



Indian Creek Condominiums

#5 Indian Club Circle • Dayton, Ohio 45449 •

Dear Indian Creek Condominium Unit Owner:

As part of our continuing efforts to properly administer the Indian Creek Condominium Property Owners Association and improve its operations as well as reasonably protect the community as a whole, we have decided to introduce four amendments to our documents that A) enables the Association to charge the cost of enforcement to a violating owner, B) restricts certain sexual predators from residing in the community, C) clarifies the Association's budget process, D) provides more flexibility in scheduling the annual meeting, and E) permits the Association to remove, change, or lease the illuminated sign. We urge you to consent to the passage of each of the following:

AMENDMENT A: The Association's legal counsel, Kaman & Cusimano, has suggested inserting a new provision that brings the Association's documents into compliance with changes in the state condominium law that allows the Association to recover specific legal costs. The "Cost of Enforcement" provision strengthens the Association's authority to pass the costs of enforcing our rules and regulations back to a violating unit owner. If one unit owner is violating rules for which legal action must be taken, everyone else should not have to pay the expenses incurred. We believe that this amendment makes sense and will help make Indian Creek a better place to live.

AMENDMENT B: Ohio Revised Code Section 2950 defines three classes of sex offenders: Tier I, II, and III, with Tier III being the most severe. Following both a state and national trend, the Board recommends that the Association's governing documents be amended to prohibit County Sheriff-notified Tier III and Tier II sex offenders from residing in our community. Similar restrictions have been upheld in other states for the reason that an association's interest in preserving home values and resident safety outweighed the impact, if any, the restriction might have on an owner's ability to sell or lease his/her unit.

A number of studies have determined that Tier III and Tier II offenders are more likely to repeat their illegal actions than any other type of convicted criminal. Because of that, the Ohio residential real property disclosure form you must provide any potential purchaser of your unit advises buyers to contact the County Sheriff to determine if a sexual offender lives nearby. In short, Tier III and Tier II offenders present a very real safety concern and have a significant negative impact on property values when neighbors are notified of an offender's occupancy in a nearby unit.

