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Eugene "Gene" Moore Fee: \$32.50
Cook County Recorder of Deeds
Date: 11/17/2003 10:15 AM Pg: 1 of 5

**AMENDMENT TO THE
DECLARATION OF
COVENANTS, CONDITIONS,
AND RESTRICTIONS AND
BY-LAWS FOR THE
TUSCANY ON THE POND
TOWNHOME ASSOCIATION**

This document is adopted for the purpose of amending the Declaration of Covenants, Conditions and Restrictions and By-Laws for the Tuscany on the Pond Townhome Association ("Declaration") recorded on March 30, 1998 as Document No. 98243598. This Amendment is adopted pursuant to the provision of Article 11, Section 6 of the Declaration. Said Section provides that the Declaration may be amended by a vote of eighty percent (80%) of the unit owners of the Association.

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RECITALS

WHEREAS, the Board of Directors of the Association and the Owners desire to amend the Declaration and By-Laws in order to provide for the orderly operation of the Property; and

WHEREAS, the Board of Directors of the Association has approved this amendment; and

WHEREAS, this amendment was approved by a vote of at least eighty percent (80%) of the total votes of the Association, copies of the ballots are attached hereto.

NOW, THEREFORE, the Declaration and By-Laws for the Tuscany on the Pond Townhome Association is hereby amended in accordance with the text which follows:

- 1. Article 5, Section 6 of the Declaration shall be deleted in its entirety.

~~"Section 6. Quorum for Any Action Authorized Under Section 5. At the first meeting called, as provided in Section 5 hereof the presence at the meeting of members or of proxies eligible to vote twenty five percent (25%) of at the votes eligible to vote shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Section 5 and the required quorum at any such subsequent meeting~~

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~~shall be one half of the required quorum. No such subsequent meeting shall be held more than forty-five (45) days following the preceding meeting."~~

2. Article 3, Section 3.02 of the By-Laws shall be deleted in its entirety.

~~"3.02 Classes of Membership. The Association shall have two classes of voting membership:~~

~~Class A. Class A Members shall be all those Owners as defined in Section 3.01, provided that the Declarant shall not be a Class A Member until the Transfer Date. Class A Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Section 3.01. When more than one person holds such interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.~~

~~Class B. The Class B Member shall be the Declarant. The Class B Member shall be entitled to three (3) votes for each Lot in which it holds the interest required for membership by Section 3.01; provided that the Class B membership shall cease and be converted to Class A membership on the Transfer Date."~~

3. Article 3, Section 3.03(a), second sentence regarding minimum quorum requirement shall be amended as follows:

"...The presence at any meeting, in person or by proxy, of a majority of the total votes determined pursuant to Section 3.02 above shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called subject to applicable notice requirements set forth in the declaration or by-laws and the required quorum at such subsequent meeting shall be one-half of the required quorum for the original meeting. No subsequent meeting shall be held more than forty-five (45) days following the preceding meeting"

4. Article 3, Section 3.03(c) shall be deleted in its entirety.

~~"(c) Special Meeting. The initial meeting of the Members shall be held at such time as may be designated upon thirty (30) days written notice given by the Declarant, provided that such initial meeting shall be held not later than two (2) years from the date the Declaration was recorded. Thereafter, there shall be an annual meeting of the Members on the first Tuesday of April of each~~

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~~succeeding year, at 7:30 p.m. If the date for the annual meeting of Members is a legal holiday, the meeting will be held at the same hour on the first day succeeding such date which is not a legal holiday."~~

Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

CERTIFICATION AS TO OWNER APPROVAL

The attached amendment to the Declaration and By-Laws for the Tuscany on the Pond Townhome Association was duly approved by at least eighty percent (80%) of the total votes of the Association in accordance with the provisions of Article 11, Section 6 of the Declaration as evidence by the ballots attached hereto.

TUSCANY ON THE POND TOWNHOME ASSOCIATION

By: Alan King
President

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LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, AND 5 IN BLOCK 1, LOTS 6, 7, 8, 9, 10 AND 11 IN BLOCK 2, LOTS 12, 13, 14, 15, 16 AND 17 IN BLOCK 3, LOTS 18, 19, 20, 21, AND 22 IN BLOCK 4, OUTLOT 23, OUTLOT 24, OUTLOT 25, OUTLOT 26 AND OUTLOT 27 IN TUSCANY ON THE POND, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1997 AS DOCUMENT NO. 97768943, IN THE VILLAGE OF SCHAUMBURG, IN COOK COUNTY, ILLINOIS.

UNDERLYING PIN #07-14-403-013-0000

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RECORD OF BALLOTS FOR DECLARATION CHANGES

UNIT	ADDRESS	BALLOT SENT	BALLOT RECEIVED	FOR AGAINST	PIN NUMBER
1	1020 Angela	9/13/03	10/6/03	X	07-14-403-020-0000
2	1021 Angela	9/13/03	9/18/03	X	07-14-403-019-0000
3	1022 Angela	9/12/03	10/3/03	X	07-14-403-021-0000
4	1023 Angela	9/13/03	9/25/03	X	07-14-403-018-0000
5	1024 Angela	9/13/03	10/2/03	X	07-14-403-022-0000
6	1025 Angela	9/13/03	10/31/03	X	07-14-403-017-0000
7	1026 Angela	9/13/03	9/25/03	X	07-14-403-023-0000
8	1027 Angela	9/13/03	10/14/03	X	07-14-403-016-0000
9	1028 Angela	9/13/03	10/7/03	X	07-14-403-024-0000
10	1029 Angela	9/13/03	9/25/03	X	07-14-403-015-0000
11	1030 Angela	9/13/03	10/27/03	X	07-14-403-025-0000
12	1020 Silvana	9/13/03	9/18/03	X	07-14-403-032-0000
13	1021 Silvana	9/13/03	10/21/03	X	07-14-403-031-0000
14	1022 Silvana	9/13/03	10/9/03	X	07-14-403-033-0000
15	1023 Silvana	9/13/03	10/6/03	X	07-14-403-030-0000
16	1024 Silvana	9/12/03	10/28/03	X	07-14-403-034-0000
17	1025 Silvana	9/12/03	9/12/03	X	07-14-403-029-0000
18	1026 Silvana	9/13/03	9/25/03	X	07-14-403-035-0000
19	1027 Silvana	9/13/03	10/25/03	X	07-14-403-028-0000
20	1028 Silvana	9/13/03	9/25/03	X	07-14-403-036-0000
21	1029 Silvana	9/13/03	10/29/03	X	07-14-403-027-0000
22	1031 Silvana	9/13/03	10/5/03	X	07-14-403-026-0000