



PROPERTY MANAGEMENT COMPANY

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April 14, 2023

To: All Legacy Pointe No. 3 Unit Owners:

Subject: New Amendment Filing – No Solar Energy Collection Devices

Enclosed please find a copy of the fully executed and recorded amendments to the Declaration. These addition to the Amendments was filed with the Lorain County Recorder's Office on March 31, 2023, Docket ID Number: 023877900006 and became binding and effective on that date.

Please be advised of the new amendment was voted on by all of the Legacy Pointe Condominium No. 3 Owners and was approved and passed with the recommended seventy-five percent (75%) of the voting power of the Legacy Pointe No. 3 Unit Owners' Association.

Article IV, Paragraph 4.02(z) of the declaration is hereby added in its entirety by the following.

4.02(z) No Solar Collection Device shall be installed, erected, or placed on any Unit, any Limited common Areas and Facilities or any Condominium Common Areas and Facilities.

Please file these changes with your copy of the Declaration and Bylaws. Remember in the event that you sell your unit, all of the documents must be passed onto the buyer of your unit.

Sincerely,

Board of Directors of Legacy Pointe No. 3 Condominium
Unit Owners' Association, Inc.



Doc ID: 023877900006 Type: OFF
Kind: DECLARATION
Recorded: 03/31/2023 at 02:05:58 PM
Fee Amt: \$70.00 Page 1 of 6
Lorain County, Ohio
Mike Doran County Recorder

File **2023-0911132**

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
LEGACY POINTE NO. 3 CONDOMINIUMS

**PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR LEGACY POINTE NO. 3 CONDOMINIUMS
RECORDED AT INSTRUMENT NO. 20050052245 OF THE LORAIN COUNTY
RECORDS.**

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
LEGACY POINTE NO. 3 CONDOMINIUMS

RECITALS

- A. The Declaration of Condominium Ownership for Legacy Pointe No. 3 Condominiums (the "Declaration") and the Bylaws of Legacy Pointe Condominium Association No. 3, Inc., (the "Bylaws"), Exhibit C the Declaration, were recorded at Lorain County Records, Instrument No. 20050052245.
- B. The Legacy Pointe Condominium Association No. 3, Inc., (the "Association") is a corporation consisting of all Unit Owners in Legacy Pointe Condominium No. 3 and as such is the representative of all Unit Owners.
- C. Declaration Article XX, Section 20.02 authorizes amendments to the Declaration.
- 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 March 8, 2023, Unit Owners representing 75.51 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 first mortgagees having bona fide liens against a Unit on the records of the Association.
- G. Attached as Exhibit B is 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 Legacy Pointe No. 3 Condominiums is amended by the following:

INSERT a new DECLARATION ARTICLE IV, SECTION 4.02(z). Said new addition to the Declaration, as recorded at Lorain County Records, Instrument No. 20050052245, is:

(z) The installation of any solar energy collecting device of any kind, on the exterior of the Residential Buildings, including areas constituting the Condominium Common Elements, is prohibited. A "solar energy collection device" means any device manufactured and sold for the purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus. This prohibition includes, but is not limited to, solar panel systems and solar shingle roofing systems.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this restriction prohibiting solar energy collection devices. 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 recording of this amendment, only Unit Owners of record at the time of the filing have standing to 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 Legacy Pointe Condominium Association No. 3, Inc., has caused the execution of this instrument this 23rd day of March, 2023.

LEGACY POINTE CONDOMINIUM ASSOCIATION NO. 3, INC.

By: Laurel Schmid
LAUREL SCHMID, President

By: Paul W. Berg
PAUL BERG, Secretary

STATE OF OHIO)

COUNTY OF Lorain)

SS

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named Legacy Pointe Condominium Association No. 3, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 3 of 6, and that the same is their 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 23rd day of March, 2023.

Jaclyn Graham
NOTARY PUBLIC

Place notary stamp/seal here:



JACLYN GRAHAM
Notary Public, State of Ohio
My Commission Expires:
April 25, 2027

✓
This instrument prepared by:
KAMAN & CUSIMANO, LLC
Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0650
ohiocondolaw.com

EXHIBIT A

AFFIDAVIT

STATE OF OHIO)
COUNTY OF Lorain) SS

LAUREL SCHMID, being first duly sworn, states as follows:

1. She is the duly elected and acting President of the Legacy Pointe Condominium Association No. 3, Inc.
2. She will cause copies of the Amendment to the Declaration to be mailed by certified mail to all first mortgagees having bona fide liens of record against any Unit whose mortgage interests notice had been given to the Association once the Amendment is recorded with the Lorain County Recorder's Office.

Laurel Schmid
LAUREL SCHMID, President

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named LAUREL SCHMID 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 22nd day of March, 2023.

Jaclyn Graham
NOTARY PUBLIC

Place notary stamp/seal here:



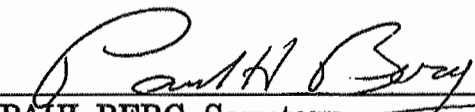
JACLYN GRAHAM
Notary Public, State of Ohio
My Commission Expires:
April 25, 2027

EXHIBIT B

CERTIFICATION OF SECRETARY

STATE OF OHIO)
COUNTY OF Lorain) SS

PAUL BERG, the duly elected and acting Secretary of Legacy Pointe Condominium Association No. 3, Inc., certifies there are no, as the term is used in Declaration Article XX, Section 20.02, "mortgagees" of record on file with the Association as no holders, insurers or guarantors of a mortgage on a Unit have given the Association a written request to receive notice of certain actions or amendments and so none have consented to the Amendment.



PAUL BERG, Secretary

BEFORE ME, a Notary Public, in and for the County, personally appeared the above-named PAUL BERG who acknowledges 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 23rd day of March, 2023.



NOTARY PUBLIC

Place notary stamp/seal here:



JACLYN GRAHAM
Notary Public, State of Ohio
My Commission Expires:
April 25, 2027

KAMAN & CUSIMANO ATTORNEYS
2000 TERMINAL TOWER
50 PUBLIC SQUARE
CLEVELAND, OH 44113