

TRANSFER  
NOT NECESSARY

MAY 27 2015

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX EXEMPT	
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CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR	



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05/27/2015 11:34AM MEPKAMAN & CU  
Terry J. Brown  
Franklin County Recorder

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
GENDER PARK CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR GENDER PARK CONDOMINIUM  
RECORDED AT INSTRUMENT NO. 199802240040764 OF THE FRANKLIN  
COUNTY RECORDS.

**AMENDMENTS TO THE**  
**DECLARATION OF CONDOMINIUM OWNERSHIP FOR**  
**GENDER PARK CONDOMINIUM**

**WHEREAS**, the Declaration of Condominium Ownership for Gender Park Condominium (the "Declaration") and the Bylaws of Gender Park Condominium Association, attached to and made part of the Declaration, were recorded at Franklin County Records Instrument No. 199802240040764, 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 in 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, made pursuant to, or in accordance with Chapter 5311, and

**WHEREAS**, attached as Exhibit A is a certification of the Association's President and Secretary stating that the Amendments were duly adopted in accordance with the Declaration provisions, and

**WHEREAS**, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration of Condominium Ownership for Gender Park Condominium have in all respects been complied with.

**NOW THEREFORE**, the Declaration of Condominium Ownership for Gender Park 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" will be 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" will be replaced with the term "Limited Common Elements."

(3) All references in the Declaration and Bylaws to the term "Board of Trustees" and/or "Board of Managers" will be replaced with the term "Board of Directors."

(4) **DELETE DECLARATION ARTICLE VIII, entitled "Agent for Service,"** in its entirety. Said deletion is to be made on Page 7 of the Declaration, as recorded at Franklin County Records, Instrument No. 199802240040764.

**INSERT a new DECLARATION ARTICLE VIII, entitled "Agent for Service."** Said new addition to be added on Page 7 of the Declaration, as recorded at Franklin County Records, Instrument No. 199802240040764, is as follows:

### **ARTICLE VIII**

#### **AGENT FOR SERVICE**

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 the end of DECLARATION ARTICLE XX, SECTION 2.** Said new addition, to be added on Page 21 of the Declaration, as recorded at Franklin County Records, Instrument No. 199802240040764, 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 (m) to BYLAWS ARTICLE IV, SECTION 13.** Said new addition to be added on Page d of the Bylaws, attached to and made a part of the Declaration, as recorded at Franklin County Records, Instrument No. 199802240040764, is as follows:

**(m) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:**

**(i) Hire and fire, attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the management and/or operation of the Condominium Property and the Association;**

**(ii) 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;**

**(iii) Grant easements, leases, licenses, and concessions through or over the Common Elements;**

**(iv) 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**

**(v) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the Occupants of that Unit or another Unit.**

**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.**

The Gender Park Condominium Association has caused the execution of this instrument this 6<sup>th</sup> day of May, 2015.

**GENDER PARK CONDOMINIUM ASSOCIATION**

By: *Joe Osegueda*  
JOE OSEGUEDA, its President

By: *Sandy Essig*  
SANDY ESSIG, its Secretary

STATE OF OHIO                    )  
  )     SS  
COUNTY OF FRANKLIN        )


BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Gender Park Condominium Association, 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 them personally and as such officers.

IN WITNESS WHEREOF, I have set my hand and official seal in Canal Winchester, Ohio, this 6<sup>th</sup> day of May, 2015.

*Traci Brock*  
NOTARY PUBLIC

This instrument prepared by:  
KAMAN & CUSIMANO, LLC.  
Attorneys at Law  
OfficePointe at Polaris  
470 Olde Worthington Road,  
Suite 460  
Columbus, Ohio 43082  
(614) 882-3100  
ohiocondolaw.com

Place notary stamp/seal here:



TRACI BROCK  
Notary Public, State of Ohio  
My Commission Expires Feb. 2, 2017

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

The undersigned, being the duly elected and qualified President and Secretary of the Gender Park Condominium Association, certify that the Amendments were duly adopted in accordance with the provisions set forth in the Declaration for amendments.

  
\_\_\_\_\_  
JOE OSEGUEDA, President

  
\_\_\_\_\_  
SANDY ESSIG, Secretary


STATE OF OHIO                    )  
  )     SS  
COUNTY OF FRANKLIN        )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named **JOE OSEGUEDA** and **SANDY ESSIG** 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 Canal Winchester, Ohio, this 4th day of May, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC

Place notary stamp/seal here:



TRACI BROCK  
Notary Public, State of Ohio  
My Commission Expires Feb. 2, 2017