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MELISSA JORDAN, RECORDER
03-14-2011 At 02:20 PM.
DECLARATION 88.00
OR Book 1035 Page 304 - 312


201100008044
MARK LYSKEY
671 SEAR SHELL CT
WESTERVILLE OH 43082

AFFIDAVIT FOR RECORDING OF ASSOCIATION'S BY-LAWS

Undersigned Sandra L. Lynskey, being first duly sworn and cautioned, hereby deposes, states and testifies as follows:


1. She is an individual, resident in the State of Ohio, over the age of 18 and competent to testify to the matters contained herein of his own personal knowledge;
2. She is the authorized agent of Mariner's Cove Homeowners Association, Inc. ("Association"), an Owners' Association for a Planned Community, as such terms are defined in Chapter 5312 of the Ohio Revised Code. The Association was in existence prior to September 10, 2010 & the attached document, was in existence prior to July 1, 2009.
3. The attached document is a true and exact copy of the By-Laws (as such term is defined at ORC 5312.01(B)) for the Association, as of the date hereof;
4. This Affidavit and the attached document are being recorded to satisfy the requirements of ORC 5312.02.

FURTHER AFFIANT SAITH NAUGHT


Sandra L. Lynskey, President
Mariner's Cove Homeowner's Assoc., Inc.

STATE OF OHIO :
COUNTY OF FRANKLIN : ss

Sworn to and subscribed before me, a Notary Public in and for said County and State, this 4th day of March, 2011 by Sandra L. Lynskey, personally known to me, who acknowledged the execution hereof to be his free act and deed for the purposes stated herein.


NOTARY PUBLIC
KIMBERLY S. PICKLESIMER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 08-10-11

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**MARINER'S COVE HOMEOWNERS ASSOCIATION, INC.
CODE OF REGULATIONS/BY-LAWS****ARTICLE I - ORGANIZATION NAME, PROGRAM AREA, AND EXECUTIVE BOARD**Section I - Organization Name

The name of the organization shall be Mariner's Cove Homeowners Association, Inc.

Section II - Program Area

The organization's program area to be served is the Mariner's Cove Subdivision including all sections and phases thereof, in the City of Westerville, Ohio, as originally developed by Sunbury Highlands, Ltd.

Section III - Executive Board

The organization will be represented by a smaller body to act as their official representatives. This body shall consist of one President, Vice-President, Secretary Treasurer, and immediate past President.

Responsibilities of the Executive Board shall include:

- A. To develop agendas and action plans for the board
- B. To provide guidance between board meetings to the organization's management as needed.
- C. To represent the organization on public policy issues.
- D. To provide for an annual audit of all financial transactions.

ARTICLE II - MISSION

To promote the welfare of the residents Mariner's Cove subdivision to the City of Westerville, Ohio, and to engage in activities, civil and social, which will result in the accomplishment of said purpose; to provide for the maintenance and repairs of the common areas within Mariner's Cove subdivision and to divide and assess the cost of such maintenance and repairs among homeowners of Mariner's Cove; to establish a design control committee; and to do such other things as may be required by the residential restrictions Mariner's Cove subdivision.

ARTICLE III - MEMBERSSection I - Membership

Members of the Association shall consist of the owners of the lots of Mariner's Cove subdivision. For purposes of conducting the business of the Association each lot shall have one vote.

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Membership entitles each resident the privilege to participate in all Association meetings and social functions. Any adult member (18 years of age or older) is entitled to vote and has the opportunity to become a member of the Executive Board.

Section III – Service to Members

The organization will provide the following services to its members:

- 1) Repairs and maintenance to common areas of the Mariner's Cove subdivision
- 2) An information directory of all members
- 3) Organization or representative of homeowners of the Mariner's Cove subdivision on matters of common concern.

ARTICLE IV - FEES

Annual fees shall be determined by the Executive Board and shall be billed to the homeowners during the month of May each year. Fees shall be prorated for new members who join after November 1st in the amount of one-half the annual fees. Fees shall not be refunded

ARTICLE V - MEETINGS OF THE ORGANIZATION**Section I - General Meetings**

One annual general meeting shall be held annually and others may be called as deemed necessary by the Executive Board. Notice of such meetings shall be provided at least 10 days in advance.

ARTICLE VI - EXECUTIVE BOARD**Section I – Members**

The Executive Board of the Association will consist of: President, Vice President, Secretary, Treasurer, and the Association's immediate past President or At Large Position

Section II - Responsibilities of the Executive Board

- 1) Establish rules, objectives and long-range plans for the organization
- 2) Establish and approve budgets
- 3) Appoint committees, as appropriate
- 4) Set membership fees
- 5) Call general membership meetings
- 6) Authorize any officer or officers to enter into a contract on behalf of the organization
- 7) Membership on Design Control Committee

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Section III - Duties of Executive Board Members**1. President**

- administer operation of the Association
- preside over all meetings of the Association
- oversee and coordinate activities of all committees
- serve as designated spokesperson for the Association
- authorized to sign checks and approve regular expenditures

2. Vice-president

- assume duties of President during periods of President's absence
- become President should the office of the President be vacated before the end of the normal term
- act as advisor to the standing committee chairpersons
- assemble a group of block representatives to distribute Association materials and keep the Executive Board informed about block issues and activities

3. Secretary

- record and maintain minutes of business conducted at each Board meeting and any general meetings
- maintain records of any supplies and possessions of the Association
- sign out any items to be used by any Board or Association member
- collect and tabulate ballots
- issue notice of general meetings
- oversee management of website

4. Treasurer

- maintain the financial records for the Association in good order
- present a financial report at every Board and general meeting
- authorized to sign checks
- assist in audit of financial records to be performed at first meeting of new Executive Board after annual elections

5. Immediate Past President or At Large Appointed Position

- act as consultant to the President

Section IV - Election of Executive Board Members

- 1) A general membership meeting shall be held in May of each year for the purpose of electing the Executive Board. The term shall start immediately.
- 2) Executive Board members will be appointed for a one-year term and may serve an unlimited number of terms. Any adult member in good standing is eligible for office. Nominations will be accepted from any member by contacting the Executive Board no later than one week prior to the annual meeting. The list of these nominees shall be made available to the general membership prior to the annual meeting.

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2) Voting shall take place in a general membership meeting. All members shall have access to a ballot prior to the meeting. A member may cast his or her ballot in person at the general meeting or via an absentee ballot. A plurality of the votes cast is required to elect an officer or pass a resolution.

Section V - Officer Vacancy

The Executive Board shall make appointments to fill vacancies create by the unexpired term(s) of officers.

Section VI - meetings and Quorum

Executive Board meetings will be held on an as needed basis. Three members of the Executive Board constitute a quorum.

ARTICLE VII - STANDING COMMITTEES

Section I - Duties of Standing Committee Chairperson

It is the duty of the chairperson to organize his/her committee and see that the responsibilities of his/her committee are fulfilled.

- 1) Chairpersons shall report committee activities to the Executive Board, submit written reports for the newsletter, attend general membership meetings and be available to attend Executive Board meetings.
- 2) Each chairperson shall maintain up-to-date records of all committee activities in a notebook or folder for review by the Executive Board and to be passed on to successive chairpersons.
- 3) Chairpersons shall keep accurate records of funds received and paid.

Section II - Standing Committee Responsibilities

1) Social Activities Committee

- may consist of 2 sub-committees - Adult and Children
- organize all adult, children and family activities
- maintain a set of guidelines for the benefit of the membership

2) Hospitality Committee

- welcome new residents
- organize newcomer socials
- provide support for members and/or member's families that may have a serious illness, death, new births or adoption.

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- 3) Security and Safety Committee/Block Watch Committee
- advise Executive Board on matters relating to safety and home security
 - organize a Block Watch or other programs, as appropriate, to enhance the safety and security within the neighborhood
 - disseminate information from the Westerville Police Dept. to the homeowners
- 4) Design Control Committee
- establish, maintain and preserve specific architectural guidelines of Mariner's Cove subdivision
 - enforce applicable provisions of deed restrictions
 - review and approve any improvement, change, construction addition excavation, landscaping, tree removal, or other work or action that alters the exterior of the subdivision from its natural state
 - adopt, implement or amend policies and procedures as necessary pursuant to Article II, Section 2 of the Mariner's Cove Homeowners Association deed restrictions.

ARTICLE VIII - POLICIES OF THE ASSOCIATION**Section I**

No member or committee may solicit donations on behalf of the Association without approval of the Executive Board. Donations may not be solicited on behalf of the Association for non-Association activities.

Section II

Any person or organizations may not use the membership directory for any purpose unless approved by the Executive Board.

Section III

Arrangements or deposits for Association activities that must be planned in advance may be made by the presiding Executive Board and executed by the Board in office at the time of the activity. However, funds for the activity must be available and earmarked from the budget established by the presiding Board.

Section IV

No officer, chairperson, or member may commit the Association to the payment of funds or performance of an act without the consent of the Executive Board except for those in the amount to be determined by the Board that may be approved solely by the organizations management.

ARTICLE IX – AMENDMENTS

Section I. Mandatory Indemnification

The Homeowners Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Homeowners Association) by reason of the fact that he or she is or was a Trustee or officer of the Homeowners Association, against expenses (including attorney fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Homeowners Association, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe that his or her act was unlawful.

Section II. Procedure for Indemnification

Any indemnification under 9.1, unless ordered by court, shall be made by the Homeowners Association only upon a determination that indemnification of the Trustee or officer is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 9.1.

Section III. Advances

Expenses, including attorneys' fees, incurred in defending any action, suit or proceeding referred to in Section 9.1 may be paid by the Homeowners Association in advance of the final disposition of such action, suit, or proceeding as authorized by the Trustees in the specific case upon receipt of an undertaking by or on behalf of the Trustee or officer to repay such amount, unless it shall ultimately be determined that he or she is entitled to be indemnified by the Homeowners Association as authorized in this Article 9.

Section IV. Article 9 Not Exclusive

The indemnification provided by this Article 9 (a) shall not be deemed exclusive of any other rights to which one seeking indemnification may be entitled under the Articles or the Regulations or any agreement, vote of disinterested Trustees or officers, or otherwise, as to action in his or her official capacity while holding such office, (b) shall continue as to a person who has ceased to be a Trustee or officer for actions taken while holding such office, and (c) shall inure to the benefit of the heirs, executors, and administrators of such a person.

ARTICLE X – ENFORCEMENT POLICY

Section I. The Mariner's Cove Homeowner's Association hereby resolves to adopt the following Enforcement Policy, applicable to all property owners who fail to comply with maintenance or corrective action as described in the Declarations of Covenants, Easements and Restrictions as requested by the Mariner's Cove Homeowner's Association.

Section II. Notification of Violation

Step 1: Written notification will be sent to the property owner(s) clearly stating the violation and corrective action that is required. Notice will state a period of time given to respond to the Association with a plan of action, which is to include a schedule of completion.

Step 2: Upon no response or action prior to the date stated in Step 1, Second written notice will be sent. Notice will clearly state violation and corrective action that is requested of the property owner. At this time, the property owner(s) will be allowed 72 hours to respond to the Association.

Section III. Remedial Action

Upon lack of remedial response by the property owner(s), within the period of time provided in Step 2, the Association may take the following action:

The Association is given the right to impose a reasonable monetary fine, which shall be considered Lot Assessments. The Board of Trustees may establish this fine on a per case basis. Fines may be accrued monthly until the date that the property owner provides the Association with a written response which must include the scheduled date which corrective action is to be taken.

The Association shall have the power to seek relief in any court for violations or to abate unreasonable disturbances. If the Board expends funds for attorneys' fees or litigation expenses in connection with enforcing the Declaration, the Association Documents, or the Rules and Regulations of the community, the amount shall be due and payable by the private property owner. This cost shall be deemed an Assessment against property owner(s) located in the Mariner's Cove Subdivision.

Upon nonpayment, a Lien will be filed with the Delaware County Recorders Office to be noticed upon sale of the privately owned property site. Corrective action must be taken and approved the Board of Trustees prior to the sale of the property.

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ARTICLE XI – COLLECTION POLICY

The Board of Trustees of the Association is authorized by the deed restrictions creating it, and by its Code of By-Laws, to assess and collect funds from members for the benefit of the Association.

The Board has determined that it could enhance the collection of such funds by recording liens encumbering the property of members who fail to pay assessments adopted by the it. The Board is authorized and directed to adopt procedures and forms for the recording of liens encumbering the property of members who fail to pay assessments adopted by it.

The Board is authorized and directed to engage legal counsel to advise it with respect to such procedures and forms to the extent it deems it appropriate, and to take such other further acts as the Board may determine from time to time to be necessary or appropriate in order to implement the foregoing resolution.

ARTICLE XII - AMENDMENTS

Proposed amendments to the By-Laws should be submitted in writing to the Executive Board. The proposal shall be distributed to the membership and will be voted upon in the next general membership meeting. A proposed amendment must receive a two-thirds vote of members casting votes to be placed in effect.
