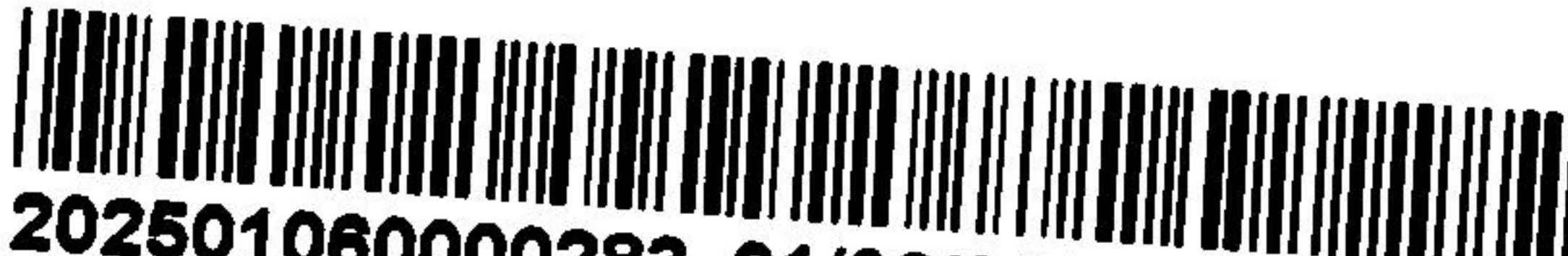


7
IX


202501060000283 01/06/2025 09:11 AM
P: 1 of 7 F:\$78.00
Jamie Walters COND
Stark County Recorder

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE HIGHLANDS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE HIGHLANDS CONDOMINIUM RECORDED AT INSTRUMENT NUMBER 2000060974 OF THE STARK COUNTY RECORDS.

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

DATE: 1/3/2025

STARK COUNTY AUDITOR

BY: 
AUDITOR

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE HIGHLANDS CONDOMINIUM**

RECITALS

- A.** The Declaration of Condominium Ownership for The Highlands Condominium (the "Declaration") was recorded at Stark County Records, Instrument Number 2000060974.
- B.** The Highlands Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Highlands Condominium and as such is the representative of all Unit Owners.
- C.** Declaration Article XVI authorizes amendments to the Declaration.
- D.** Unit Owners representing at least 75 percent of the Association's current voting power, based on ownership interests have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").
- E.** As of November 19, 2024, Unit Owners representing 77.77 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.
- F.** Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendment will be mailed by certified mail to all Unit Owners and all first mortgagees having bona fide liens against any Unit ownership on the records of the Association once the Amendment is recorded with the Stark County Recorder's Office.
- G.** Attached as Exhibit B a certification of the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment.
- H.** The Association has complied with the proceedings necessary to amend the Declaration, as required by Chapter 5311 of the Ohio Revised Code and the Declaration in all material respects.

AMENDMENT

The Declaration of Condominium Ownership for The Highlands Condominium is amended by the following:

INSERT TWO new SENTENCES to the end of DECLARATION ARTICLE IX, SECTION 3, PARAGRAPH B entitled, "Responsibility of the Association." Said new addition to the Declaration is:

Notwithstanding the foregoing, the Association is not responsible for the maintenance, repair, or replacement of the concrete driveways serving the Units, the concrete walkways that lead to the front door of each Unit, or concrete step(s) serving the Unit. However, the Association is responsible for providing reasonable snow removal from the concrete driveways, the concrete walkways, and concrete step(s) serving the Unit.

INSERT a new SUBPARAGRAPH (xiv) to DECLARATION ARTICLE IX, SECTION 3, PARAGRAPH C entitled, "Responsibility of Unit Owner." Said new addition to the Declaration is:


- (xiv) to maintain, repair, and replace the concrete driveways that serve their Unit, concrete walkways that lead to the front door of the Unit, and the exterior concrete steps that serve their Unit. If a concrete driveway is located in front of a condominium building that is comprised of two attached Units, each Unit is responsible for maintaining, repairing, and replacing the half of the driveway that serves their Unit. If there are disputes or disagreements between Unit Owners regarding whether a portion(s) of the driveway serves a particular Unit, the disputing Unit Owner may submit their dispute in writing to the Board, and the Board will make a final determination as to responsibility for the portion(s) of the driveway in question. Notwithstanding the foregoing, the Unit Owner is not responsible for providing snow removal services for the concrete driveways, concrete walkways, or concrete step(s) serving the Unit.**

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment making the Unit Owners responsible for the concrete driveways, walkways, and steps serving the Unit and the Association responsible for snow removal from those areas. 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 this amendment, only Unit Owners of record at the time of the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The Highlands Condominium Association has caused the execution of this instrument this 20th day of December, 2024.

THE HIGHLANDS CONDOMINIUM ASSOCIATION

By: 

REX ASPENWALL, President

By: 

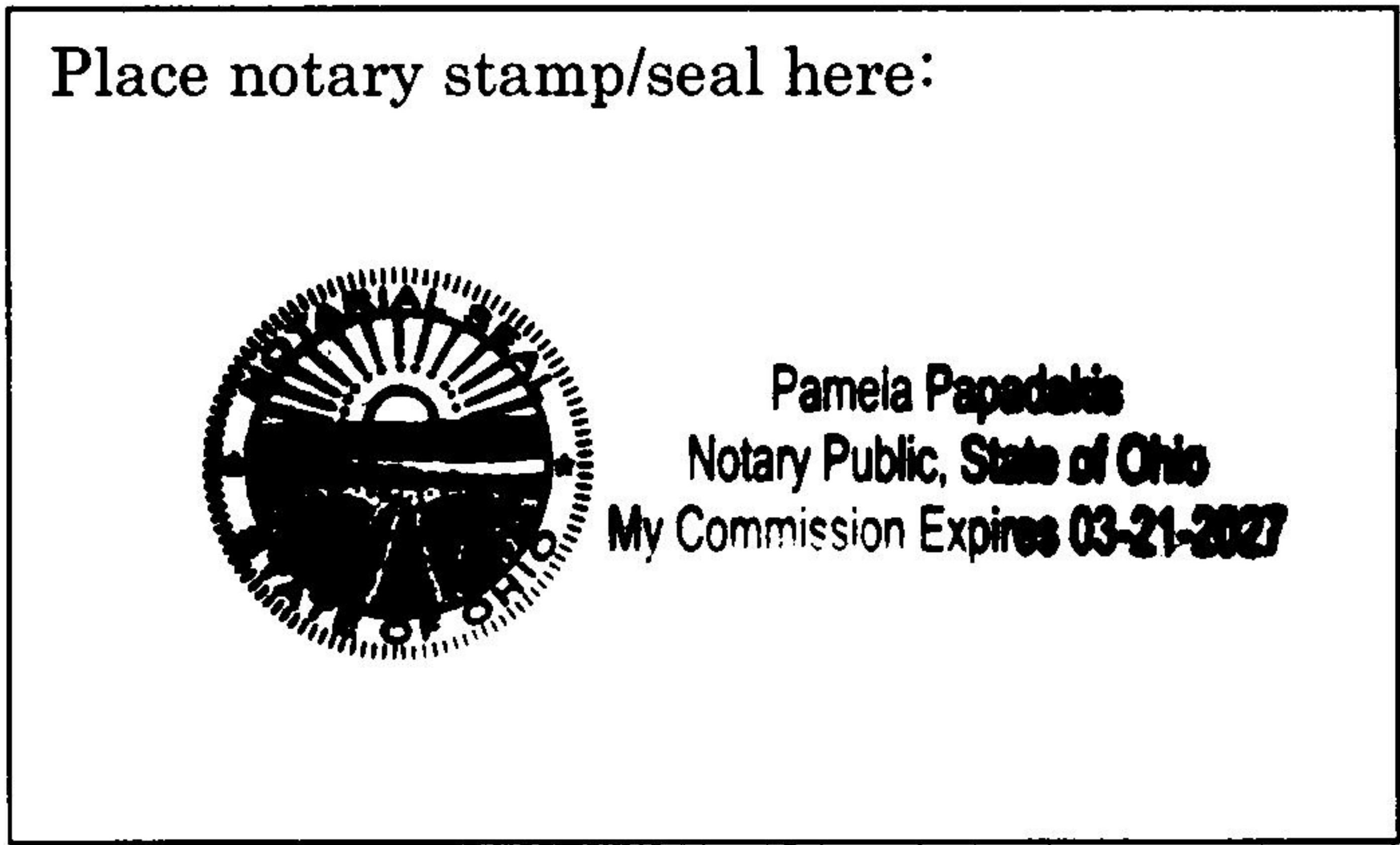
LOUIS KIN-SHING LO, Secretary

STATE OF OHIO)
)
COUNTY OF Stark) SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named The Highlands Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 7, and that the same is the free act and deed of the corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal this 20th day of December, 2024.

Pamela Papadakis
NOTARY PUBLIC



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

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF Stark) SS

REX ASPENWALL, being first duly sworn, states as follows:

1. He is the duly elected and acting President of The Highlands Condominium Association.
2. He will cause copies of the Amendment to the Declaration to be mailed by certified mail to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit ownership of whose mortgage interests notice had been given to the Association once the Amendment is recorded with the Stark County Recorder's Office.



REX ASPENWALL, President

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named **REX ASPENWALL** who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

I have set my hand and official seal this 20th day of December,
2024



NOTARY PUBLIC

Place notary stamp/seal here:

