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**LINDA HOFFMANN
MEDINA COUNTY RECORDER
MEDINA, OH
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MEDINA COUNTY RECORDER

LINDA HOFFMANN

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AMENDMENT TO THE
AMENDED AND RESTATED BYLAWS
OF
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 AND THE AMENDED AND RESTATED BYLAWS OF MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC. RECORDED AT INSTRUMENT NO. 2009OR004528 OF THE MEDINA COUNTY RECORDS.

AMENDMENT TO THE
AMENDED AND RESTATED BYLAWS OF
MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC.

RECITALS

- A. The Amended and Restated Bylaws of Montville Lakes Homeowners Association, Inc. (the "Bylaws") were recorded at Medina County Records, Instrument No. 2009OR004528.
- 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. Bylaws Article XI authorizes amendments to the Bylaws.
- 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 4, 2021, Owners representing 75.99 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 Bylaws, as required by the Bylaws, in all material respects.

AMENDMENT

The Amended and Restated Bylaws of Montville Lakes Homeowners Association, Inc. is amended by the following:

DELETE BYLAWS ARTICLE III, SECTION 2 entitled, "Number and Qualification," in its entirety. Said deletion to be taken from Page 5 of the Bylaws as recorded at Medina County Records, Instrument No. 2009OR004528.

INSERT A NEW BYLAWS ARTICLE III, SECTION 2 entitled, "Number and Qualification." Said addition, to be made on 5 of the Bylaws as recorded at Medina County Records, Instrument No. 2009OR004528, is as follows:

Section 2. Number and Qualification.

- (a) The Board will consist of five persons.
- (b) Each Board member must be an Owner or the spouse of an Owner.
- (c) Each Board member must occupy their Residential Unit.
- (d) If an Owner is not an individual, that Owner may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Owner.
- (e) Board members must also be in good standing. Good standing requires the Board member not be an adverse party in any litigation involving one or more of the following parties: the Association, the Board or any Board member (in that member's capacity as a Board member). Good standing requires that the Board member not be more than 60 days delinquent in the payment of any fees or Assessments owed to the Association.
- (f) Any current Board member not in good standing, as defined above, at the time this amendment is recorded with the Medina County Recorder's Office, has 30 days to become in good standing, otherwise they may be removed by a majority vote of the remaining Board Members, pursuant to Bylaws Article III, Section 6, as amended.
- (g) No Residential Unit may be represented by more than one person on the Board at any one time.

DELETE BYLAWS ARTICLE III, SECTION 6 entitled, "Removal of Directors," in its entirety. Said deletion to be taken from Page 7 of the Bylaws as recorded at Medina County Records, Instrument No. 2009OR004528.

INSERT A NEW BYLAWS ARTICLE III, SECTION 6 entitled, "Removal of Directors." Said addition, to be made on 7 of the Bylaws as recorded at Medina County Records, Instrument No. 2009OR004528, is as follows:

Section 6. Removal of Directors.

(a) Except as otherwise provided in these Bylaws, the Board may, by a majority vote, remove any individual Board member and create a vacancy on the Board if:

(1) the Director files for bankruptcy or has been adjudicated bankrupt;

(2) the Director is or has been convicted of a felony for theft or other theft related crime, including larceny, forgery, false pretense, fraud, embezzlement, conversion, or any conspiracy related to any such theft related crime, at any time in the past, or convicted of a felony for any other type of crime within the last 10 years;

(3) the Director no longer qualifies for serving on the Board as defined in Bylaws Article III, Section 2;

(4) the Director is physically or mentally incapacitated;

(5) by order of court the Director has been found to be of unsound mind; or

(6) the Director fails to attend three consecutive or a total of four meetings of the Board within a 12 month period.

(b) Any one or more Board members may be removed with or without cause by the vote of Owners entitled to exercise at


least a 75 percent of the Association's total voting power at any Association meeting which is duly called and at which a quorum is present. Any Board member, whose removal has been proposed, must have an opportunity to speak and be heard at the meeting prior to the vote of their removal. At the same meeting, a successor(s) to any removed Board member(s) may be elected to fill the unexpired term for the Board member(s).

Any conflict between these provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the qualifications and removal of Board members. 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 this amendment, only Owners of record at the time of the filing have standing to contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The Montville Lakes Homeowners Association, Inc. has caused the execution of this instrument this 8th day of MARCH, 2022.

MONTVILLE LAKES HOMEOWNERS ASSOCIATION, INC.

By: 
FRANK E. ZUGARO, President

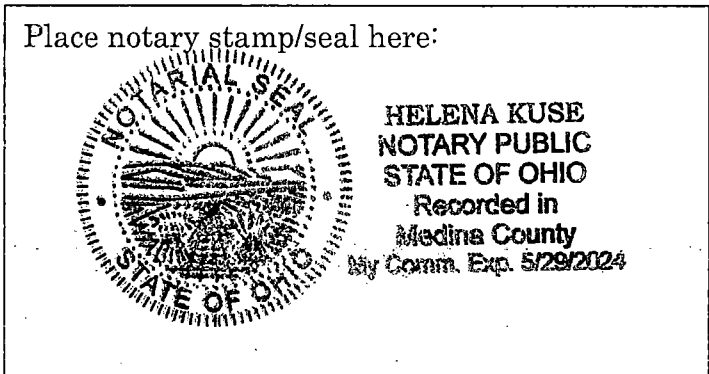
By: 
JARED L. VILLERS, Secretary

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, on Page 5 of 10, 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 8th day of MARCH, 2022.

Helena Kuse
NOTARY PUBLIC



This instrument prepared by:
KAMAN & CUSIMANO, LLC
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Cleveland, Ohio 44113
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ohiohoalaw.com

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.

<u>PHASE I</u>		<u>PHASE II</u>	
<u>Sublot</u>	<u>PPN</u>	<u>Sublot</u>	<u>PPN</u>
Block 1A	031-11B-21-208	29	031-11B-21-082
Block 2A	031-11B-21-209	30	031-11B-21-083
Block 3A	031-11B-21-210	31	031-11B-21-100
4	031-11B-21-057	32	031-11B-21-101
5	031-11B-21-058	33	031-11B-21-102
6	031-11B-21-059	34	031-11B-21-103
7	031-11B-21-060	35	031-11B-21-104
8	031-11B-21-061	36	031-11B-21-105
9	031-11B-21-062	37	031-11B-21-106
10	031-11B-21-063	38	031-11B-21-107
11	031-11B-21-064	39	031-11B-21-108
12	031-11B-21-065	40	031-11B-21-109
13	031-11B-21-066	41	031-11B-21-111
14	031-11B-21-067	42	031-11B-21-112
15	031-11B-21-068	43	031-11B-21-113
16	031-11B-21-069	44	031-11B-21-114

17	031-11B-21-070	45	031-11B-21-115
18	031-11B-21-071	46	031-11B-21-116
19	031-11B-21-072	47	031-11B-21-117
20	031-11B-21-073	48	031-11B-21-118
21	031-11B-21-074	49	031-11B-21-119
22	031-11B-21-075	50	031-11B-21-120
23	031-11B-21-076	51	031-11B-21-121
24	031-11B-21-077	52	031-11B-21-122
25	031-11B-21-078	53	031-11B-21-123
26	031-11B-21-079	54	031-11B-21-124
27	031-11B-21-080	55	031-11B-21-125
28	031-11B-21-081	56	031-11B-21-126