

# UNOFFICIAL COPY

## AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR 640 WEST BARRY CONDOMINIUM



Doc# 2317940014 Fee \$88.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 06/28/2023 10:36 AM PG: 1 OF 20

RECORDING FEE 80-  
DATE 6-28-23 COPIES 6x  
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For Use By Recorder's Office Only

This document is recorded for the purpose of amending the Declaration (hereafter the "Declaration") for 640 West Barry Condominiums, (hereafter the "Association"), which Declaration was recorded on June 17, 2002, as Document Number 0020675470 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 to the By-Laws; and

WHEREAS, pursuant to Article 11 Declaration's By-Laws, the By-Laws may be changed, modified or rescinded by a written instrument setting forth such change, modification or rescission, signed by Unit Owners owning at least sixty-six and two-thirds (66 2/3%) percent of the total ownership of the Common Elements and acknowledged; and

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 executed by Owners of at least sixty-six and two-thirds (66 2/3%) of the total ownership of the Common Elements, as evidenced by the Affidavit;

WHEREAS, an Affidavit signed by the Secretary of the Association is attached hereto as Exhibit C certifying that said instrument has been mailed to all lien holders of record; and

This document prepared by and after recording to be returned to:  
Sabina Arutyunyan, Esq.  
Kovitz Shifrin Nesbit  
175 North Archer Avenue  
Mundelein, IL 60060 — (847) 777-7256

NOW, THEREFORE, the Association hereby declares that the following provisions of the By-Laws shall be and are hereby amended

as follows (additions in text are indicated by underline and deletions are indicated by ~~strike-out~~):

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## 1. Article 2, Section 2(d)

(d) Any specified percentage of the members, whether majority or otherwise, for purposes of voting or for any other purpose, wherever provided in these By-Laws, shall mean such percentage of the total number of votes hereinabove set forth. Such percentage shall be computed in the same manner as is a specified percentage of the Unit Owners of the Condominium as provided in the Declaration, ~~provided, however, that when 30% or fewer of the Units, by number, possess over 50% in the aggregate of the votes as provided herein, any percentage vote of the members specified herein or in the Declaration shall require the specified percentage by number of Units rather than by percentage of interest in the Common Elements allocated to Units that would otherwise be applicable.~~

## 2. Article 2, Section 4

Section 4. Installment Contracts. Anything herein to the contrary notwithstanding, in the event of a sale of a Unit, the purchaser of such Unit from a seller other than the Developer pursuant to an installment contract for deed, the purchaser of such Unit, if present in person or by properly executed proxy, shall, during such times as he or she resides in the Unit, be counted toward a quorum for purpose of election of members of the Board at any meeting of the Unit Owners called for the purposes of electing members of the Board, shall have the right to vote for the election of members of the Board, and shall have the right to vote for any matter in which Owners are permitted to vote, and to be elected to and serve on the Board unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the Board. Satisfactory evidence of the installment contract shall be made available to the Association or its agents. "Installment Contract" shall have the same meaning as set forth in 765 ILCS 75/1, Section 1(e) of "An Act Relating to Installment Contracts to Sell Dwelling Structures", approved August 11, 1967, as amended.

## 3. Article 3, Section 1

Section 1. Annual Meeting. The first annual meeting of the members shall be held on such date as is fixed by the Developer, which date shall in no event be later than the earlier of (a) three (3) years from the date the Declaration is recorded in the Office of the Recorder of Deeds of Cook County, Illinois, (b) sixty (60) days from the date when 75% of the Units have been conveyed by the Declarant, or (c) such earlier time as selected by the Developer. Thereafter, an annual meeting of the members for the purpose of electing Board members and for the transaction of such other business as may come before the meeting shall be held in December of every year on the first Tuesday after the anniversary date of the first annual meeting or such other date as is selected by the Board which date is within sixty (60) days before or after the first Tuesday after the anniversary date of the first annual meeting, provided, however, that no such meeting need be held less than one year after the first annual meeting of the members. If the election of members of the Board shall not be held on the day designated herein for any annual meeting, or at any adjournment thereof, the Board shall cause the election to be held at a Special meeting of the members called as soon thereafter as conveniently may be.

## 4. Article 3, Section 3

Section 3. Place and Time of Meeting. All meetings of the members shall take place at ~~8:00 p.m., in some section of the Property' designated by the person or persons calling the meeting, or at such~~

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other reasonable place or time designated by the Board or the person or persons calling the meeting. Meetings may be attended in person or by any other acceptable technological means.

## 5. Article 4, Section 8

~~Section 8. Manner of Acting. The act of a majority of the members of the Board present at a meeting at which a quorum is present at the commencement of the meeting shall be the act of the Board, except where otherwise provided by law or in the Condominium Instruments.~~

## 6. Article 5, Section 8

Section 8. Secretary. The Secretary shall keep the minutes of the meetings of the members and of the Board in one or more books provided for that purpose or in an electronic format; see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; receive all notices on behalf of the Association and, together with the President, execute on behalf of the Association amendments to Condominium Instruments and other documents as required or permitted by the Declaration, these By-Laws or the Act; be custodian of the records of the Association; and in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or by the Board.

## 7. Article 6, Section 4(a)

- (a) Each year on or before November 1st, the Board shall estimate the annual budget of Common Expenses (the "Annual Budget") including: i. Anticipated assessments, interest, parking and other sources of income, the total amount required for the cost of wages, materials, insurance, services and supplies which will be required during the ensuing calendar year for the rendering of all services, together with a reasonable amount considered by the Association to be necessary for a reserve for contingencies and replacements, all anticipated assessments and income and each Unit Owner's proposed Common Expense assessment, together with an indication of which portions of the Annual Budget are intended for capital expenditures or repairs or payment of real estate taxes; ii Individual estimates for the costs of property management, contractual services, insurance, landscaping, maintenance, professional services, supplies, general repairs, taxes, utilities and capital expenditures which will be required during the ensuing calendar year; iii An estimate of the amount considered necessary for maintaining an adequate reserve for capital expenditures, and iv A calculations of each Unit Owner's Common Expense assessment. The Board shall deliver a copy of the proposed Annual Budget to each Unit Owner at least thirty (30) days prior to the adoption thereof. The Association shall give Unit Owners notice as provided in Article III, Section 4, of the By-Laws of the meeting of the Board at which the Board proposes to adopt the Annual Budget, or at which any increase or establishment of any assessment, regular or special, is proposed to be adopted.

## 8. Article 6, Section 5(a)

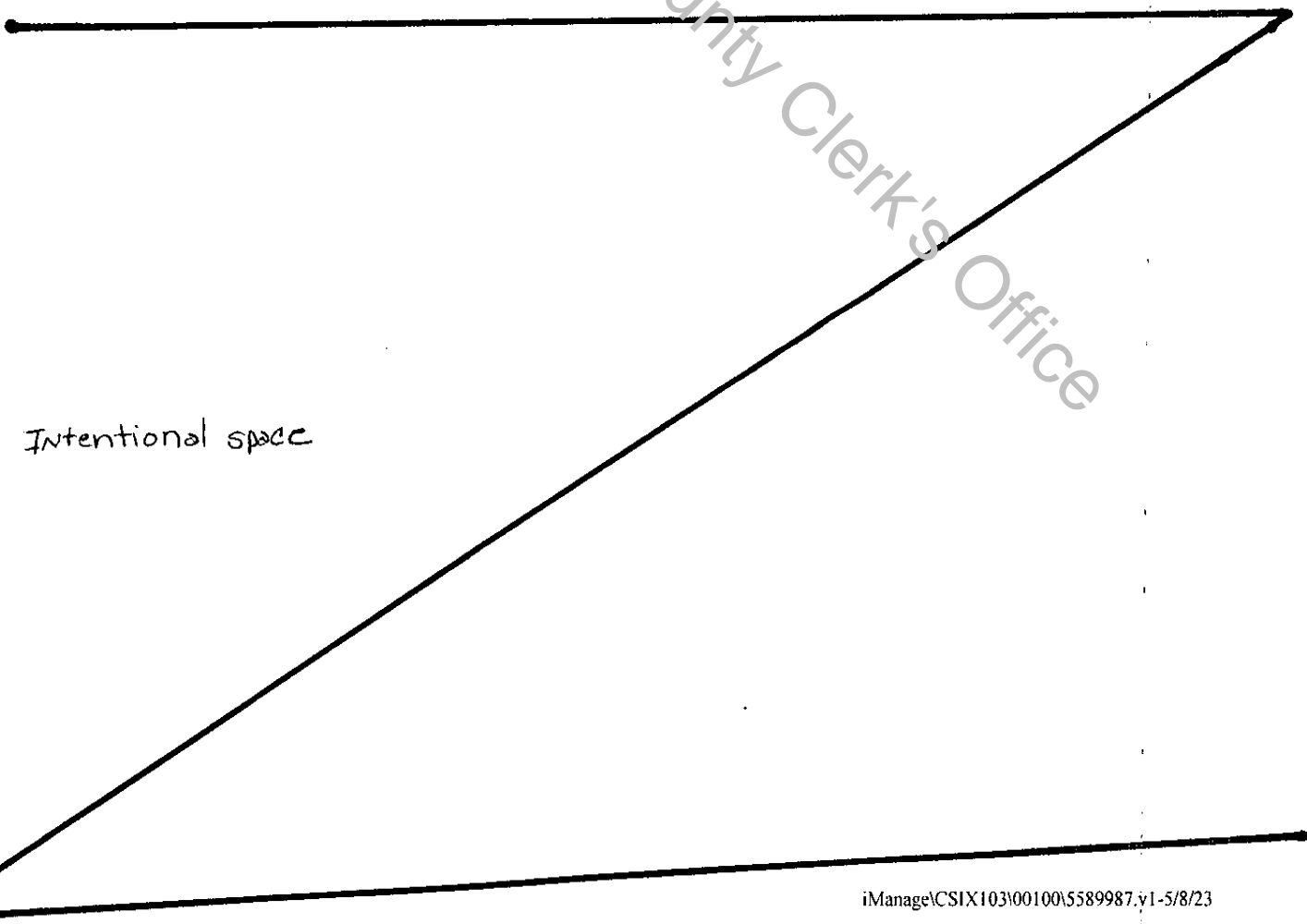
- (a) On or before the 1st day of ~~August~~ April of each calendar year ~~commencing with 2002~~, the Association shall supply to all Unit Owners an itemized account of the Common Expenses for the preceding calendar year actually incurred and paid together with an indication of which portions of the Annual Budget were for capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficiency of income over expenditures plus Reserves. Any amount accumulated in

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excess of the amount required for actual expenses and Reserves in such preceding year shall be credited according to each Unit Owner's percentage of ownership in the Common Elements to the next monthly installments due from Unit Owners under the current year's Annual Budget, until exhausted, and any net shortage shall be added, according to each Unit Owner's percentage of ownership of the Common Elements, to the installments due in the succeeding six months after the rendering of the accounting.

## 9. Article 6, Section 7(a)

- (a) If said Annual Budget proves inadequate for any reason, ~~including non-payment of any Unit Owner's assessment or any non-recurring Common Expense or any Common Expense not set forth in the Annual Budget as adopted,~~ the Board may at any time levy a further assessment, which shall be assessed to the Unit Owners according to each Unit Owner's percentage of ownership in the Common Elements, and which may be payable in one lump sum or in such installments as the Board may determine. The Board shall serve notice of such further assessment on all Unit Owners (as provided in Article III, Section 4, of the By-Laws) by a statement in writing giving the amount and reasons therefor, and such further assessment shall become effective and shall be payable at such time or times as determined by the Board, provided, however, that in the event such further assessment with respect to any Unit exceeds \$1,500.00 ~~the greater of five (5) times such Unit's most recent monthly installment of Common Expenses or \$500.00,~~ such further assessment for all Units shall not be effective until approved by 66 2/3% of the Unit Owners at a meeting of Unit Owners duly called for such purpose. All Unit Owners shall be obligated to pay the further assessment.



Intentional space

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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 30<sup>th</sup> DAY OF MAY 2023.

640 WEST BARRY CONDOMINIUM ASSOCIATION

By: *Cara Ansis*

Cara Ansis, President

ATTEST:

By: *Cary Morgen*

Cary Morgen, Secretary

Subscribed and Sworn to before me this 30<sup>th</sup> day of June, 2023

*Rita Marie Hart*  
Notary Public



Property of Cook County Clerk's Office

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## APPENDIX A

~~CONFIDENTIAL~~

### LEGAL DESCRIPTION OF PARCEL

PARCEL 1: LOT 5 IN OAK GROVE ADDITION TO CHICAGO, A SUBDIVISION OF PART OF LOT 2 IN BICKERDIKE AND STEELE'S SUBDIVISION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE WEST 25 FEET OF LOT 4 IN OAK GROVE ADDITION TO CHICAGO, BEING A SUBDIVISION OF PART OF LOT 2 IN BICKERDIKE AND STEELE'S SUBDIVISION IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 21, 1874 IN BOOK 7 IN PLATS, PAGE 25, AS DOCUMENT NO. 151835 IN COOK COUNTY, ILLINOIS.

PARCEL 3: THE NORTH 22 FEET OF THE EAST 1/2 OF LOT 4 (EXCEPT THAT PART THEREOF CONVEYED TO KAREN SORENSON BY DEED RECORDED JULY 1, 1907 AS DOCUMENT NO. 406025 IN BOOK 9998 PAGE 93) IN OAK GROVE ADDITION TO CHICAGO, BEING A SUBDIVISION OF PART OF LOT 2 IN BICKERDIKE AND STEELE'S SUBDIVISION IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN NOS. 14 28 104 073, 074 AND 075 + -101

Clerk's Office

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## EXHIBIT A

### 640 West Barry Condominiums

#### LEGAL DESCRIPTION

*Note: All PIN ID's begin with 14-28-104-122*

Name(s)	Address					Parking				
	Street	Unit #	City	State	Zip	PIN	ID	PIN	ID	PIN
Neidig, Chris & Hannah	640 West Barry	101	Chicago	IL	60657	1001			P4	1032
Reno, Neike	640 West Barry	102	Chicago	IL	60657	1002	G5	1021		
Lichtenstein, Heddy	640 West Barry	103	Chicago	IL	60657	1003	G8	1024	P10	1038
Geer, Matthew L.	640 West Barry	104	Chicago	IL	60657	1004			P9	1037
Chieppa, Abigail	640 West Barry	201	Chicago	IL	60657	1005	G7	1023		
Cary Morgen	640 West Barry	202	Chicago	IL	60657	1006	G9	1025		
Declaration of Trust										
Estate of Terrence	640 West Barry	203	Chicago	IL	60657	1007	G1	1017		
Taruscio, Barbara	640 West Barry	204	Chicago	IL	60657	1008	G6	1022		
Vicki Wadlington Living Trust	640 West Barry	301	Chicago	IL	60657	1009			P2	1030
Johnson, Roger L.	640 West Barry	302	Chicago	IL	60657	1010	G4	1020		
Ansis, Matthew & Cara	640 West Barry	303	Chicago	IL	60657	1011	G3	1019		
Watson, Mary (Molly)	640 West Barry	304	Chicago	IL	60657	1012	G10	1026		
Lyu, Albert & Tu, Margaret	640 West Barry	401	Chicago	IL	60657	1013			P1	1029
Flynn, Alice & Patrick	640 West Barry	402	Chicago	IL	60657	1014	G11	1027	P7	1035
Kellar, Elizabeth (Liz)	640 West Barry	403	Chicago	IL	60657	1015	G2	1018	P5	1033
Berg, Michael & Leonardo, Joseph	640 West Barry	404	Chicago	IL	60657	1016	G12	1028		
Eshiem, Taiki & Roxanne and Rodenborn, Ryan	650 West Barry	3	Chicago	IL	60657				P3	1031
Ruschmeyer, Bernd	730 West Barry	3W	Chicago	IL	60657				P6	1034
Godfrey, Emily	7700 East Green Lake Drive North	A1	Seattle	WA	98103				P8	1036



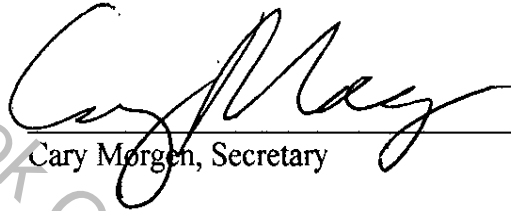
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## CERTIFICATION AS TO OWNER APPROVAL

I, Cary Morgen, do hereby certify that I am the duly elected and qualified Secretary for the 640 West Barry Condominiums, and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the persons whose names are subscribed to the foregoing instruments represent at least sixty-six and two-thirds (66 2/3%) of the Unit Owners and that by their respective signatures approve the Amendment, in accordance with the provisions of Article 11 of the Declaration's By-Laws.

Executed this 31<sup>st</sup> day of May, 2023.



Cary Morgen, Secretary



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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

Chris Neidry (signature)

Chris Neidry (print name)

DATE: 5/30/23, 2023

Property Address: 640 West Barry Unit 101 & P4  
Chicago, Illinois 60657

4.56390

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

Heddy Lichtenstein (signature)

Heddy Lichtenstein (print name)

DATE: 5/30/23, 2023

Property Address: 640 West Barry Unit 103, GB & P10  
Chicago, Illinois 60657

7.00470

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

 (signature)

Matthew Geer (print name)

DATE: May 30, 2023

Property Address: 640 West Barry Unit 104 # P9  
Chicago, Illinois 60657

4.71380

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

Alrignie Chieppa (signature)

Abigail Chieppa (print name)

DATE: 05/20/ 2023

Property Address: 640 West Barry Unit 201 #67  
Chicago, Illinois 60657

S.17890

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

 (signature)

Cary E. Morgen (print name)

Declaration of Trust

DATE: May 29, 2023

Property Address: 640 West Barry Unit 202 #69  
Chicago, Illinois 60657

7.06190

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER: BARBARA TARUSCIO  
BARB TARUSCIO  
Barbara Taruscio  
Barb Taruscio (signature)

BARBARA TARUSCIO (print name)

DATE: 6/1/23, 2023

Property Address: 640 West Barry Unit 204 CP #64  
Chicago, Illinois 60657

Please return to  
Cary Morgan #202  
Secretary

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominiums:

1.

**I approve** of the Amendment to the By-Laws.

**I do not approve** of the Amendment to the By-Laws.

OWNER:

Ricki Wadlington (signature)

Ricki Wadlington (print name)

DATE: 6/5/, 2023

Property Address: 640 West Barry Unit 301 # P2  
Chicago, Illinois 60657



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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

[Signature] (signature)

Robert Johnson (print name)

DATE: 5/30, 2023

Property Address: 640 West Barry Unit 2302 #64  
Chicago, Illinois 60657

7.28170

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

*Cara Ansis*

(signature)

Cara Ansis

(print name)

DATE:

May 30

2023

Property Address:

640 West Barry Unit #303 #43

Chicago, Illinois 60657

Property of Cook County Clerk's Office

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

Molly Watson

(signature)

\_\_\_\_\_ (print name)

DATE:

May 30

, 2023

Property Address:

640 West Barry Unit #304 #610

Chicago, Illinois 60657

Property of Cook County Clerk's Office

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1

I approve of the Amendment to the By-Laws.

I do not approve of the Amendment to the By-Laws.

OWNER:

*Alice T. Flynn* (signature)

ALICE T. FLYNN (print name)

DATE: 5/17/ 2023

Property Address: 640 West Barry Unit 402, G11 & P7  
Chicago, Illinois 60657

7.95590

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## 640 WEST BARRY CONDOMINIUM ASSOCIATION

### BALLOT

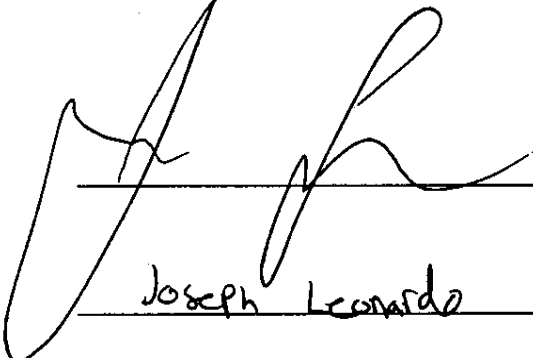
Regarding the proposed Amendment to the Declaration's By-Laws for 640 West Barry Condominium Association:

1.

**I approve** of the Amendment to the By-Laws.

**I do not approve** of the Amendment to the By-Laws.

OWNER:



(signature)

Joseph Leonardo

(print name)

DATE:

05/30, 2023

Property Address:

640 West Barry Unit 404 E 612  
Chicago, Illinois 60657

5.517 %