

04/12/2023

TRANSFER NOT NECESSARY
IN COMPLIANCE WITH SEC. 319.202 R.C.
ANITA LOPEZ, AUDITOR
LUCAS COUNTY, OHIO

BY: CR EX: X MULTI:
PARCEL: 82-31504 COUNT: 141
TRANS. #: 23-000000



20230413-0011030

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Michael D. Ashford
Lucas County Recorder DEED

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
VERSAILLES IN THE WOODS II CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR VERSAILLES IN THE WOODS II
CONDOMINIUM RECORDED AT VOLUME 1998, PAGE 358 ET SEQ. OF THE
LUCAS COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
VERSAILLES IN THE WOODS II CONDOMINIUM**

RECITALS

A. The Declaration of Condominium Ownership for Versailles in the Woods II Condominium (the "Declaration") and the Bylaws of Versailles in the Woods II Condominium Owners' Association, Inc. (the "Bylaws"), attached to and made apart of the Declaration, were recorded at Lucas County Records, Volume 1998, Page 358 et seq.

B. The Versailles in the Woods II Condominium Owners' Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Versailles in the Woods II Condominium and as such is the representative of all Unit Owners.

C. Declaration Article 10 authorizes amendments to the Declaration and Bylaws.

D. Unit Owners representing at least 75 percent of the Association's current voting power, based on ownership interests, have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment").

E. As of January 24, 2023, Unit Owners representing 75.0877 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of the Amendment and authorizing the Association's officers to execute the Amendment on their behalf.

F. Attached as Exhibit A is an Affidavit of the Association's President stating that copies of the Amendment will be mailed by certified mail to all mortgagees having bona fide liens against a Family Unit ownership once the Amendment is recorded with the Lucas County Recorder's Office.

G. Attached as Exhibit B is a certification of the Association's Secretary as to the consenting mortgagees, on the records of the Association, to the Amendment.

H. The Association has complied with the proceedings necessary to amend the Declaration, as required by Chapter 5311 of the Ohio Revised Code and the Declaration, in all material respects.

AMENDMENT

The Declaration of Condominium Ownership for Versailles in the Woods II Condominium is amended by the following:

DELETE DECLARATION ARTICLE 4, SECTION M entitled, "Adult Community," in its entirety. Said deletion, to be taken from the Declaration, as recorded at Lucas County Records, Volume 1998, Page 358 et seq., and as amended at Instrument No. 92 094A01.

INSERT a new DECLARATION ARTICLE 4, SECTION M entitled, "Housing for Older Persons." Said new addition, to be added to the Declaration, as recorded at Lucas County Records, Volume 1998, Page 358 et seq., is as follows:

M. Housing for Older Persons.

1. All Units are designated for occupancy for and only by older Persons. As required by Federal and State law, at all times at least 80 percent of the occupied Units must be occupied by at least one person 55 years of age or older. All other Unit Occupants must be at least 18 years of age or older. This restriction will apply to anyone who acquires title or occupancy of a Unit after the date of this document is recorded with the Lucas County Recorder.

2. Any Unit Owner or Occupant under 55 years of age or Occupant 18 years of age residing in a Unit prior to the date this document is filed with the Lucas County Recorder is exempt from this restriction for as long as they remain a permanent Occupant of the Unit.

3. Guests of a Unit Owner under the age of 55 years of age may reside in a Unit for a period not to exceed a total of 30 days in any calendar year.

4. As required by law, every Unit Owner will, upon request, supply the Association with verification of the names and dates of birth of every Occupant of the Unit on the forms and in the manner as the Board determines, which may include, but is not limited to, the supplying of affidavits or other forms of identification as the

Department of Housing and Urban Development, or any other governmental agency having jurisdiction, may permit or require for verifying the age of each Unit Occupant.

5. To meet a special situation and to avoid undue hardship or a practical difficulty, the Board may, in its sole discretion, grant a Unit Owner(s) a one-time exemption from this restriction; provided, however that no exemption will be granted if the requested exemption would result in the violation of the Fair Housing Amendments Act of 1988 and any amendments thereto, including, but not limited to, the Housing for Older Persons Act of 1995 (mandating in part that at least 80 percent of the occupied Units be occupied by at least one person who is 55 years of age or older).

6. Within 30 days of the recording of this Amendment or within 30 days of title transferring to the Unit Owner, each Unit Owner must provide to the Association the Unit Owner's and all Occupants' names, home and business mailing addresses, home and business telephone numbers, emergency contact information, and the name, business address and business telephone number of any person who manages the Unit as an agent of that Unit Owner. Any change in the information must be provided to the Board, in writing, within 30 days of said change.

7. In addition to the restrictions and requirements set forth above, the Board will have the authority to adopt any additional rules, regulations, policies and procedures as are necessary to ensure that the Versailles in the Woods II Condominium Owners' Association, Inc. complies with all governmental laws and regulations, as the same may be amended from time to time, to remain qualified as housing designed for persons who are 55 years of age or older.


Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment restricting the occupancy of Units to individuals 18 years of age or older, with at least 80 percent of the Units being occupied by one individual 55 years or older at all times. The invalidity of any part of the above provision does not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the

contest the validity of this amendment, whether on procedural, substantive, or any other grounds. Any challenge to the validity of this amendment must be brought in the court of common pleas within one year of the recording of this amendment.

The Versailles in the Woods II Condominium Owners' Association, Inc. has caused the execution of this instrument this 1st day of March, 2023.

**VERSAILLES IN THE WOODS II CONDOMINIUM
OWNERS' ASSOCIATION, INC.**

By: 
JAN M. LAPOINTE, President

By: 
SUSAN TAYLOR, Secretary

STATE OF OHIO)
)
COUNTY OF Lucas) SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Versailles in the Woods II Condominium Owners' Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 of 8, and that the same is the free act and deed of the corporation and the free act and deed of each of them personally and as such officers.

I have set my hand and official seal this 15th day of March, 2023.



NOTARY PUBLIC

Place notary stamp/seal here:



This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
405 Madison Avenue, Suite 1000
Toledo, Ohio 43604
(419) 491-7562
ohiocondolaw.com

SEE ENV

2000 TRAMMALL TOWER
50 PUBLIC SQUARE
CLEVELAND OH Page 6 of 8
44113


EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF Lucas) SS

JAN M. LAPOINTE, being first duly sworn, states as follows:


1. She is the duly elected and acting President of the Versailles in the Woods II Condominium Owners' Association, Inc.
2. She will cause copies of the Amendment to the Declaration to be mailed by certified mail to all mortgagees having bona fide liens of record against any Family Unit.



JAN M. LAPOINTE, President

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named JAN M. LAPOINTE who acknowledges 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 1st day of March,
2023.



NOTARY PUBLIC

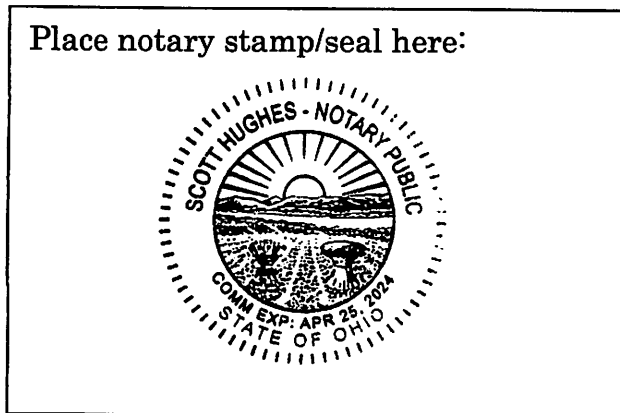


EXHIBIT B

CERTIFICATION OF SECRETARY

SUSAN TAYLOR, the duly elected and acting Secretary of the Versailles in the Woods II Condominium Owners' Association, Inc., certifies that while there are mortgages that have bona fide liens of record against Family Units, no mortgages of record on file with the Association have consented to the Amendment. In accordance with Declaration Article 10, the Amendment is nevertheless valid against the Family Units.




SUSAN TAYLOR, Secretary

STATE OF OHIO)
) SS
COUNTY OF Lucas)

BEFORE ME, a Notary Public in and for the County, personally appeared the above-named SUSAN TAYLOR 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 1st day of March, 2023.



NOTARY PUBLIC

