

TENTH AMENDMENT TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP

FOR

ARROWHEAD BAY CONDOMINIUMS

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Filed for Record in  
MAHONING COUNTY, OHIO  
RONALD V. GERBERRY  
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PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF CONDOMINIUM  
OWNERSHIP FOR ARROWHEAD BAY CONDOMINIUMS RECORDED AT VOLUME 1898,  
PAGE 149 ET SEQ. OF THE MAHONING COUNTY RECORDS.

TENTH AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
ARROWHEAD BAY CONDOMINIUMS

WHEREAS, the Declaration of Condominium Ownership for Arrowhead Bay Condominiums (the "Declaration") and the By-Laws of Homeowners Association of Arrowhead Bay (the "Bylaws"), Exhibit "A" to the Declaration, was recorded at Mahoning County Records Volume 1898, Page 149 et seq., and

WHEREAS, the Homeowners Association of Arrowhead Bay (the "Association") is a corporation consisting of all Unit Owners in Arrowhead Bay Homeowners Association and as such is the representative of all Unit Owners, and

WHEREAS, Article XVI of said Declaration authorizes amendments to the Declaration and Article VII, Section 3 of said Bylaws authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing in excess of 75.00% of the Association's voting power have voted in favor of the specific matters to be modified (the "Amendments"), and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the Amendments were mailed by certified mail to all Unit Owners and all first mortgagees on the records of the Association, and

WHEREAS, attached hereto as Exhibit B is a certification from the Secretary of the Association as to the consenting mortgagees, on the records of the Association, to the Amendments, and

WHEREAS, the Association has in its records the votes of Unit Owners representing in excess of 75.00% of the Association's voting power in favor of Amendment A, and

WHEREAS, the Association has in its records the votes of Unit Owners representing in excess of 75.00% of the Association's voting power in favor of Amendment B, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Arrowhead Bay Condominiums have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Arrowhead Bay Condominiums is hereby amended by the following:

AMENDMENT A

DELETE BYLAWS ARTICLE I, SECTION 5, PARAGRAPH A, entitled "Annual Meeting," in its entirety. Said deletion to be made on Page 4 of the Bylaws, attached as Exhibit "A" to the Declaration, as recorded at Mahoning County Records Volume 1898, Page 149 et seq.

INSERT a new BYLAWS ARTICLE I, SECTION 5, PARAGRAPH A, entitled "Annual Meeting." Said new addition, to be added on Page 4 of the Bylaws, attached as Exhibit "A" to the Declaration, as recorded at Mahoning County Records Volume 1898, Page 149 et seq., is as follows:

A. Annual Meeting. The annual meeting of members of the Association shall be held at a place designated by the Board and specified in the notice of such meeting, at 8:00 P.M., or at such other time as may be designated by the Board and specified in the notice of the meeting. The location of such meeting shall be on the Condominium premises if there is a building available to accommodate such a meeting or at a place within a five (5) mile radius of the Condominium Property. The annual meeting of members of the Association shall be held during the first two weeks of October. The Declarant shall call and designate the location of the First meeting sixty (60) days after the time that Condominium Ownership interest, equaling twenty-five percent (25%) of the total potential maximum undivided interest after expansion in the Common Areas and Facilities have been sold and conveyed by the Declarant; provided, however, that the percentage of interest shall be computed by comparing the number of Units sold and conveyed to the maximum number of Units that may be created in accordance with Article XV of the Declaration.

AMENDMENT B

DELETE BYLAWS ARTICLE VI, SECTION 7, entitled "Annual Audit," in its entirety. Said deletion to be made on Page 16 of the Bylaws, attached as Exhibit "A" to the Declaration, as recorded at Mahoning County Records Volume 1898, Page 149 et seq.

INSERT a new BYLAWS ARTICLE VI, SECTION 7, entitled "Annual Audit." Said new addition, to be added on Page 16 of the Bylaws, attached as Exhibit "A" to the Declaration, as recorded at Mahoning County Records Volume 1898, Page 149 et seq., is as follows:

Section 7. Annual Audit. The books of the Association shall be compiled once a year by the Board and such compilation shall be completed prior to each annual meeting. If requested by two members of the Board, such

compilation shall be by a Certified Public Accountant. In addition, and at any time requested by ten or more Unit Owners or by the Association, the Board shall cause an additional audit to be made of the books and records of the Association.

IN WITNESS WHEREOF, the said Homeowners Association of Arrowhead Bay has caused the execution of this instrument this 10 day of April, 2002.

HOMEOWNERS ASSOCIATION OF ARROWHEAD BAY

Signed and acknowledged in the presence of both:

X Betty Gori  
Witness #1: Betty Gori  
Please print name below signature.

X Melba Kelen  
Witness #2: \_\_\_\_\_  
Please print name below signature.

By: Mary Ann Lyden  
MARY ANN LYDEN, its President

By: Charles Furney  
CHARLES FURNEY, its Secretary

STATE OF OHIO )  
                  ) SS  
COUNTY OF Columbiana )

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Homeowners Association of Arrowhead Bay, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Columbiana, Ohio, this 10 day of April, 2002.

Betty I. Mancuso  
NOTARY PUBLIC

**BETTY I. MANCUSO**  
Notary Public  
State of Ohio

My commission expires October 29, 2002

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

EXHIBIT A

AFFIDAVIT

STATE OF OHIO )  
 )  
COUNTY OF Columbiana ) SS

MARY ANN LYDEN, being first duly sworn, states as follows:

1. She is the duly elected and acting President of the Homeowners Association of Arrowhead Bay.
2. As such President, she certifies that copies of the Amendment to the Declaration of Condominium Ownership for Arrowhead Bay Condominiums were mailed by certified mail to all Unit Owners and all first mortgagees having bona fide liens of record against any Unit Ownerships of whose mortgage interests notice had been given to the Association.
3. Further affiant sayeth naught.

*Mary Ann Lyden*  
MARY ANN LYDEN, President

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MARY ANN LYDEN who acknowledges that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Columbiana, Ohio, this 10 day of April, 2002.

*Betty J Mancuso*  
NOTARY PUBLIC  
NKA Lori

BETTY J. MANCUSO  
Notary Public  
State of Ohio

My commission expires October 29, 2002

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Homeowners Association of Arrowhead Bay, hereby certifies that there is on file in the Association's records, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Condominium Ownership for Arrowhead Bay Condominiums.

N O N E

Charles W. Furney  
CHARLES FURNEY, Secretary

STATE OF OHIO )  
                  ) SS  
COUNTY OF Columbiana)

BEFORE ME, a Notary Public in and for said County, personally appeared the above named CHARLES FURNEY who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Columbiana, Ohio, this 10 day of April, 2002.

Betty M. Mancuso  
NOTARY PUBLIC

BETTY M. MANCUSO  
Notary Public  
State of Ohio  
My commission expires October 23, 2002

**Arrowhead Bay**  
*Homeowners Association*

*To: All Homeowners*

*From: Trustees*

*Date: July 22, 2002*

*Attached are copies of the Tenth Amendment recently recorded for our Association. Please add this document to your copy of the Condominium Declarations. As a reminder, if you sell your unit you are responsible to pass these documents onto the new owner.*

*If you have any questions, please call BrodMor Property Management at 330-726-7330.*