

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM
FOR
WINDSOR SQUARE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM FOR WINDSOR SQUARE CONDOMINIUM RECORDED AT
MICROFICHE 78-694A01 OF THE MONTGOMERY COUNTY RECORDS.

PLAT MAP RECORDED AT PLAT BOOK 106, PAGE 76 ET SEQ. OF THE
MONTGOMERY COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM FOR
WINDSOR SQUARE CONDOMINIUM

WHEREAS, the Declaration of Condominium for Windsor Square Condominium (the "Declaration") and the Bylaws of Windsor Square Condominium, Phase I Association, Exhibit H of the Declaration (the "Bylaws"), were recorded at Montgomery County Records Microfiche 78-694A01, and

WHEREAS, Ohio Revised Code Section 5311.05(E)(1) authorizes the Board of Directors, without a vote of the Unit Owners, to amend the Declaration "to bring the Declaration into compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311"), and

WHEREAS, each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium for Windsor Square Condominium is 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 Managers" are replaced with the term "Board of Directors."

(4) **DELETE DECLARATION ARTICLE VI, entitled "SERVICE OF PROCESS,"** in its entirety. Said deletion is to be made on Page 6 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01.

INSERT a new DECLARATION ARTICLE VI, entitled "SERVICE OF PROCESS." Said new addition to be added on Page 6 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

ARTICLE VI

SERVICE OF PROCESS

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 a new PARAGRAPH to DECLARATION ARTICLE XVI, SECTION 16.07.** Said new addition, to be added on Page 17 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, 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.

(6) **INSERT a new PARAGRAPH to the end of DECLARATION ARTICLE XIV, SECTION 14.02, PARAGRAPH a.** Said new addition, to be added on Page 13 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, 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 DECLARATION ARTICLE XV, SECTION 15.18, entitled "Eviction of Tenants."** Said new addition, to be added on Page 16 of the

Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

Section 15.18: Eviction of Tenants. 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 ARTICLE XIII, SECTION 13.01. Said new addition, to be added on Page 12 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

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

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;
- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) 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 DECLARATION ARTICLE XIV, SECTION 14.02, PARAGRAPH f. Said new addition, to be added on Page 14 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

f. When a Unit Owner is delinquent in the payment of assessments for more than 30 days, the Board may, by a majority

vote, suspend the voting privileges of the owner and the right of the occupants to use the recreational facilities.

(10) INSERT a new PARAGRAPH c. to the end of DECLARATION ARTICLE XIII, SECTION 13.02. Said new addition, to be added on Page 13 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01 is as follows:

c. 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.

(11) INSERT a new DECLARATION ARTICLE XV, SECTION 15.19, entitled "Owner/Resident Information." Said new addition, to be added on Page 16 of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

Section 15.19: 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.

(12) MODIFY the 1st SENTENCE of BYLAWS ARTICLE II, SECTION 1. Said modification, to be made on Page 2 of the Bylaws, Exhibit H of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows: (new language is underlined)

The affairs of this Association shall be managed by a Board of Directors Trustees of not less than three (3) persons who must be members of the Association, a Unit Owner, or the spouse of a Unit Owner; 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 SENTENCE to the end of BYLAWS ARTICLE II, SECTION 9. Said new addition, to be added on Page 3 of the Bylaws, Exhibit H of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

Any Board meeting may be held in person or by any method of communication, including electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(14) INSERT a new SENTENCE to the end of BYLAWS ARTICLE V, SECTION 2. Said new addition, to be added on Page 7 of the Bylaws, Exhibit H of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

In the alternative, 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 a new BYLAWS ARTICLE II, SECTION 12, entitled "Powers and Duties." Said new addition to be added on Page 4 of the Bylaws, Exhibit H of the Declaration, as recorded at Montgomery County Records, Microfiche 78-694A01, is as follows:

Section 12: Powers and Duties. In addition to all other powers, the Board may exercise all powers of the Association, including the power to do the following:

a. Hire and fire managing agents, attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and operation of the Condominium Property and the Association;

b. 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;

c. Enter into contracts and incur liabilities relating to the operation of the Condominium Property;

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

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

f. 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.

