750 West Lake Cook Road, Suite 350 Buffalo Grove, Illinois 60089-2073 TEL: 847.537.0500 FAX: 847.537.0550

134 North LaSalle Street, Suite 1600 Chicago, Illinois 60602-1159 TEL: 312.372.3227

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Writer's Direct No.: 847,777,7246 Writer's E-Mail: kbartell@ksnlaw.com



WEB: www.ksnlaw.com February 12, 2010 1220 Iroquois Avenue, Suite 100 Naperville, Illinois 60563 TEL: 630.717.6100 FAX: 630.548.5568

> 209 Eighth Street Racine, Wisconsin 53403 TEL: 262.634.6750

> > Reply to: Buffalo Grove

#### PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

**Board of Directors** Woodcreek of Clarendon Hills Condominium Association c/o Dixie Hahn All the Difference, Inc. PO Box 0044 Western Springs, IL 60558

> Re: Recorded Original of Amendment to the Declaration

**Dear Board Members:** 

Enclosed is the original recorded copy of the Amendment to the Declaration recorded with the DuPage County Recorder of Deeds on January 29, 2010 as Document No. R2010-013924. As such, the effective date of the Amendment is January 29th.

As always, if you have any questions or need anything further, please feel free to give us a call.

Sincerely.

Kerry T. Bartell

KTB:cwb Enclosure

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THED BUCHULZ
DUPAGE COUNTY RECORDER
.29,2010 RHSP 9:54 AM

For Use by Recorder's Office Only

This document is recorded for the purpose of amending the Declaration of Condominium Ownership and By-Laws Easements, Restrictions and Covenants for the Woodcreek of Clarendon Hills A Condominium (hereafter the "DECLARATION") for the Woodcreek of Clarendon Hills A Condominium, (hereafter the "ASSOCIATION"), which Declaration was recorded on April 14, 1981, as Document Number R81-18607, in the Office of the Recorder of Deeds of DuPage County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A," which is attached hereto and made a part hereof.

This Amendment is adopted pursuant to the provisions of Article IX, <u>SALE</u>, <u>LEASING OR OTHER ALIENATION 6.0</u>, that the Declaration and By-Laws may be amended by an instrument in writing signed and acknowledged by the Board and approved by the Unit Owners having at least three-fourths (3/4) of the total vote. Article IX, 6.0 of the Declaration provides that any amendment to the Declaration must also be mailed to all mortgagees of the individual units and the amendment shall contain an affidavit of a Board Member certifying that such mailing has occurred not less than ten (10) days prior to the date of the affidavit. No amendment is effective until recorded.

#### RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of DuPage County, Illinois, the Property has been subjected to the covenants contained therein; and

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

KOVITZ SHIFRIN NESBIT
750 West Lake Cook Road, Suite 350
Buffalo Grove, Illinois 60089-2073

AMENDMENT TO THE DECLARATION OF

CONDOMINIUM

**OWNERSHIP AND BY-**

LAWS EASEMENTS,
RESTRICTIONS AND
COVENANTS FOR
FOR THE WOODCREEK
OF CLARENDON HILLS A
CONDOMINIUM

KERRY T. BARTELL, ESQ.

WHEREAS, the Board and the Owners desire to amend the Declaration in order to provide for the orderly operation of the Property; and

WHEREAS, the following Amendment has been signed and acknowledged by all of the Members of the Board; and

WHEREAS, the following Amendment has been approved by the Unit Owners having at least three fourths (3/4) of the total vote as evidenced by the Certification attached hereto as Exhibit B.

**WHEREAS**, a copy of the Amendment was mailed to all First Mortgagees of the individual units as evidenced by the Affidavit attached hereto as Exhibit C.

**NOW, THEREFORE,** the Declaration of Condominium for the Woodcreek of Clarendon Hills A Condominium is hereby amended in accordance with the text which follows:

# 1. Article IX: <u>Sale or Leasing of Units</u> of the Declaration is amended by adding the following language:

Leasing of Units. Notwithstanding any foregoing provisions of this Declaration to the contrary, rental or leasing of Units is prohibited, and all Units must be owner-occupied, except as hereinafter provided:

- (1) Any Owners who own their Unit as of the effective date of this Amendment, may lease their Unit. However, once the unit is sold, devised or ownership is otherwise transferred to a new owner, said new owner must comply with this Section (b). A copy of all current leases must be on file with the Board of Directors.
- (2) Paragraph (b) above shall not apply to the rental or leasing of units to the immediate family members of the Owner and occupancy of the unit by an immediate family member shall not be considered a "lease". For purposes of this Section, "immediate family members" shall include the parents, children (natural or adopted), grandparents, grandchildren and siblings of an Owner.
- (3) The Board of Directors of the Association shall have the right to lease any Association owned Units or any Unit of which the Association has possession, pursuant to any court order, and said Units shall not be subject to this Amendment.
- (4) Any Unit being leased out in violation of this Amendment or any Unit 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.

- (5) In addition to the authority to levy fines against the Unit Owner for violation of this Amendment or any other provision of the Declaration, By-Laws or Rules and Regulations, the Board shall have all rights and remedies, including but not limited to the right to maintain an action for possession against the Unit Owner and/or their tenant, under 735 ILCS 5/9-111, an action for injunctive and other equitable relief, or an action at law for damages.
- (6) Any action brought on behalf of the Association and/or the Board of Directors to enforce this Amendment shall subject the Unit Owner to the payment of all costs and attorneys' fees at the time they are incurred by the Association.
- (7) All unpaid charges as a result of the foregoing shall be deemed to be a lien against the Unit and collectible as any other unpaid regular or special assessment, including late fees and interest on the unpaid balance.
- 2. This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds of DuPage County, Illinois.
- **3.** Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

## WOODCREEK OF CLARENDON HILLS CONDOMINIUM ASSOCIATION.

They Chine , President
Director
Low Bellert, Secretary
Director
The Imagerer
Director
Lin alrayan VP Buildings
Director
Pinda Coveran VP Grounds
Director

Being the Board of Directors of Woodcreek of Clarendon Hills Condominium Association.

### Exhibit "A"

### Woodcreek of Clarendon Hills Condominium Association

Legal: Lot1 In Woodcreek Of Clarendon Hills, Being A Resubdivision Of Part Of The Northwest Quarter Of Section 14, Township 38 North, Range 11, East Of The Third Principal Meridian, According To The Plat Thereof Recorded As Document Number R80-65369 And The Letter Of Correction Thereto Recorded March 20, 1981, As Document Number R81-13726, And Lot 2 In First Addition To Woodcreek Of Clarendon Hills, Being A Resubdivision In The Northwest Quarter Of Section 14, Township 38 North, Range 11, East Of The Third Principal Meridian, According To The Plat Thereof Recorded September 22, 1981 As Document Number R81-51518 In DuPage County, Illinois

Unit	Pin	Commonly known as (for informational purposes only)
1-3	09-14-118-001	569 Willowcreek Ct Clarendon Hills, IL 60514
2-3	09-14-118-002	571 Willowcreek Ct Clarendon Hills, IL 60514
3-3	09-14-118-003	573 Willowcreek Ct Clarendon Hills, IL 60514
4-3	09-14-118-004	575 Willowcreek Ct Clarendon Hills, IL 60514
1-4	09-14-118-005	577 Willowcreek Ct Clarendon Hills, IL 60514
2-4	09-14-118-006	579 Willowcreek Ct Clarendon Hills, IL 60514
3-4	09-14-118-007	581 Willowcreek Ct Clarendon Hills, IL 60514
4-4	09-14-118-008	583 Willowcreek Ct Clarendon Hills, IL 60514
1-5	09-14-118-009	591 Willowcreek Ct Clarendon Hills, IL 60514
2-5	09-14-118-010	589 Willowcreek Ct Clarendon Hills, IL 60514
3-5	09-14-118-011	587 Willowcreek Ct Clarendon Hills, IL 60514
4-5	09-14-118-012	585 Willowcreek Ct Clarendon Hills, IL 60514
1-6	09-14-118-013	511 Willowcreek Ct Clarendon Hills, IL 60514
2-6	09-14-118-014	509 Willowcreek Ct Clarendon Hills, IL 60514
3-6	09-14-118-015	507 Willowcreek Ct Clarendon Hills, IL 60514
4-6	09-14-118-016	505 Willowcreek Ct Clarendon Hills, IL 60514
1-7	09-14-118-017	513 Willowcreek Ct Clarendon Hills, IL 60514
2-7	09-14-118-018	515 Willowcreek Ct Clarendon Hills, IL 60514
3-7	09-14-118-019	517 Willowcreek Ct Clarendon Hills, IL 60514
4-7	09-14-118-020	519 Willowcreek Ct Clarendon Hills, IL 60514
1-8	09-14-118-021	542 Willowcreek Ct Clarendon Hills, IL 60514
2-8	09-14-118-022	536 Willowcreek Ct Clarendon Hills, IL 60514
3-8	09-14-118-023	538 Willowcreek Ct Clarendon Hills, IL 60514
4-8	09-14-118-024	540 Willowcreek Ct Clarendon Hills, IL 60514
1-9	09-14-118-025	548 Willowcreek Ct Clarendon Hills, IL 60514
2-9	09-14-118-026	546 Willowcreek Ct Clarendon Hills, IL 60514
3-9	09-14-118-027	544 Willowcreek Ct Clarendon Hills, IL 60514
4-9	09-14-118-028	550 Willowcreek Ct Clarendon Hills, IL 60514
1-10	09-14-118-029	558 Willowcreek Ct Clarendon Hills, IL 60514
2-10	09-14-118-030	552 Willowcreek Ct Clarendon Hills, IL 60514
3-10	09-14-118-031	554 Willowcreek Ct Clarendon Hills, IL 60514
4-10	09-14-118-032	556 Willowcreek Ct Clarendon Hills, IL 60514
1-11	09-14-118-033	566 Willowcreek Ct Clarendon Hills, IL 60514
2-11	09-14-118-034	560 Willowcreek Ct Clarendon Hills, IL 60514
3-11	09-14-118-035	562 Willowcreek Ct Clarendon Hills, IL 60514
4-11	09-14-118-036	564 Willowcreek Ct Clarendon Hills, IL 60514
1-12	09-14-118-037	572 Willowcreek Ct Clarendon Hills, IL 60514
2-12	09-14-118-038	570 Willowcreek Ct Clarendon Hills, IL 60514
3-12	09-14-118-039	568 Willowcreek Ct Clarendon Hills, IL 60514
4-12	09-14-118-040	560 Willowcreek Ct Clarendon Hills, IL 60514
1-13	09-14-118-041	582 Willowcreek Ct Clarendon Hills, IL 60514

Unit	Pin	Commonly known as (for informational purposes only)
2-13	09-14-118-042	576 Willowcreek Ct Clarendon Hills, IL 60514
3-13	09-14-118-043	578 Willowcreek Ct Clarendon Hills, IL 60514
4-13	09-14-118-044	580 Willowcreek Ct Clarendon Hills, IL 60514
1-14	09-14-118-045	588 Willowcreek Ct Clarendon Hills, IL 60514
2-14	09-14-118-046	586 Willowcreek Ct Clarendon Hills, IL 60514
3-14	09-14-118-047	584 Willowcreek Ct Clarendon Hills, IL 60514
4-14	09-14-118-048	590 Willowcreek Ct Clarendon Hills, IL 60514
1-1	09-14-118-049	559 Willowcreek Ct Clarendon Hills, IL 60514
2-1	09-14-118-050	557 Willowcreek Ct Clarendon Hills, IL 60514
3-1	09-14-118-051	555 Willowcreek Ct Clarendon Hills, IL 60514
4-1	09-14-118-052	553 Willowcreek Ct Clarendon Hills, IL 60514
1-2	09-14-118-053	561 Willowcreek Ct Clarendon Hills, IL 60514
2-2	09-14-118-054	563 Willowcreek Ct Clarendon Hills, IL 60514
3-2	09-14-118-055	565 Willowcreek Ct Clarendon Hills, IL 60514
4-2	09-14-118-056	567 Willowcreek Ct Clarendon Hills, IL 60514
1-15	09-14-118-057	521 Willowcreek Ct Clarendon Hills, IL 60514
2-15	09-14-118-058	523 Willowcreek Ct Clarendon Hills, IL 60514
3-15	09-14-118-059	525 Willowcreek Ct Clarendon Hills, IL 60514
4-15	09-14-118-060	527 Willowcreek Ct Clarendon Hills, IL 60514
1-16	09-14-118-061	535 Willowcreek Ct Clarendon Hills, IL 60514
2-16	09-14-118-062	533 Willowcreek Ct Clarendon Hills, IL 60514
3-16	09-14-118-063	531 Willowcreek Ct Clarendon Hills, IL 60514
4-16	09-14-118-064	529 Willowcreek Ct Clarendon Hills, IL 60514
1-17	09-14-118-065	543 Willowcreek Ct Clarendon Hills, IL 60514
2-17	09-14-118-066	541 Willowcreek Ct Clarendon Hills, IL 60514
3-17	09-14-118-067	539 Willowcreek Ct Clarendon Hills, IL 60514
4-17	09-14-118-068	537 Willowcreek Ct Clarendon Hills, IL 60514
1-18	09-14-118-069	545 Willowcreek Ct Clarendon Hills, IL 60514
2-18	09-14-118-070	547 Willowcreek Ct Clarendon Hills, IL 60514
3-18	09-14-118-071	549 Willowcreek Ct Clarendon Hills, IL 60514
4-18	09-14-118-072	551 Willowcreek Ct Clarendon Hills, IL 60514

### **EXHIBIT B**

### CERTIFICATION AS TO UNIT OWNER APPROVAL

I, <u>Fri Beler</u> , do hereby certify that I am the duly elected and qualified secretary for the Woodcreek of Clarendon Hills Condominium Association, and as such Secretary, I am the overseer of the books and records of the Association.
I further certify that the attached Amendment to the Declaration of Condominium for the Woodcreek of Clarendon Hills Condominium Association, was duly approved by the affirmative vote of voting members (either in person or by proxy) representing at least three-fourths (3/4ths) of the votes cast in the Association, in accordance with the provisions of of the Declaration.
Jerry Bellerit Secretary
Dated at Chicago, Illinois this 23rd day of December, 2009.

### **EXHIBIT C**

### AFFIDAVIT AS TO MORTGAGEE NOTIFICATION

I, Erri Belert, do hereby certify that I am the duly elected and qualified secretary for the Woodcreek of Clarendon Hills Condominium Association, and as such Secretary, I am the overseer of the books and records of the Association.
I further certify that A COPY OF THE FOREGOING Amendment was mailed by certified mail to all First Mortgagees of the individual units no less than ten (10) days prior to the date of this Affidavit, in accordance with Article IX, Section 6.0 of the Declaration.  Secretary
SUBSCRIBED and SWORN
to before me this 23rd day of
DECEMBET, 2009.
Notary Public