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**JOSEPH F. SALZGEBER
MEDINA COUNTY RECORDER
MEDINA, OH
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MEDINA COUNTY RECORDER

JOSEPH F. SALZGEBER

**(DO NOT REMOVE THIS COVER SHEET.
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AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION
OF
RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC.

PLEASE CROSS MARGINAL REFERENCE WITH THE AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 2012OR027322, THE AMENDED AND RESTATED BYLAWS (CODE OF REGULATIONS) OF MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 2009OR004528, THE DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF MONTVILLE LAKES, PHASE I, SUBLOT PARCELS 1, 2 AND 3 RECORDED AT OR 967, PAGE 572 ET SEQ., AND THE DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF MONTVILLE LAKES SUBDIVISION PHASE II RECORDED AT INSTRUMENT NO. 2000OR012799, OF THE MEDINA COUNTY RECORDS.

**AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF
RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR
MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC.**

RECITALS

- A. The Amended and Restated Declaration of Restrictive Covenants, Conditions and Restrictions for Montville Lakes Homeowners Association, Inc. (the "Declaration") was recorded at Medina County Records, Instrument No. 2012OR027322.
- B. The Montville Lakes Homeowners Association, Inc. (the "Association") is a corporation consisting of all Owners in Montville Lakes and as such is the representative of all Owners.
- C. Declaration Article VII, Section 2 authorizes amendments to the Declaration.
- D. Owners representing at least 75 percent of the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").
- E. As of October 5, 2020, Owners representing 77.29 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.
- F. The Association has complied with the proceedings necessary to amend the Declaration, as required by the Declaration, in all material respects.

AMENDMENT

The Amended and Restated Declaration of Restrictive Covenants, Conditions and Restrictions for Montville Lakes Homeowners Association, Inc. is amended by the following:

DELETE DECLARATION ARTICLE V, SECTION 1 entitled, "General Authority," in its entirety. Said deletion to be taken from Page 9 of the Declaration, as recorded at Medina County Records, Instrument No. 2012OR027322.

INSERT a new DECLARATION ARTICLE V, SECTION 1 entitled, "General Authority." Said new addition, to be added to Page 9 of the Declaration, as recorded at Medina County Records, Instrument No. 2012OR027322, is as follows:

Section 1. General Authority.

- (a) The total amount assessed to Owners of single and cluster Lots must equal 100% of the General or Special assessments.
- (b) Each Owner of a single Lot is deemed to covenant by acceptance of the deed for such Owner's Lot, whether or not it will be so expressed in the deed, to pay to the Association one full share of the General and Special Assessments.
- (c) Each Owner of a cluster Lot is deemed to covenant by acceptance of the deed for such Owner's Lot, whether or not it will be so expressed in the deed, to pay to the Association one-half share of the General and Special Assessments.
- (d) The amount and frequency of General and Special assessments levied and the methods of payment will be determined by the Board and will be in an amount necessary to promote the health, safety, and welfare of the Owners and residents and the Property of Montville Lakes.

Any conflict between this provision and any other provisions of the Declaration and Bylaws are to be interpreted in favor of this amendment setting forth the method and formula for assessments of Lot Owners. 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 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 Montville Lakes Homeowners Association, Inc. has caused the execution of this instrument this 11 day of December, 2020.

MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC.

By: Frank E. Zugaro
FRANK E. ZUGARO, President

By: Jared Villars
JARED VILLARS, Secretary
Villars JV

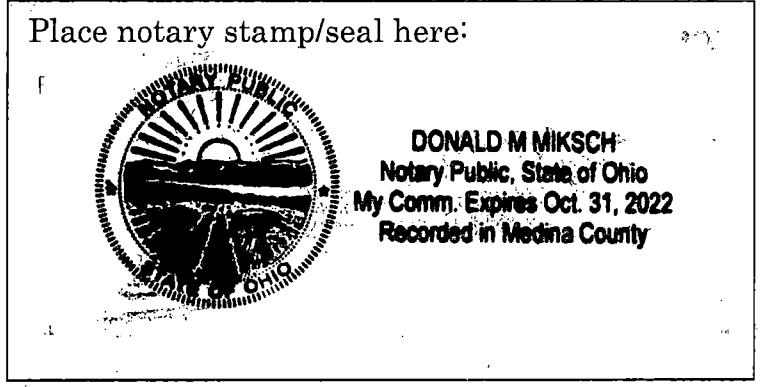
STATE OF OHIO)
COUNTY OF Medina) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Montville Lakes Homeowners 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 this 11th day of December, 2020.

Donald M. Miksch
NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
50 Public Square, Suite 2000
Cleveland, Ohio 44113
(216) 696-0650
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MONTVILLE LAKES SUBDIVISION PHASE I (SUBLOTS 1, 2 AND 3)

Montville Lakes Homeowners Association, situated in the Township of Montville, County of Medina and State of Ohio, and being known as the whole of Sublots 1 through 49, inclusive in Montville Lakes Subdivision Phase I of part of Original Montville Township Lots No. 84 and 89.

<u>Sublot</u>	<u>PPN</u>		<u>Sublot</u>	<u>PPN</u>
1	031-11B-21-037		26	031-11B-27-017
2	031-11B-21-038		27	031-11B-27-018
3	031-11B-21-039		28	031-11B-27-019
4	031-11B-21-040		29	031-11B-27-020
5	031-11B-21-041		30	031-11B-27-021
6	031-11B-21-042		31	031-11B-27-022
7	031-11B-21-043		32	031-11B-27-023
8	031-11B-21-044		33	031-11B-27-024
9	031-11B-21-045		34	031-11B-27-025
10	031-11B-27-001		35	031-11B-27-026
11	031-11B-27-002		36	031-11B-27-027
12	031-11B-27-003		37	031-11B-27-028
13	031-11B-27-004		38	031-11B-27-029
14	031-11B-27-005		39	031-11B-27-030
15A	031-11B-27-045	Replat #2	40	031-11B-27-031
16	031-11B-27-044		41	031-11B-27-032
17	031-11B-27-008		42	031-11B-27-033
18	031-11B-27-009		43	031-11B-27-034
19	031-11B-27-010		44	031-11B-27-035
20	031-11B-27-011		45	031-11B-27-036
21	031-11B-27-012		46	031-11B-27-037
22	031-11B-27-013		47	031-11B-27-038
23	031-11B-27-014		48	031-11B-27-039
24	031-11B-27-015		49	031-11B-27-040
25	031-11B-27-016			

MONTVILLE LAKES SUBDIVISION PHASE II

Montville Lakes Subdivision Phase II, situated in the Township of Montville, County of Medina and State of Ohio and known as being the whole of Lot 89, which includes Sublots 50 -132 in the Montville Lakes Subdivision Phase II.

<u>Sublot</u>	<u>PPN</u>	<u>Sublot</u>	<u>PPN</u>
50	031-11B-27-062	93	031-11B-28-007
51	031-11B-27-061	94	031-11B-28-006
52	031-11B-27-060	95	031-11B-28-005
53	031-11B-27-059	96	031-11B-28-004
54	031-11B-27-058	97	031-11B-27-054
55	031-11B-27-057	98	031-11B-27-053
56	031-11B-27-056	99	031-11B-27-052
57	031-11B-27-055	100	031-11B-27-051
58	031-11B-28-030	101	031-11B-27-050
59	031-11B-28-029	102	031-11B-27-049
60	031-11B-28-028	103	031-11B-28-003
61	031-11B-28-027	104	031-11B-28-002
62	031-11B-28-026	105	031-11B-28-001
63	031-11B-28-025	106	031-11B-22-014
64	031-11B-28-024	107	031-11B-27-048
65	031-11B-28-023	108	031-11B-27-047
66	031-11B-28-022	109	031-11B-21-093
67	031-11B-28-021	110	031-11B-21-092
68	031-11B-28-020	111	031-11B-21-091
69	031-11B-28-019	112	031-11B-22-013
70	031-11B-28-018	113	031-11B-22-012
71	031-11B-28-017	114	031-11B-21-090
72	031-11B-28-016	115	031-11B-21-089
73	031-11B-28-015	116	031-11B-21-088
74	031-11B-28-014	117	031-11B-21-087
75	031-11B-28-013	118	031-11B-21-086
76	031-11B-28-012	119	031-11B-21-098
77	031-11B-28-011	120	031-11B-21-097
78	031-11B-28-010	121	031-11B-21-096
79	031-11B-22-026	122	031-11B-21-095
80	031-11B-22-025	123	031-11B-21-094
81	031-11B-22-024	124	031-11B-27-071
82	031-11B-22-019	125	031-11B-27-070
83	031-11B-22-020	126	031-11B-27-069
84	031-11B-22-021	127	031-11B-27-068
85	031-11B-22-022	128	031-11B-27-067
86	031-11B-22-023	129	031-11B-27-066
87	031-11B-22-018	130	031-11B-27-065

88	031-11B-22-017	131	031-11B-27-064
89	031-11B-22-016	132	031-11B-27-063
90	031-11B-22-015		
91	031-11B-28-009		
92	031-11B-28-008		

MONTVILLE LAKES CLUSTER HOMEOWNERS ASSOCIATION

Montville Lake Cluster Homeowners Association., situated in the Township of Montville, County of Medina and State of Ohio and known as being Montville Township Lot No. 84 Block 1A, Block 2A, Block 3A and Sublot 5-30 and the whole of Sublots 31 through 56, inclusive in Clusters of Montville Lakes Subdivision Phase 2 a part of original Montville Township Lot 84.

PHASE I

<u>Sublot</u>	<u>PPN</u>
Block 1A	031-11B-21-208
Block 2A	031-11B-21-209
Block 3A	031-11B-21-210
4	031-11B-21-057
5	031-11B-21-058
6	031-11B-21-059
7	031-11B-21-060
8	031-11B-21-061
9	031-11B-21-062
10	031-11B-21-063
11	031-11B-21-064
12	031-11B-21-065
13	031-11B-21-066
14	031-11B-21-067
15	031-11B-21-068
16	031-11B-21-069
17	031-11B-21-070
18	031-11B-21-071
19	031-11B-21-072
20	031-11B-21-073
21	031-11B-21-074
22	031-11B-21-075
23	031-11B-21-076
24	031-11B-21-077
25	031-11B-21-078
26	031-11B-21-079
27	031-11B-21-080
28	031-11B-21-081

PHASE II

<u>Sublot</u>	<u>PPN</u>
29	031-11B-21-082
30	031-11B-21-083
31	031-11B-21-100
32	031-11B-21-101
33	031-11B-21-102
34	031-11B-21-103
35	031-11B-21-104
36	031-11B-21-105
37	031-11B-21-106
38	031-11B-21-107
39	031-11B-21-108
40	031-11B-21-109
41	031-11B-21-111
42	031-11B-21-112
43	031-11B-21-113
44	031-11B-21-114
45	031-11B-21-115
46	031-11B-21-116
47	031-11B-21-117
48	031-11B-21-118
49	031-11B-21-119
50	031-11B-21-120
51	031-11B-21-121
52	031-11B-21-122
53	031-11B-21-123
54	031-11B-21-124
55	031-11B-21-125
56	031-11B-21-126