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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2011 DEC -6 AM 9:59

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MICHELLE S. FAJMAN
RECORDER

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**FIRST AMENDMENT TO THE DECLARATION
OF CONDOMINIUM OWNERSHIP AND OF
EASEMENTS, RESTRICTIONS AND COVENANTS
FOR "63 GLENDALE PARK CONDOMINIUM"**

CHICAGO TITLE INSURANCE COMPANY

This Amendment is made as of this 30th day of September, 2011, by and between its members, all of whom are the undersigned.

WITNESSETH:

WHEREAS, there are four (4) units that make up the 63 Glendale Park Condominium and therefore four (4) owners, or voting members, pursuant to the Declaration; and

WHEREAS, an owner and voting member, John T. Slater, has died and a probate estate has been subsequently opened naming Connie Shurbaji as personal representative, who may vote as proxy; and

WHEREAS, based upon changes made over the years with lending institutions throughout the United States, two (2) amendments to the Declaration are desirable so that potential buyers of units can obtain financing, which in turn will ultimately make the units more marketable; and

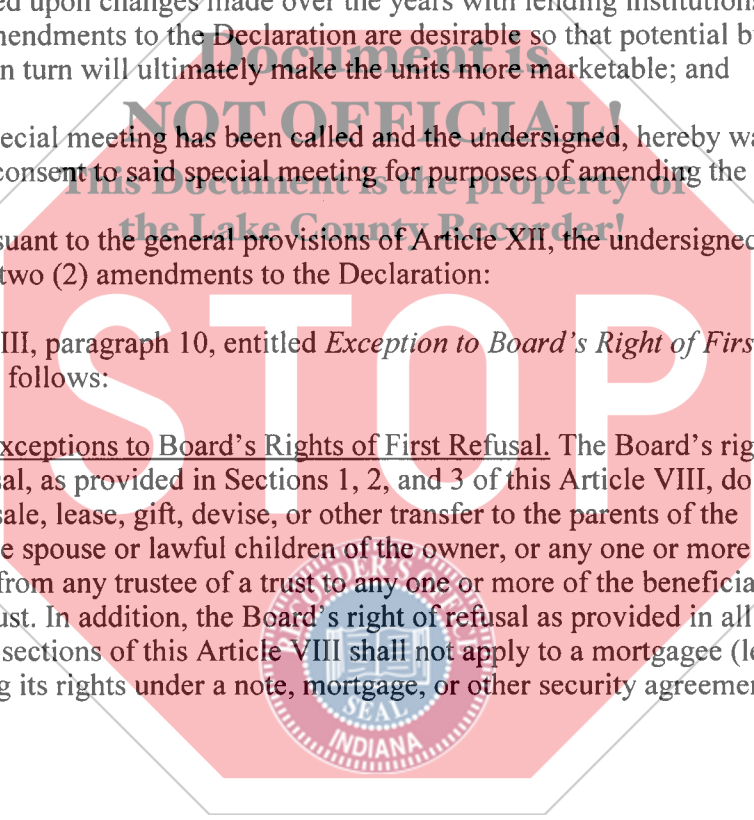
WHEREAS, a special meeting has been called and the undersigned, hereby waiving notice of such special meeting, hereby consent to said special meeting for purposes of amending the Declaration; and

WHEREAS, pursuant to the general provisions of Article XII, the undersigned hereby agree and consent to the following two (2) amendments to the Declaration:

1. Article VIII, paragraph 10, entitled *Exception to Board's Right of First Refusal*, shall be replaced in its entirety as follows:

10. Exceptions to Board's Rights of First Refusal. The Board's right of first refusal, as provided in Sections 1, 2, and 3 of this Article VIII, do not apply to sale, lease, gift, devise, or other transfer to the parents of the owner, the spouse or lawful children of the owner, or any one or more of them, or from any trustee of a trust to any one or more of the beneficiaries of said trust. In addition, the Board's right of refusal as provided in all pertinent sections of this Article VIII shall not apply to a mortgagee (lender) exercising its rights under a note, mortgage, or other security agreement.

②



AMOUNT \$ 15⁰⁰
CASH _____ CHARGE CT
CHECK # _____
OVERAGE _____
COPY _____
NON-COM _____
CLERK Rm

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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

2. A new Article XIII, entitled *Alternative Dispute Resolution*, shall be added as follows:

Article XIII. Alternative Dispute Resolution.

1. In addition to the other methods contemplated by this Declaration or the Horizontal Property Act ("Act"), the Corporation, Board, and owners may resolve any dispute concerning or arising under the provisions of this Declaration or the Act using mediation and arbitration as outlined below. Nothing in this Article shall limit the Corporation's rights to collect fees owed under the provisions of this Declaration.

2. Mediation is a process where an independent party assists the parties to reach their own settlement. Arbitration is a process where an independent party hears from the parties and makes a final and binding decision.

3. (a) If the Corporation, Board, or an owner wishes to use mediation, the disputing parties should first give written notice to the other party of its desire to use mediation, including a detailed description of the dispute and the name of a mediator to which the disputing party is willing to agree as mediator. If the Corporation, Board, or an owner receives a request to use mediation to resolve a dispute, it is deemed to agree to use mediation. Within seven (7) days of receiving the request for mediation, the responding party shall send to the disputing party a written notice outlining its description of the dispute and the name of a mediator to which the responding party is willing to agree as mediator.

(b) If the parties are unable to agree on the name of a mediator, the parties agree to jointly submit a request for appointment of a mediator to an independent third party. The parties agree to each bear their own costs of participating in the mediation and to jointly share the costs of the mediator and the mediation process, unless otherwise agreed by the parties before or as part of the mediated settlement.

4. (a) If the Corporation, Board, or an owner wishes to use arbitration, the disputing parties should first give written notice to the other party of its desire to use arbitration, including a detailed description of the dispute and the name of an arbitrator to which the disputing party is willing to agree as arbitrator. If the Corporation, Board, or an owner receives a

