

UNOFFICIAL COPY



Doc#: 0530618017 Fee: \$38.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 11/02/2005 10:42 AM Pg: 1 of 8

AMENDMENT TO THE DECLARATION OF PARTY WALLS, RIGHTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FAIRWAYS OF MIDLOTHIAN TOWNHOUSE ASSOCIATION

For Use By Recorder's Office Only

This document is recorded for the purpose of amending the Declaration of Party Walls, Rights, Conditions, Restrictions and Easements for Fairways of Midlothian Townhouse Association (hereafter the "Declaration") for Fairways of Midlothian Townhouse Association, (hereafter the "Association"), which Declaration was recorded on July 7, 2000 as Document Number 00504787 in the Office of the Recorder of Deeds of Cook County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A", which is attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, the Board of Directors and Unit Owners desire to adopt an Amendment regarding (i) maintenance responsibilities and (ii) rules and regulations; and

WHEREAS, pursuant to Article XII, Section 12.03 of the Declaration, the Declaration may be amended during the first fifty (50) year period or within any successive ten (10) year period by an instrument signed by those Members, (Class A and Class B) entitled to cast seventy-five percent (75%) of the total votes as provided in Article III, Section 3.01 hereof and then properly recorded. These covenants and restrictions may also be canceled or amended by an instrument signed by sixty-seven percent (67%) of Owners executed and recorded within ninety (90) days of the expiration of any successive ten (10) year period, such cancellation or amendment to be

effective on the date of commencement of the ten (10) year period in question. Any instrument executed pursuant to the provisions contained herein shall be filed for record in the Office of the Recorder of

This document prepared by and after recording to be returned to:

JORDAN I. SHIFRIN, Esq.
RYAN H. SHPRITZ, Esq.
Kovitz Shifrin Nesbit
750 Lake Cook Road, Suite 350
Buffalo Grove, IL 60089 — (847) 537-0500

UNOFFICIAL COPY

Cook County, Illinois, and a true, complete copy of such instrument shall be transmitted to each Owner promptly.

WHEREAS, pursuant to Article X, Section 10.01 of the By-Laws, the By-Laws may be amended or modified from time to time in accordance with the same provisions governing amendments to the Declaration.

WHEREAS, said instrument has been signed by the President and the Secretary of the Association;

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as Exhibit B certifying that said instrument has been approved, by the Unit Owners having, in the aggregate, seventy-five percent (75%) of the total vote, as evidenced by the affidavit and the attached petition of said owners; and

NOW, THEREFORE, the Association hereby declares that Article IX, Section 9.09 of the Declaration and Article V, Section 5.04 of the By-Laws be and are hereby amended as follows (additions in text are indicated by underline and deletions in text are indicated by ~~strike-out~~):

1. **Section 9.09 of the Declaration.**

Owners shall not cause or permit anything to be placed on the outside walls, roof, patios, or porches, nor under porches, of any of the Townhouse Units and no sign, awning, canopy, shutter, radio, television antenna, or such other apparatus shall be affixed to or placed upon the exterior walls, roof, patios, or porches of any Townhouse Unit, or any part thereof, without the prior written consent of the Board. Any damage which may result shall be repaired by the Board and all costs will be assessed back to the responsible Owner. Holiday Decorations may be attached to the Townhouse Unit, however, the cost to repair any damage related thereto shall be at the expense of the Owner. These decorations must be removed in compliance with the Rules and Regulations. Permanent decorations in the Common Area must be first approved in writing by the Board of Directors. Decks will be constructed at the rear exit door of the main level of each unit upon prior written approval of the Board of Directors. Patios may be installed upon written prior approval to the Board of Directors. Decks will be constructed of material consistent with the state of the market. The material used may be wood or composite material, however, the color must be consistent with other units as outlined from time to time in the Rules and Regulations. ~~Woods decks may be constructed at the lower level.~~ The design, square footage, contours, type of material and construction of each deck shall be subject to the prior written approval of the architectural committee of the Association. Such patios and decks in conformity shall not be entitled to encroach into the Common Area.

UNOFFICIAL COPY

2. Section 5.04 Rules and Regulations; Management

a) Rules. The Board may adopt such reasonable rules and regulations as it may deem advisable for the maintenance, conversation and beautification of the property, and for the health, comfort, safety and general welfare of the Owners and Occupants. These rules and regulations will be presented at a general meeting of the Owners and will be subject to approval by two-thirds (2/3) of the membership present. Upon approval by the membership, the rules and regulations will be enforced by the Board. Written notice of such rules and regulations shall be given to all Owners and Occupants, and the entire property shall be maintained subject to such rules and regulations.

This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds of Cook County, Illinois.

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

APPROVED THIS 25th DAY OF OCTOBER, 2005

FAIRWAYS OF MIDLOTHIAN
TOWNHOUSE ASSOCIATION

By: [Signature]
Its President

ATTEST:

By: [Signature]
Secretary

UNOFFICIAL COPY

PETITION TO APPROVE AMENDING THE DECLARATION OF PARTY WALL RIGHTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FAIRWAYS OF MIDLOTHIAN TOWNHOUSE ASSOCIATION

We, the undersigned, do hereby approve the amendment to the Declaration for the Fairways of Midlothian Townhouse Association, specifically regarding maintenance responsibilities.

NAME(SIGNATURE)	ADDRESS
Robert M. Doyle	8 Billy Casper Ln
Viktoria & Brandon Keister	36 Billy Casper Lane
Sharon & Sheila Alouna	38 Billy Casper Lane
Leona Park	27 Billy Casper Ln.
Richard & Terri Witt	29 Billy Casper Lane
Donald & [Signature]	7 BILLY CASPER LN.
Kary Carnoy	412 Billy Casper Lane
Maha [Signature]	33 Billy Casper Ln
x R.D. Lewis	32 Billy Casper
Evelyn Gleason	35 Billy Casper
Kevin J. Kamm	12 Billy Casper
Tom Williams	30 Billy Casper
Kay Jolley	39 Billy Casper
Alma Connally	28 Billy Casper Ln
Daniel V. Williamson	11 Billy Casper

UNOFFICIAL COPY

PETITION TO APPROVE AMENDING THE DECLARATION OF PARTY WALL RIGHTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FAIRWAYS OF MIDLOTHIAN TOWNHOUSE ASSOCIATION

We, the undersigned, do hereby approve the amendment to the Declaration for the Fairways of Midlothian Townhouse Association, specifically regarding maintenance responsibilities.

	NAME(SIGNATURE)	ADDRESS
16	Ruth Hansen	14 Billy Casper
17	Linda D. Jank	17 Billy Casper
18	Ann [unclear]	23 [unclear]
19	Diane Jemprowski	9 Billy Casper Lane
20	Sal Florano	13 Billy Casper Ln
21	Pat Roberts	2 Billy Casper Dr
22	Mary Ann Martini	19 Billy Casper
23	Mike [unclear]	21 Billy Casper Ln
24	R. D. Manago	27 [unclear]
25	Ed P. Loken	18 Billy Casper
26	[unclear]	5 Billy Casper Dr
27	Rich Vlasak	1 Billy Casper Ln
28	Beth Ann Lelick	6 Billy Casper Lane
29	Don [unclear]	15 [unclear]
30		

UNOFFICIAL COPY

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 AND 39 IN FAIRWAYS OF MIDLOTHIAN UNIT B BEING A SUBDIVISION OF PART OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE MIDLOTHIAN TURNPIKE, ALL IN COOK COUNTY, ILLINOIS.

P.I.N.: 28-09-200-001

UNOFFICIAL COPY

EXHIBITA-1

DESCRIPTION OF THE COMMON AREA

OUTLOT 'A' IN FAIRWAYS OF MIDLOTHIAN UNIT B, BEING A SUBDIVISION OF PART OF THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE MIDLOTHIAN TURNPIKE, ALL IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT B

CERTIFICATION AS TO UNIT OWNER APPROVAL

I, GERALD F. GLEASON, do hereby certify that I am the duly elected and qualified secretary for the Fairways of Midlothian Townhouse Association, and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached Amendment to the Declaration and By-Laws for the Fairways of Midlothian Townhouse Association, was duly approved by seventy-five percent (75%) of the owners, in accordance with the provisions of Article XII, Section 12.03 of the Declaration and Article X, Section 10.01 of the By-Laws.

Gerald Gleason
Secretary

Dated at Midlothian, Illinois this
18 day of October, 2005.

Property of Cook County Clerk's Office