



KAMAN & CUSIMANO^{LLC}

ATTORNEYS AT LAW

Jeffrey E. Kaman, Esq., Partner
jkaman@kamancus.com
513-878-1771

11311 Cornell Park Drive, Suite 220
Cincinnati, Ohio 45242
Fax: 513-898-1221

June 29, 2022

Carrollton Woods Condominium
c/o Gwyn Rotramel, Community Association Manager
Apple Property Management, LLC
P.O. Box 752108
Dayton, Ohio 45475

Re: Ohio Condominium Act Amendments

Dear Ms. Rotramel:

Enclosed, please find the *original*, fully executed and recorded Ohio Condominium Act Amendments to the Declaration of Condominium Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions, Easements and Restrictions for the Project Known As Carrollton Woods Condominium. The Amendments were filed with the Montgomery County Recorder's Office on May 5, 2022, at Instrument No. 2022-00030061 and 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 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.

Along with the notice to the owners, the Board can include a copy of the recorded Amendments themselves 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 Montgomery County Recorder's Office.

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

Sincerely yours,

JEFFREY E. KAMAN

JEK:mm1
Enclosure

cc: All Board members (via electronic mail only)

LABEL NBR: 1 Type: DEE
Kind: SPECIAL INSTRUMENT (DEED)
Recorded: 05/05/2022 at 10:01:23 AM
Fee Amt: \$98.00 Page 1 of 10
Montgomery County, OH
Brandon C. McClain Recorder
File: 2022-00030061

AMENDMENTS TO THE 10
DECLARATION OF CONDOMINIUM ESTABLISHING A PLAN FOR
CONDOMINIUM OWNERSHIP AND IMPOSING COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS FOR THE PROJECT KNOWN AS
CARROLLTON WOODS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP AND IMPOSING COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE PROJECT KNOWN AS CARROLLTON WOODS CONDOMINIUM RECORDED AT MICROFICHE 80-407A01 OF THE MONTGOMERY COUNTY RECORDS.

PLAT MAPS RECORDED AT PLAT BOOK 111, PAGE 23 ET SEQ., PLAT BOOK 112, PAGE 11 ET SEQ., PLAT BOOK 112, PAGE 15 ET SEQ., PLAT BOOK 112, PAGE 16 ET SEQ., PLAT BOOK 113, PAGE 37 ET SEQ., PLAT BOOK 114, PAGE 5 ET SEQ., and PLAT BOOK 125, PAGE 41 ET SEQ. OF THE MONTGOMERY COUNTY RECORDS.

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w: Kaman & Casimano
8101 N High St Ste 370
Columbus, OH 43235

**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM ESTABLISHING A PLAN FOR
CONDOMINIUM OWNERSHIP AND IMPOSING COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS FOR THE PROJECT KNOWN AS CARROLLTON
WOODS CONDOMINIUM**

RECITALS

- A. The Declaration of Condominium Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions, Easements and Restriction for the Project Known as Carrollton Woods Condominium (the "Declaration") and the Bylaws of Carrollton Condominium Association, attached to and made part of the Declaration (the "Bylaws"), were recorded at Montgomery County Records Microfiche 80-407A01.
- 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. 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 Declaration of Condominium Establishing a Plan for Condominium Ownership and Imposing Imposing Covenants, Conditions, Easements and Restriction for the Project Known as Carrollton Woods Condominium and the Bylaws of Carrollton Condominium 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 SECTION 22.12, entitled "Statutory Agent for Association," in its entirety. Said deletion is to be taken from the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01.

INSERT a NEW DECLARATION SECTION 22.12 entitled "Statutory Agent for Association." Said new addition to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

Section 22.12. Statutory Agent for Association. 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 TWO NEW PARAGRAPHS to the end of DECLARATION SECTION 22.7. Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, 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.

The Board will impose the following enforcement procedure:

(a) Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit Owner a written notice 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 by Section (a)(1) 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 in Section (a)(5) 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 certified mail, return receipt requested, or by regular mail.

(6) **INSERT a NEW SENTENCE to the end of DECLARATION SECTION 13.11. Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:**

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 SECTION 18.16. Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01 , is as follows:

The Association may initiate eviction proceedings to evict any tenant, for any violation of the Declaration, Bylaws, rules and regulations, or applicable laws, by the tenant, any occupant of the Unit, or the owner of the Unit. The Association, as the Unit Owner's agent, will bring such action in the name of the Unit Owner(s). In addition to any procedures required by State law, the Association will give the Unit Owner(s) at least 10 days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorneys' fees, will be charged to the Unit Owner(s) and the subject of a special Assessment against the offending Unit Owner and made a lien against that Unit.

(8) INSERT a NEW PARAGRAPH to the end of DECLARATION SECTION 13.1. Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

The Association will credit payments made by a Unit Owner in the following order of priority:

- (a) First, to interest owed to the Association;
- (b) Second, to administrative late fees owed to the Association;
- (c) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (d) Fourth, to the principal amounts the Unit Owner owes to the Association for the Common Expenses or enforcement Assessments chargeable against the Unit.

(9) INSERT a NEW PARAGRAPH to the end of BYLAWS CHAPTER X, SECTION 10.1. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01 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.

(10) INSERT a NEW DECLARATION SECTION 18.22, entitled "Owner/Resident Information." Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

Section 18.22. 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.

(11) INSERT a NEW BYLAWS CHAPTER X, SECTION 10.3 entitled "Exempt Records." Said addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

Section 10.3. Exempt Records. The Association, as determined by the Board, is not required to permit the examination and copying of any of the following from books, records, and minutes:

- 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 Unit Owners;
- e. Information the disclosure of which is prohibited by state or federal law.

(12) MODIFY the 1ST SENTENCE of BYLAWS CHAPTER IV, SECTION 4.1 entitled "Number." Said modification, to be made to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows: (deleted language is crossed out; new language is underlined)

Section 4.1. Number. The affairs of this Association ~~shall will~~ be managed by a Board of ~~Managers-Directors~~ required by Section 5311.08 of the Revised Code of Ohio, and all said ~~Trustees-Directors~~ shall will be required to be a Unit Owner or the spouse of a Unit Owner and members of the Association ~~excepting those serving as Trustees during the existence of Class D membership in the Association, provided that 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.~~

(13) INSERT a NEW PARAGRAPH to the end of BYLAWS CHAPTER VI, SECTION 6.5. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

Any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, as long as each Director can hear, participate and respond to every other Director. In lieu of conducting a meeting, the Board may take action with the unanimous written consent of the Directors. Those written consents will be filed with the Board meeting minutes.

(14) INSERT a NEW SENTENCE to the end of DECLARATION SECTION 3.7. Said new addition, to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

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.

(15) INSERT TWO NEW PARAGRAPHS to the end of DECLARATION SECTION 22.15. Said new addition, to be added to the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

Notwithstanding the above, without a Unit Owner vote, the Board may amend the Declaration in any manner necessary for any of the following purposes:

- (a) 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;
- (b) To meet the requirements of insurance underwriters;
- (c) To bring the Declaration into compliance with the Ohio Condominium Act (Revised Code Chapter 5311);
- (d) To correct clerical or typographical errors or obvious factual errors in the Declaration or an exhibit to the Declaration;
- (e) 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.
- (f) After the recording of this amendment, any amendment to the Declaration made without a vote of the Unit Owner will not require a certification as to the consenting and non-consenting mortgagees as described above.

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.

(16) INSERT a NEW PARAGRAPH (f) to BYLAWS CHAPTER VII, SECTION 7.1. Said new addition to be added to the Bylaws, attached to and made part of the Declaration, as recorded at Montgomery County Records, Microfiche 80-407A01, is as follows:

- f. In addition to all other powers enumerated above, 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. Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

3. Adopt rules that regulate the use or occupancy of Units, the maintenance, repair, replacement, modification, and appearance of Units, Common Elements, and Limited Common Elements when the actions regulated by those rules affect Common Elements or other Units;

4. Grant easements, leases, licenses, and concessions through or over the Common Elements;

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

6. 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;

7. 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 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 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 court of common pleas within one year of the recording of the amendments.

The Carrollton Condominium Association has caused the execution of this instrument this 12th day of April, 2022.

CARROLLTON CONDOMINIUM ASSOCIATION

By: MEH
MARK FAULKNER, President

By: Brian Villareal
BRIAN VILLAREAL, Secretary

STATE OF OHIO)
) SS
COUNTY OF MONTGOMERY)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Carrollton Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on page 10 of 11, 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.

I have set my hand and official seal this 12th day of April, 2022.

Alexios Gabbard
NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
11311 Cornell Park Drive, Suite 220
Cincinnati, Ohio 45242
(513) 878-1771
ohiocondolaw.com

Place notary stamp/seal here:



Alexios Gabbard

NOTARY PUBLIC
STATE OF OHIO

My Commission Expires
June 14, 2023