

Type: DEE  
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Recorded: 04/21/2014 12:58:49 PM  
Fee Amt: \$44.00 Page 1 of 4  
Montgomery County, OH  
Willis E. Blackshear County Recorder  
File# 2014-00019802

**AMENDMENT TO THE**  
**DECLARATION AS TO CONDOMINIUM PROPERTY**  
**BARCLAY SQUARE CONDOMINIUM** A

**PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION AS TO CONDOMINIUM PROPERTY BARCLAY SQUARE CONDOMINIUM RECORDED AT MICROFICHE NO. 1981-00003246 OF THE MONTGOMERY COUNTY RECORDS.**

**PLAT MAP RECORDED AT PLAT BOOK 112, PAGE 37 ET SEQ. OF THE MONTGOMERY COUNTY RECORDS.**

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**AMENDMENT TO THE**  
**DECLARATION AS TO CONDOMINIUM PROPERTY**  
**BARCLAY SQUARE CONDOMINIUM**

**WHEREAS**, the Declaration as to Condominium Property Barclay Square Condominium (the "Declaration") and the Bylaws of Barclay Square Condominium, Exhibit C of the Declaration, were recorded at Montgomery County Records Microfiche No. 1981-00003246, and

**WHEREAS**, the Barclay Square Condominium Owners Association (the "Association") is a corporation consisting of all Unit Owners in Barclay Square and as such is the representative of all Unit Owners, and

**WHEREAS**, Section 5311.05(E)(1)(a) of the Ohio Revised Code authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to meet the requirements of institutional mortgages, 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," and

**WHEREAS**, the Board of Directors approved the following matter to be modified (the "Amendment") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 and the requirements of the Federal Housing Administration, and/or federal law, and

**WHEREAS**, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration as to Condominium Property Barclay Square Condominium have in all respects been complied with.

**NOW THEREFORE**, the Declaration as to Condominium Property Barclay Square Condominium is hereby amended by the Board of Directors as follows:

**INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE 14.12.** Said new addition, to be added on Page 24 of the Declaration, as recorded at Montgomery County Records, Microfiche No. 1981-00003246, is as follows:

**Notwithstanding the foregoing, for the Condominium Property to meet the requirements of all institutional mortgagees, guarantors,**

insurers of first mortgage loans, and similar institutions for loans to finance the purchase of Units by proposed Unit Owner-Occupants and for the Condominium Property to be primarily a Unit Owner-occupied residential community and to avoid potentially disqualifying Unit purchasers from obtaining first mortgage loans offered to proposed Unit Owner-Occupants by institutional mortgage market lenders, the following restrictions apply:

(a) During such time or times as the leasing or rental of an additional Unit(s) results in fewer than 50% of the Units in the Condominium Property being Unit Owner-occupied, no leasehold interest or any other form of rental tenancy of any type, kind, or description will be created by the Unit Owner(s) of any Unit; and

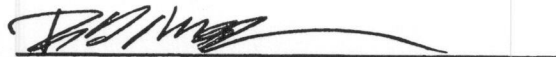
(b) No single Person may own more than 50% of the total number of Units.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendment regarding the occupancy of units. 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 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 said Barclay Square Condominium Owners Association has caused the execution of this instrument this 11 day of APRIL, 2014.

**BARCLAY SQUARE CONDOMINIUM OWNERS ASSOCIATION**

By:



**RODNEY MULLINS, its President**

STATE OF OHIO )  
 ) SS  
COUNTY OF MONTGOMERY )

**BEFORE ME**, a Notary Public, in and for said County, personally appeared the above named Barclay Square Condominium Owners Association, by Rodney Mullins, its President, who acknowledged that he did sign the foregoing instrument, on Page 3 of 4, 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 Greenville, Ohio, this 11 day of April, 2014.

Mt Marshall  
NOTARY PUBLIC

Place notary stamp/seal here:



MITZI MARSHALL  
Notary Public-State of Ohio  
My Comm. Exp. 9-25-16

This instrument prepared by:  
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