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KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 10/05/2022 12:42 PM PG: 1 OF 17

FIRST AMENDMENT TO DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE SINGLE FAMILY HOMES OF OLD TOWN SQUARE HOMEOWNERS ASSOCIATION

THIS DOCUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:

Caren A. Lederer
70 W. Madison, Suite 1500
Chicago, Illinois 60602
(312) 696-2300

For Recorder's Use Only

This First Amendment to Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association (this "**Amendment**") is recorded for the purpose of amending that certain Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association pursuant to the Condominium Property Act (the "**Declaration**"), which Declaration was recorded on June 27, 1997, as Document Number 97466908 in the Office of the Recorder of Deeds of Cook County, Illinois, and which covers the property (hereafter the "**Property**") legally described as follows:

LOT 5, LOT 6 (EXCEPT THE EASTERNMOST 15 FEET AS MEASURED ON THE NORTH LINE OF THE NORTHERNMOST 125 FEET) AND LOT 7 OF OSCAR MAYER'S RESUBDIVISION OF VARIOUS LOTS AND VACATED ALLEYS IN VARIOUS SUBDIVISIONS IN THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 21, 1980 AS DOCUMENT 25677341 AND REGISTERED IN THE REGISTRAR'S OFFICE OF COOK COUNTY, ILLINOIS, ALSO, VACATED SHAUNESSEY STREET LYING BETWEEN LOTS 5 AND 6 IN OSCAR MAYER'S RESUBDIVISION AFORESAID RECORDED AS DOCUMENT 2565856, IN COOK COUNTY, ILLINOIS.

Permanent Tax Index Number: 17-04-219-065

337 W. GOETHE, CHICAGO, ILL. 60610

RECITALS:

WHEREAS, by the recording of the Declaration in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been subjected to the easements, restrictions and covenants contained therein;

WHEREAS, the Board and Parcel Owners desire to adopt this Amendment to formally, (A) restrict leasing of the Units, (B) restrict the parking of vehicles and devices, (C) restrict the minimum Unit lease period to one (1) year, (D) prohibit the leasing of Unit garages, (E) include an option to consent to electronic notifications and distributions, and participate through technological means, and (F) allow the Association to use of feral cats;

RECORDING FEE 83.00

DATE 10-5-22 COPIES 6x

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WHEREAS, pursuant to Section 15 of the Declaration, the Declaration may be amended only upon the affirmative vote of Parcel Owners whose shares aggregate at least seventy five percent (75%) of the shares;

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as **Exhibit A** certifying that (A) this Amendment has been approved, at a meeting called for such purpose, by Parcel Owners whose shares aggregate at least seventy five percent (75%) of the shares; and

WHEREAS, any defined terms used in this Amendment shall, unless otherwise specifically provided herein, have the same meaning as those terms are defined to have in the Declaration.

NOW, THEREFORE, in consideration of the above and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following shall be considered as an amendment to the Declaration:

1. Section 7(a) of the Declaration is hereby deleted in its entirety and replaced with the following:

“(a) No part of the Property shall be used for other than housing, parking, and related common purposes for which the Property was designed. No Unit shall be leased for transient or hotel purposes, which are hereby defined as being for a period of less than thirty (30) days or for a period of more than thirty (30) days where services normally furnished by a hotel (such as room service or maid service) are furnished.”

2. Section 7(b) of the Declaration is hereby deleted in its entirety and replaced with the following:

“(b) No Parcel Owner or occupant shall park or permit guests, visitors or any other person to park any vehicle on any portion of the Common Area unless permitted by such rules and regulations as may be adopted by the Board.”

3. Section 18 of the Declaration is hereby deleted in its entirety and replaced with the following:

“18. Lease of Parcels. Any lease agreement between a Parcel Owner and a lessee shall be in writing, shall be for a term of not less than one (1) year, and shall provide that the terms of such lease are subject in all respects to the provisions of this Declaration and the Articles of Incorporation, By-Laws and rules and regulations of the Association and that failure by the lessee to comply with the terms of such documents, rules and regulations shall be a default under the lease. Other than the foregoing, there is no restriction on the right of any Parcel Owner, including the Owner, to lease any Parcel it owns.”

4. The following terms shall be added to the Declaration after Section 18 of the Declaration:

“(a) Lease of Garages. No leasing of any kind shall be conducted, maintained or permitted for any Unit garage.”

5. Section 13 of the Declaration is hereby deleted in its entirety and replaced with the

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following:

“13. Method of Notice, Distribution, and Participation. Notices required or permitted to be given to the Association, any Parcel Owner or Member may be delivered to any member of the Board, such Parcel Owner or Member, as the case may be, either personally, by certified or registered mail with proper postage prepaid, addressed to such party, at the last address of such party shown in the records of the Association, or through acceptable electronic means after the Parcel Owner provides written authorization for electronic delivery, and shall be effective, in the case of personal delivery, upon such delivery, in the case of mailing, as of the date of mailing, and in the case of electronic delivery, as of the date of sending. Participation required of any Parcel Owner or Member, as the case may be, is acceptable through technological means, including but not limited to voting in meetings. Any mortgagee that registers with the Association by giving written notice of its interest shall receive copies of all notices sent by the Association to the Parcel Owner of the encumbered Parcel as the case may be. Any mortgagee that fails to register with the Association shall have no right to receive any notices whatsoever from the Association.”

6. Section 7(e) of the Declaration is hereby deleted in its entirety and replaced with the following:

“(e) No animals of any kind shall be raised, bred, or kept on any Parcel except dogs, cats, or other household pets may be kept subject to the rules and regulations adopted by the Board, provided they are not kept, bred, or maintained for any commercial purpose; and provided further that any such pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Property upon ten (10) days’ written notice from the Board. Notwithstanding the foregoing, the Association may use feral cats to control the presence of rodents.”

This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds in Cook County, Illinois. Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

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**FIRST AMENDMENT TO THE BY-LAWS OF THE SINGLE FAMILY HOMES OF
 OLD TOWN SQUARE HOMEOWNERS ASSOCIATION**

RECITALS:

WHEREAS, the board of directors and parcel owners of the Single Family Homes of Old Town Square Homeowners Association (the "*Association*") desire to adopt this First Amendment to the Single Family Homes of Old Town Square Homeowners Association (this "*Amendment*") to formally amend the By-Laws of the Single Family Homes of Old Town Square Homeowners Association (the "*By-Laws*") to, among other things: (A) amend the notice period for member meetings; and (B) allow the board to sign contracts for the privatization of utilities (collectively, the "*Desired Changes*");

WHEREAS, pursuant to Article XIII of the By-Laws, the By-Laws may be amended only upon the affirmative vote of at least sixty-six and two-thirds percent (66-2/3%) of all the Association members;

WHEREAS, this Amendment has been approved, at a meeting called for such purpose, by at least sixty-six and two-thirds (66-2/3%) of all the Association members; and

WHEREAS, any defined terms used in this Amendment shall, unless otherwise specifically provided herein, have the same meaning as those terms are defined to have in the By-Laws.

NOW, THEREFORE, in consideration of the above and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following shall be considered as an amendment to the By-Laws:

1. Article IV, Paragraph 4.4 of the By-Laws is hereby deleted in its entirety and replaced with the following:

"4.4 NOTICE OF MEETINGS. Written, printed, or electronic notice stating the place, day and hour of any meeting of members shall be delivered to each member entitled to vote at such meeting, not less than ten (10) nor more than thirty (30) days before the date of such meeting, by or at the direction of the President or the Secretary, or the officers or persons calling the meeting. If mailed, the notice of a meeting shall be deemed delivered one (1) day after it is deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid."

2. Article VIII(a) is hereby deleted in its entirety and replaced with the following:

"(a) CONTRACTS. The Board may authorize any officer or officers, agent or agents of the Association, in addition to the officers so authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances, including, but not limited to contracting for the privatization of utilities."

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

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WRITTEN CONSENT BY THE PARCEL OWNERS OF THE
SINGLE FAMILY HOMES OF OLD TOWN
SQUARE HOMEOWNERS ASSOCIATION
 (an Illinois not-for-profit corporation)

The undersigned, being the parcel owners of **THE SINGLE FAMILY HOMES OF OLD TOWN SQUARE HOMEOWNERS ASSOCIATION**, an Illinois not-for-profit corporation (the "**Association**") hereby consent, pursuant to the applicable provisions of the laws of the State of Illinois, to the adoption of the following resolutions:

WHEREAS, all of the parcel owners of the Association (the "**Parcel Owners**") received that certain Notice of Special Meeting of the Parcel Owners dated 7-13, 2022 and the Notice of the Special Meeting of the board of directors of the Association (the "**Board**"), dated 7-13, 2022, which notices notified the Parcel Owners that the Board desired to amend (A) the Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association (the "**Declaration**") to, among other things, (i) restrict leasing of the Units, (ii) restrict parking of vehicles and devices, (iii) restrict the minimum Unit lease period to one (1) year, (iv) prohibit the leasing of Unit garages, (v) include an option to consent to electronic notifications, distributions, and participation through technological means, and (vi) allow the Association to use feral cats (collectively, the "**Declaration Desired Changes**"), and (B) the By-Laws of the Single Family Homes of Old Town Square Homeowners Association (the "**By-Laws**") to, among other things, (i) amend the notice period for member meetings, and (ii) allow the Board to sign contracts for the privatization of utilities (collectively, the "**By-Laws Desired Changes**," which, together with the Declaration Desired Changes, shall be referred to herein as the "**Desired Changes**");

WHEREAS, the Parcel Owners received and reviewed that certain (A) First Amendment to the Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association, in substantially the form attached hereto as **Exhibit A** (the "**Declaration Amendment**"), which accomplishes the Declaration Desired Changes and (B) First Amendment to the By-Laws of the Single Family Homes of Old Town Square Homeowners Association, in substantially the form attached hereto as **Exhibit B** (the "**By-Laws Amendment**," which, together with the Declaration Amendment, shall be referred to herein as the "**Amendments**"), which accomplishes the By-Laws Desired Changes; and

WHEREAS, in order to implement the Desired Changes, the Board needs to obtain (A) with respect to the Declaration Desired Changes, the prior written consent of the Parcel Owners (as that term is defined in the Declaration) having at least seventy five percent (75%) of the total shares (as required by the Declaration) and (B) with respect to the By-Laws Desired Changes, the prior written consent of sixty-six and two-thirds percent (66-2/3%) of the Parcel Owners (or the Association member, as referred to in and required by the By-Laws) (collectively, the "**Required Owner Consent**").

NOW, THEREFORE, LET IT BE RESOLVED, that the Desired Changes, the amendments to the Declaration and By-Laws pursuant to the Amendments, and the forms of the Amendments are hereby ratified, confirmed and approved by the undersigned Parcel Owners.

RESOLVED, that Ben Galvin, as President of the Association, and Brad Keith, as Secretary of the Association, are each hereby authorized, empowered and directed to take any and all such further actions and execute any and all such other documents as they may deem necessary or appropriate to effectuate the purposes and intent of these resolutions, including, without limitation, recording the Declaration Amendment with the Office of the Recorder of Deeds in Cook County, Illinois.

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 WRITTEN CONSENT BY THE BOARD OF DIRECTORS OF THE SINGLE FAMILY
 HOMES OF OLD TOWN SQUARE HOMEOWNERS ASSOCIATION
 (an Illinois not-for-profit corporation)

The undersigned, being the board of directors (the "**Board**") of **THE SINGLE FAMILY HOMES OF OLD TOWN SQUARE HOMEOWNERS ASSOCIATION**, an Illinois not-for-profit corporation (the "**Association**") hereby consent, pursuant to the applicable provisions of the laws of the State of Illinois, to the adoption of the following resolutions:

WHEREAS, the Board desires to amend the Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association (the "**Declaration**") to, among other things, (A) restrict leasing of the Units, (B) restrict parking of vehicles and devices, (C) restrict the minimum Unit lease period to one (1) year, (D) prohibit the leasing of Unit garages, (E) include an option to consent to electronic notifications and distributions, and to participate through technological means, and (F) allow the Association to use feral cats (collectively, the "**Declaration Desired Changes**");

WHEREAS, the Board desires to amend the By-Laws of the Single Family Homes of Old Town Square Homeowners Association (the "**By-Laws**") to, among other things, (A) amend the notice period for member meetings, and (B) allow the Board to sign contracts for the privatization of utilities (collectively, the "**By-Laws Desired Changes**," which, together with the Declaration Desired Changes, shall be referred to herein as the "**Desired Changes**");

WHEREAS, in order to implement the Desired Changes, the Board needs to obtain (A) with respect to the Declaration Desired Changes, the prior written consent of the Parcel Owners (as that term is defined in the Declaration) having at least seventy five percent (75%) of the total shares (as required by the Declaration) and (B) with respect to the By-Laws Changes, the prior written consent of sixty-six and two-thirds percent (66-2/3%) of the Parcel Owners (or the Association members, as referred to in and required by the By-Laws) (collectively, the "**Required Owner Consent**");


WHEREAS, the Board sent a Notice of Board Meeting and a Notice of Parcel Owner Meeting to all of the Parcel Owners on July 13, 2022, notifying the Parcel Owners of the Board and Parcel Owner meetings to vote on the Desired Changes and accordingly, amend (A) the Declaration to accomplish the Declaration Desired Changes pursuant to that certain First Amendment to Declaration of Easements, Restrictions and Covenants for the Single Family Homes of Old Town Square Homeowners Association, in substantially the form attached hereto as **Exhibit A** (the "**Declaration Amendment**"), and (B) the By-Laws to accomplish the By-Laws Desired Changes pursuant to that certain First Amendment to By-Laws of the Single Family Homes of Old Town Square Homeowners Association, in substantially the form attached hereto as **Exhibit B** (the "**By-Laws Amendment**," which, collectively with the Declaration Amendment, shall be referred to herein as the "**Amendments**"); and

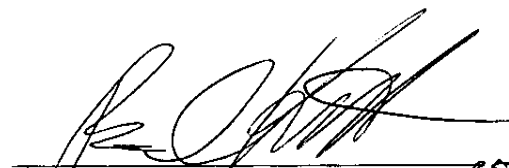
WHEREAS, on July 23, 2022, the Required Owner Consent was obtained, as evidenced by that certain Written Consent of the Parcel Owners, attached hereto as **Exhibit C**.

NOW, THEREFORE, LET IT BE RESOLVED, that the Desired Changes, amendments to the Declaration and the By-Laws pursuant to the Amendments, and the forms of the Amendments are hereby ratified, confirmed and approved.

RESOLVED, that Ben Galvin, as President of the Association, and Brad Keitt, as Secretary of the Association, are each hereby authorized, empowered and directed to take any and all such further actions and execute any and all such other documents as they may deem necessary or appropriate to effectuate the purposes and intent of these resolutions, including, without limitation, recording the Declaration Amendment with the Office of the Recorder of Deeds in Cook County, Illinois.

Dated effective as of 10 05, 2022.


 Name: Ben Galvin PRESIDENT


 Name: BRAD KEITT SECRETARY

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Name: Cathy Smith VP

Name: Samy Carson VP

Name: Henry W. Merrill III ~~Treasurer~~ EP

Being the board of directors of the **Single Family Homes of Old Town Square Homeowners Association**

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COOK COUNTY CLERK OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

COOK COUNTY CLERK OFFICE
RECORDING DIVISION
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EXHIBIT A
DECLARATION AMENDMENT

See Attached.

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RECORDING DIVISION
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CHICAGO, IL 60602-1387

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EXHIBIT B BY-LAWS AMENDMENT

See Attached.

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EXHIBIT C

WRITTEN CONSENT OF PARCEL OWNERS

See Attached.

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EXHIBIT A
DECLARATION AMENDMENT

See Attached.

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EXHIBIT B
BY-LAWS AMENDMENT

See Attached.

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INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Illinois
County of Cook } ss.

On this the 05 day of October, 2022, before me,
Day Month Year

Stephanie Espinoza, the undersigned Notary Public,
Name of Notary Public

personally appeared Bradley W. Keith
Name(s) of Signer(s)

- personally known to me – **OR** –
- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.



Place Notary Seal/Stamp Above

Stephanie Espinoza
Signature of Notary Public

Commission Expires 09.17.2024

Stephanie Espinoza
Any Other Required Information
(Printed Name of Notary, Expiration Date, etc.)

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Written Consent by the Board of Directors of the Single Family Homes at Old Town Square Homeowners Association

Document Date: 10.05.2022 Number of Pages: 16

Signer(s) Other Than Named Above: _____

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[Signature Page to Follow]

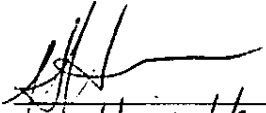
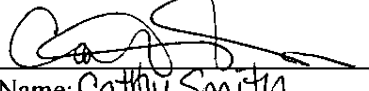
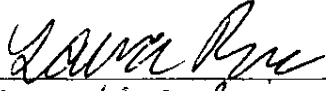
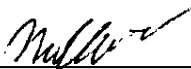
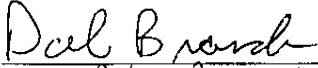
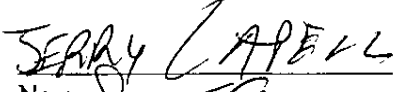
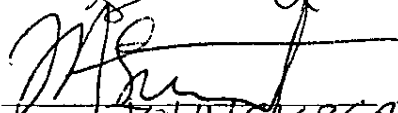

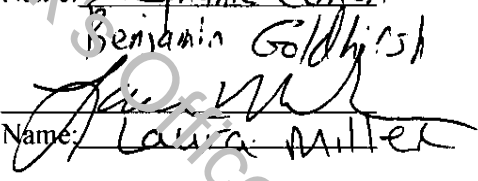
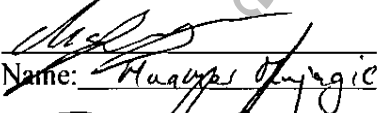

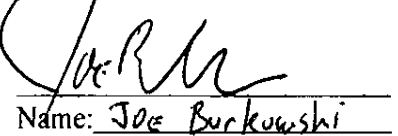
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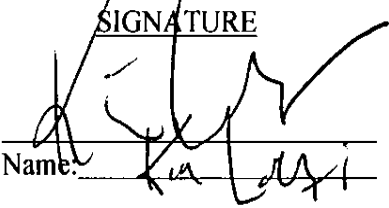
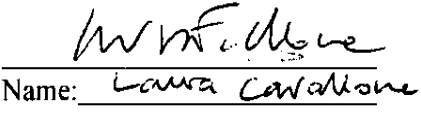
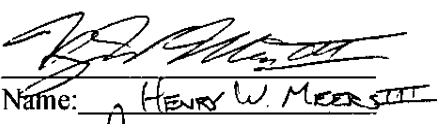
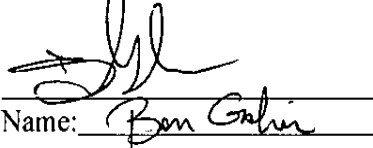

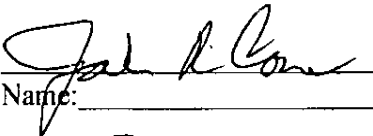
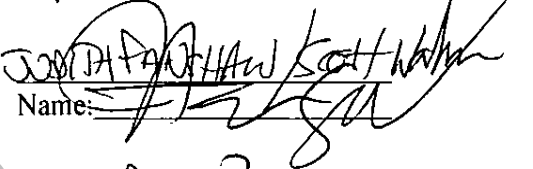
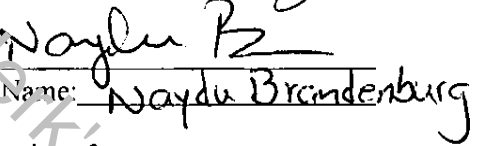
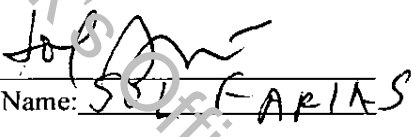
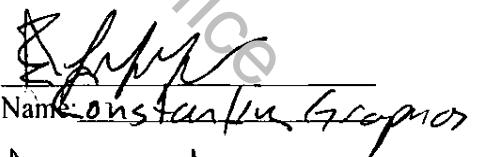
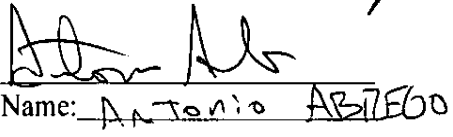
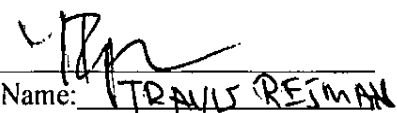
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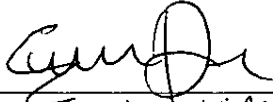

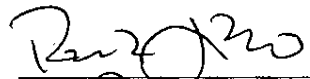

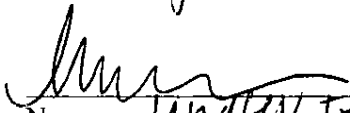
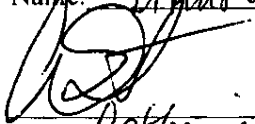
<u>UNIT</u>	<u>ADDRESS</u>	<u>PERCENTAGE INTEREST</u>	<u>SIGNATURE</u>
1	329 W. Evergreen _____ _____	0.033%	 Name: <u>Heithausen</u>
2	331 W. Evergreen _____ _____	0.033%	 Name: <u>Cathy Smith</u>
3	333 W. Evergreen _____ _____	0.033%	 Name: <u>Laura Rose</u>
4	335 W. Evergreen _____ _____	0.033%	 Name: <u>Nathan L.V</u>
5	337 W. Evergreen _____ _____	0.033%	 Name: <u>Dale Brandon</u>
6	339 W. Evergreen _____ _____	0.033%	 Name: <u>Jerry Capell</u>
7	343 W. Evergreen _____ _____	0.033%	 Name: <u>JOHN STEGERT</u>
8	345 W. Evergreen _____ _____	0.033%	 Name: <u>Stephanie Cohen</u> <u>Benjamin Goldhirsch</u>
9	322 W. Goethe _____ _____	0.033%	 Name: <u>Laura Miller</u>
10	324 W. Goethe _____ _____	0.033%	 Name: <u>Maurya Dymagie</u>
11	326 W. Goethe _____ _____	0.033%	 Name: <u>Richard Fider</u>
12	330 W. Goethe _____ _____	0.033%	 Name: <u>Joe Burkowski</u>

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<u>UNIT</u>	<u>ADDRESS</u>	<u>PERCENTAGE INTEREST</u>	<u>SIGNATURE</u>
13	332 W. Goethe _____ _____	0.033%	 Name: <u>Ka Laxi</u>
14	334 W. Goethe _____ _____	0.033%	 Name: <u>Laura Catalano</u>
15	336 W. Goethe _____ _____	0.033%	 Name: <u>HENRY W. MEERSCOTT</u>
16	338 W. Goethe _____ _____	0.033%	 Name: <u>Ben Galin</u>
17	340 W. Goethe _____ _____	0.033%	 Name: _____
18	342 W. Goethe _____ _____	0.033%	 Name: _____
19	344 W. Goethe _____ _____	0.033%	 Name: <u>JONATHAN P. HAW</u>
20	317 W. Goethe _____ _____	0.033%	 Name: <u>Naydu Brandenburg</u>
21	319 W. Goethe _____ _____	0.033%	 Name: <u>SERGIO ARIAS</u>
22	323 W. Goethe _____ _____	0.033%	 Name: <u>Konstantin Gropios</u>
23	325 W. Goethe _____ _____	0.033%	 Name: <u>ANTONIO ABITEGO</u>
24	327 W. Goethe _____ _____	0.033%	 Name: <u>TRAVIS REIMAN</u>

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<u>UNIT</u>	<u>ADDRESS</u>	<u>PERCENTAGE INTEREST</u>	<u>SIGNATURE</u>
25	329 W. Goethe _____ _____	0.033%	 Name: Eunice Kim
26	331 W. Goethe _____ _____	0.033%	 Name: BRAD FEIT
27	333 W. Goethe _____ _____	0.033%	 Name: RAYMOND LANKO
28	337 W. Goethe _____ _____	0.033%	 Name: George Demas
29	339 W. Goethe _____ _____	0.033%	 Name: WENDY TEETS
30	³⁴³ 341 W. Goethe _____ _____	0.033%	 Name: Catherine Stewart

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