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AMENDMENT TO THE  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR  
ETHAN COMMONS HOMEOWNERS ASSOCIATION, INC.



**55563820**  
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08/11/2008 09:58A  
MISC 48.00

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR ETHAN COMMONS HOMEOWNERS ASSOCIATION, INC. RECORDED AT VOLUME 7391, PAGE 21 ET SEQ., OF THE SUMMIT COUNTY RECORDS.

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR ETHAN COMMONS HOMEOWNERS ASSOCIATION, INC. WAS FILED IN THE OFFICE OF THE FISCAL OFFICER OF SUMMIT COUNTY, OHIO.

DATED: 08/08/08

BY: **JOHN A. DONOFRIO**  
FISCAL OFFICER

By:   
Tom Minninger

AMENDMENT TO THE  
DECLARATION OF COVENANTS AND RESTRICTIONS FOR  
ETHAN COMMONS HOMEOWNERS ASSOCIATION, INC.

WHEREAS, the Declaration of Covenants and Restrictions for Ethan Commons Homeowners Association, Inc. (the "Declaration") was recorded at Summit County Records Volume 7391, Page 21. et seq. and the Amended and Restated Bylaws, Code of Regulations of Ethan Commons Homeowners Association, Inc. (the "Bylaws"), were recorded at Summit County Records Instrument No. 54525508, and

WHEREAS, the Ethan Commons Homeowners Association, Inc. (the "Association") is a corporation consisting of all Owners in Ethan Commons and as such is the representative of all Owners, and

WHEREAS, Article VIII, Section 6 of said Declaration authorizes amendments to the Declaration and Bylaws Article VIII authorizes amendments to the Bylaws, and

WHEREAS, a meeting of the Association's Owners was held on or about March 10, 2008, and, at such meeting and any adjournment thereof, Owners representing at least two-thirds (2/3rds) of the voting power of the Association executed, in person or by proxy, an instrument in writing setting forth specifically the matters to be added (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Owners representing 69.34% of the Association's voting power, together with the minutes from said meeting and any adjournment thereof, and

WHEREAS, the Association has in its records the power of attorney signed by Owners representing 69.34% of the Association's voting power authorizing the Association's officers to execute the Amendment 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 Covenants and Restrictions for Ethan Commons Homeowners Association, Inc. is hereby amended by the following:



John A Donofrio, Summit Fiscal Officer

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MODIFY DECLARATION ARTICLE VII, SECTION 3. Said modification, to be made on Page 11 of the Declaration, as recorded at Summit County Records, Volume 7391, Page 21 et seq., is as follows (new language is underlined):

Section 3 – No Lot and Living Unit shall be used for other than residential purposes. No person who is adjudicated to be a sexual predator [Tier III] or a habitual sex offender [Tier II] 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/Living Unit for any length of time. Any violation of this restriction shall subject the Owner and/or any occupant of the Lot/Living Unit 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 Bylaws shall be interpreted in favor of this restriction on the occupancy of Lots/Living Units. 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.



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IN WITNESS WHEREOF, the said Ethan Commons Homeowners Association, Inc. has caused the execution of this instrument this 22ND day of JULY, 2008.

ETHAN COMMONS HOMEOWNERS ASSOCIATION, INC.

By: [Signature]  
DREW ROMITO, its President

By: [Signature]  
GENI SPERA, its Secretary

STATE OF OHIO )  
COUNTY OF CUYAHOGA ) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Ethan Commons Homeowners Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 4, 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 CLEVELAND, Ohio, this 22ND day of JULY, 2008.

[Signature]  
NOTARY PUBLIC

LAURA DULACH  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires May 16, 2010

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