

# **Oakwood Homeowner's Association**

## **Special Meeting to Vote on Amended CC&R's and By-Laws**

### **Westmont Junior High School – May 26, 2004**

#### **CALL TO ORDER**

Meeting called to order at 7:15 pm by Director Sean Ladieu. Secretary Larry Stephan, Treasurer Jerry Harlow and Vice President David Vogt were in attendance. President Claudia Kerbel was unable to attend. Mr. William Schultz was the Parliamentarian. Mr. LaDieu stated that we have a quorum and that Roberts Rules of Order will be followed. He explained the purpose of the meeting and asked for comments and/or questions. There were no comments or questions at this time.

#### **NEW BUSINESS**

- **Consideration of Amended Covenants, Conditions and Restrictions (CC&R's)**
  1. Mr. Harry Steinmeyer made a motion to approve the Amended CC&R's of the Oakwood Homeowner's Association. His motion was 2<sup>nd</sup> by Mr. Gregg Pill. (No vote was taken at this time and the motion remained open on the floor)
  2. Mr. Pill moved to waive the reading of the Amended CC&R's. His motion was 2<sup>nd</sup> by Mr. Wally Skleba and the motion was unanimously approved.
  3. Mr. Michael Otten made a motion to amend the wording in Article VI, Section 4. His motion was to replace the phrase "shall require an amendment to the Declaration" with "shall require two-thirds of the votes of the members present, in person or by proxy, or by 235 votes, whichever is larger, at a duly convened meeting.
  4. Mr. Otten's motion was 2<sup>nd</sup> by Mr. James Long and the motion passed unanimously.
  5. Mr. Steinmeyer moved that Article VI, Section 5 be amended to delete reference to "Section 9" and replace it with "Section 7".
  6. Mr. Steinmeyer's motion was 2<sup>nd</sup> by Mr. Pill and passed unanimously.
  7. Mr. Otten made a motion to amend the wording in Article VI, Section 3 (a). His motion was to replace the sentence "To increase the annual assessment by more than the rate stipulated above shall require an amendment to the Declaration" with "To increase the annual assessment by more than the rate stipulated above shall require two-thirds of the votes of the members present, in person or by proxy, or by 235 votes, whichever is larger, at a duly convened meeting"
  8. Mr. Otten's motion was 2<sup>nd</sup> by Roger Westman and was passed with one dissenting vote.
  9. Mr. Pill moved to amend Article II, Section 2 to exclude reference to " Exhibit A" and replace it with "the sale or conveyance of all or any portion of that certain real estate in the County of DuPage, State of Illinois which is described in Article I, Section 3 Common Area which is presently owned by the Association and shall require two-thirds of the votes of the members present, in person or by proxy, or by 235 votes, whichever is larger, at a duly convened meeting."
  10. Mr. Pill's motion was 2<sup>nd</sup> by Mr. Long and passed unanimously.
  11. Ms. Darlene Gray moved to amend Article V, Section 1 (g) by eliminating the phrase "within the area described on Exhibit "A" or Exhibit "B".
  12. Ms. Gray's motion was 2<sup>nd</sup> by Mr. Westman and passed unanimously.
  13. Mr. Schultz suggested that all members make a review of the CC&R's document to make sure they are properly presented and there was a 10 minute review.

14. Mr. Harlow moved that Article IX be amended to delete “The Association agrees to supervise, police and provide such personnel (including lifeguards) and issue, keep in full force and effect and enforce such By-Laws and rules and regulations as are reasonably necessary to safeguard the health, welfare and safety of the users of said lake and common areas and the recreational facilities located thereon, and further.”.
15. Mr. Zebutis 2<sup>nd</sup> Mr. Harlow’s motion and discussion followed during which the members of the CC&R’s committee (Mr. Long and Mr. Schultz) explained their reasoning for leaving this wording in the CC&R’s. Motion failed.
16. Mr. Schultz moved to amend Article IX by striking the last sentence in its entirety and replace it with “The Association agrees to issue, keep in full force and effect, police and enforce such By-Laws and rules and regulations as are reasonably necessary to safeguard the health, welfare and safety of the users of said lake and common areas and the recreational facilities located thereon. The Association shall keep in full force and effect bodily injury and property damage liability insurance in the amounts necessary to reasonably protect the interest of the members.”
17. Mr. Schultz’s motion was 2<sup>nd</sup> by Mr. Otten and passed unanimously.
18. Mr. Schultz moved that any use of the word “Declarations” throughout this document be replaced with “Declaration of Covenants, Conditions and Restrictions”.
19. Mr. Long 2<sup>nd</sup> Mr. Schultz’s motion and it passed unanimously.
20. Mr. LaDieu reintroduced Mr. Steinmeyer’s original motion to approve the Amended CC&R’s of the Oakwood Homeowner’s Association and called for a voice vote. Motion passed unanimously.

- **Consideration of Amended By-Laws**

1. Mr. Pill moved that we approve the Amended By-Laws of the Oakwood Homeowner’s Association.
2. Mr. Harlow 2<sup>nd</sup> Mr. Pill’s motion.
3. Mr. Schultz suggested that all members review the By-Laws for any potential corrections or adjustments.
4. Mr. Westman stated that the official name for the beach is “Westman Beach” and the name had been amended by a prior Board of Directors. Mr. Harlow moved that all references to the “beach” within the By-Laws be amended to “Westman Beach”.
5. Mr. Harlow’s motion was 2<sup>nd</sup> by Mr. Pill and the motion passed unanimously.
6. Mr. LaDieu reintroduced Mr. Pill’s original motion to approve the Amended By-Laws of the Oakwood Homeowner’s Association and called for a voice vote. Motion passed unanimously.

## **ADJOURNMENT**

Motion to adjourn was made by Mr. Pill at 9:08 PM and was 2<sup>nd</sup> by Mr. Long. Motion passed unanimously.