



**KAMAN &  
CUSIMANO** LLC  
COMMUNITY ASSOCIATION ATTORNEYS

**Katelyn R. Kaman, Esq.**  
*Amendments Director*  
[kkaman@kamancus.com](mailto:kkaman@kamancus.com)

September 25, 2025

**VIA ELECTRONIC MAIL ONLY:** [ksk4inm@aol.com](mailto:ksk4inm@aol.com)

Baywood Estates Condominium  
c/o Karen Mazala, President  
3284 Richmond Road  
Beachwood, Ohio 44122

***Attorney/Client Privileged Information***

Re: Siding and Fence Material and Capital Limit  
Amendments

Dear Ms. Mazala:

Enclosed, please find the fully executed and recorded Amendments to the Declaration of Condominium Ownership for Baywood Estates Condominiums. The amendments were filed with the Cuyahoga County Fiscal Office on September 23, 2025, at Instrument No. 202509230212 and became binding and effective on the date they were filed. Please keep the amendments in the Association's *permanent* file.

The Board must notify every unit owner that the amendments have passed and been filed for record with the County. The Board's notice should, at a minimum, indicate the date the amendments were recorded and the County's Instrument number. The Board may send the notice by email to those owners that have given the Association their consent to receive electronic notices, by regular U.S. mail, or hand delivery.

Along with the notice to the owners, the Board can include a copy of the recorded amendments, especially when being sent by email, so that owners are more likely to pass the amendments on to future buyers. Alternatively, the Board can inform owners how they can obtain a copy of the recorded amendments, such as by viewing and downloading it from the Association's online portal or website, if one exists, or requesting a copy from the Association, or by obtaining a copy directly from the Cuyahoga County Fiscal Office.

Now that the amendments have been recorded and delivered to the Association, our work on this matter is complete and I have closed our file accordingly. It has been my pleasure to work together with the Association on this matter.

Should you or any of the other Board members wish to further discuss this matter, please do not hesitate to telephone me.

Sincerely yours,

  
KATELYN R. KAMAN

KRK:sah

Enclosure

cc: All Board members (via electronic mail only)

PPN:  
AMT \$0.00  
CONV \$0.00

202509230212 DECL  
09/23/2025 10:41 AM  
RCPT# 20250923000145  
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CUYAHOGA COUNTY FISCAL OFFICE

AMENDMENTS TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR  
BAYWOOD ESTATES CONDOMINIUMS

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR BAYWOOD ESTATES CONDOMINIUMS  
RECORDED AT VOLUME 84-4708, PAGE 30 ET SEQ. OF THE CUYAHOGA  
COUNTY RECORDS.

**AMENDMENTS TO THE**  
**DECLARATION OF CONDOMINIUM OWNERSHIP FOR**  
**BAYWOOD ESTATES CONDOMINIUMS**

**RECITALS**

**A.** The Declaration of Condominium Ownership for Baywood Estates Condominiums (the "Declaration") and the Bylaws of Baywood Estates Condominium Association (the "Bylaws"), Exhibit C of the Declaration, were recorded at Cuyahoga County Records, Volume 84-4708, Page 30 et seq.

**B.** The Baywood Estates Condominium Association (the "Association") is a corporation consisting of all Unit Owners in Baywood Estates Condominium and as such is the representative of all Unit Owners.

**C.** Declaration Article XX, Section 20.2 authorizes amendments to the Declaration and Bylaws Article X, Section 10.12 authorizes amendments to the Bylaws.

**D.** Unit Owners representing at least 75 percent of the Association's current voting power have executed instruments in writing setting forth specifically the matters to be modified (the "Amendments").

**E.** As of August 27, 2025, Unit Owners representing 82.60 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment A and authorizing the Association's officers to execute Amendment A on their behalf.

**F.** As of August 27, 2025, Unit Owners representing 78.26 percent of the Association's voting power have signed and delivered to the Association written consents, along with powers of attorney, in favor of Amendment B and authorizing the Association's officers to execute Amendment B on their behalf.

**G.** Attached as Exhibit A is an affidavit of the Association's President stating that copies of the Amendments will be mailed by certified mail or hand delivered or sent by telegram to all first mortgagees having bona fide liens of record against any Unit on the records of the Association once the Amendments are recorded with the Cuyahoga County Fiscal Office.

**H.** 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 Amendments.

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

### **AMENDMENTS**

The Declaration of Condominium Ownership for Baywood Estates Condominiums is amended by the following:

#### **AMENDMENT A**

**INSERT TWO NEW PARAGRAPHS at the end of DECLARATION ARTICLE V, SECTION 5.1. Said addition to the Declaration is:**

After the recording of this amendment, and without an additional vote of the Unit Owners, including any vote that may be required by Bylaws Article VI, Section 6.2, the Board has the authority to substitute the Residential Buildings' exterior wood siding with vinyl siding or other type replacement material as the Board reasonably determines is in the Association's best interest. If the Board substitutes the Residential Buildings' siding in accordance with this Paragraph, the Board will not again alter the exterior siding materials, except as necessary for the maintenance, repair and replacement of the siding, without approval from at least a majority of the Association's voting power.

In addition, after the recording of this amendment, and without an additional vote of the Unit Owners, including any vote that may be required by Bylaws Article VI, Section 6.2, the Board has the authority to replace and substitute the wooden fences located on the Condominium Property with vinyl fencing or other replacement material for the fences as the Board reasonably determines is in the Association's best interest.

Any conflict between the above provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this provision permitting the Board to substitute the siding and fences with vinyl or other type of replacement materials. 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 this amendment, only Unit Owners of record at the time of the filing will have standing to contest the validity of this amendment, whether on procedural, substantive or any other grounds, provided

further that any challenge will be brought in the court of common pleas within one year of the recording of the amendment.

### AMENDMENT B

DELETE BYLAWS ARTICLE VI, SECTION 6.2 entitled, "Limitation on Expenditures," in its entirety.

INSERT a NEW BYLAWS ARTICLE VI, SECTION 6.2 entitled, "Capital Additions, Alterations, and Improvements." Said addition to the Bylaws is:

#### 6.2 Capital Additions, Alterations, and Improvements

Notwithstanding any other provisions in these Bylaws or in the Declaration which authorizes expenditures, no single expenditure exceeding 40 percent of that fiscal year's estimated budget will be made by the Association for any capital addition, alteration, or improvement (as distinguished from maintenance, repair, or replacement) without the prior approval of the Unit Owners of the Association entitled to exercise a majority of the voting power. If Unit Owner approval is obtained, the Board may proceed with the additions, alterations, or improvements and will assess all Units for the cost as a Common Expense. The limitations on expenditures by the Association contained in this Section 6.2 will not apply to repair of the Condominium Property due to casualty loss, emergency repairs necessary for the preservation and safety of the property, for the safety of persons, to maintain compliance with any applicable local, state or federal codes, ordinances, laws, rules or regulations, or to avoid suspension of any necessary services.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment establishing the capital addition limit as a percentage of the estimated budget and clarifying the applicability of the limit. 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. On 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 Baywood Estates Condominium Association has caused the execution of this instrument this 8<sup>th</sup> day of September, 2025.

**BAYWOOD ESTATES CONDOMINIUM ASSOCIATION**

By: *Karen Mazala*  
**KAREN MAZALA, President**

STATE OF OHIO                    )  
  )     SS  
COUNTY OF CUYAHOGA        )

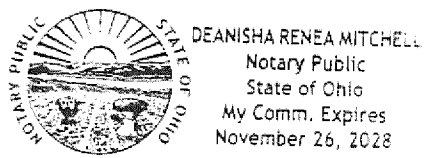
**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Baywood Estates Condominium Association, by **KAREN MAZALA**, its President who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of her personally and as such officer.

I have set my hand and official seal this 8<sup>th</sup> day of September, 2025.

*[Handwritten Signature]*

\_\_\_\_\_  
**NOTARY PUBLIC**

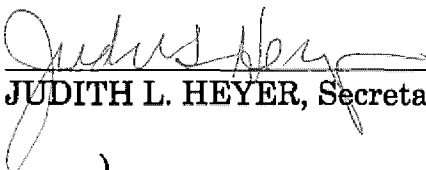
Place notary stamp/seal here:



DEANISHA RENEA MITCHELL  
Notary Public  
State of Ohio  
My Comm. Expires  
November 26, 2028

The Baywood Estates Condominium Association has caused the execution of this instrument this 8<sup>th</sup> day of September, 2025.

**BAYWOOD ESTATES CONDOMINIUM ASSOCIATION**

By:   
**JUDITH L. HEYER, Secretary**

STATE OF OHIO                    )  
  )       SS  
COUNTY OF CUYAHOGA        )


**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named Baywood Estates Condominium Association, by **JUDITH L. HEYER**, its Secretary who acknowledged that she did sign the foregoing instrument and that the same is the free act and deed of the corporation and the free act and deed of her and as such officer.

I have set my hand and official seal this 8<sup>th</sup> day of September, 2025.

  
**NOTARY PUBLIC**

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

Place notary stamp/seal here:



DEANISHA RENEA MITCHELL  
Notary Public  
State of Ohio  
My Comm. Expires  
November 26, 2028

**EXHIBIT A**

**AFFIDAVIT**

STATE OF OHIO                    )  
  )  
COUNTY OF CUYAHOGA        )        SS

**KAREN MAZALA**, the duly elected and acting President of Baywood Estates Condominium Association being first duly sworn, states she will cause copies of the Amendments to the Declaration to be mailed by certified mail or hand delivered or sent by telegram to all first mortgagees having bona fide liens of record against any Unit on the records of the Association once the Amendments are recorded with the Cuyahoga County Fiscal Office.

*Karen Mazala*  
\_\_\_\_\_  
**KAREN MAZALA, President**

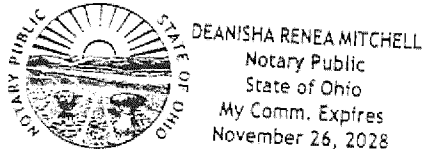
**BEFORE ME**, a Notary Public, in and for the County, personally appeared the above-named **KAREN MAZALA** who acknowledges that she did sign the foregoing instrument and that the same is her free act and deed.

I have set my hand and official seal this 8<sup>th</sup> day of September, 2025.

*[Handwritten Signature]*

**NOTARY PUBLIC**

Place notary stamp/seal here:



DEANISHA RENEA MITCHELL  
Notary Public  
State of Ohio  
My Comm. Expires  
November 26, 2028

EXHIBIT B

CERTIFICATION OF SECRETARY

JUDITH L. HEYER, the duly elected and acting Secretary of the Baywood Estates Condominium Association, certifies there are no, as the term is used in Declaration Article XX, Section 20.2, first mortgagees of record on file with the Association and so none have consented to the Amendments and so none have consented to the Amendments.

*Judith L. Heyer*  
\_\_\_\_\_  
JUDITH L. HEYER, Secretary

STATE OF OHIO                    )  
  )     SS  
COUNTY OF CUYAHOGA        )

BEFORE ME, a Notary Public in and for the County, personally appeared the above-named JUDITH L. HEYER 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 8<sup>th</sup> day of September, 2025.

*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

Place notary stamp/seal here:

