

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
AND BYLAWS  
FOR  
AUBURN KNOLLS CONSOLIDATED CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS FOR AUBURN KNOLLS CONSOLIDATED CONDOMINIUM RECORDED AT VOLUME 1027, PAGE 1 ET SEQ., OF THE STARK COUNTY RECORDS.

THIS WILL CERTIFY THAT COPIES OF THESE AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS FOR AUBURN KNOLLS CONSOLIDATED CONDOMINIUM HAVE BEEN FILED IN THE OFFICE OF THE COUNTY AUDITOR, STARK COUNTY, OHIO.

DATE:\_\_\_\_\_

STARK COUNTY AUDITOR

By:\_\_\_\_\_  
DEPUTY AUDITOR

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
AUBURN KNOLLS CONSOLIDATED CONDOMINIUM

**WHEREAS**, the Declaration of Condominium Ownership for Auburn Knolls Consolidated Condominium (the “Declaration”) along with Bylaws, Drawings, Legal Descriptions, and Exhibits A, B, C, D, E, and F of the Auburn Knolls Consolidated Condominium Declaration, were recorded at Stark County Records Volume 1027, Page 1 et seq., and

**WHEREAS**, the procedures necessary to amend the Declaration and Bylaws as set forth respectively in Article XVI (the “Declaration”) and Article VII (the “Bylaws”) of Condominium Ownership for Auburn Knolls Consolidated Condominium have in all respects been complied with, and

**WHEREAS**, the Board of Directors has approved affidavit of the affirmative vote on Amendment by entitled “existing Unit Owners” representing greater than seventy-five percent (75%) of Auburn Knolls Consolidated Condominium Association voting power in compliance with Declaration and Bylaws, and

**WHEREAS**, each of the changes set forth in this Amendment are based on, made pursuant to, or in accordance with Chapter 5311 of Ohio Revised Code.

**NOW, THEREFORE**, the Declaration of Condominium Ownership for Auburn Knolls Consolidated Condominium is amended by the Board of Directors as follows:

Amendments to the  
Declaration of Condominium  
Ownership for  
Auburn Knolls Consolidated Condominium

ARTICLE VI, Paragraph 1 G is amended by adding the word “not” following “owner shall” at the end of the fourth line of the second paragraph.

ARTICLE IX, Paragraph C is amended by changing the word “expended” to “expanded” in the third line.

ARTICLE X, Paragraph 1 is amended by replacing the last sentence of the paragraph with, “Any Common Surplus at the end of any fiscal year shall be applied to the Association’s Reserve Account.”

ARTICLE X, Paragraph 2 – The first sentence is amended in its entirety as follows: “Any fees or charges levied against the Condominium by the Auburn Knolls Consolidated Condominium

Association shall be assessed against the Unit Owners according to their respective voting power (their percentage of interest by Unit in the Common Areas and Facilities)."

ARTICLE XI, Paragraph 12 is amended by adding the following as the first paragraph, "Subject to any current Unit Rental which shall be grandfathered, provided the Unit Owner advises the Board of such, rentals of Units shall not be permitted. In the event this restriction is held unenforceable, the current provisions of Paragraph 12 shall apply."

ARTICLE XII, Paragraph 4, and ARTICLE XIII, Paragraphs B, C and D are amended by redesignating the term "Insurance Director" to "Insurance Trustee." All references to "Insurance Director" in ARTICLE XIII shall also be amended to read "Insurance Trustee."

ARTICLE XIII, Paragraph C is further amended in the last paragraph thereof by replacing the current second sentence thereof with the following, "In the event the Unit Owners contributed any moneys as a special assessment for the project, such Unit Owners shall be reimbursed on a pro rata basis to the extent of the moneys so contributed. Any excess balance shall be applied to the Association's Reserve Account."

Amendments to the Bylaws  
of the Auburn Knolls  
Consolidated Condominium Association

ARTICLE II, Paragraph 1, is hereby amended to read as follows:

1. Numbers and Qualifications

The affairs of the Association shall be managed by a Board of Directors consisting of not less than three (3) and not more than five (5) Directors from the Unit Owners or their spouses, including the Trustee or the Trustee's spouse where the Unit Ownership is in the name of a Trust and/or Trustee. In addition, any person designated under Section 5311.08 of the Ohio Revised Code as now or hereafter amended shall also qualify to serve as a Director.

ARTICLE III, Paragraph 8.D is hereby amended in its entirety as follows:

D. Treasurer:

The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual compilation or review (at the option of the Board) of the Association books to be made by a certified public accountant at the completion of each fiscal year; provided that if requested by two Directors, an audit shall be made by the certified public accountant; and shall

prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular meeting, and deliver a copy of each to the members.

ARTICLE IV, Paragraph 1 is amended by redesignating the “Architectural Control Committee” as the “Architectural Control and Landscaping Committee.”

ARTICLE VI, Paragraph 7 is hereby amended in its entirety to read as follows:

The Treasurer shall cause an annual compilation or review (at the option of the Board) of the Association's books to be made by a certified public accountant at the completion of each fiscal year; provided that if requested by two Directors, an audit shall be made by the certified public accountant.

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 provisions will not impair or affect in any manner the validity or enforceability of the remainder of the provisions. Upon the recording of these amendments, only Unit Owners of record at the time of such filing have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the Stark County Court of Common Pleas within one year of the recording of the amendments.

The Auburn Knolls Consolidated Condominium Association has caused the execution of this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

## **AUBURN KNOLLS CONSOLIDATED CONDOMINIUM ASSOCIATION**

By: IRWIN DINN, its President

STATE OF OHIO )  
 )  
COUNTY OF STARK )

**BEFORE ME**, a Notary Public, in and for said County, personally appeared the above-named Auburn Knolls Consolidated Condominium Association, by its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said organization and the free act and deed of him personally and as such officer.

**IN WITNESS WHEREOF**, I have set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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NOTARY PUBLIC

This instrument prepared by:

Robert I. Friedman, Esq.  
220 Market Avenue South  
Suite 1000  
Canton, Ohio 44702

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**§ 5311.08 Unit owners association; board of directors; bylaws; incorporation & not-for-profit corporation.**

(A)(1) Every condominium property shall be administered by a unit owners association. All power and authority of the unit owners association shall be exercised by board of directors, which the unit owners shall elect from among the unit owners or the spouses of unit owners. 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.

