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COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
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MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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**FIRST AMENDMENT TO CODE OF REGULATIONS
OF FOX MEADOW MASTER ASSOCIATION, INC.**

*Stewart
Accom*

THIS FIRST AMENDMENT TO CODE OF REGULATIONS OF FOX MEADOW MASTER ASSOCIATION, INC. ("First Amendment") is made as of the 6 day of July, 2018, pursuant to the terms and conditions contained herein. Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Master Declaration of Covenants, Conditions, Easements and Restrictions of Fox Meadow as recorded in Official Records Vol. OR1002, Page 794-874 of the Medina County Recorder's Office, as amended on April 1, 1997 by the instrument recorded in Vol. 1277, Page 639; on June 26, 1998 by the instrument recorded as Instrument No. 1998OR003970; on June 25, 1999 by instrument recorded as Instrument No. 1999OR022105; on January 26, 2006 by instrument recorded as Instrument No. 2006OR002551; on January 30, 2006 by instrument recorded as Instrument No. 2006OR002932; on September 16, 2016 by instrument recorded as Instrument No. 2016OR020739; and on November 2, 2016 by instrument recorded as Instrument No. 2016OR025001, each of the Medina County Recorder's Office (collectively, the "Declaration"), or the Code of Regulations of Fox Meadow Master Association, Inc. as recorded in Official Records Vol. OR1002, Page 877-908 of the Medina County Recorder's Office, as amended to date (the "Code of Regulations"), as applicable.

Whereas, On January 11, 1995, Fox Meadow Development Limited Partnership, an Ohio limited partnership, as "Declarant" under the Declaration, recorded the Declaration against that certain property located in the Township of Montville, County of Medina and State of Ohio, as more particularly described in the Declaration, known as the Fox Meadow Subdivision.

Whereas, On January 11, 1995, Declarant also recorded the Code of Regulations governing the operation of the Fox Meadow Master Association, Inc., an Ohio non-profit corporation (the "Master Association").

Whereas, Evergreen Land Development, Ltd., an Ohio limited liability company, is the successor Declarant under the Declaration pursuant to that certain Assignment and Assumption of Declarant Rights recorded August 6, 2004 as Instrument No. 2004OR032108 of the Medina County Recorder's Office (the "Successor Declarant") (for purposes of the Declaration and Code of Regulations, Successor Declarant as used herein shall be one and the same as Declarant);

Whereas, Article VII, Section 6, of the Code of Regulations authorizes the Declarant to unilaterally amend the Code of Regulations so long as it owns any portion of the property shown on the Master Site Plan (as defined in the Code of Regulations) for development and so long as the amendment has no material adverse effect upon the rights of any Member;

Whereas, The Successor Declarant is the owner of Vacant Sublot No 219, parcel no. 030-11A-22-130, which is a portion of the property shown on the Master Site Plan;

Whereas, the Successor Declarant believes the terms and conditions contained in this First Amendment do not have a material adverse effect upon the rights of any Member as such terms and conditions promote the efficient operation of the Master Association.

Whereas, the proceedings necessary to amend the Code of Regulations as required by Article VII of the Code of Regulations have in all respects been complied with or waived.

NOW, THEREFORE, pursuant to Article VII, Section 6, the Code of Regulations is hereby amended and modified as follows:

1. Article II, Section 11 of the Code of Regulations of Fox Meadow Master Association, Inc. is hereby deleted in its entirety and the following is substituted therein:

“Section 11. Quorum. Except as otherwise provided in this Master Code or in the Master Declaration, the Class “A” Members of the Master Association present in person or by proxy shall constitute a quorum at all meetings of the Master Association. If there are Voting Members, the Voting Members of the Master Association present in person or by alternate of Voting Members shall constitute a quorum at all meetings of the Master Association. Any provision in the Master Declaration concerning quorums is specifically incorporated herein.”

2. The Code of Regulations as herein amended and supplemented remains in full force and effect and is reaffirmed and binding on the Property.

3. Any conflict between this First Amendment and any other provisions of the Code of Regulations is to be interpreted in favor of this First Amendment for determination of quorum of the Master Association. 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 First Amendment, only Owners of record at the time of such filing have standing to contest the validity of this First 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 this First Amendment.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Successor Declarant and the President and Secretary of the Association have caused this Amendment to be signed on the date set forth below.

**SUCCESSOR DECLARANT:
EVERGREEN LAND/DEVELOPMENT, LTD.**

By: *Daniel B. Auken*
Name: Daniel B. Auken
Title: Manager

STATE OF OHIO)
) ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary Public in and for said county and state, personally appeared Daniel B. Auken, Manager of Evergreen Land Development, Ltd., an Ohio limited liability company, who acknowledged that he did execute the foregoing instrument on behalf of said limited liability company and that the same is his free act and deed.

June **IN WITNESS WHEREOF**, I have hereunto set my hand this *8* day of *2016*,
2016



BRITTNEY M. L. ESSER
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
9.25.22

Brittny M. Esser
Notary Public

FOX MEADOW MASTER ASSOCIATION, INC.

By: THEODORE LESIAK
Name: Theodore Lesiak
Title: President

By: SHARON BORSZCZ
Name: Sharon Borszcz
Title: Secretary

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

BEFORE ME, a Notary Public, in and for said county and state, personally appeared the above named THEODORE LESIAK, as the President of **FOX MEADOW MASTER ASSOCIATION, INC.**, who acknowledged that he did execute the foregoing instrument and that the same is his free act and deed and the free act and deed of said corporation.

[Signature] IN WITNESS WHEREOF, I have hereunto set my hand this 18 day of June, 2016. 9/21/18
[Signature]
NOTARY PUBLIC

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)



JANA M HOLMES
Notary Public State of Ohio
My Comm. Expires Sept. 30, 2020

BEFORE ME, a Notary Public, in and for said county and state, personally appeared the above named _____, as the Secretary of **FOX MEADOW MASTER ASSOCIATION, INC.**, who acknowledged that she did execute the foregoing instrument and that the same is her free act and deed and the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2016.

NOTARY PUBLIC

Instrument Prepared By:
John M. Coyne, III, Esq.
Roetzel & Andress
222 South Main Street
Akron, Ohio 44308
330-376-2700