES to the end of **DECLARATION ARTICLE VI, SECTION 5**. Said new addition to the Declaration is:

In addition, each Owner will maintain, repair, and replace all driveways and sidewalks that are either on their Lot or adjacent to their Lot provided that the driveways and sidewalks are exclusively



serving their Lot or residence. However, no modifications, repairs, or replacements will be made to any driveway or sidewalk until approval is obtained from by the Association in accordance with Declaration Article VI, Section 1.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment clarifying the Owners are responsible for the maintenance, repair and replacement of any driveway and sidewalk serving their Lot. 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 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 Villas of Tuscany Homeowners Association, Inc. has caused the execution of this instrument this 2 day of January, 2024.

VILLAS OF TUSCANY HOMEOWNERS ASSOCIATION, INC.

By: Rosemarie Oleksiak
ROSEMARIE OLEKSIK, President

By: John J. Joyce
JOHN J. JOYCE, Treasurer



STATE OF OHIO)
)
COUNTY OF _____) SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Villas of Tuscany Homeowners Association, Inc., by its President and its Treasurer, who acknowledged that they did sign the foregoing instrument, on Page 3 of 4, 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 such officers.

I have set my hand and official seal this 2 day of January, 2024.

James E. Kannam
NOTARY PUBLIC

Place notary stamp/seal here:



This instrument prepared by:
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