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AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS. **COVENANTS AND BY-**LAWS FOR THE 5556 NORTH SHERIDAN ROAD CONDOMINIUM **ASSOCIATION**



Doc# 2021206241 Fee \$93.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 07/30/2020 12:38 PM PG: 1 OF 29

For Use By Recorder's Office Only

This document is

recorded for the purpose of amending the Declaration of condominium Ownership and of Easements, Restrictions, Covenants and By-Laws (hereafter the "Declaration") for the 5556 North Sheridan Road Condominium Association, (hereafter the "Association"), which Declaration was recorded on February 9, 2006 as Document Number 0604018090 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.

WITNESSET

WHEREAS, the Board of Directors and Unit Owners desire to adopt an Amendment to restrict leasing at the Association; and

WHEREAS, pursuant to Article XV. Section 15.08 of the Declaration, the Declaration may be changed, modified or rescinded or by an instrument in writing cetting forth such change, modification or rescission, signed and acknowledged by the President or a Secretary of the Board and approved by the Unit Owners having in the aggregate, at least sixty-seven percent (67%) of the total vote of the Voting Members at a meeting called for that purpose; provided, however, that all holders of first mortgages of record have poen notified be certified mail of any change, modification, or rescission, and an affidavit by the Secretary of the Board certifying to such mailing is made a part of such instrument and provided further that any provisions herein which specifically grant rights to holders of first mortgages of record may be amended only with the written consent of all such holders of first mortgages.

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

RYAN H. SHPRITZ Kovitz Shifrin Nesbit 175 North Archer Avenue Mundelein, IL 60060 — (847) 537-0500



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In addition, Article XI of the Declaration provides that an Amendment to the Declaration regarding leasing requires the written approval of fifty-one (51%) percent of the First Mortgagees. Approval may be implied when a First Mortgagee fails to submit a written response within thirty (30) days after it receives notice of said proposal, if the notice was delivered by certified mail, return receipt requested.

WHEREAS, said instrument has been signed and acknowledged 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, at a meeting called for such purpose, by the Unit Owners having, in the aggregate, at least sixty-seven (67%) percent of the total vote, as exidenced by the Affidavit and the attached ballots of said owners; and

WHEREAS, an Affidavit signed by an officer of the Association is attached hereto as Exhibit C certifying that a complete copy of the Amendment, including the consent form attached hereto as Exhibit D, has been mailed to all First Mortgagees having bona fide liens of record against any Unit.

NOW, THEREFORE, the Association hereby declares that Article XIII, Sections 13.03, 13.04, 13.05, and 13.06 of the Declaration be and is hereby amended as follows (additions in text are indicated by <u>underline</u> and deletions are indicated by <u>strike out</u>):

A) SHORT TERM LEASING.

13.03 Limits on Lease Terms No Unit shall be leased by a Unit Owner for hotel or transient purposes or terms less than six (6) months one (1) year and no portion of a Unit which is less than the entire Unit shall be leased. No Unit may be used for hotel or transient purposes, to include but not be limited to, use for a bed and breakfast, vacation rental, hostel, or other type of short term rental. Such use of a Unit is a violation of the Declaration. The Association reserves the right to take legal action against any Unit Owner operating a business of this type in this building, to include but not be limited to, the imposition of a fine in an amount equal to or greater than the nightly, weekly or monthly rental rate for the Unit received by the Owner of the Unit. Owners should be aware that the Association may monitor these shor term rental websites periodically to insure compliance. Any owner who violates the above shall be subject to a daily, weekly, or monthly fine and/or in an amount equal to the rent or compensation received by Owner for such short term rental. Each lease of any one or more Units shall be in writing and within 10 days after execution, a copy of every such lease shall be furnished to the Board. The provisions of the Act, the Declaration, By-laws, rules and regulations of the Association that relate to the use of the Unit or the common elements shall be applicable to any person leasing a Unit and shall be deemed to be incorporated in each lease. The failure of a lessee to comply therewith shall constitute a default under the lease which shall be enforceable by the Board or the Association. In addition to any other remedies, by filing an action jointly against a lessee and a Unit Owner, the Association may seek to enjoin a lessee from occupying a Unit or seek to evict a lessee under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the

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ieasing requirements prescribed by the Act or the Declaration, By-laws, rules or regulations. The Board may also proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure for any other breach by tenant of any covenants, rules, regulations or bylaws. The Unit Owner making such lease shall not be relieved thereby from any of said obligations.

13.04 Miscellaneous.

- (a) A transfer or lease of a Unit-or interest therein, by or to the Board, the Declarant or Developer shall not be subject to the provision of this Article XIII. This Section 13.04(a) cannot be amended or deleted without the prior written consent of Declarant and Developer, so long as Declarant owns any Units.
- (b)(a) Upon the written request of any prospective transferor, purchaser, tenant or mortgagee of a Unit the Board, by its Secretary, shall issue a written and acknowledged certificate evidencing:
 - (i) that the provisions of this Article 13 have been complied with or duly waived by the Board;
 - (ii) that any lease is by the terms hereof, not subject to the provisions of this Article 13, if such is the fact: and such a certificate shall be conclusive evidence of the facts contained therein.
- (f)(b) The Board may adopt rules and equiations, from time to time, not inconsistent with the provisions of the Article XIII, for the purpose of implementing and effectuating said provisions.
- 13.05 Transfer by Operation of Law. The terms of this Article XIII shall not be applicable to the leasing of a Unit by the holder of a mortgage or trust deed who has acquired title to such Unit by deed in lieu of foreclosure or foreclosure of a mortgage or trust deed on the Property, or any Unit, or by any other remedy set forth in the mortgage or trust deed.

B) LEASE RESTRICTION.

13.06. Leasing of Units. Effective as of the recording date of this Amendment, the rental or leasing of Units is limited to a total of seven (7) of the Units, and the assignment or sub-leasing of a Unit shall not be permitted, nor shall the leasing of less than all of a Unit. "Lease of Unit" includes any lease or other agreement or arrangement, whether written or oral, whereby a Unit Owner authorizes a non-Unit Owner third party to have exclusive use and occupancy of a Unit, regardless of the form of consideration, if any, paid, exchanged or otherwise provided between the Unit Owner and such non-Unit Owner.

Owners leasing their Unit as of the effective date of this Amendment shall be permitted to continue to lease their Unit until such time as they are no longer the Owner of record ("Grandfathered Owner"), and this right to lease shall not transfer with a

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change in ownership and may not be granted, deeded, devised, gifted, bequeathed, assigned or transferred to another party, or granted, deeded, devised, gifted, bequeathed, assigned or transferred with the unit. A Grandfathered Owner shall be calculated in the seven (7) permitted Units, and to the extent more than seven (7) Units result in being rented, Section (iii) below shall apply. The following shall also apply:

- (i) Any Owner desiring to lease out their Unit must satisfy the following requirements and submit to the Board at least fourteen (14) days prior to entering into a lease agreement the following:
 - (a) <u>a copy of the proposed Chicago Residential Lease with a lease</u> term of one (1) year;
 - (b) tenant acknowledgement and receipt of Association's rules and regulations; and
 - (c) acknowledgement that the Unit shall not be used for hotel or transient purposes.
- (ii) If an Owner satisfies the aforementioned requirements, and is then granted permission to lease his or ner Unit ("Permitted Owner"), permission to do so shall be for no more than twelve (12) consecutive months. Thereafter, the Permitted Owner shall have sixty (60) days to submit an additional lease to the Board for a term not to exceed three (3) years, so long as it is with the same tenant that previously leased the Unit, and subject to reasonable rules and regulations thereof. At the conclusion of being a Permitted Owner, or if the Cymer is unable to rent the Unit within sixty (60) days following becoming a Permitted Owner, the Permitted Owner shall no longer be permitted to lease his or her Unit, unless they are first on the Waiting List, as described below.
- (iii) Waiting List. In the event more than seven (7) of the Units at the Association is currently being leased at the time of application, the Owner's name shall be added to a waiting list to be maintained by the Board or the managing agent, and the Unit may not be leased except as set forth below:
 - (a) To be added to the Waiting List is on a first-come, first-serve basis, which shall be determined chronologically. For example, if an Owner desires to be placed on the Waiting List, they will be placed at the end of the Waiting List with the date and time of the placement ("Waiting List Date"). The Owner with the oldest Waiting List Date shall be the first person eligible to lease their Unit, should a spot open.
 - (b) If there is an Owner(s) on the Waiting List, the first person on the Waiting List will be notified by the Board/Management that a Right to Rent has opened, and thereafter the Owner shall have fourteen (14) days to notify the Board/Management in writing of their intent to lease. The Owner

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must then provide a copy of an executed lease within ninety (90) days following the Owner's notification to the Board/Management of his or her intent to lease ("Waiting List Period"); otherwise the Owner forfeits his right to lease and the Right to Rent will transfer to the next person on the waiting list.

- (c) Once a Waiting List Period concludes, the Board will then re-notify all remaining Owners on the Waiting List when a new Waiting List Period opens, and it will be the obligation of those Owners to notify the Board in writing of their desire to stay on the Waiting List no later than thirty (30) days upon notification or their name will be removed from the Waiting List.
- Occupancy of a Unit by a blood relative(s) of a Unit Owner without the Unit Owner being a resident shall not constitute a lease as defined under to s Amendment, even if a written memorandum or agreement has been executed between the parties. A blood relative is defined as the children, grandchildren, siblings, parents, and/or spouse of a Unit Owner.
- (e) Hardship, if a Unit is vacated by a tenant in occupancy as of the recording date of tries Amendment, or vacated by a Unit Owner for reasons beyond his control, the Unit Owner may apply for a one year hardship waiver in the following manner:
 - (i) The Unit Owner must submit a request in writing to the Board of Directors requesting a one year hardship waiver of this paragraph, setting forth the reasons why they are entitled to same. The request must acknowledge that by the act of submitting the request, the Owner waives his right to sue or bring action against the Association for a matter involved in the Hardship process, as referenced in the Amendment herein.
 - the Unit Owner, the Board finds that a reasonable bardship exists, the Board, at its sole discretion, may grant a one year waiver. Any lease entered into shall be in writing and for a period of one year. The lease must also contain a provision that failure by the tenant or the Unit Owner to abide by the Rules and Regulations of the Association may, in the discretion of the Board of Directors, result in termination of the lease by the Board of Directors. All decisions of the Board shall be final.
 - (iii) Copies of all leases must be submitted to the Board within ten (10) days after execution and prior to occupancy.
 - (iv) All tenants shall acknowledge in writing that they have received copies of the rules and regulations of the Association and

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a copy of the written receipt shall be submitted to the Board of Directors.

- (v) In the event an Owner has been granted hardship status, they must re-apply within thirty (30) days of the expiration of each hardship period if they wish to request an extension.
- (iv) Any Unit being leased out in violation of this Amendment or any Owner found to be in violation of the Rules and Regulations adopted by the Board of Directors may be subject to a flat or daily fine to be determined by the Board of Directors upon notice and an opportunity to be heard.
- (v) This Amendment shall not prohibit the Board from leasing any Unit owned by the Association or any Unit which the Association has been issued an Order of Possession by the Circuit Court of Cook County.

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 for h hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

APPROVED THIS 30th DAY OF APRIL , 2020

5556 NORTH SMERIDAN ROAD CONDOMINIUM ASSOCIATION

By:

Its President

ATTEST

By:

Secretary

Subscribed and Sworn to before me this <u>30</u>

day of

2012

Notary Public

LAUREN I GUYDAN
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
October 10, 2021

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EXHIBIT A

LEGAL DESCRIPTION

5556 North Sheridan Condominium Association

ALL UNITS TOGETHER WITH THEIR UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN THE 5556 NORTH SHERIDAN CONDOMINIUM ASSOCIATION, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LOTS 1, 2 AND 3, LYING BELOW A HORIZONTAL PLANE OF +53.20 CITY OF CHICAGO DATUM, IN BLOCK 1 OF JOHN LEWIS COCHRAN'S SUBDIVISION, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST FRACTIONAL QUARTER 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 AS RECU.
OOK COUNTY, ...

5556 N. Sheridan Road
Chicago, IL 60640

1023-1001
1132 CONDOMINIUM WHICH WAS RECORDED ON FEBRUARY 9, 2006 AS DOCUMENT NUMBER 0604018090 IN COOK COUNTY, ILLINOIS.

Common Address:

PINs:

Through and including:

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EXHIBIT B

CERTIFICATION AS TO UNIT OWNER APPROVAL

I, <u>Rachielle Secretary</u> , do hereby certify that I am the duly elected and qualified Secretary for the 5556 North Sheridan Road 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 5556 North Sheridan Road Condominium Association, was duly approved by at least sixty-seven (67%) percent of the owners, in accordance with the provisions of Article XV, Section 15.08 of the Declaration.
Chicas
Dated at Chingo, Illinois this 30th day of April , 2020.

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EXHIBIT C

AFFIDAVIT AS TO MORTGAGEE NOTIFICATION

, do hereby certify that I am the duly elected and qualified Secretary for the 5556 North Sheridan Road 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 5556 North Sheridan Road Condominium Association was mailed to all First Mortgagees, via certified mail, having bona fide liens of records.

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

1.	
	I AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
	I DO NOT AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
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	I AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	I DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
OWN	ER:
_£	Hanke & Farra (signature)
	Rosanne P Favris (print name)
DATE	: 12/11,2 <u>019</u>
Prope	erty Address:
Name	e and Address of Mortgage Lender (if any):***
	Loan No

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

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	I DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
OWN	ER:(signature)
	CARRUS Leclesma (print name)
DATE	December 11, 2019
Prope	chicago, Illinois Address of Mortgage Lender (if any):***
Name	and Address of Mortgage Lender (if any):***
	Loan No.
	LOGIT NO.

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

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OWN	ER: (signature)
1	rank Solita (print name)
DATE	= 12/11 ,2019
Prope	erty Address: 5556 N Sheridan #601 Chicago, Illinois
Name	e and Address of Mortgage Lender (if any):***
	<u> </u>
	Loan No.

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

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OWN AC	Serio Canizales (signature) Olario Canizales (print name)
DATE	erty Address: Unit 2015 Chicago, Illinois
Name	e and Address of Mortgage Lender (if any):***
	Loan No.

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DATE	12/11/14 2014
Prope	erty Address: Chicago, Illinois
Name	e and Address of Mortgage Lender (if any):***
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	Loan No.

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OWNI L:	ER: Signature) ic. J. Frederichs (print name)
DATE	: 6 December, 2019
Prope	rty Address: 3556 N Sheridan Rd, Apt 303 Chicago, Illinois
Name	and Address of Mortgage Lender (if any):***
Aw	est Central Mortgage Company
<u>30</u>	1 John Barrow, Suite 1
<u>L</u> ì-	He Rock, AR 72205
	Loan No. <u>5777336943</u>

^{***} 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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Prope	erty Address: 5556 No. SHERINA Chicago, Illinois	10 # 307
Name	e and Address of Mortgage bender (if any):***	
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	Loan No. NONE	

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DATE	7.6
Prope	rty Address: 556 N Sheridan Rd., #302 Chicago, Illinois
Name	and Address of Mortgage Lender (if any):***

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

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DATE	12/11 ,2019
Prope	rty Address: 401 Chicago, Illinois
Name	and Address of Mortgage Lender (if any):***
	Loan No.

2021206241 Page: 19 of 29

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DATE:	Dec. 11, 2019 ,=
Proper	ty Address: Chicago, Illinois
Name	and Address of Mortgage Lender (if any):***
	Loan No.

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DATE	Dec 11, 2019
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Name	and Address of Mortgage Lender (if any):***
	Loan No.

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•	Jon Kulam (signature) Thomas Killam (print name)
	Loan No

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Prope	erty Address: Chicago, Illinois
Name	e and Address of Mortgage Lender (if any):***
	Loan No.

2021206241 Page: 23 of 29

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OWNER: (signature)	
DATE: (print name)	
Property Address: 5550 N. Sheridan 500 Chicago, Illinois	
Name and Address of Mortgage Lender (if any):***	
Loan No	

*** 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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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

1.	
ϕ	I AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
	I DO NOT AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
2.	
#	I AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	LDO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
OWN	(signature)
DATE	
Prope	rty Address: 5556 N Shridan 503 Chicago, Illinois
Name	and Address of Mortgage Lender (if any):***
	Loan No

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UNOFFICIAL COPY

5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

1.	
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	I DC NOT AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
2.	
	I AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	I.DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
OWNI	(signature) (print name)
DATE	: <u>December 11</u> , 2019
Prope	rty Address: 5556 N. Skruden Rd #1505 Chicago, Illinois 60640
Name	and Address of Mortgage Lender (if any):***
	Loan No.

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

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Æ	I AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	I DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
OWN	ER: (signature) shear layer (print name)
DATE Prope	erty Address: SSG N. Steriden Rd. Apt SaG Chicago, Illinois
Name	e and Address of Mortgage Lender (if any):***
	Loan No.

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

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2.	
X	I AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	I DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
STE	EPHANIE TEMPLIA (signature) (print name)
Prope	erty Address:
Name	e and Address of Mortgage Lender (if any):***
	Loan No.

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PROXY/BALLOT FOR 5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION MEETING OF 20

		, 20	
listed below a constitute an name is speciat the Associrevoked, with	at name) Vestore. At the 5556 North Sheridan Road d appoint iffied, as agent for me, and in my ation meeting to be held full power to cast my vote as if act for me and in my name and s	d Condominium Association,, or the Board of D y name, place and stead, to, 20 I were then personally prese	Directors if no vote as my proxy, unless sooner nt, and authorize
In add	ition to the foregoing, I specifica I applo√e of the amendment pi Airbnb restrictions.		
	I do not approve of the amenda and the Airbnb restrictions.	ment prohibiting leasing for le	ess than one year
2.	I approve of the amendment reallowed.	garding the number of total l	leased Units
	I do not approve of the amenda Units allowed.	9	
Proxy/Ballot months from	erstand that if I should attend the and will receive a ballot for that in the date of execution unless rev will be strictly adhered to as if he	meeting only. This proxy will roked prior thereto. The prox	expire eleven (11)
December 10 WI	TNESS WHEREOF, I have exec	cuted this proxy on the	_day of
Signature line		Name and Address of Mortga	ge Lenge (If any):
Printed Name	eston Trice		
Property Add	ress: 556 M. Chicago, Illinois	Sovi Im Unit #/	()3 41, 42
Percentage of	of Ownership: % 7	4512	243, 94, 45
	5	8633	CFIF022\00100\1717277.v1

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5556 NORTH SHERIDAN ROAD CONDOMINIUM ASSOCIATION BALLOT

Regarding the proposed Amendment to the Declaration for the 5556 North Sheridan Road Condominium Association:

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	I DC NOT AGREE THE AMENDMENT PROHIBITING LEASING FOR LESS THAN ONE YEAR AND THE AIRBNB RESTRICTIONS SHOULD BE PASSED.
2.	
×	I AGREE THE NUMPER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
	I DO NOT AGREE THE NUMBER OF TOTAL LEASED UNITS AMENDMENT SHOULD BE PASSED.
Name	brman Dynneson (print name)
	Loan No

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