

2005R049307

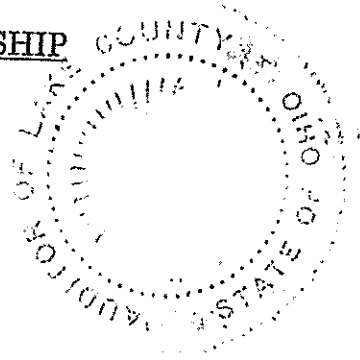
LAKE COUNTY OHIO
RECORDED ON

11-10-2005 9:46 AM

FRANK A SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 68.00
PAGES: 7

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
SWEET BRIER CONDOMINIUMS



PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR SWEET BRIER CONDOMINIUMS RECORDED
AT INSTRUMENT NO. 960028784 OF THE LAKE COUNTY RECORDS.

STEVENS MANAGEMENT SERVICES, INC.

38119 STEVENS BLVD
WILLOUGHBY, OHIO 44094

(440) 951-3363
1-800-969-3363

FAX (440) 951-6436
e-mail: support@stevensmgtsrvs.com

Dear Sweet Brier Owner:

Enclosed is a copy of the Declarations and Bylaws for Sweet Brier, which you indicated that you had not received, on the owner information sheet you returned to us.

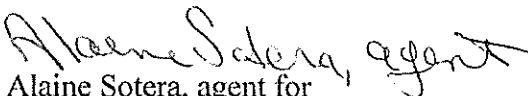
If you have not chosen to sign up for direct payment of your maintenance fee, you will receive a coupon booklet toward the end of December for the 2006 year. You do not need a coupon to send in your November & December payments, but please make sure that your address is on your check, and remember to make the check payable to Sweet Brier Condos.

At this time the rules & information booklet has not been finalized, once it has been every owner will receive a copy.

We would like to thank you for your promptness in filling out and returning to us your Owner Information sheet, we appreciate your quick response.

If you have any questions please contact our office.

Sincerely,


Alaine Sotera, agent for
Sweet Brier Board of Directors



AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
SWEET BRIER CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Sweet Brier Condominiums (the "Declaration") and the Bylaws of Sweet Brier Condominium Unit Owners Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Lake County Records Instrument No. 960028784 and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Sweet Brier Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Sweet Brier Condominiums is hereby 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" shall be 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" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" shall be replaced with the term "Board of Directors."
- (4) All references in the Declaration and Bylaws to the term "Fines" shall be replaced with the term "Enforcement Assessments."
- (5) DELETE DECLARATION ARTICLE IV(C), entitled "Service of Process," in its entirety. Said deletion is to be made on Page 17 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784.

INSERT a new DECLARATION ARTICLE IV(C), entitled "Service of Process." Said addition, to be made on Page 17 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(C) Service of Process. The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(6) INSERT a new DECLARATION ARTICLE X(C), entitled "Enforcement Assessments." Said new addition, to be added on Page 29 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(C) Enforcement Assessments. In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), 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.

(7) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE V(D), entitled "Lien of Association." Said new addition, to be added on Page 18 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), 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.

(8) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XVI(B), entitled "Unit Owner's Right to Lease Unit." Said new addition, to be added on Page 36 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by the Association, as the Unit Owner's Agent, in the name of the Unit Owner. In addition to any procedures required by Chapters 5321 and 1923 of the

Revised Code, the Association shall give the Unit Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, ~~including reasonable attorney's fees, shall be charged to the Unit~~ Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(9) INSERT a new 4th PARAGRAPH to the end of BYLAWS ARTICLE V, SECTION 1, entitled "Payment of Assessments." Said new addition, to be added on Page 13 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall 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.

(10) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 4, entitled "Special Services." Said new addition, to be added on Page 12 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), 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 and/or resale documentation, and/or statements of unpaid Assessments.

(11) INSERT a new DECLARATION ARTICLE VII(P). Said new addition, to be added on Page 27 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(P) In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or 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 Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(12) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE II, SECTION 7, entitled "Regular Meetings." Said new addition, to be added on Page 6 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), 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.

(13) INSERT a new SENTENCE to the end of BYLAWS ARTICLE V, SECTION 2, entitled "Preparation of Estimated Budget." Said new addition, to be added on Page 14 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

In accordance with Ohio Revised Code Section 5311.21, in the alternative, if the Association has collected a Common Surplus at the end of any fiscal year, the Board may determine that such amount will be applied toward reserves.

(14) INSERT a new PARAGRAPH (I) to BYLAWS ARTICLE II, SECTION 10, entitled "Powers and Duties," and INSERT new SUBPARAGRAPHS (1), (2), (3), (4), (5) and (6), thereafter. Said new additions to be added on Page 7 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(I) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, the Board may exercise all powers of the Association, including the power to do the following:

(1) 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;

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

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

(4) 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;

(5) Purchase insurance and fidelity bonds the Board considers appropriate or necessary; and

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

(15) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendments.

IN WITNESS WHEREOF, the said Sweet Brier Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 5 day of November 2005.

SWEET BRIER CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

By: 

PAUL K. COOK, its President

STATE OF OHIO)

COUNTY OF LAKE)

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Sweet Brier Condominium Unit Owners Association, Inc., by Paul K. Cook, its President, who acknowledged that he did sign the foregoing instrument, on Page 6 of 7, and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Madison, Ohio, this 5 day of November, 2005.



Valerie E. Ambrose
NOTARY PUBLIC

VALERIE E. AMBROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES May 12, 2008
RECORDED IN LAKE COUNTY

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650

2005R055772

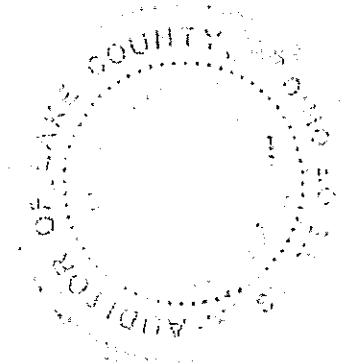
LAKE COUNTY OHIO
RECORDED ON

12-28-2005 8:34 AM

FRANK A-SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 84.00
PAGES: 9

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
SWEET BRIER CONDOMINIUMS



PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR SWEET BRIER CONDOMINIUMS RECORDED
AT INSTRUMENT NO. 960028784, OF THE LAKE COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
SWEET BRIER CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Sweet Brier Condominiums (the "Declaration") and the Bylaws of Sweet Brier Condominium Unit Owners Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Lake County Records Instrument No. 960028784, and

WHEREAS, the Sweet Brier Condominium Unit Owners Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Sweet Brier Condominiums and as such is the representative of all Unit Owners, and

WHEREAS, Article XII(A) of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 80.53% of the Association's voting power as of December 5, 2005, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 80.53% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Unit Owners representing 93.81% of the Association's voting power as of December 5, 2005, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 93.81% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment D signed by Unit Owners representing 94.69% of the Association's voting power as of December 5, 2005, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 94.69% of the Association's voting power authorizing the Association's officers to execute Amendment D on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that copies of the Amendments will be mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association once the Amendments are recorded with the Lake County Recorder's Office and that Unit Owners representing at least 75% of the Association's voting power affirmatively approved the Amendments, in writing, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting first mortgagees, on the records of the Association, to the Amendments, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Sweet Brier Condominium Unit Owners Association, Inc. have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Sweet Brier Condominiums is hereby amended by the following:

AMENDMENT A

DELETE DECLARATION ARTICLE XVI(B) entitled, "Unit Owner's Right to Lease Unit," in its entirety. Said deletion is to be taken from Page 36 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784.

INSERT a new DECLARATION ARTICLE XVI(B) entitled, "Rental of Units." Said new addition, to be added on Page 36 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(B) Rental of Units. No Unit shall be leased, let or rented, whether for monetary compensation or not, by a Unit Owner to others for business, speculative, investment or any other purpose. The purpose of this restriction is to create a community of resident owners, subject to the following:

(1) This restriction does not apply to: (1) Units that are occupied by the parent(s) or child(ren) of the Unit Owner; or, (2) any Unit Owner leasing his/her Unit at the time of recording of this amendment with the Lake County Recorder's Office, and who has registered his/her Unit as being leased with the Association within ninety (90) days of the recording of this amendment, said Unit Owner shall continue to enjoy the privilege of leasing that Unit until the title to said Unit is transferred to a subsequent Unit Owner.

(2) To meet a special situation and to avoid an undue hardship or practical difficulty, each Unit Owner has the right to lease his/her Unit, provided the Unit Owner gives prior written notice to the Board, to a specified lessee for a one-time period not less than six (6) consecutive months nor more than twenty-four (24) consecutive months. The one-time hardship exception of up to twenty-four (24) months may in no event be extended beyond the one twenty-four (24) month period.

(3) In no event shall a Unit be rented by the Unit Owner thereof for transient purposes, which is defined to mean a rental for any period less than six (6) full, consecutive calendar months, nor rented or leased to any business or corporate entity for the purpose of corporate housing or similar type usage. Sub-leasing of any Unit, in whole or in part, is also prohibited.

(4) All exempted leases must be in writing. The lessee must abide by the terms of the Declaration, Bylaws, and rules and regulations. The Board has the authority to dispossess the lessee or otherwise act for the Unit Owner for violation of the Declaration, Bylaws or the rules and regulations pursuant to Ohio Revised Code Section 5311.19(B)(1). Any land contract for the sale of a Unit must be recorded and a recorded copy of the same shall be delivered to the Association. Any land contract not recorded shall be considered an impermissible lease. The Unit Owner shall continue to be responsible for all obligations of ownership of his/her Unit and shall be jointly and severally liable with the lessee to the Association for the conduct of the lessee and/or any damage to property. Copies of all exempted leases shall be delivered to the Board prior to the beginning of the lease term.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the leasing of Units. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT B

MODIFY BYLAWS ARTICLE I, SECTION 6(B) entitled, "Annual Meeting." Said modification, to be made on Page 2 of the Bylaws, Exhibit "B" of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows (deleted language is crossed-out; new language is underlined):

(B) Annual Meeting. The annual meeting of members of the Association for the election of members of the Board of Directors ("formerly known as "Managers") the consideration of reports to be laid before such meeting and the transaction of such other business as may properly be brought before such meeting shall be held at the office of the Association or at such other place in Lake County as may be designated by the Board and specified in the notice of such meeting at 8:00 p.m. or at such other time as may be designed by the Board and specified in the notice of the meeting. ~~The first annual meeting of the Association shall be held upon ten days written notice given by the Declarant not later than the time that Condominium Ownership interests to which twenty-five percent (25%) of the undivided interests in the Common Areas and Facilities appertain have been sold and conveyed by the Declarant, unless the Declarant shall consent in its sole discretion, to a lesser percentage. Thereafter the~~ The annual meeting of members of the Association shall be held anytime within the month of August on the second Tuesday of January, in each succeeding year, if not a legal holiday, and if a legal holiday, then on the next succeeding business day.

Any conflict between this provision and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment changing the time for holding the annual meeting. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT D

DELETE DECLARATION ARTICLE XVIII(I) entitled, "Notices," in its entirety. Said deletion is to be taken from Page 39 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784.

INSERT a new DECLARATION ARTICLE XVIII(I) entitled, "Notices." Said new addition, to be added on Page 39 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(I) Notices. All notices required or permitted hereunder, and under the Bylaws, to the Association or the Board of Directors, shall be in writing and shall be sent by regular U.S. mail, first-class postage prepaid, to the Board of Directors or the Association at the address of the Condominium Property or to such other address as the Board of Directors may designate from time to time by notice in writing to all Unit Owners. All notices to any Unit Owner

shall be hand-delivered or sent by regular U.S. mail, first-class postage prepaid, to such Unit Owner's Unit address or to such other address as may be designated by him/her from time to time, in writing, to the Board of Directors. Any notice required or permitted to be given to any occupant of a Unit other than a Unit Owner shall effectively be given if hand-delivered or sent by regular U.S. mail, first-class postage prepaid, to the Unit address.

Any conflict between this provision and any other provision of the Declaration and Bylaws shall be interpreted in favor of this amendment permitting notices by regular U.S. mail. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Sweet Brier Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 21st day of December, 2005.

SWEET BRIER CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

By: 

PAUL K. COOK, its President

By: 

PETER DONALDSON, its Secretary

STATE OF OHIO)
)
COUNTY OF LAKE) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Sweet Brier Condominium Unit Owners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 6 of 9, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Madison, Ohio, this 21st day of December, 2005.


NOTARY PUBLIC

VALERIE E. AMBROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES May 12, 2008
RECORDED IN LAKE COUNTY

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
50 Public Square
600 Terminal Tower
Cleveland, Ohio 44113
(216) 696-0650

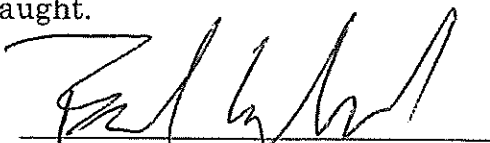
EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF LAKE) SS

PAUL K. COOK, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Sweet Brier Condominium Unit Owners Association, Inc.
2. He caused copies of the Amendments to the Declaration of Condominium Ownership for Sweet Brier Condominiums to be mailed or hand delivered to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. The Association received the signed, written consents of Unit Owners representing 80.53% of the Association's voting power in favor of Amendment A, 93.81% of the Association's voting power in favor of Amendment B and 94.69% of the Association's voting power in favor of Amendment D to the Declaration of Condominium Ownership for Sweet Brier Condominiums in accordance with the provisions of Declaration Article XII(A) and caused such signed, written consents to be filed with the corporate records for Sweet Brier Condominium Unit Owners Association, Inc.
4. Further affiant sayeth naught.



PAUL K. COOK, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named PAUL K. COOK who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Madison, Ohio, this 21st day of December, 2005.



NOTARY PUBLIC

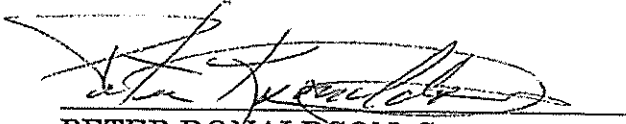
VALERIE E. AMBROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES May 12, 2008
RECORDED IN LAKE COUNTY

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Sweet Brier Condominium Unit Owners Association, Inc., hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for Sweet Brier Condominiums.

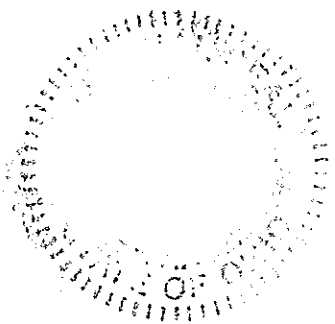
NONE


PETER DONALDSON, Secretary

STATE OF OHIO)
) SS
COUNTY OF LAKE)

BEFORE ME, a Notary Public in and for said County, personally appeared the above named PETER DONALDSON who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Madison, Ohio, this 21st day of December, 2005.




NOTARY PUBLIC

VALERIE E. AMBROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES May 12, 2008
RECORDED IN LAKE COUNTY

Kaman & Cusimano

**David W. Kaman
Joseph J. Cusimano
Robert E. Kmiecik
Darcy Mehling Good*

** Also admitted to practice in Florida*

*Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113*

*(216) 696-0650
Telefax (216) 771-8478*

*Janice E. Zupon
James C. Wrentmore
Lynda L. Kovach
Cullen J. Cottle
M. Katherine Bushey*

July 12, 2007

Sweet Brier Condominium - Madison
c/o Molly Snavelly, Property Manager
Stevens Management
38119 Stevens Boulevard
Willoughby, Ohio 44094

Re: 602 Ribbonwood Correction Amendment

Dear Ms. Snavelly:

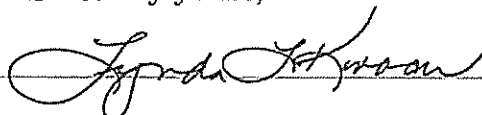
Enclosed, please find a copy of the fully executed and recorded Amendment to the Declaration of Condominium Ownership for Sweet Brier Condominiums. The Amendment was filed and then re-filed with the Lake County Recorder's Office on June 21, 2007, at Instrument No. 2007R021636. The amendment needed to be recorded a second time as the Association's name was misspelled throughout the document. The Amendment became binding and effective on the date it was filed.

At this time, please send a copy to every unit owner, including the Board members. In doing so, owners should be advised to file the Amendment with their respective copy of the Declaration and Bylaws and that all of the documents must be passed onto the future buyer of their unit.

With the receipt of the recorded Amendment, our work on this matter is complete and I have closed our file accordingly.

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

Sincerely yours,



LYNDA L. KOVACH

LLK: sh
Enclosure
xc: All Board Members (letter only)

2007R021636

LAKE COUNTY OHIO
RECORDED ON

06-21-2007 2:42 PM

FRANK A SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 44.00
PAGES: 4

RE-RECORD

2007R017073

LAKE COUNTY OHIO
RECORDED ON

05-17-2007 8:17 AM

FRANK A SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 44.00
PAGES: 4

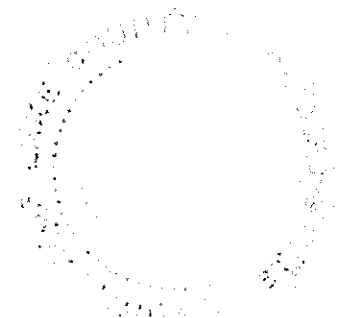
AMENDMENT TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

SWEET BRIAR CONDOMINIUMS

BRIER



THIS AMENDMENT IS BEING RE-FILED TO CORRECT ALL REFERENCES OF THE
WORD "BRIAR" WITH THE WORD "BRIER" IN THE ASSOCIATION'S NAME
THROUGHOUT THE DOCUMENT.

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR SWEET BRIER
CONDOMINIUMS RECORDED AT INSTRUMENT NO. 2007R017073 OF THE LAKE
COUNTY RECORDS.

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR SWEET BRIAR CONDOMINIUMS RECORDED
AT INSTRUMENT NO. 960028784 OF THE LAKE COUNTY RECORDS.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
SWEET BRIAR CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Sweet Briar Condominiums (the "Declaration") and the Bylaws of Sweet Briar Condominium Unit Owners Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Cuyahoga County Records Instrument No. 960028784, and

WHEREAS, Section 5311.05(E)(1)(d) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to correct clerical or typographical errors or obvious factual errors in the declaration or an exhibit to the declaration," and

WHEREAS, the Board of Directors (the "Board") approved the following matter to be modified (the "Amendment") to correct an obvious factual error contained in Exhibit "A" to the Declaration as attached to the 68th Amendment to the Declaration recorded at Lake County Records Instrument No. 2004R018408 and the Plat recorded at Lake County Records Instrument No. 2004R018407, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Sweet Briar Condominiums have in all respects been complied with.

NOW THEREFORE, effective as of May 1, 2007, the Declaration of Condominium Ownership for Sweet Briar Condominiums is hereby amended and corrected by the Board of Directors, as follows:

MODIFY EXHIBIT "A" to the DECLARATION. Said modification, to be made on Exhibit "A" of the Declaration, as recorded on July 30, 1996, at Lake County Records, Instrument No. 960028784 and Drawings recorded at Plat Volume 27, Page 11 et seq. and subsequently amended on April 26, 2004 at Instrument No. 2004R018408 and Drawings recorded at Instrument No. 2004F018407, Plat Volume 46, Page 39 et seq., is as follows on Exhibit "A-1" attached hereto as if made a part hereof.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the modification to Exhibit "A", which provides the correct Limited Common Elements for 602 Ribbonwood. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, ~~provided further that any such challenge shall be brought in the court of~~ common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Sweet Briar Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 9th day of May, 2007.

SWEET BRIAR CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

By: [Signature]
PAUL K. COOK, its President

By: [Signature]
PETER DONALDSON, its Secretary

STATE OF OHIO)
) SS
COUNTY OF LAKE)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Sweet Briar Condominium Unit Owners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 3, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in (ADESON), Ohio, this 9th day of MAY, 2007.



[Signature]
NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650

VALERIE E. AMBROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES May 12, 2008
RECORDED IN LAKE COUNTY

19073
021636

0.1548 acres

15.63'

COMMON
AREA

\$40'38'18"E
85.60'

50.7'

\$24'59'21"E
20.57'

UNIT 56
(#602)

GARAGE

Limited Common Element

LCA Removed

21 51'

EXISTING bed

SWEET B
CONDOMIN
PHASE
VOL. 36,

EXHIBIT

A-1

021636

19073

21 of 255 in height



* 2 0 0 8 R 0 2 1 5 3 3 7 *

2008R021533

LAKE COUNTY OHIO

RECORDED ON

07/31/2008 10:07:21AM

FRANK A SUPONCIC, CPA, CFE

LAKE COUNTY RECORDER

REC FEE: \$60.00

PAGES: 7

COUNTY OF LAKE

FRANK A. SUPONCIC, CPA, CFE
RECORDER

EASTERN
LAKE COUNTY
(440) 350-2510

WESTERN
LAKE COUNTY
(440) 918-2510

FAX
(440) 350-5940



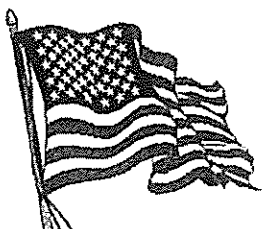
IMPORTANT RECORDING INFORMATION

This cover sheet is a permanent addition to the original document and ***MUST*** be retained with the document that was filed and/or recorded.

Reflected hereon is the pertinent recording information:

- File Number
- Date Filed
- Time Filed
- Recording Fee
- Number of Pages Recorded

Thank You



105 MAIN STREET • P.O. BOX 490 • PAINESVILLE, OHIO 44077
www.lakecountyrecorder.org • E-mail: recorder@lakecountyohio.org

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
SWEET BRIER CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR SWEET BRIER CONDOMINIUMS RECORDED
AT INSTRUMENT NO. 960028784, OF THE LAKE COUNTY RECORDS.

021533

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
SWEET BRIER CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Sweet Brier Condominiums (the "Declaration") and the Bylaws of Sweet Brier Condominium Unit Owners Association, Inc. (the "Bylaws"), Exhibit "B" to the Declaration, were recorded at Lake County Records Instrument No. 96028784, and

WHEREAS, the Sweet Briar Condominium Unit Owners Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Sweet Brier and as such is the representative of all Unit Owners, and

WHEREAS, Article XII(A) of said Declaration authorizes amendments to the Declaration and Bylaws Article VII, Section 10 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be added (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing 84.07% of the Association's voting power as of July 3, 2008, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 84.07% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the Association's President that copies of the Amendment will be mailed or hand delivered to all Unit Owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Lake County Recorder's Office and that Unit Owners representing at least 75% of the Association's voting power affirmatively approved the Amendment, in writing, and

WHEREAS, attached hereto as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Sweet Brier Condominiums is hereby amended by the following:

AMENDMENT A

INSERT a new DECLARATION ARTICLE VII(Q). Said new addition, to be added on Page 27 of the Declaration, as recorded at Lake County Records, Instrument No. 960028784, is as follows:

(Q) A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County Sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Condominium Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association shall not, however, be liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce the provisions of this restriction.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this restriction on the occupancy of Units. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT B

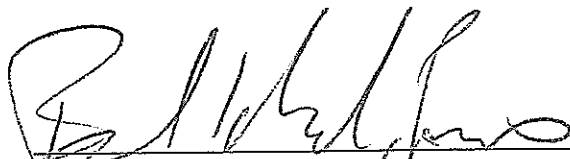
[Intentionally Left Blank - Amendment Proposal Did Not Pass]

EXHIBIT A

CERTIFICATION OF PRESIDENT

The undersigned, being the duly elected and qualified President of the Sweet Briar Condominium Unit Owners Association, Inc., hereby certifies that copies of the Amendment to the Declaration to be mailed or hand delivered to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.

The undersigned further certifies that the Association received the signed, written consents of Unit Owners representing 84.07% of the Association's voting power in favor of the Amendment to the Declaration in accordance with the provisions of Declaration Article XII(A) and caused such signed, written consents to be filed with the corporate records for Sweet Briar Condominium Unit Owners Association, Inc.



PAUL K. COOK, President

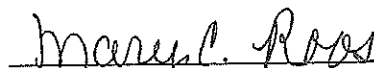
STATE OF OHIO)

COUNTY OF Lake)

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named PAUL K. COOK who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Willoughby, Ohio, this 29 day of July, 2008.



NOTARY PUBLIC

MARY C. ROOS
Notary Public, State of Ohio
My Commission Expires Aug. 9, 2011
(Recorded in Lake County)

IN WITNESS WHEREOF, the said Sweet Brier Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 29th day of July, 2008.

SWEET BRIER CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

By: [Signature]
PAUL K. COOK, its President

By: [Signature]
PETER DONALDSON, its Secretary

STATE OF OHIO

COUNTY OF Lake

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Sweet Brier Condominium Unit Owners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 6, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Willoughby, Ohio, this 29 day of July, 2008.

[Signature]
NOTARY PUBLIC

MARY C. ROOS
Notary Public, State of Ohio
My Commission Expires Aug. 9, 2011
(Recorded in Lake County)

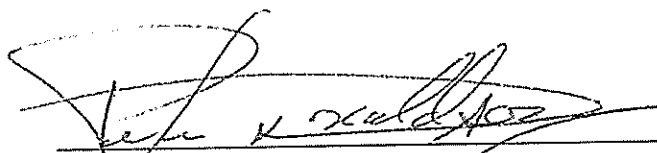
This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Sweet Brier Condominium Unit Owners Association, Inc., hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration.

NONE

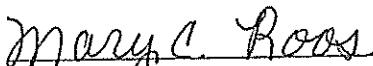

PETER DONALDSON, Secretary



SS

BEFORE ME, a Notary Public in and for said County, personally appeared the above named PETER DONALDSON who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Willoughby, Ohio, this 29 day of July, 008.


NOTARY PUBLIC

MARY C. ROOS
Notary Public, State of Ohio
My Commission Expires Aug. 9, 2011
(Recorded in Lake County)