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2006516026

AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR GLENWOOD COURT CONDOMINIUM

Doc# 2006516026 Fee \$83.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 03/05/2020 12:25 PM PG: 1 OF 15

This document is recorded for the purpose of amending the Declaration of Condominium (hereafter the "Declaration") for Glenwood Court Condominiums, (hereafter the "Association"), which Declaration was recorded on June 27, 2003 as Document Number 031780350 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 find that secondhand tobacco and cannabis smoke is a nuisance and desire to amend the Declaration in order to establish restrictions regarding the smoking of tobacco and the smoking/consumption of cannabis on the Property; and

WHEREAS, Section 33 of the Illinois Condominium Property Act states that the condominium instruments of an association may prohibit or limit the smoking of cannabis, as the term "smoking" is defined in the Cannabis Regulation and Tax Act, within a unit owner's unit. The condominium instruments and rules and regulations shall not otherwise restrict the consumption of cannabis by any other method within a unit owner's unit, or the limited common elements, but may restrict any form of consumption on the common elements; and

WHEREAS, pursuant to Article XIV of the Declaration, the Declaration may be amended, changed or modified, upon approval by at least sixty six and two thirds (66 2/3%) of the Unit Owners, by an instrument in writing setting forth such amendment, signed and acknowledged by the President and the Secretary of the Association and containing an affidavit by an officer of the Association certifying that (i) at least sixty six and two thirds (66 2/3%) of the Unit Owners have approved such amendment, and (ii) a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, not less than ten (10) days before the date of such affidavit; and

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

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

David B. Savitt, Esq.
Kovitz Shifrin Nesbit
175 North Archer Avenue
Mundelein, Illinois 60060
(847) 537-0500

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 at least sixty six and two thirds (66 2/3%) of the total vote, as

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evidenced by the affidavit and attached ballots; and

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as Exhibit C certifying that a copy of the Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, not less than ten (10) days prior to the date of such affidavit; and

NOW, THEREFORE, the Association hereby declares that the Declaration be and is hereby amended by adding the following new Section (13) to Article VI of the Declaration (additions in text are indicated by underline and deletions are indicated by ~~strike-out~~):

6.13 Smoking. (1) Smoking Tobacco Restriction: Smoking of tobacco (e.g., cigarettes, cigars, pipes), and/or the use of electronic cigarettes, cigars, pipes, e-vaporizers, and/or any electronic nicotine delivery system, is prohibited on any portion of the Property, including the Common Elements, Limited Common Elements, and the Units.

(2) Cannabis Restriction: (i) Smoking of cannabis (as cannabis is defined in the Cannabis Regulation and Tax Act) and/or the use of electronic cigarettes, cigars, pipes, e-vaporizers, and/or any electronic cannabis delivery system is prohibited on any portion of the Property, including the Common Elements, Limited Common Elements, and the Units. (ii) The consumption of cannabis by any means other than smoking is prohibited on the Common Elements; provided that notwithstanding the foregoing, the lawful consumption of cannabis by any means other than smoking is permitted on the Limited Common Elements. (iii) The lawful consumption of cannabis by any means other than smoking is permitted in the Units.

(3) Smoking: Smoking, as used in this Section means the inhalation of smoke caused by the combustion of tobacco or cannabis as applicable.

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.

[SIGNATURE PAGE TO FOLLOW]

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APPROVED THIS 15 DAY OF February, 2020 BY THE BOARD
OF DIRECTORS FOR GLENWOOD COURT CONDOMINIUM ASSOCIATION:

APPROVED THIS 15 DAY OF February, 2020

Donald M. Beatty
President, Board of Directors:

Attest:
Wade Howard
Secretary, Board of Directors

Subscribed and sworn to before me
this 15th day of February, 2020.

Notary Public



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EXHIBIT A

LEGAL DESCRIPTION

UNIT NUMBER 5438-1W THROUGH 5350-3E IN THE GLENWOOD COURT CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LOTS 3 AND 4 IN BLOCK 1 IN ZERO PARK, BEING ZERO MARX'S SUBDIVISION OF LOTS 1,2, 3 AND 4 IN S.H. HERFOOT'S SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0317803050; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

Parcel Index Numbers: 14-08-116-047-1001 through 14-08-116-047-1014

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EXHIBIT B

CERTIFICATION AS TO UNIT OWNER APPROVAL

I, Wade Howard, do hereby certify that I am the duly elected and qualified Secretary for the Glenwood Court Condominium 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 for the Glenwood Court Condominium Association, was duly approved by the Unit Owners having at least sixty six and two thirds percent (66 2/3%) of the total vote, in accordance with the provisions of Article XIV of the Declaration.

Wade Howard
Secretary

Dated at Chicago, Illinois this
8th day of February, 2020.

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EXHIBIT C

AFFIDAVIT AS TO MORTGAGEE NOTIFICATION

I, Wade Howard, do hereby certify that I am the duly elected and qualified Secretary for the Glenwood Court Condominium 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 for the Glenwood Court Condominium Association was mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, not less than ten (10) days prior to the date of such affidavit.

Wade Howard
Secretary

Dated at Chicago, Illinois this
8th day of February, 2020.

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF DEC 17, 2019

I, (print name) CORTLAND LOHEE, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint [Signature], or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held DEC 17, 2019 unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:

- ☒ I approve of the Amendment regarding the restriction of smoking.
- ☐ I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 12 day of DECEMBER, 2019

<p><u>[Signature]</u> Signature line</p> <p><u>CORTLAND LOHEE</u> Printed Name</p>	<p>Name and Address of Mortgage Lender (if any):</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Property Address: 5350 N. GLENWOOD Unit # 1E

CHICAGO Illinois

Percentage of Ownership in Common Elements: 8.51 %

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF December 17, 2019

I, (print name) Gerald Bragg and Kevin Richardson, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint _____, or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held _____, 20____, unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:




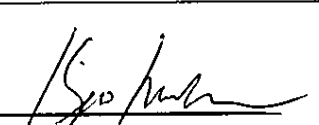
I approve of the Amendment regarding the restriction of smoking.



I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 17 day of December, 2019

 	Name and Address of Mortgage Lender (if any):
Signature line <u>Gerald Bragg Kevin Richardson</u> Printed Name	<u>Chase</u> <u>PO Box 78420</u> <u>Phoenix, AZ 85062-8420</u>

Property Address: 5350 N Glenwood Ave Unit # 3E
Chicago Chicago Illinois 60640

Percentage of Ownership in Common Elements: 8.72 %

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GLENWOOD COURT CONDOMINIUM ASSOCIATION

BALLOT

Dec 17, 2019

Regarding the proposed Amendment to the Declaration for the Glenwood Court Condominium Association, specifically regarding the restriction of smoking:

☒ I AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

☐ I DO NOT AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

OWNER:

Kristin M. Bivens

(signature)

Kristin M. Bivens

(print name)

DATE:

January 3

2020

Property Address:

5348 N. Glenwood 3E
Chicago, Illinois

Percentage of Ownership in Common Elements: 7.03 %

Name and Address of Mortgage Lender (if any):***

Flagstar Bank

P.O. Box 660263,

Dallas, TX 75266-0263

Loan No. 440587499

*** This information is required in order to notify all lenders of any amendments pursuant to the terms of the Association's Declaration.

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GLENWOOD COURT CONDOMINIUM ASSOCIATION

BALLOT

Regarding the proposed Amendment to the Declaration for the Glenwood Court Condominium Association, specifically regarding the restriction of smoking:

☒ I AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

☐ I DO NOT AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

OWNER:

Wade Howard (signature)

Wade Howard (print name)

DATE: December 19, 2019

Property Address: 5350 W Glenwood Ave Apt 2W
Chicago, Illinois 60640

Percentage of Ownership in Common Elements: 6.89 %

Name and Address of Mortgage Lender (if any):***

BMO Harris Bank

5151 95th St

Oak Lawn, IL 60453

Loan No. 2500877771

*** This information is required in order to notify all lenders of any amendments pursuant to the terms of the Association's Declaration.

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF 17 December, 2019


I, (print name) Angela McNichols, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint _____, or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held 17 December, 2019, unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:

- ☒ I approve of the Amendment regarding the restriction of smoking.
- ☐ I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 17 day of December, 2019.

 Signature Line <u>Angela McNichols</u> Printed Name	Name and Address of Mortgage Lender (if any): <u>Loan Depot</u> <u>P.O. Box 77404</u> <u>Ewing, NJ 08628</u>
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Property Address: 5350 N Glenwood Ave Unit # 6W,

Chicago Illinois

Percentage of Ownership in Common Elements: 7.12 %

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GLENWOOD COURT CONDOMINIUM ASSOCIATION

BALLOT

Regarding the proposed Amendment to the Declaration for the Glenwood Court Condominium Association, specifically regarding the restriction of smoking:

☒ I AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

☐ I DO NOT AGREE THE AMENDMENT REGARDING SMOKING SHOULD BE PASSED.

OWNER:

Kelly B. Dwin (signature)

Kelly B. Dwin (print name)

DATE: 11/12/19, 2019

Property Address:

5348 N. Glenwood Ave #3w
Chicago, Illinois

Percentage of Ownership in Common Elements: 6.83 %

Name and Address of Mortgage Lender (if any):***

Chase
383 Madison Avenue PO Box 182613
New York, NY Columbus, OH 43218

Loan No. 1609365498

*** This information is required in order to notify all lenders of any amendments pursuant to the terms of the Association's Declaration.

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF 12/17/2019, 2019

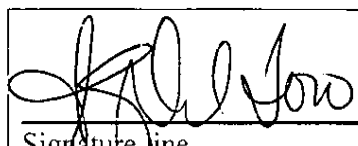
I, (print name) Sandra Del Toro, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint Kelly Dulin, or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held December 17, 2019, unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:

- ☒ I approve of the Amendment regarding the restriction of smoking.
- ☐ I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 10th day of December, 2019

 _____ Signature line <u>Sandra G. Del Toro</u> Printed Name	Name and Address of Mortgage Lender (if any): <u>Chase</u> _____ _____
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Property Address: 5348 N. Glenwood Unit # 2W

Chicago Illinois

Percentage of Ownership in Common Elements: 6.68 %

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF December 17, 2019

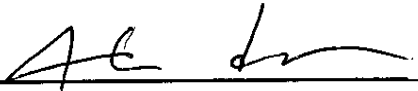
I, (print name) ALEXANDER di MAURO, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint WAGE HOWARD, or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held December 17, 2019, unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:

- ☒ I approve of the Amendment regarding the restriction of smoking.
- ☐ I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 17th day of December 1, 2019.

<p><u></u> Signature line</p> <p><u>ALEXANDER di MAURO</u> Printed Name</p>	<p>Name and Address of Mortgage Lender (if any):</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Property Address: 5350 N. GLENWOOD AVE. Unit # 2E
CHICAGO Illinois

Percentage of Ownership in Common Elements: 8.63 %

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PROXY/BALLOT FOR

GLENWOOD COURT CONDOMINIUM ASSOCIATION

MEETING OF December 17, 2019

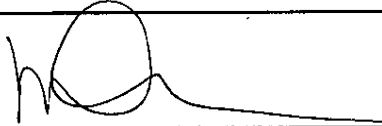
I, (print name) Mikki Denson, owner of the Unit listed below at the Glenwood Court Condominium Association, do hereby constitute and appoint _____, or the Board of Directors if no name is specified, as agent for me, and in my name, place and stead, to vote as my proxy at the Association meeting to be held December 17, 2019, unless sooner revoked, with full power to cast my vote as if I were then personally present, and authorize my agent to act for me and in my name and stead as fully as I could act if I were present.

In addition to the foregoing, I specifically direct my agent to cast my vote as follows:

- ☒ I approve of the Amendment regarding the restriction of smoking.
- ☐ I do not approve of the Amendment regarding the restriction of smoking.

I understand that if I should attend the meeting, I will be entitled to revoke this Proxy/Ballot and will receive a ballot for that meeting only. This proxy will expire eleven (11) months from the date of execution unless revoked prior thereto. The proxy giver's selection(s) will be strictly adhered to as if he or she voted in person.

IN WITNESS WHEREOF, I have executed this proxy on the 16 day of December, 2019

 _____ Signature line <u>Mikki Denson</u> _____ Printed Name	Name and Address of Mortgage Lender (if any): _____ _____ _____
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Property Address: 5348 W Glenwood Ave Unit # 1E,

Chicago Illinois

Percentage of Ownership in Common Elements: 6.74 %