

AMENDMENTS TO THE
DECLARATION AND BY-LAWS
CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5331 OF THE REVISED CODE OF OHIO
FOR BLUE WATER CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Blue Water Condominium (the "Declaration") and the By-Laws of Blue Water Condominium Association (the "Bylaws"), attached to and made a part of the Declaration, were recorded at Ottawa County Records Volume 313, Page 0364 et seq., and

WHEREAS, Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, authorizes the Board of Directors, without a vote of the Owners, to amend the Declaration "to bring the Declaration in compliance with this Chapter," and

WHEREAS, the Board of Directors approved the following matters to be modified (the "Amendments") in order to bring the Declaration into compliance with Ohio Revised Code Chapter 5311, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as permitted by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for Blue Water Condominium have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Blue Water Condominium is hereby amended by the Board of Directors as follows:

- (1) All references in the Declaration and Bylaws to the term "Common Areas" or "Common Areas and Facilities" shall be replaced with the term "Common Elements."
- (2) All references in the Declaration and Bylaws to the term "Limited Common Areas" or "Limited Common Areas and Facilities" shall be replaced with the term "Limited Common Elements."
- (3) All references in the Declaration and Bylaws to the term "Board of Managers" and/or "Board of Trustees" shall be replaced with the term "Board of Directors."
- (4) All references in the Declaration and Bylaws to the term "Fines" shall be replaced with the term "Enforcement Assessments."
- (5) DELETE DECLARATION ARTICLE IX, entitled "AGENT FOR SERVICE," in its entirety. Said deletion is to be made on Page 14 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq.

INSERT a new DECLARATION ARTICLE IX, entitled "AGENT FOR SERVICE." Said addition, to be made on Page 14 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

ARTICLE IX

AGENT FOR SERVICE

The person to receive service of process for the Association shall be as designated by the Board. This designation will be accomplished by filing with the Ohio Secretary of State the required statutory agent designation form.

- (6) INSERT a new 2nd PARAGRAPH to DECLARATION ARTICLE XXI, SECTION 3, entitled "Enforcement." Said new addition, to be added on Page 32 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(12), the Board shall have the authority to impose interest and administrative late fees for the late payment of Assessments; impose returned check charges; and, in accordance with the procedure outlined in Ohio Revised Code Section 5311.081(C)(1), impose reasonable enforcement Assessments for violations of the Declaration, the Bylaws, and the rules of the Association, and reasonable charges for damage to the Common Elements.

- (7) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION 5(c). Said new addition, to be added on Page 23 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(1)(b), the Association has a lien upon each Unit's ownership interest for any unpaid interest, administrative late fees, enforcement Assessments, and collection costs, attorney's fees, and paralegal fees.

- (8) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE III, SECTION 2(g), entitled "Renting, Leasing." Said new addition, to be added on Page 5 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., and as amended at Ottawa County Records, Instrument No. 200700174407, is as follows:

In accordance with Ohio Revised Code Section 5311.19(B), the Association may initiate eviction proceedings, pursuant to Chapters 5321 and 1923 of the Revised Code, to evict a tenant. The action shall be brought by

the Association, as the Unit Owner's Agent, in the name of the Unit Owner. In addition to any procedures required by Chapters 5321 and 1923 of the Revised Code, the Association shall give the Unit Owner at least ten days written notice of the intended eviction action. The costs of any eviction action, including reasonable attorney's fees, shall be charged to the Unit Owner and shall be the subject of a special Assessment against the offending Unit and made a lien against that Unit.

(9) INSERT a new 2nd PARAGRAPH to the end of DECLARATION ARTICLE XVI, SECTION 5(a). Said new addition, to be added on Page 23 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.18(A)(2), the Association shall credit payments made by a Unit Owner in the following order of priority:

- (1) First, to interest owed to the Association;
- (2) Second, to administrative late fees owed to the Association;
- (3) Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association; and
- (4) Fourth, to the principal amounts the Unit Owner owes to the Association for the common expenses or enforcement Assessments chargeable against the Unit.

(10) INSERT a new DECLARATION ARTICLE XVI, SECTION 5(i). Said new addition, to be added on Page 24 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(18), when a Unit Owner is delinquent in the payment, of Assessments for more than thirty (30) days, the Board may, by a majority vote, suspend the privileges of the owner and/or right of the occupants to use the recreational facilities.

(11) INSERT a new 2nd PARAGRAPH to the end of BYLAWS ARTICLE XVI, SECTION 3(c), entitled "Special Individual Unit Assessments." Said new addition, to be added on Page 22 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.081(B)(15), the Board may 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 and/or resale documentation, and/or statements of unpaid Assessments.

(12) INSERT a new DECLARATION ARTICLE III, SECTION 2(q), entitled "Owner/Resident Information." Said new addition, to be added on Page 7 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

(q) Owner/Resident Information. In accordance with Ohio Revised Code Section 5311.09(A)(2) and (3), each Unit Owner shall, within thirty (30) days of the recording of this Amendment or within thirty (30) days of title transferring to the Unit Owner, provide to the Association the Unit Owner's and/or all occupants' names, home and business mailing addresses, home and business telephone numbers, and the name, business address and business telephone number of any person who manages the Unit as an agent of that Owner. Any change in the information shall be provided to the Board, in writing, within thirty (30) days of said change.

(13) DELETE DECLARATION ARTICLE VIII, Section 4, entitled "Board of Trustees," in its entirety. Said deletion is to be made on Pages 12-13 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq.

INSERT a new DECLARATION ARTICLE VIII, Section 4, entitled "Board of Directors." Said addition, to be made on Pages 12-13 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

Section 4. Board of Directors. The Board shall consist of five (5) members, each of whom must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one (1) Unit may be represented by more than one (1) person on the Board at any one (1) time. The terms of the five Directors shall be staggered so that the terms of one-third of the Directors will expire and successors be elected at each annual meeting of the Association for a three-year term with a 2-2-1 rotation.

(14) INSERT a new 2nd SENTENCE to the end of BYLAWS ARTICLE IV, SECTION 7, entitled "Regular Meetings." Said new addition, to be added on Page 3 of the Bylaws, attached to and made a part of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

In accordance with Ohio Revised Code Section 5311.08(A)(4)(a), any Board meeting may be held in person or by any method of communication, including

electronic or telephonic communication, provided that each Board member can hear, participate and respond to every other Board member.

(15) INSERT a new PARAGRAPH (k) to BYLAWS ARTICLE IV, SECTION 12, entitled "Powers." Said new addition to be added on Page 5 of the Bylaws, attached to and made a part of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., is as follows:

- (k) In accordance with Ohio Revised Code Section 5311.081(B), in addition to all other powers enumerated herein, 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 management and/or operation of the Condominium Property and the Association;
 - (ii) Commence, defend, intervene in, settle, or compromise any civil, criminal, 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 and relates to matters affecting the Condominium Property;
 - (iii) Enter into contracts and incur liabilities relating to the operation of the Condominium Property;
 - (iv) Grant easements, leases, licenses, and concessions through or over the Common Elements;
 - (v) Impose and collect fees or other charges for the use, rental, or operation of the Common Elements or for services provided to Unit Owners;
 - (vi) 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 occupants of that Unit or another Unit;
 - (vii) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law.

(16) Any conflict between the above provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of the above amendments. Upon the recording of these amendments, only Unit Owners of record at the time of such filing shall have standing to contest the validity of these amendments, 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 amendments.

IN WITNESS WHEREOF, the said Blue Water Condominium Association has caused the execution of this instrument this 31st day of DECEMBER, 2007.

BLUE WATER CONDOMINIUM ASSOCIATION

By: Elroy Warren Will
WARREN WILL, its President

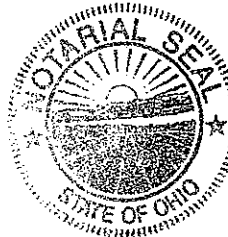
STATE OF OHIO)
)
COUNTY OF OTTAWA) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Blue Water Condominium Association, by Warren Will, its President, who acknowledged that he did sign the foregoing instrument, on Page 7 of 7, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Cleveland, Ohio, this 31 day of December, 2007.

Kristyn Daniels
NOTARY PUBLIC

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



KRISTYN DANIELS
Notary Public
In and for the State of Ohio
My Commission Expires
May 01, 2011

AMENDMENT TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

BLUE WATER CONDOMINIUM ASSOCIATION, INC.

200700174407
Filed for Record in
OTTAWA COUNTY, OHIO
VIRGINIA M. PARK
05-07-2007 At 02:36 pm.
AMND DECLAR 76.00
DR Book 1187 Page 840 - 846

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR BLUE WATER CONDOMINIUM ASSOCIATION, INC. WAS FILED IN THE OFFICE OF THE COUNTY AUDITOR OF OTTAWA COUNTY, OHIO.

DATED: 5-7-07

BY: *Ellen B...*
Mary T. Sardner, Sup.

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
BLUE WATER CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Declaration of Condominium Ownership for Blue Water Condominium Association was originally recorded August 29, 1985, in Ottawa County Records, Volume 313, page 364 and subsequently amended by recorded amendment on October 17, 1985, in Ottawa County Records, Volume 314, Page 194; and

WHEREAS, the Blue Water Condominium Association, Inc. is a not-for-profit corporation consisting of all Unit Owners in Blue Water Condominiums and as such is the representative of all Unit Owners, and

WHEREAS, Article XIX of said Declaration authorizes amendments to the Declaration and Bylaws, and

WHEREAS, Unit Owners representing in excess of 75.00% of the voting power of the Association have executed an instrument in writing setting forth specifically the new matter to be added; and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the amendment was mailed by certified mail to all mortgagees on the records of the Association having bona fide liens of record against any Unit ownership, and

WHEREAS, the Association has in its records the consents to the Amendment signed by Unit Owners representing 77.36% of the voting power and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B; and

WHEREAS, the Association has in its records the consents to the Amendment signed by the Board of Directors and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B, and

WHEREAS, the proceedings necessary to amend the Declaration as required by the Ohio Revised Code and the Declaration of Condominium Ownership for Blue Water Condominium Association have in all respects been complied with,

NOW THEREFORE, the Declaration of Condominium Ownership for Blue Water Condominium Association, Inc. is hereby amended by the following:

Article III, Section 2(g) in the Declaration and the First Amendment to the Declaration entitled "Renting, Leasing." is hereby deleted in its entirety and the following Section 2(g) entitled "Renting, Leasing" is to be inserted in substitution for the already existing provisions.

INSERT in the Declaration, Article III, Section 2(g);

(g) Renting, Leasing. Any lease or rental agreement shall be in writing, shall provide that the lessee or renter shall be subject in all respects to the provisions hereof, and to the rules and regulation promulgated from time to time by the Board and shall provide that the failure by the lessee or renter to comply with the terms of the Condominium organizational document and lawful rules and regulation shall be a default under the lease or rental contract. No rental period shall be for less than one hundred and eighty (180) consecutive days. A copy of each lease that is the subject of this provision must be signed by the Owner and tenant and delivered to the Board of Directors and the Blue Water management company prior to the commencement of the lease term.

Any conflict between these provisions and any other provisions in the Declaration and Bylaws shall be interpreted in favor of these provisions. 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 of procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the Amendment.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the said Blue Water Condominium Association, Inc. has caused the execution of this instrument this 25th day of APRIL, 2007.

BLUE WATER CONDOMINIUM ASSOCIATION, INC.

Signed and acknowledged
in the presence of both:

William B. Bender
Witness #1: WILLIAM B. BENDER JR
Please print name below signature.

By: John Resetar
Mr. John Resetar, President

William B. Bender
Witness #2: WILLIAM B. BENDER JR
Please print name below signature.

By: Linda Dalrymple
Ms. Linda Dalrymple, Secretary

This instrument prepared by:
STEVEN M. OTT, ESQ.
KIMBERLY M. SUTTER, ESQ.
Ott & Associates Co., L.P.A.
55 Public Square, Suite 1008
Cleveland, Ohio 44113
Telephone: (216) 771-2600
Facsimile: (216) 830-8939
Email: Steven.Ott@OttEsq.com
ksutter@ottesq.com

STATE OF OHIO)

) SS.

COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named Blue Water Condominium Association, Inc., 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 at Cleveland, Ohio, this 25th day of APRIL, 2007.


Notary Public

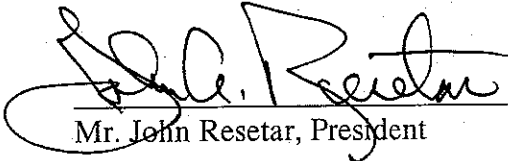
JAMES A. GRASSO, Esq.
Notary Public, State of Ohio
My comm. has no expir. date
Section 147.03 R.C.

EXHIBIT A**AFFIDAVIT**

STATE OF OHIO)
) SS.
 COUNTY OF CUYAHOGA)

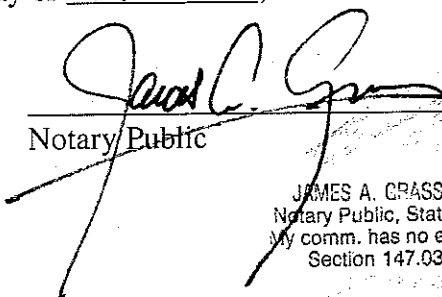
Mr. John Resetar, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Blue Water Condominium Association, Inc.
2. As such President, he caused copies of the amendment to the Declaration of Blue Water Condominium Association, Inc. to be mailed by certified mail to all mortgagees on the record of the Association having bona fide liens of record against any Unit Ownership.
3. Further affiant sayeth naught.


 Mr. John Resetar, President

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at CLEVELAND, Ohio, this 25th day of APRIL, 2007.


 Notary Public

JAMES A. CRASSO, Esq.
 Notary Public, State of Ohio
 My comm. has no expir. date
 Section 147.03 R.C.

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the Blue Water Condominium Association, Inc. hereby certifies that there is on file in the records of the Association, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of Blue Water Condominium Association, Inc.

Linda Dalrymple
Ms. Linda Dalrymple, Secretary

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County, personally appeared the above-named **Ms. Linda Dalrymple** who acknowledged 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 at CLEVELAND, Ohio, this 25th day of APRIL, 2007.

James A. Grasso
Notary Public

JAMES A. GRASSO, Esq.
Notary Public, State of Ohio
My comm. has no expir. date
Section 147.03 R.C.

VL1228PG0798

200800182317
Filed for Record in
OTTAWA COUNTY, OHIO
VIRGINIA H. PARK
02-22-2008 At 01:44 pm.
AMND DECLAR 44.00
OR Book 1228 Page 798 - 800

AMENDMENT TO THE
DECLARATION AND BY-LAWS
CREATING AND ESTABLISHING A PLAN FOR
CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5331 OF THE REVISED CODE OF OHIO
FOR
BLUE WATER CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION AND BY-LAWS CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO FOR BLUE WATER CONDOMINIUM RECORDED AT VOLUME 313, PAGE 0364 ET SEQ. AND THE AMENDMENTS TO THE DECLARATION AND BY-LAWS CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO FOR BLUE WATER CONDOMINIUM RECORDED AT VOLUME 1220, PAGE 0838 ET SEQ., INSTRUMENT NO. 200800181649, OF THE OTTAWA COUNTY RECORDS.

**AMENDMENT TO THE
DECLARATION AND BY-LAWS
CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5331 OF THE REVISED CODE OF OHIO
FOR BLUE WATER CONDOMINIUM**

WHEREAS, the Amendments to the Declaration of Condominium Ownership for Blue Water Condominium ("Declaration") were recorded on January 22, 2008, at Ottawa County Recorder's Office Records, Instrument No. 200800181649, and

WHEREAS, scrivener has learned and confirmed that there was an error in the provision referenced in Amendment (13) therein said Amendments and needs to be corrected; scrivener averring and representing the correction of said Amendment (13) will not materially affect any rights or interests of any Unit Owner not previously agreed or consented to by the Board, in accordance with Section 5311.05(E)(1) of the Ohio Revised Code, as amended on July 20, 2004, and

WHEREAS, the Declaration Article being amended in Amendment (13) was previously amended but not reflected therein said Amendments.

NOW THEREFORE, Amendment (13) to the Declaration of Condominium Ownership for Blue Water Condominium, as recorded on January 22, 2008 at Instrument No. 200800181649, is hereby corrected as follows:

(13) DELETE DECLARATION ARTICLE VIII, Section 4, entitled "Board of Trustees," in its entirety. Said deletion is to be made on Pages 12-13 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., and as amended at Instrument No. 9600025902, Volume 408, Page 0117 et seq.

INSERT a new DECLARATION ARTICLE VIII, Section 4, entitled "Board of Directors." Said addition, to be made on Pages 12-13 of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 0364 et seq., and as amended at Instrument No. 9600025902, Volume 408, Page 0117 et seq., is as follows:

Section 4. Board of Directors. The Board shall consist of seven (7) members, each of whom must be a Unit Owner or the spouse of a Unit Owner. That notwithstanding, no one (1) Unit may be represented by more than one (1) person on the Board at any one (1) time. The terms of the seven Directors shall be staggered so that the terms of one-third of the Directors will expire and successors be elected at each annual meeting of the Association for a three-year term with a 3-2-2 rotation.

IN WITNESS WHEREOF, the scrivener of the said Declaration has caused the execution of this instrument this 25th day of March, 2008.

BLUE WATER CONDOMINIUM ASSOCIATION

By: David W Kaman
DAVID W. KAMAN, Scrivener

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named scrivener for the said Declaration who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Cleveland, Ohio, this 25th day of March, 2008.

Stephanie A Hanna
NOTARY PUBLIC



STEPHANIE A. HANNA
NOTARY PUBLIC
STATE OF OHIO
Recorded in Cuy. Cty.
My Comm. Exp. 4/30/2011

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

VL1237PG0825

AMENDMENT TO THE
DECLARATION AND BYLAWS

200800185290
Filed for Record in
OTTAWA COUNTY, OHIO
VIRGINIA M. PARK
06-02-2008 At 02:25 pm.
AMND DECLAR 64.00
OR Book 1237 Page 825 - 830

CREATING AND ESTABLISHING A PLAN FOR

CONDOMINIUM OWNERSHIP

UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO

FOR

BLUE WATER CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION AND BY-LAWS CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO FOR BLUE WATER CONDOMINIUM RECORDED AT VOLUME 313, PAGE 0364 ET SEQ. OF THE OTTAWA COUNTY RECORDS.

AMENDMENT TO THE
DECLARATION AND BY-LAWS
CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5311 OF THE REVISED CODE OF OHIO
FOR BLUE WATER CONDOMINIUM

WHEREAS, the Declaration of Condominium Ownership for Blue Water Condominium (the "Declaration") and the By-Laws of Blue Water Condominium Association (the "Bylaws"), attached to and made a part of the Declaration, were recorded at Ottawa County Records Volume 313, Page 0364 et seq., and

WHEREAS, the Blue Water Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Blue Water and as such is the representative of all Unit Owners, and

WHEREAS, Article XIX of said Declaration authorizes amendments to the Declaration and Bylaws Article X authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing not less than 75% of the Association's voting power have executed instruments in writing setting forth specifically the matter to be added (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to the Amendment signed by Unit Owners representing 75.47% of the Association's voting power as of April 17, 2008, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 75.47% of the Association's voting power authorizing the Association's officers to execute the Amendment on their behalf, and

WHEREAS, attached hereto as Exhibit A is a certification of the Association's President and Secretary that the Amendment was duly adopted in accordance with the Declaration provisions, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for Blue Water Condominium is hereby amended by the following:

INSERT a new BYLAWS ARTICLE IV, SECTION 14 entitled, "Indemnification of Board Members and Officers." Said new addition, to be added on Page 6 of the Bylaws, attached to and made a part of the Declaration, as recorded at Ottawa County Records, Volume 313, Page 364 et seq., is as follows:

Section 14. Indemnification of Board Members and Officers. The Association shall indemnify any member of the Board of Directors (f.k.a "Board of Trustees") or officer of the Association or any former Board member or officer of the Association and/or its or their respective heirs, executors and administrators, against reasonable expenses, including attorneys' fees, judgments, decrees, fines, penalties or amounts paid in settlement, actually and necessarily incurred by him/her in connection with the defense of any pending or threatened action, suit, or proceeding, criminal or civil, to which he/she is or may be made a party by reason of being or having been such Board member or officer of the Association, provided it is determined in the manner hereinafter set forth that (1) such Board member or officer of the Association was not and is not adjudicated to have been grossly negligent or guilty of misconduct in the performance of his/her duty to the Association; (2) such Board member or officer acted in good faith in what he/she reasonably believed to be in, or not opposed to, the best interest of the Association; (3) in any criminal action, suit or proceeding, such Board member or officer had no reasonable cause to believe that his/her conduct was unlawful; and (4) in case of settlement, the amount paid in the settlement was reasonable.

The determination required above shall be made by written opinion of independent legal counsel chosen by the Board. Notwithstanding the opinion of legal counsel, to the extent that a Board member or officer has been successful in defense of any action, suit or proceeding, or in the defense of any claim, issue or matter, he/she shall, in that event, be indemnified as set forth herein.

(a) Advance of Expenses. Funds to cover expenses, including attorneys' fees, with respect to any pending or threatened action, suit, or proceeding may be advanced by the Association prior to the final disposition thereof upon receipt of a request to repay such amounts.

(b) Indemnification Not Exclusive; Insurance. The indemnification provided for in this Article shall not be exclusive, but shall be in addition to any other rights to which any person may be entitled under the Articles of Incorporation, the Declaration, these Bylaws or rules and regulations of the Association, any agreement, any insurance provided by the Association, the provisions of Section 1702.12(E) of the Ohio Revised Code, or otherwise. The Association shall purchase and maintain insurance on behalf of any person

who is or was a Board member or officer of the Association against any liability asserted against him/her or incurred by him/her in such capacity or arising out of his/her status as a Board member or officer of the Association.

(c) Indemnification by Unit Owners. The Board members and officers of the Association shall not be personally liable to the Unit Owners for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith. The Unit Owners shall indemnify, defend, and hold harmless each of the Board members and officers of the Association against all contractual liabilities to third parties arising out of contracts made on behalf of the Association, except with respect to any such contracts made in bad faith or contrary to the provisions of the Declaration or these Bylaws. Every agreement made by any Board member or officer of the Association shall provide that such Board member or officer of the Association is acting only as a representative of the Association and shall have no personal liability thereunder (except as a Unit Owner).

(d) Cost of Indemnification. Any sum paid or advanced by the Association under this Article shall constitute a Common Expense. The Board shall have the power and the responsibility to raise, by special assessment or otherwise, any sums required to discharge the Association's obligations under this Article; provided, however, that the liability of any Unit Owners arising out of the contract made by any Board member or officer of the Association, or out of the aforesaid indemnity in favor of such Board member or officer of the Association, shall be limited to such proportion of the total liability hereunder as said Unit Owner's pro rata share bears to the total percentage interest of all the Unit Owners as Members of the Association.

Any conflict between this provision and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment for the indemnification of Board members and officers of the Association. 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 Blue Water Condominium Association has caused the execution of this instrument this 20th day of May, 2008.

BLUE WATER CONDOMINIUM ASSOCIATION

By: E. Warren Will, pres.
WARREN WILL, its President

By: Linda Dalrymple, sec.
LINDA DALRYMPLE, its Secretary

STATE OF OHIO)

COUNTY OF Cuyahoga)

SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named Blue Water Condominium Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 5 of 6, 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 20th day of May, 2008.

Beverly A. Hancak
NOTARY PUBLIC

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

Beverly A. Hancak
Notary Public, State of Ohio
Resident, Cuyahoga County
My Commission Expires February 6, 2011

EXHIBIT A

CERTIFICATION OF PRESIDENT AND SECRETARY

The undersigned, being the duly elected and qualified President and Secretary of the Blue Water Condominium Association, hereby certifies that the Amendment was duly adopted in accordance with the Declaration provisions.

W. Warren Will
WARREN WILL, President

Linda A Dalrymple, sec
LINDA DALRYMPLE, Secretary

STATE OF OHIO)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named WARREN WILL AND LINDA DALRYMPLE who acknowledges that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal in Cleveland, Ohio, this 20th day of May, 2008.

Beverly A. Hancak
NOTARY PUBLIC

Beverly A. Hancak
Notary Public, State of Ohio
Resident, Cuyahoga County
My Commission Expires February 6, 2011