



\*410390176DLR5\*

Control Number <b>410390176</b>	WIID Number <b>2001039-000045</b>	Instrument Type <b>DLR</b>
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**WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)  
\*\*\* DO NOT REMOVE \*\*\***

**THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:**

**TYPE OF INSTRUMENT DLR - DECLARATION**  
**FEE PAGES 5 TOTAL PAGES 5**

**RECORDING FEES**

STATUTORY CHARGE	\$5.25
RECORDING CHARGE	\$15.00
RECORD MGT. FUND	\$4.75
RP 5217	\$0.00
TP-584	\$0.00
CROSS REFERENCE	\$0.50
MISCELLANEOUS	\$0.00
<b>TOTAL FEES PAID</b>	<b>\$25.50</b>

**MORTGAGE TAXES**

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
YONKERS	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
SUBTOTAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
<b>TOTAL PAID</b>	<b>\$0.00</b>

**TRANSFER TAXES**

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	

**SERIAL NUMBER  
DWELLING**

**RECORDING DATE 02/16/2001**  
**TIME 10:31:00**

**THE PROPERTY IS SITUATED IN  
WESTCHESTER COUNTY, NEW YORK IN THE:  
TOWN OF MT. PLEASANT**

**WITNESS MY HAND AND OFFICIAL SEAL**

**LEONARD N. SPANO  
WESTCHESTER COUNTY CLERK**

**Record & Return to:  
SHAMBERG MARWELL HOCHERMAN DA  
55 SMITH AVE  
MOUNT KISCO, NY 10549**

4pg

**FIRST AMENDMENT TO DECLARATION  
OF FOXWOOD CONDOMINIUM II**

FIRST AMENDMENT TO DECLARATION made as of this 11<sup>th</sup> day of August, 2000 by FOXWOOD CONDOMINIUM II, a condominium association organized and existing pursuant to Article 9(b) of the Real Property Law of the State of New York, and having its principal place of business in the County of Westchester, State of New York.

at 9-9 Foxwood Drive, Pleasantville

**WITNESSETH:**

**WHEREAS**, a special meeting of the Unit Owners of Foxwood Condominium II was properly held on the 29<sup>th</sup> day of June, 2000; and

**WHEREAS**, by the affirmative vote of more than 66 2/3% in number and in common interest of all unit owners of Foxwood Condominium II, certain resolutions were adopted to amend certain provisions of the Declaration of Foxwood Condominium II dated December 23, 1977 and recorded in the Office of the Clerk of the County of Westchester in Liber 7446, Page \* 33 (the "Declaration").

**NOW, THEREFORE**, the parties hereto amend the provisions of the Declaration as set forth herein.

1. The Declaration is amended by modifying and amending Article II, Section 2(n) of the By-Laws annexed thereto so that it shall read as follows:

(n) Levying fines against the Unit Owners for violations of the Rules and Regulations established by it to govern the conduct of the Unit Owners; provided, however, that no fine may be levied for more than \$25 for any one violation, but for each day a violation continues after notice it shall be considered a separate violation, and such fines may be collected as if they were Common Charges owed by the Unit Owner(s) against whom fines were levied. The maximum dollar amount will be adjusted annually and proportionately thereafter, to reflect the same percentage of applicable Foxwood Homeowners Association budget as the \$25 sum currently bears to the 1999/2000 Foxwood Homeowners Association budget.

2. The Declaration is amended by modifying and amending Article II, Section 6 of the By-Laws annexed thereto so that it shall read as follows:

SECTION 6. Vacancies. Vacancies in the Board of Managers caused by any reason other than the removal of a member thereof by a vote of the Unit Owners shall be filled by vote of a majority of the remaining members at a special meeting of the Board of Managers held for that purpose promptly after the occurrence of any such vacancy, even

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WESTCHESTER COUNTY CLERK

though the members present at such meeting may constitute less than a quorum, and each person so elected shall be a member of the Board of Managers until the next annual meeting of the Unit Owners, at which time the Unit Owners shall vote to fill the remainder (if any) of the applicable term.

3. The Declaration is amended by modifying and amending Article III, Section 1 of the By-Laws annexed thereto so that it shall read as follows:

SECTION I. Annual Meetings. Annual meetings shall be held in November of each year on a date selected by the Board of Managers. At such meetings Unit Owners shall elect Managers to fill vacancies or to succeed retiring Managers as provided in Article II of these By-Laws and shall also transact such other business of the Condominium as may properly come before the meeting.

4. The Declaration is amended by modifying and amending Article III, Section 8 of the By-Laws annexed thereto so that it shall read as follows:

SECTION 8. Voting.

(a) The Owner(s) of each unit shall be entitled to cast the votes appurtenant to such Unit. Each Unit Owner shall be entitled to cast one vote for each Unit owned by such Unit Owner(s) at all meetings of Unit Owners. A fiduciary shall be the voting member with respect to any Unit Owner in a fiduciary capacity. Any unit(s) owned by the Board of Managers or its designee on behalf of all Unit Owners or by the Association shall not be entitled to a vote and shall be excluded from the total of common interests when computing the interest of all other Unit Owners for voting purposes.

(b) The vote(s) to be cast by the Unit Owner(s) shall be cast (i) in person at the meeting, or (ii) by proxy, or (iii) by absentee ballot. Proxies may be carried by any person designated by such Unit Owner(s) to act on behalf of such Unit Owner(s); but the maximum number of proxies which may be carried by any one person shall be three. The Unit Owner(s) may direct that vote(s) be cast in a specific manner, or alternatively that the person carrying the proxy vote his/her conscience. The designation of any such proxy shall be made in writing to the Secretary and shall be revocable at any time by written notice to the

Secretary by the Unit Owner(s) so designating. An absentee ballot must specify the vote(s) to be cast by the Unit Owner(s) and, once received by the Secretary, may not be revoked. Absentee ballots must be received in a sealed envelope at the Condominium Office prior to 4:00 p.m. on the date of the meeting. Proxies and absentee ballots must be on a form approved by the Board of Managers.

(c) Candidates for Board positions will be formally nominated at the annual meeting.

5. The Declaration is amended by modifying and amending Article IV, Section 1 of the By-Laws annexed thereto so that it shall read as follows:

SECTION 1. Designation. The principal officers of the Condominium shall be the President, the Vice- President, the Secretary and the Treasurer, all of whom shall be Unit Owners elected by the Board of Managers. The Board of Managers may appoint an Assistant Treasurer, an Assistant Secretary and such other officers as in its judgment may be necessary.

6. The Declaration is amended by modifying and amending Article VI, Section 12 of the By-Laws annexed thereto so that it shall read as follows:

SECTION 12. Additions, Alterations or Improvements by the Board of Managers. Whenever in the judgment of the Board of Managers the Common Elements shall require additions, alterations or improvements costing in excess of \$10,000.00, no such additions, alterations or improvements shall be made unless and until the same shall have been approved by a majority of the Unit Owners present and voting at a meeting at which a quorum is present, and, if such approval shall be granted, the Board of Managers shall proceed with such additions, alterations or improvements. Any additions, alterations or improvements costing \$10,000.00 or less may be made by the Board of Managers without approval of the Unit Owners. The cost and expense of any such additions, alterations or improvements shall constitute part of the common expenses and shall be assessed to the Unit Owners as a Common Charge.

