

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 6
DECL 2/24/2016 11:47:07 AM
201602240231

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
ERIE BUILDING LOFTS CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR ERIE BUILDING LOFTS
CONDOMINIUM RECORDED AT INSTRUMENT NO. 200605170352 OF THE
CUYAHOGA COUNTY RECORDS.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
ERIE BUILDING LOFTS CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Erie Building Lofts Condominium (the "Declaration") was recorded at Cuyahoga County Records, Instrument No. 200605170352, and

WHEREAS, the Erie Building Lofts Condominium Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Erie Building Lofts Condominium and as such is the representative of all Unit Owners, and

WHEREAS, Declaration Article X, Section (A) authorizes amendments to the Declaration, and

WHEREAS, Unit Owners representing at least 75% 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"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 77.64% of the Association's voting power as of November 16, 2015, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 77.64% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendment will be mailed or hand delivered to all unit owners and all first mortgagees on the records of the Association once the Amendment is recorded with the Cuyahoga County Fiscal Office and that Unit Owners representing 75% of the Association's voting power affirmatively approved the Amendment, in writing, and

WHEREAS, attached as Exhibit B is a certification from the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment, 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 Erie Building Lofts Condominium is amended by the following:

INSERT a new DECLARATION ARTICLE VII, SECTION (L). Said new addition, to be added on Page 29 of the Declaration, as recorded at Cuyahoga County Records, Instrument No. 200605170352, is as follows:

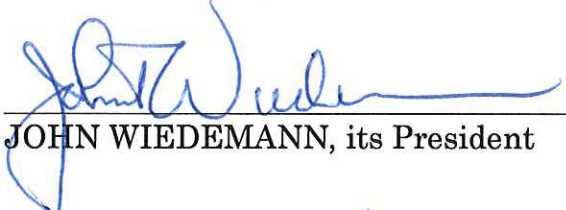
(L) A person who is classified a Tier III or Tier II sexual offender/child-victim offender, or any future equivalent classification, and for whom the County Sheriff or other government entity must provide community notification of the sex offender's residence is prohibited from residing in or occupying a Unit or remaining in or on the Property for any length of time. The classification of a sexual offender/child-victim offender and determination of whether notice is required is made by a court of law pursuant to the Ohio Sex Offenders Act, as may be amended and/or renamed from time to time, or similar statute from another jurisdiction. The Association is not, however, liable to any Unit Owner or Occupant, or anyone visiting any Unit Owner or the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce the provisions of this restriction.

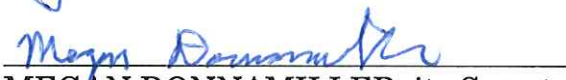
Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction on the occupancy of Units. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision.

Upon the recording of this amendment, only Unit Owners of record at the time of such filing have standing to contest the validity of the amendment, 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 amendment.

The Erie Building Lofts Condominium Association, Inc. has caused the execution of this instrument this 15th day of February, 2016.

ERIE BUILDING LOFTS CONDOMINIUM ASSOCIATION, INC.

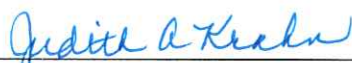
By: 
JOHN WIEDEMANN, its President

By: 
MEGAN DONNAMILLER, its Secretary

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

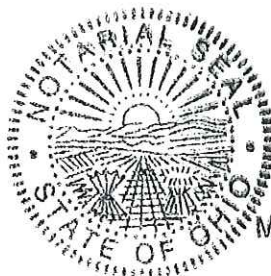
BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Erie Building Lofts Condominium Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal in CLEVELAND, Ohio, this 15th day of FEBRUARY, 2016.


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

Place notary stamp/seal here:



JUDITH A. KRAHN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Summit County
My Comm. Exp. 12/21/2018

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS

JOHN WIEDEMANN, being first duly sworn, states as follows:

1. He is the duly elected and President of the Erie Building Lofts Condominium Association, Inc.
2. He caused copies of the Amendment to the Declaration to be mailed or hand delivered to all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. The Association received the signed, written consents of Unit Owners representing 75% of the Association's voting power in favor of the Declaration Amendment.



JOHN WIEDEMANN, President

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

IN TESTIMONY WHEREOF, I have set my hand and official seal in CLEVELAND, Ohio, this 15th day of FEBRUARY, 2016.



NOTARY PUBLIC

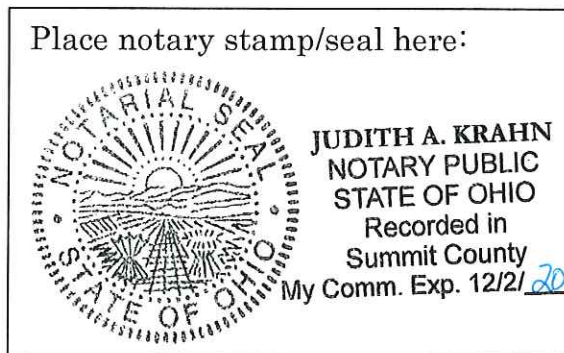


EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

MEGAN DONNAMILLER, the duly elected and Secretary of the Erie Building Lofts Condominium Association, Inc., certifies that there is on file in the Association's records, the names of the following mortgagees who have consented to the proposed Amendment to the Declaration: None.

Megan Donniller
MEGAN DONNAMILLER, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above named MEGAN DONNAMILLER who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and official seal in CLEVELAND, Ohio, this 15th day of FEBRUARY, 2016.

Judith A. Krahn
NOTARY PUBLIC

