

AMENDMENT TO DECLARATION  
OF PROTECTIVE COVENANTS, CONDITIONS,  
RESTRICTIONS, EASEMENTS, AND LIENS  
OTETIANA COVE HOMEOWNERS ASSOCIATION, INC  
TOWN OF GORHAM, ONTARIO COUNTY, NEW YORK

ONTARIO COUNTY CLERK'S OFFICE  
FILED

SEP 16 2019

MATTHEW J. HOOSE, County Clerk  
ACTING DEPUTY CLERK

This Instrument, made this 20<sup>th</sup> day of June, 2019, is an Amendment to the Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens – Otetiana Cove Homeowners Association, Inc. (the "Declaration") which was recorded in the Ontario County Clerk's Office in Liber 939 of Deeds at Pages 331-371 on May 11, 1994.

WITNESSETH:

**WHEREAS**, the Board of Directors of the Otetiana Cove Homeowners Association, Inc., certify that pursuant to Article X, Section 10.02 of said Declaration, the applicable amendment provisions of the Declaration have been followed herein;

**WHEREAS**, two-thirds or more of all Lot Owners have approved this Amendment at a duly called meeting on June 29, 2019;

**NOW THEREFORE**, Declaration, Article II, Section 2.02, (iii) is amended as follows:

Section 2.02 Purpose of Assessments: Assessments levied by the Association shall be used exclusively.... (iii) to maintain, repair, reconstruct, replace and preserve, on a non-profit basis, residential lots, and the Townhouses constructed thereon, for the purpose of preserving the exterior appearance and configuration of said lots in Townhouses, including, but not limited to, all exterior (outside) walls, foundations, (excluding all **windows and frames**, glass breakage and screen repair or replacement, **roof windows referred to as skylights shall be shared cost, with Owner responsible for the window, frame, flashing kit, interior trim out of skylight, and the Association responsible for the roof top installation and any roof/shingle repair**), (excluding replacement of all **exterior doors**, storm and screen doors), party walls, roof and roof members, fascia and exterior trim, exterior lights, gutters and downspouts, walks and parking areas, trees, shrubs and grasses, and other exterior improvements, excluding, nevertheless, any patio or deck, exclusively for the benefit of the Owners thereof. Except for the structural portion of the party walls and roof members, there shall be no obligation on the part of the Association to maintain, repair, reconstruct, replace or preserve any part of the interior of any Townhouse or any fixtures or mechanical systems (including, but not limited to, heating, chimney, electrical, plumbing, or air conditioning). **Any exterior changes, pursuant to Declaration Article VIII section 8.04 including windows and doors, require an approved variance form be submitted in advance for approval, to the Board of Directors. The exterior appearance of each unit shall be maintained similar to other units with respect to architectural**

appearance. Failure of an Owner to maintain such areas as windows and doors, deck and deck safety, which have a deteriorated appearance, causing leaks or other damage, have structural issues, or are unable to be maintained, will cause Owner to be notified in writing to repair or replace such units, failure of which after reasonable time of no less than 60 days, will cause the Association to complete the required repair and charge back the Owner's account as an added assessment charge, with lien capability and legal enforcement and remedies as other Association charges according to Declaration - Section 2.08. ; ...

Old language is lined out  
New language is **bold**

Pursuant to Article II, Section 2.02 of the Declaration, there is attached to this Amendment a certification of the Board of Directors of the Association certifying that the required consents of two thirds or more of the Lot Owners has been received at a duly called meeting with notice given, and filed with the Board of Directors.

OTETIANA COVE HOMEOWNERS ASSOCIATION, INC.

By: Thomas E. Carozzo, as Agent  
Board President or Managing Agent

STATE OF NEW YORK            )  
                                  MONROE            )SS.:  
COUNTY OF ~~ONTARIO~~        )

On the 15<sup>th</sup> day of August in the year 2019, before me, the undersigned, personally appeared Thomas E. Carozzo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

William N. LaForte  
Notary Public

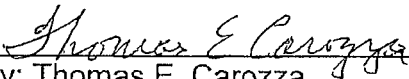
**WILLIAM N. LAFORTE**  
**NOTARY PUBLIC, State of New York**  
Qualified in Monroe County  
Registration No. 02LA4608482  
Commission Expires September 30, 2021

CERTIFICATION OF CONSENT

The undersigned being the Managing Agent for the Otetiana Cove Homeowners Association, Inc. recorded in the Ontario County Clerk's Office in Liber 939 of Deeds at pages 331-371 on May 11, 1994, certify that:

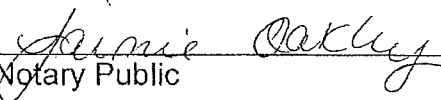
- (1) Consents the above Amendment has been received from the Lot Owners as set forth in Exhibit I attached hereto and has been filed with the Board of Directors;
- (2) The Lot Owners consenting thereto exceeded the minimum number required to amend pursuant to Section 10.02 of the Otetiana Cove Homeowners Association, Inc. Declaration;
- (3) All Lot Owners have been given or waived the proper notice as required by Section 10.02 of the Otetiana Cove Homeowners Association, Inc. Declaration.

WOODBIDGE GROUP

  
 By: Thomas E. Carozza

STATE OF NEW YORK    )  
   )SS:  
 COUNTY OF MONROE    )

On the 16<sup>th</sup> day of August, in the year 2019, before me, the undersigned, personally appeared **THOMAS E. CAROZZA**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
 Notary Public

**JAIMIE OAKLEY**  
 Notary Public, State of New York  
 Ontario County Reg. #010A6343586  
 Commission Expires 06/13/ 20