

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

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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.

ELEVENTH 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"), attached as 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 Association's President 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 Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendments, and

WHEREAS, the Association has in its records the signed, written consents to Amendment A signed by Unit Owners representing at least 79.60% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing at least 79.60% 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 Unit Owners representing at least 75% of the Association's voting power, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing at least 75% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, 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

MODIFY BYLAWS ARTICLE II, Section 1, entitled "Number and Qualification." Said modification, to be made on Page 6 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 (deleted language struck-through; new language underlined):

Section 1. Number and Qualification. The affairs of this Association shall be managed by a Board of not less than three (3) Trustees nor more than five (5), all of which at least two (2) whom must be members in good standing of the Association.

INSERT A NEW sentence in Bylaws Article II, Section 4, entitled "Removal." Said addition, to be made on Page 7 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:

Except as otherwise provided herein, the Board may remove any Trustee and thereby create a vacancy in the Board if his/her voting privileges as a Unit Owner are suspended due to a delinquency in the payment of any assessment or other charges as provided for in these Bylaws.

INSERT A NEW Item vi. in BYLAWS Article II, Section 9, Paragraph A. Said addition, to be made on Page 8 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:

vi. establish, in the Board's sole determination, standards and/or procedures for the suspension of the voting privileges of any Unit Owner who is at least thirty (30) days delinquent in the payment of any assessment or other charges from the date originally due, which standards or procedures may include guidelines for automatic suspension of such privileges.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of these modifications to the Board qualifications, removal and power provisions of the Bylaws. Upon the recording of this Amendment, only Unit 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 DECLARATION ARTICLE XIX, Paragraph 3, entitled, "Cost of Collection." Said addition, to be made on Page 45 of the Declaration as recorded at Mahoning County Records, Volume 1898, Page 149 et seq., is as follows:

3. Cost of Collection. A delinquent Unit Owner shall be liable for and must pay any and all interest, administrative and/or late fees imposed by the Association on any delinquency as well as the costs and expenses the Association incurs in connection with the collection of the delinquent Unit Owner's account, including attorneys' fees, recording costs, title reports and/or court costs.

INSERT a new DECLARATION ARTICLE XIX, Paragraph 4, entitled, "Cost of Enforcement." Said addition, to be made on Page 45 of the Declaration as recorded at Mahoning County Records, Volume 1898, Page 149 et seq., is as follows:

4. Cost of Enforcement. If any Unit Owner (either by his or her conduct or by the conduct of any tenant or occupant of his or her Unit) shall violate any provision of the Declaration, Bylaws or any rule adopted, said Unit Owner shall pay to the Association, in addition to any other sums due, all costs and expenses the Association incurs in connection with the enforcement of said provision or rule, including reasonable attorneys' fees and/or court costs. Said costs and expenses shall be charged as a special assessment against said Unit 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 Unit Owner as further explained and set forth in Declaration Article X, Paragraph 3.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this Amendment regarding the cost of collection and cost of enforcement. Upon the recording of this Amendment, only Unit 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.

IN WITNESS WHEREOF, the said Homeowners Association of Arrowhead Bay has caused the execution of this instrument this 28 day of August, 2002.

HOMEOWNERS ASSOCIATION OF ARROWHEAD BAY

By: Mary Ann Lyden
MARY ANN LYDEN, its President

By: Charles W. Furney
CHARLES FURNEY, its Secretary

STATE OF OHIO)
))
COUNTY OF Mohoning)

SS

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 Youngstown, Ohio, this 28th day of August, 2002.

Melissa M. Fike
NOTARY PUBLIC



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 MAHONING)

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 Amendments 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 Cincinnati, Ohio, this 28 day of August, 2002.

Melissa M. Pike
NOTARY PUBLIC



MELISSA M. PIKE
Notary Public, State of Ohio
My Commission Expires February 8, 2008

BrodMor Inc

Property Management

*822 E. Western Reserve Road
Youngstown, Ohio 44514*

TO: *Homeowners*

FROM: *BrodMor Property Management*

RE: *Voting Rights and Cost of Collection/Enforcement Amendments*

September 24, 2002

Enclosed please find a copy of the full executed, recorded and time-stamped Eleventh Amendment to the Declaration of Condominium Ownership for Arrowhead Bay Condominiums. As indicated on the cover page of the Amendment, the document was filed on September 16, 2002, at Instrument No. 200200039707. Pursuant to the Declaration and Ohio law, the Amendment became legal and binding on the Association and every unit owner the date it was recorded.

Unit owners are advised to keep the Amendment together with their other Arrowhead Bay Condominiums documents until they sell their unit, at which time the documents must be passed to the buyer of the unit. The Board wishes to remind owners that anyone who is more than 30 days behind in the payment of their maintenance fees will not be permitted to vote at the upcoming Annual Meeting.

Any questions call a trustee or BrodMor Inc. at 330-726-7330.

Phone - 330-726-7330 Fax - 330-726-8620 E-Mail - BrodMor @AOL.com