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CLARK COUNTY AUDITOR

MAR 27 2026

HILLARY HAMILTON
AUDITOR

AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
FOX RIDGE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR FOX RIDGE CONDOMINIUM
RECORDED AT VOLUME 22, PAGE 279 ET SEQ. OF THE CLARK COUNTY
RECORDS.

KAMAN & CUSIMANO LLC
ATTORNEYS AT LAW
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COLUMBUS, OH 43235

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HILLARY HAMILTON
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**AMENDMENTS TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
FOX RIDGE CONDOMINIUM**

RECITALS

- A. The Declaration of Condominium Ownership for Fox Ridge Condominium (the "Declaration") and the Bylaws of Fox Ridge Condominium Association, Inc., attached to and made a part of the Declaration (the "Bylaws"), were recorded at Clark County Records Volume 22, Page 279 et seq.
- B. Ohio Revised Code Section 5311.05(E)(1)(c) authorizes the Board of Directors (the "Board"), without a vote of the Unit owners, to amend the Declaration "to bring the Declaration into compliance with this Chapter."
- C. Ohio Revised Code Section 5311.05(E)(1)(a) authorizes the Board, without a vote of the Unit owners, to amend the Declaration "to meet the requirements of institutional mortgages, guarantors and insurers of first mortgage loans, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the Veterans Administration, and similar institutions."
- D. The Board approved the following matters to be modified (the "Amendments") to bring the Declaration into compliance with Ohio Revised Code Chapter 5311 ("Chapter 5311") and the requirements of mortgages, the federal housing administration, and/or federal law.
- E. Each of the changes set forth in these Amendments are based on or in accordance with Chapter 5311.
- F. Attached as Exhibit A is a certification of the Association's President and Secretary stating that the Amendments were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1)(c).
- G. The proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 and the Declaration have in all respects been complied with.

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AMENDMENTS

The Declaration of Condominium Ownership for Fox Ridge Condominium is amended by the Board of Directors as follows:

(1) All references in the Declaration and Bylaws to the term "Board of Managers" or "Board of Trustees" are replaced with the term "Board of Directors."

(2) INSERT a NEW SENTENCE to the end of DECLARATION ARTICLE VIII entitled "AGENT FOR SERVICE." Said new addition to the Declaration, as amended at Book 1982, Page 2636 et seq., is:

This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

(3) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XIX, SECTION 3. Said new addition to the Declaration, as amended at Book 2224, Page 2207 et seq., is:

The Board will impose the following enforcement procedure for levying enforcement assessments:

(a) Prior to imposing a charge for damages or an enforcement assessment, the Board will give the Unit owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the Unit owner in writing, that includes all of the following:

(i) A description of the property damage or violation;

(ii) The amount of the proposed charge or assessment;

(iii) A statement that the Unit owner has a right to a hearing before the Board to contest the proposed charge or assessment;

(iv) A statement setting forth the procedures to request a hearing;

(v) A reasonable date by which the Unit owner must cure the violation to avoid the proposed charge or assessment.

(b) Hearing Requirements:

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To request a hearing, the Unit owner must deliver a written notice to the Board not later than the tenth day after receiving the notice required above. If the Unit owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board may immediately impose a charge for damages or an enforcement assessment.

(ii) If a Unit owner timely requests a hearing, at least seven days prior to the hearing the Board will provide the Unit owner with a written notice that includes the date, time, and location of the hearing.

(iii) The Board will not levy a charge or assessment before holding a properly requested hearing.

(c) The Board may allow a reasonable time to cure a violation described above before imposing a charge or assessment.

(d) Within 30 days following a hearing at which the Board imposes a charge or assessment, the Association will deliver a written notice of the charge or assessment to the Unit owner.

(e) The Association will deliver any written notice required above to the Unit owner or any Occupant of the Unit by personal delivery, by certified mail, return receipt requested, electronic mail, or by regular mail.

(4) MODIFY the LAST SENTENCE of DECLARATION ARTICLE XV, SECTION 5(c). Said modification to the Declaration is: (deleted language is crossed out; new language is underlined)

The certificate shall contain a description of the Unit against which the lien exists, the name or names of the record Unit owner or Unit owners thereof, and the amount of the unpaid portion of the assessments, and shall be signed by the president or other designated representative ~~chief officer~~ of the Association.



(5) INSERT a NEW PARAGRAPH to the end of DECLARATION ARTICLE XV, SECTION 1. Said new addition to the Declaration is:

The Association will credit payments made by a Unit owner in the following order of priority:

- (a) First, to interest owed to the Association;
- (b) Second, to administrative late fees owed to the Association;
- (c) Third, to collection costs, attorney fees, and paralegal fees incurred by the Association; and
- (d) Fourth, to the principal amounts the Unit owner owes to the Association for the common expenses or enforcement assessments chargeable against the Unit.

(6) MODIFY BYLAWS ARTICLE IV, SECTION 12(g). Said modification to the Bylaws is (new language is underlined):

- (g) suspend the voting rights of a Unit owner and the right of the Occupants to use the recreational facilities during any period in which such Unit owner shall be in default in the payment of any assessment levied by the Association (such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for each infraction of published rules and regulations or of any provisions of the Condominium organizational documents);

(7) INSERT a NEW BYLAWS ARTICLE IV, SECTION 12(k). Said new addition to the Bylaws is:

- (k) impose reasonable charges to the Unit owner for providing copies of the Declaration, Bylaws, or amendments thereto as well as reasonable charges for the handling of re-financing or resale documentation, and statements of unpaid assessments.

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(8) INSERT a NEW ITEM (6) to the end of BYLAWS ARTICLE VII. Said new addition to the Bylaws, as amended at Book 1982, Page 2636 et seq., is:

(6) Records that date back more than five years prior to the date of the request.

(9) INSERT A NEW PARAGRAPH to the end of BYLAWS ARTICLE IV, SECTION 2 entitled "Successor Directors." Said new addition to the Bylaws is:

Each Director must be a Unit owner or the spouse of a Unit owner. If a Unit owner is not an individual, that Unit owner may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Unit owner. The majority of the Board will not consist of Unit owners or representatives from the same Unit unless authorized by a resolution adopted by the Board of Directors prior to the Board majority being comprised of Unit owners or representatives from the same Unit.

(10) INSERT NEW DECLARATION ARTICLE XIX, SECTION 3 entitled "Board Amendments." Said new addition to the Declaration is:

Section 3. Board Amendments. Without a Unit owner vote, the Board may amend the Declaration in any manner necessary for any of the following purposes:

(a) To meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans, the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration, the veterans administration, and similar institutions;

(b) To meet the requirements of insurance underwriters;

(c) To bring the Declaration into compliance with the Ohio Condominium Act (Revised Code Chapter 5311);

(d) To correct clerical or typographical errors or obvious factual errors in the Declaration or an exhibit to the Declaration;

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(e) To designate a successor to the person named to receive service of process for the Association. If the Association is incorporated in Ohio, this may be accomplished by filing with the Secretary of State an appropriate change of statutory agent designation;

(f) After the recording of this amendment, any amendment to the Declaration made without a vote of the Unit owner will not require a certification as to the consenting and non-consenting mortgagees as described above;

(g) To delete as void, any provision within the Declaration or Bylaws, or in any applicable restriction or covenant, that prohibits, limits the conveyance, encumbrance, rental, occupancy, or use of property subject to Revised Code Chapter 5311 on the basis of race, color, national origin, sex, religion, or familial status; and

(h) To permit notices to Unit owners, as required by the Declaration or Bylaws, to be sent by electronic mail and, if returned undeliverable, by regular mail, provided the Association has received the prior, written authorization from the Unit owner.

Any Unit owner who is aggrieved by an amendment to the Declaration that the Board of Directors makes in accordance with the above may commence a declaratory judgment action to have the amendment declared invalid as violative of the above. Any action filed to contest the validity of the amendment must be filed in the appropriate court of common pleas within one year from the date of the recordation of the amendment.

(11) INSERT a NEW BYLAWS ARTICLE IV, SECTION 12(l). Said new addition to the Bylaws is:

(l) In addition to all other powers enumerated above, the Board may exercise all powers of the Association, including the power to do the following:

(i) Hire and fire attorneys, accountants, and other independent contractors and employees that the Board determines are necessary or desirable in the

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management and operation of the Condominium Property and the Association;

- (ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning, or administrative action or proceeding that is in the name of, or threatened against, the Association, the Board, or the Condominium Property, or that involves two or more Unit owners, impacts zoning, or otherwise relates to matters affecting the Condominium Property;
- (iii) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;
- (iv) Adopt rules that regulate the use or occupancy of Units;
- (v) Grant easements, leases, licenses, and concessions through or over the Common Elements;
- (vi) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit owners;
- (vii) Enter a Unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to Common Elements, another Unit, or to the health or safety of the s of that Unit or another Unit;
- (viii) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

(12) INSERT a NEW DECLARATION ARTICLE XIX, SECTION 7, entitled "Notices to Unit owners." Said new addition to the Declaration is:

Section 7. Notices to Unit owners. Any notice required or permitted by the Declaration or Bylaws to any Unit owner will be in writing and is deemed effectively given if it has been sent by regular U.S. mail, first-class postage prepaid, to their Unit address or to another address the Unit owner designates in writing to the Board, or delivered using electronic mail subject to the following:

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(a) The Association may use electronic mail or other transmission technology to send any required notice only to Unit owners, individually or collectively, who have given the Association written consent to the use of electronic mail or other transmission technology. Any Unit owner who has not given the Association written consent to use of electronic mail or other transmission technology will receive notices by either regular mail or hand delivered.

(b) An electronic mail or transmission technology to a Unit owner is not considered delivered and effective if the Association's transmission to the Unit owner fails, e.g. the Association receives an "undeliverable" or similar message, or the inability to deliver the transmission to the Unit owner becomes known to the person responsible for sending the transmission. If the electronic mail or transmission is not delivered or effective, the Association will deliver the notice or other communication to the Unit owner by either regular mail or hand delivered.

(13) MODIFY DECLARATION ARTICLE XV, SECTION 3(a)(1)(d). Said modification to the Declaration is: (new language is underlined)

d. an amount deemed adequate by the Association to maintain a reserve for the cost of unexpected repairs and replacements of capital improvements in the normal course of operations without the necessity of special assessments, unless the Unit owners, exercising not less than a majority of the voting power of the Association, waive the reserve requirement in writing annually, and for the repair and replacements of major improvements for which cash reserves over a period of time in excess of one year ought to be maintained.

(14) INSERT A NEW DECLARATION ARTICLE XI, SECTION 6, entitled "Fidelity Coverage." Said new addition to the Declaration is:

Section 6. Fidelity Coverage. The Board may maintain blanket fidelity, crime, or dishonesty insurance coverage for any Person who controls or disburses Association funds. As used in this section, "Person who controls or disburses Association funds" means any individual with authority or access to sign checks, conduct

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electronic transfers, or otherwise withdraw funds from any Association account or deposit, including the following:

- (a) A management company's principals and employees;
- (b) A bookkeeper;
- (c) The president, secretary, treasurer, any other board member, or employee of the Unit owners Association.

All of the following apply to the insurance coverage required by this section:

(1) Coverage shall be for the maximum amount of funds that will be in the custody of the Association or its designated agent at any one time plus three months of operating expenses.

(2) The insurance shall be the property of and for the sole benefit of the Association and shall protect against theft, embezzlement, misappropriation, or any other unauthorized taking or loss of Association funds.

(3) The policy shall include in its definition of "employee" the manager and the managing agent of the Association's funds or provide for this inclusion by an endorsement to the policy.

(4) The policy shall name the Association as the insured party and shall include a provision requiring the issuer of the policy to provide a ten-day written notice to the Association's president or manager in the event of cancellation or substantial modification of the policy. The manager or managing agent, if any, of the Association shall be the designated agent on the policy.

(5) If there is a change in the manager or the managing agent of the Association, then within ten days of the effective start date, the new manager or managing agent shall notify the insurer of such change.

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Any conflict between the above provisions and any other provisions of the Declaration and Bylaws will be interpreted in favor of the above amendments. 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 these amendments, only Unit owners of record at the time of such filing have standing to contest the validity of these amendments, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendments.

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AUDITOR

SIGNATURE PAGES TO FOLLOW

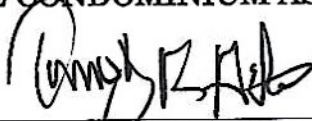


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HILLARY HAMILTON
AUDITOR

The Fox Ridge Condominium Association, Inc. has caused the execution of this instrument this 12th day of February, 2026.

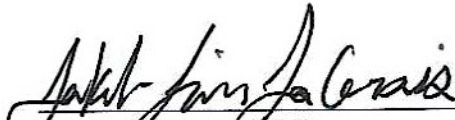
FOX RIDGE CONDOMINIUM ASSOCIATION, INC.

By:  PRESIDENT
TIMOTHY R. HETICO, President


STATE OF OHIO)
) SS
COUNTY OF CLARK)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Fox Ridge Condominium Association, Inc., by TIMOTHY R. HETICO, its President, who acknowledged that he 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 him personally and as such officer.

I have set my hand and official seal this 12th day of February, 2026


NOTARY PUBLIC

Place notary stamp/seal here:



Jakub Liam LaCerais
Notary Public, State of Ohio
My Commission Expires 03-24-2027

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HILLARY HAMILTON
AUDITOR

The Fox Ridge Condominium Association, Inc. has caused the execution of this instrument this 12th day of February, 2026.

FOX RIDGE CONDOMINIUM ASSOCIATION, INC.

By: *Vickie Zettler, Secretary*
VICKIE ZETTLER, Secretary


STATE OF OHIO)
) SS
COUNTY OF CLARK)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Fox Ridge Condominium Association, Inc., by **VICKIE ZETTLER**, its Secretary, who acknowledged that she 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 her personally and as such officer.

I have set my hand and official seal this 12th day of February, 2026

Jakub Liam LaCerais
NOTARY PUBLIC

Place notary stamp/seal here:



Jakub Liam LaCerais
Notary Public, State of Ohio
My Commission Expires 03-24-2027

This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
8101 North High Street, Suite 370
Columbus, Ohio 43235
(614) 882-3100
ohiocondolaw.com



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HILLARY HAMILTON
AUDITOR

EXHIBIT A-1

CERTIFICATION OF OFFICERS

STATE OF OHIO)
) SS
COUNTY OF CLARK)

TIMOTHY R. HETICO, being the duly elected and acting President of the Fox Ridge Condominium Association, Inc., certifies that the Amendments to the Declaration of Condominium for Fox Ridge Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).


 **PRESIDENT**
TIMOTHY R. HETICO, President

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

I have set my hand and official seal this 12th day of February, 2026


NOTARY PUBLIC

Place notary stamp/seal here:



Jakub Liam LaCerais
Notary Public, State of Ohio
My Commission Expires 03-24-2027



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HILLARY HAMILTON
AUDITOR

EXHIBIT A-2

CERTIFICATION OF OFFICERS

STATE OF OHIO)
)
COUNTY OF CLARK) SS

VICKIE ZETTLER, being the duly elected and acting Secretary of the Fox Ridge Condominium Association, Inc., certifies that the Amendments to the Declaration of Condominium for Fox Ridge Condominium were approved by the Board in accordance with Ohio Revised Code Section 5311.05(E)(1).

Vickie Zettler Secretary
VICKIE ZETTLER, Secretary

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named VICKIE ZETTLER who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this 12th day of February, 2026

Jakub Liam LaCerais
NOTARY PUBLIC

Place notary stamp/seal here:

