

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY - 7
DEED 06/08/2007 10:21:09 AM
200706080077

AMENDMENTS TO THE
DECLARATION OF RESTRICTIVE COVENANTS
FOR
COUNTRY LAKES COMMUNITY ASSOCIATION

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF RESTRICTIVE COVENANTS FOR COUNTRY LAKES COMMUNITY ASSOCIATION RECORDED AT VOLUME 92-2618, PAGE 21 ET SEQ., OF THE CUYAHOGA COUNTY RECORDS.

AMENDMENTS TO THE
DECLARATION OF RESTRICTIVE COVENANTS FOR
COUNTRY LAKES COMMUNITY ASSOCIATION

WHEREAS, the Declaration of Restrictive Covenants for Country Lakes Community Association (the "Declaration") were originally recorded at Cuyahoga County Records Volume 89-143, Page 35 et seq. and subsequently amended and restated at Cuyahoga County Records Volume 92-2618, Page 21 et seq. and the Code of Regulations of The Country Lakes Community Association (the "Code"), attached to and made a part to the Declaration, were recorded at Cuyahoga County Records Volume 95-01660, Page 25 et seq., and

WHEREAS, the Country Lakes Community Association, Inc. (the "Association") is a corporation consisting of all Owners in the Country Lakes Community Association and as such is the representative of all Owners, and

WHEREAS, Article 29 of said Declaration authorizes amendments to the Declaration and Article X of the Code authorizes amendments to the Code, and

WHEREAS, Owners representing at least 50% of the Association's voting power have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Owners representing 65.18% of the Association's voting power as of April 19, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 65.18% of the Association's voting power authorizing the Association's officers to execute Amendment A on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Owners representing 59.01% of the Association's voting power as of April 19, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 59.01% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment C signed by Owners representing 50.37% of the Association's voting power as of April 19, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 50.37% of the Association's voting power authorizing the Association's officers to execute Amendment C on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment D signed by Owners representing 58.02% of the Association's voting power as of April 19, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 58.02% of the Association's voting power authorizing the Association's officers to execute Amendment D on their behalf, and

WHEREAS, the Association has in its records the signed, written consents to Amendment E signed by Owners representing 52.34% of the Association's voting power as of April 19, 2007, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 52.34% of the Association's voting power authorizing the Association's officers to execute Amendment E on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Restrictive Covenants for Country Lakes Community Association is hereby amended by the following:

AMENDMENT A

INSERT a new DECLARATION ARTICLE 32. Said new addition, to be added on Page 11 of the Declaration, as recorded at Cuyahoga County Records, Volume 92-2618, Page 21 et seq., is as follows:

32. No person who is adjudicated to be a sexual predator or a habitual sex offender and required to register with a designated registering agency, thereby requiring notice to be given pursuant to the Ohio Sex Offenders Act or similar statute from another jurisdiction, as the same may from time to time be amended, may reside in or occupy a lot for any length of time. Any violation of this restriction shall subject the owner and/or any occupant of the lot to any and all remedies provided for by law as well as this Declaration. The Association shall not, however, be liable to any owner or occupant, or anyone visiting any 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 Code of Regulations shall be interpreted in favor of this restriction on the occupancy of lots. Upon the recording of this amendment, only owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

AMENDMENT B

INSERT a new 2nd PARAGRAPH to DECLARATION ARTICLE 22. Said new addition, to be added on Page 8 of the Declaration, as recorded at Cuyahoga County Records, Volume 92-2618, Page 21 et seq., is as follows:

If any owner (either by his or her conduct or by the conduct of any occupant or guest of his or her lot) shall violate any provision of the Declaration, Code of Regulations or rules and regulations adopted by the Board, said owner shall pay to the Association, in addition to any other sums due, any enforcement assessments for violation of said provision or rule levied by the Board, all costs and expenses incurred by the Association in connection with the enforcement of said provision or rule, including reasonable attorney fees and/or court costs. Said enforcement assessments, costs and expenses shall be charged as a special assessment against said owner. The Association, in addition to all other remedies available, shall have the right to place a lien upon the estate or interest of said owner as further explained and set forth in the above Paragraph.

Any conflict between these provisions and any other provisions of the Declaration and Code of Regulations shall be interpreted in favor of this amendment regarding the cost of enforcement. Upon the recording of this amendment, only owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

AMENDMENT C

MODIFY DECLARATION ARTICLE 10. Said modification, to be made on Page 4 of the Declaration, as recorded at Cuyahoga County Records, Volume 92-2618, Page 21 et seq., is as follows (new language is underlined):

10. Above ground swimming pools, satellite dishes, helicopter pads, or radio towers are prohibited. Swing sets are permitted to be installed on lots.

Any conflict between this provisions and any other provisions of the Declaration and Code of Regulations shall be interpreted in favor of this amendment regarding permitting swing sets on lots. Upon the recording of this amendment, only owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

AMENDMENT D

MODIFY the 1st SENTENCE of DECLARATION ARTICLE 11. Said modification, to be made on Page 4 of the Declaration, as recorded at Cuyahoga County Records, Volume 92-2618, Page 21 et seq., is as follows (new language is underlined):

No nuisance, gas, or oil derrick, billboard, harassing or defamatory sign, advertising sign (except as to advertise the sale of the lot and building thereon or for political campaign signs during an election, but no longer than one day after the day voting occurs), or other advertising device, shall be erected, placed or allowed to remain on said premises, nor shall the premises be used in any way, for any purposes, which may endanger the health, or unreasonably disturb the quiet, of any holder of adjoining land.

Any conflict between this provisions and any other provisions of the Declaration and Code of Regulations shall be interpreted in favor of this amendment regarding restrictions on signs. Upon the recording of this amendment, only owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

AMENDMENT E

DELETE ARTICLE III, SECTION 3.4 OF THE CODE, entitled, "Term," in its entirety. Said deletion is to be taken from Page 5 of the Code, attached to and made a part of the Declaration, as recorded at Cuyahoga County Records, ~~Volume 95-01660, Page 25 et seq.~~ Instrument No. 200706070663.

INSERT a new ARTICLE III, SECTION 3.4 OF THE CODE, entitled, "Term." Said new addition, to be added on Page 5 of the Code, attached to and made a part of the Declaration, as recorded at Cuyahoga County Records, ~~Volume 95-01660, Page 25 et seq.~~ Instrument No. 200706070663, is as follows:

Section 3.4. Term. At the first annual meeting following the passage of this amendment, the members shall elect five (5) Directors, with the two (2) candidates receiving the greatest percentage of votes elected for a three-year (3) term; the next two (2) candidates receiving the next greatest percentage of votes elected for a two-year (2) term, and the next one (1) candidate receiving the next greatest percentage of votes elected for a one (1) year term. This is to establish staggered elections with a 2-2-1 rotation. Upon the expiration of the terms of each such Director as stated above, all successor Directors shall be elected to serve three (3) year terms.

Any conflict between these provisions and any other provisions of the Declaration and Code of Regulations shall be interpreted in favor of this amendment providing for Board member terms of three (3) years each with staggered elections 2-2-1. Upon the recording of this amendment, only Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said Country Lakes Community Association, Inc. has caused the execution of this instrument this 9th day of May, 2007.

COUNTRY LAKES COMMUNITY ASSOCIATION, INC.

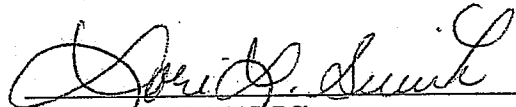
By: Jerry Matteucci PRES
JERRY MATTEUCCI, its President

By: Angela Hassinger
ANGELA HASSINGER, its Secretary

STATE OF OHIO)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Country Lakes Community Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 6 of 7, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Broadview Hts, Ohio, this 9th day of May, 2007.


NOTARY PUBLIC

LORA L. SWIK, Attorney-At-Law
Notary Public - State Of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY - 28
DEED 06/07/2007 03:28:52 PM
200706070663

RECORDING OF
CODE OF REGULATIONS
THE COUNTRY LAKES COMMUNITY ASSOCIATION

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE COUNTRY LAKES COMMUNITY ASSOCIATION, RECORDED AT VOLUME 92-2618, PAGE 21 ET SEQ. OF THE CUYAHOGA COUNTY RECORDS.

CODE OF REGULATIONS

THE COUNTRY LAKES COMMUNITY ASSOCIATION

WHEREAS, The Country Lakes Community Association ("Association") was created on or about March 7, 1989, in conjunction with the filing of its Articles of Incorporation with the Ohio Secretary of State's Office; and

WHEREAS, the Association's principal purpose is to maintain and operate The Country Lakes Community Association development located in Broadview Heights, Ohio, pursuant to the terms and provisions of the Declaration of Restrictive Covenants for The Country Lakes Community Association (the "Declaration"), that were filed for record at Volume 89-143, Page 35 et seq. and amended and restated at Volume 92-2618, Page 21 et seq. of the Cuyahoga County Records; and

WHEREAS, upon the filing of the Articles of Incorporation, a Code of Regulations (the "Code") for conducting the Association's affairs was also created and adopted by the Declarant and subsequently amended and restated by the members on 1994, but not filed for record with the Cuyahoga County Records; and

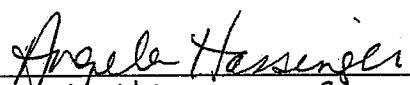
WHEREAS, to insure the integrity of the Association's Code and to maintain a permanent record of said Code, the Association's Board of Directors has decided to have the Code filed for record with the Cuyahoga County Recorder's Office.

NOW THEREFORE, The Country Lakes Community Association Code are attached to the Declaration, as "Exhibit A," and set forth as attached hereto.

IN WITNESS WHEREOF, the said The Country Lakes Community Association has caused the execution of this instrument this 6th day of June, 2007.

THE COUNTRY LAKES COMMUNITY ASSOCIATION

By: 
JERRY MATTEUCCI, its President

By: 
ANGELA HASSINGER, its Secretary

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Country Lakes Community Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 2 of 3 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 officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Broadview Heights, Ohio, this 6th day of June, 2007.

Loril L. Smith
NOTARY PUBLIC

LORIL L. SMITH
Notary Public
Commission Expires
Sec. 14703 A.C. expiration date

This instrument prepared by:
KAMAN & CUSIMANO, Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650

