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**CONFORMING AMENDMENT TO THE  
DECLARATION AND BYLAWS OF  
THE VILLAGE AT MUIRFIELD  
CONDOMINIUM FOR PURPOSES OF  
BRINGING THE DOCUMENTS INTO  
COMPLIANCE WITH CHAPTER 5311 OF  
THE OHIO REVISED CODE**

200600001504  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
01-11-2006 At 03:38 pm.  
DECLARATION 56.00  
OR Book 681 Page 288 - 292

200600001504  
LAURIE STURM  
5511 ARYSHIRE CT  
DUBLIN, OH 43017

**CERTIFICATE OF AUDITOR**

A copy of this Conforming Amendment to the Declaration and Bylaws for The Village at Muirfield Condominium was filed with this office on Jan 11, 2006.

Delaware County Auditor

*Todd A. Hauniks*

By *Stines*

Deputy Auditor

This instrument prepared by Richard L. Loveland, attorney at law, Loveland & Brosius, LLC, 50 West Broad Street, Columbus, Ohio 43215.

**CONFORMING AMENDMENT TO THE DECLARATION AND BYLAWS  
OF THE VILLAGE AT MUIRFIELD CONDOMINIUM**

This Conforming Amendment to the Declaration and Bylaws of The Village at Muirfield Condominium is made on or as of this 6<sup>th</sup> day of December, 2005.

**RECITALS**

A. The Village at Muirfield Condominium (the "Condominium") is a duly constituted condominium created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio (the "Act"), and governed by the provisions of the Amended and Restated Declaration and Bylaws of The Village at Muirfield Condominium (the "Amended Declaration and Bylaws") recorded in Official Record Volume 0161, at page 2195 et seq., records of the Recorder of Delaware County, Ohio.

B. On or about July 20, 2004, the provisions of Am. Sub. H.B. No. 135 became effective substantially amending the Act.

C. Pursuant to the provisions of Section 5311.05 (E)(1)(c) of the Act, as amended, the undersigned officers of The Village at Muirfield Condominium Association hereby certify that this Conforming Amendment has been promulgated and duly adopted by the Board of Directors according to the provisions of the Act, the Declaration, and Bylaws.

D. The purpose of this Conforming Amendment is to bring the Amended Declaration and Amended Bylaws into compliance with the Act as amended and effective on July 20, 2004.

**AMENDMENTS**

NOW THEREFORE, the undersigned officers of The Village at Muirfield Condominium Association hereby certify that the Board of Directors has adopted, pursuant to the provisions of Section 5311.05(E)(1)(c) of the Act, as amended, the following amendments to the Amended Declaration and Amended Bylaws:

**TO THE AMENDED DECLARATION**

**ARTICLE XVI, Section 5(a) (on page 21):**

There is added to this subsection the following:

"The Association shall credit all payments received from a Unit owner in the following order of priority: 1<sup>st</sup> to interest; 2<sup>nd</sup>. to administrative late fees; 3<sup>rd</sup>. to collection costs, attorney fees, and paralegal fees; and 4<sup>th</sup>. to the amounts owed to the Association for assessments, general and special, and any other charges owed to the Association."



**ARTICLE XVI, Section 5(d) (on page 21):**

(1) The term "chief officer" in the last sentence is deleted and the term "designated representative" is inserted in place thereof.

(2) The following is added at the end of this subsection:

"The lien amount may include all assessments chargeable against the Unit, interest, administrative late fees, collection costs, attorney fees, paralegal fees, and any other charges owed to the Association."

**ARTICLE XVIII, Section 1 (on page 24):**

A new paragraph is added after subsection (c), providing as follows:

"In addition to the foregoing, the Board, without a vote of Unit owners, 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, or the requirements of insurance underwriters;
- b. to bring the Declaration into compliance with requirements of the Condominium Act;
- c. to correct clerical or typographical errors in this Declaration or an exhibit or amendment hereto; and
- d. to designate a successor to the Person named to receive service of process for the Association, provided, the naming of a successor need not be by amendment hereto if the change of statutory agent is appropriately filed with the Ohio Secretary of State."

**TO THE AMENDED BYLAWS**

**ARTICLE IV, Section 10 (on page e):**

This section is amended by deleting the language "means of communications equipment if all persons participating can hear each other and participate" and replacing the deleted language with the following:

"any method of communication, including electronic, telephonic, by computer, or otherwise, as long as each member of the Board can hear, participate, and respond"

**ARTICLE IV, Section 13 (on page e):**

This section is amended by deleting the word "and" at the end of subsection (h), by adding the word "and" at the end of subsection (i), and adding the following subsection:

“(j) prior to imposing a charge for damages or an enforcement charge as permitted by the Act, the Board of Directors shall give the Unit Owner or Owners written notice that includes:

- (i) a statement of the facts giving rise to the proposed charge, including, if applicable, a description of the property damaged, or the violation of the restriction, rule or regulation allegedly violated;
- (ii) the amount of the proposed charge;
- (iii) a statement that the Unit owner has a right to a hearing before the Board to contest the proposed charge by delivering to the Board a written notice requesting a hearing within ten days after the Unit owner receives written notice of the proposed charge; and
- (iv) in the case of a charge for violation of a restriction, rule or regulation, a reasonable date by which the Unit owner must cure the alleged violation to avoid the proposed charge.

For these purposes in addition to operating assessments, interest, late charges, and collection costs are not and shall not be considered “charges” which are subject to the provisions of this subsection (j)..

The notice by the Board given pursuant to the foregoing may be delivered personally to the Unit owner proposed to be charged, or an Occupant of that owner’s Unit, or by certified mail, return receipt requested, or by regular mail to the Unit owner. In the event after such hearing the Board determines to levy the charge or enforcement assessment proposed, the Board shall deliver to the Unit owner written notice thereof within thirty (30) days of the date of that hearing.”

**ARTICLE VII (on page f):**

Article VII is deleted in its entirety and replaced by the following:

**“ARTICLE VII**

**BOOKS AND RECORDS; NOTIFICATION**

The books, records and financial statements of the Association, including current copies of the Amended Declaration, Amended Bylaws, Articles and effective rules and regulations, shall be available during normal business hours or under other reasonable circumstances, upon request to the Association, for inspection by Unit Owners, lenders, and the holders, insurers and guarantors of first mortgages on Units, pursuant to reasonable standards established from time to time by the Board by rule, including, but not limited to standards governing the type of



documents that are subject to examination and copying, the times and locations at which those documents may be examined or copied, and the specification of a reasonable fee for copying the documents; provided, further, the Board shall not be required to permit the examination and copying of materials and information permitted to be excluded from examination and copying under the Act or the disclosure of which is prohibited by the laws of the State of Ohio or of the United States of America. During normal business hours or under other reasonable circumstances, the Association shall make available to prospective purchasers current copies of the Amended Declaration, Amended Bylaws, Articles, effective rules and regulations, and the most recent annual audited financial statement, if such is prepared.

Within thirty (30) days after a Unit owner obtains a Unit, the owner shall provide the Board with the following information: 1. the home address, home and business mailing addresses, and home and business telephone numbers of the Unit owner and all occupants of the Unit; and 2. the name, business address, and business telephone number of any Person who manages the owner's Unit as an agent of that owner. In addition, within thirty (30) days after a change in any of the above information, a Unit owner shall notify the Association of the change, in writing to the Board. When the Board requests a Unit owner shall verify or update the information."

This Conforming Amendment shall be effective upon the filing hereof with the Delaware County Auditor and recording with the Delaware County Recorder. The owner of any Unit may commence a declaratory judgment action to have all or any part of this Conforming Amendment declared invalid as violative of the Act, as amended; provided that (a) only those owners that owned a Unit at the time that this Conforming Amendment was recorded shall have standing to contest the validity of the provisions hereof, and (b) any challenge made by a Unit owner to all or any part of this Conforming Amendment shall be filed in the Delaware County Common Pleas Court within one year from the date of the recording hereof.

IN TESTIMONY WHEREOF, the President, and Secretary of The Village at Muirfield Condominium Association have hereunto set their hands this \_\_\_\_ day December 2005.

**THE VILLAGE AT MUIRFIELD  
CONDOMINIUM ASSOCIATION**

Donna Garrett  
Donna Garrett, President  
Laurel Israel Sturm  
Laurel Israel Sturm, Secretary

STATE OF OHIO  
COUNTY OF DELAWARE, SS:

The foregoing instrument was executed before me this 12th day of December, 2005, by Donna Garrett, the President, and by Laurel Sturm, the Secretary, of The Village at Muirfield Condominium Association, as such officers and on its behalf, who certified the adoption of the foregoing amendments as stated therein.

Ruth Kirkpatrick  
Notary Public



RUTH KIRKPATRICK  
Notary Public, State of Ohio  
My Commission Expires 04-20-07