



Instr: 200904210015183 04/21/2009  
P: 1 of 4 F: \$48.00  
Rick Campbell 8:41AM COND  
Stark County Recorder T20090011747

16<sup>th</sup> AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
UNIVERSITY COMMONS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR UNIVERSITY COMMONS CONDOMINIUM RECORDED AT INSTRUMENT NO. 2001071085, OF THE STARK COUNTY RECORDS.

THIS WILL CERTIFY THAT COPIES OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR UNIVERSITY COMMONS CONDOMINIUM HAVE BEEN FILED IN THE OFFICE OF THE COUNTY AUDITOR, STARK COUNTY, OHIO

DATE: April 20, 2009

STARK COUNTY AUDITOR

BY: Kim R. Perez

DEPUTY AUDITOR

Kim R. PEREZ

by Jason Frost  
JASON FROST

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
UNIVERSITY COMMONS CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for University Commons Condominium (the "Declaration") and the Bylaws of University Commons Condominium (the "Bylaws"), Exhibit 5 to the Declaration, were recorded at Stark County Records Instrument No. 2001071085, and

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

WHEREAS, Section 24 of said Declaration authorizes amendments to the Declaration and Bylaws Article Eleven authorizes amendments to the Bylaws, and

WHEREAS, a meeting of the Association's Unit Owners was held on or about March 31, 2009, and, at such meeting and any adjournment thereof, Unit Owners representing not less than 75% of the voting power of the Association executed, in person or by proxy, an instrument in writing setting forth specifically the matters to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 78.57% of the Association's voting power, together with the minutes from said meeting and any adjournment thereof, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 78.57% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, 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 University Commons Condominium is hereby amended by the following:

MODIFY BYLAWS ARTICLE FIVE, SECTION TWELVE entitled, "*Modifications by Board of Directors.*" Said modification, to be made on Page 19 of the Bylaws, Exhibit 5 of the Declaration, as recorded at Stark County Records, Instrument No. 2001071085, is as follows (deleted language is crossed-out; new language is underlined):

Section Twelve. *Modifications by Board of Directors.* Any additions or alterations in or to the common elements costing \$500.00 seven percent (7%) or less of that year's estimated budget, as determined in accordance with Section One of Article Five hereinabove, may be made by the board of directors without approval of the unit owners or of unit mortgagees or trust deed beneficiaries, and the costs thereof will be treated as common expenses. Whenever in the judgment of the board of directors, the common elements require additions or alterations costing in excess of \$500.00 seven percent (7%) of that year's estimated budget, the making of such additions or alterations will require approval by a majority of unit owners. After approval has been obtained, the board of directors will proceed with the additions or alterations, and the costs will be treated as common expenses.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment establishing the capital additions limit as a percentage of the estimated budget and clarifying the applicability of the limit. 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.

  
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