

AMENDMENT NUMBER 19 & 20

LEISURE GLEN HOMEOWNERS' ASSOCIATION, INC.

RIDGE, NY

**CERTIFICATE OF AMENDMENT OF THE DECLARATION AND BY-LAWS OF
LEISURE GLEN
HOME OWNERS ASSOCIATION, INC.**

Pursuant to the provisions of Article XIV, Section 2 of the Declaration and Article XII of the By-Laws of **LEISURE GLEN HOME OWNERS ASSOCIATION, INC.**, having an office at 311 Glen Drive, Ridge, New York 11961, the undersigned, being respectively the President and Secretary of the Board of Directors of the above-named Home Owners Association, hereby certify, as follows:

FIRST: The name of the Home Owners Association at the time the Declaration and By-Laws were filed in the Office of the Suffolk County Clerk was **LEISURE GLEN HOME OWNERS ASSOCIATION, INC.** The real property comprising the Home Owners Association is more particularly described on Schedule A annexed hereto.

SECOND: The Declaration and By-Laws of **LEISURE GLEN HOME OWNERS ASSOCIATION, INC.**, dated September 16, 1986, were filed in the Office of the Suffolk County Clerk on the 18TH day of September, 1986 in Liber 10126 at Page 284. ✓

THIRD: The Declaration of LEISURE GLEN HOME OWNERS ASSOCIATION, INC. as authorized by Article XIV, Section 2 and the By-Laws of LEISURE GLEN HOME OWNERS ASSOCIATION, INC. as authorized by Article XII is hereby amended thereof as follows:

Note: Language to be removed is stricken through (stricken through).
Language to be added appears in bold and underlined type.

AMENDMENT #19

DECLARATION: ARTICLE IV. MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

The Association shall have one class of membership interest. The owner of each dwelling unit on The Properties subject to this Declaration shall be a member.

Each Member, **or the spouse of a Member** is entitled to one vote **on any business that comes before them in which they have a voting interest.** When more than one person or entity holds such interest in any Home, the one vote attributable to such Home shall be exercised as such persons mutually determine but, ~~with the exception of cumulative voting employed in the election of Directors,~~ not more than one vote may be cast with respect to any such Home. For purposes of this section the word "home" shall have the same meaning as "lot" and therefore if there is no home constructed on a particular lot in the Development, the owner of such lot will still be considered a Member entitled to cast the one vote as set forth above. No ~~Member voter~~ shall split or divide its vote on any motion, resolution or ballot ~~other than in the cumulative voting procedure employed in the election of Directors.~~

BY-LAWS: ARTICLE VI. MEMBERSHIP AND VOTING RIGHTS

Section 1. Membership. The Association shall have one class of membership interest as follows:

The Owner of each Home (or "lot" in the event no home is constructed on such lot) on the Properties shall be a member of the Association whether such Home is a townhouse or any other type of residential dwelling unit and whether such ownership is joint, in common or tenancy by the entirety. Each member, **or the spouse of a member**, is entitled to one vote. When more than one person or entity holds such interest in any Home, the one vote attributable to such Home shall be exercised as such persons mutually determine but ~~with the exception of cumulative voting employed in the election of Directors~~, not more than one vote may be cast with respect to any such Home. ~~No member shall split or divide its votes~~ **Votes shall not be split or divided** on any motion, resolution or ballot ~~other than in the cumulative voting procedure employed in the election of Directors.~~

BY-LAWS: ARTICLE VII. QUORUM, PROXIES AND WAIVERS

Section 1. Quorum. So many ~~Members~~ **authorized voters** as shall represent at least 51% **forty percent (40%)** of the total authorized votes ~~of all Members~~ present in person or represented by written proxy shall be requisite to and shall constitute a quorum at all meetings of the Association for the transaction of business, except as otherwise provided by Statute, by the Declaration, the Certificate of Incorporation of the Association or by these By-Laws. If, however, such quorum shall not be present or represented at any meeting of the Association, ~~the~~ **Members those** entitled to vote thereat, present in person or represented by written proxy, shall have the power to adjourn the meeting. At least 5 days written notice of such adjourned meeting shall be given to all ~~Members~~ **those** entitled to vote. At such adjourned meeting any business may be transacted which might have been transacted at the meeting originally called.

BY-LAWS: ARTICLE VII. QUORUM, PROXIES AND WAIVERS

Section 2. Vote Required to Transact Business. When a quorum is present at any meeting, the vote of a majority of ~~the Members~~ **those entitled to vote** present in person or represented by written proxy shall decide any question brought before such meeting and such vote shall be binding ~~on all Members~~, unless the question is one upon which by express provision of the Statute, Declaration, Certificate of Incorporation or of these By-Laws, a different vote is required, in which case such express provision shall govern and control the decision of such question.

Section 3. Right to Vote. Members, **or the spouse of a Member**, shall be entitled to vote either in person or by proxy at any meeting of the Association. Any such proxy shall be valid for such meeting or subsequent adjourned meetings thereof.

Remaining provisions are unchanged.

BY-LAWS: ARTICLE VIII. BOARD OF DIRECTORS

Section 1. Number, and Term and Qualifications.

The number of Directors which shall constitute the whole Board shall be **no more than seven (7) and no less than three (3)**. All Directors:

(i) Must be a member of the Association or the immediate family member residing in the member's home; and

(ii) Shall have been a member of Leisure Glen Homeowners Association, Inc. for at least one (1) year prior to the date of election, or immediate family member residing in the member's home for at least one (1) year prior to the date of election; and

(iii) Must physically reside at Leisure Glen Homeowners Association, Inc., for at least ten (10) months of each calendar year; and

(iv) May not be employed on a full-time basis in any capacity; and

(v) Must be in good standing, which shall be defined for the purposes of this Article VIII, Section 1 as being current in all financial obligations to the Association, not having any architectural violations, and having provided the Board of Directors with proof of dwelling insurance in accordance with the Board's requirements; and

(vi) Must not knowingly be in violation of any provisions of the Declaration or By-Laws or Rules and Regulations; and

(vii) At the first Annual Meeting following the effective date of this Amendment, Members shall vote for and elect seven (7) Directors [four (4) for a two (2)-year term, and three (3) for a one (1)-year term]. Thereafter, at each subsequent Annual Election, those elected shall serve a two (2)- year term; and

(viii) No Director may be elected to serve more than three (3) consecutive two (2)-year terms.

BY-LAWS: ARTICLE VIII. BOARD OF DIRECTORS

Section 2. ~~Cumulative Voting and Right of Developer to Designate Certain Board Members.~~

In an election of Directors, each Member **or spouse of a Member**, shall be entitled to **one** vote **for each open position on the Board**. ~~as many votes as shall equal the number of Directors to be elected and a Member may cast all such votes for a single Director or may distribute them among two or more Directors as he sees fit.~~

Notwithstanding the foregoing, the Developer shall have the right to designate three Directors until the fifth anniversary date of the recording of the Declaration or until 90% of the Homes in all phases of the Development are closed, whichever is sooner. Thereafter, the Developer shall have the right to designate one Director for so long as it holds at least one membership. When the Developer no longer holds any membership interests it may not designate any Directors. Developer may not cast its votes to elect any Directors in addition to the designated Directors set forth above. The provisions of Article VII Sections 1 and 2 may not be amended without the written consent of the Developer.

Section 4. Removal. Directors, other than Sponsor designees may be removed for cause by an affirmative vote of a majority of the Members **those entitled to vote**. No Director, other than a designee of the Sponsor, shall continue to serve on the Board if, during his term of office, he shall cease to be a Member **or spouse of a Member**.

Remaining provisions are unchanged.

BY-LAWS: ARTICLE IX. OFFICERS

Section 1. Elective Officers. The officers of the Association shall be chosen by the Board of Directors and shall be a President, a Vice President, a Secretary and a Treasurer. The Board of Directors may also choose one or more Assistant Secretaries and Assistant Treasurers and such other officers as in their judgment may be necessary. All officers must be either members of the Board of Directors or Members of the Association, except Sponsor designees. **To be considered for an Officer position, a Director must have served a minimum of (1) year on the Board.**

Section 2. Election. The Board of Directors, at its first meeting after each annual meeting of Association Members, shall elect a President, a Vice President, a Secretary and a Treasurer. **The President, Vice President, and Secretary must be a member of the Board of Directors.**

Remaining provisions are unchanged

AMENDMENT #20

DECLARATION: ARTICLE XIV. GENERAL PROVISIONS

Section 2. Duration and Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable to the Association, any Member, or the Owner of any land subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, until December 31, 2026, unless otherwise expressly limited herein, after which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by sixty-six and

two-thirds (66 2/3%) percent of the Home Owners has been recorded, agreeing to change said covenants and restrictions in whole or in part. Notwithstanding the foregoing the easements, licenses, rights and privileges established and created with respect to the Properties by Section 2 of Article VI shall be perpetual, run with the land and shall survive any destruction, reconstruction and relocation of the physical structures unless said provision is abrogated by the unanimous written consent of all the Home Owners. Unless specifically prohibited herein, this Declaration may be amended by an instrument signed by Members or the spouses of Members holding not less than ~~sixty-six and (66 2/3%)~~ **fifty one percent (51%)** of the votes of the membership **those entitled to vote**. Any amendment must be properly recorded to be effective.

BY-LAWS: ARTICLE XII. AMENDMENTS

Except as otherwise provided, these By-laws may be altered, amended or added to at any duly called meeting of Association Members provided: (1) that the notice of the meeting shall contain a full statement of the proposed amendment and (2) that the amendment shall be approved by vote of at least ~~sixty-six and two thirds (66 2/3%)~~ **fifty one percent (51%)** of the members **those entitled to vote**. No amendment, however, shall affect or impair the validity or priority of the Members' interests and the interests of holders of a mortgage encumbering a Member's Home. Nor shall any amendment have the effect of infringing upon the Developer's right to build and make membership in or use of the Association available to purchasers or lessees of no more than 603 Homes on the Properties, if only, Phase II is brought into the scheme of the Declaration and 1483 Homes on the properties if the Phase III properties are brought within the scheme of the Development.

Remaining provisions are unchanged

FOURTH: The foregoing Amendments to the Declaration and By-Laws of **LEISURE GLEN HOME OWNERS ASSOCIATION, INC.** was duly authorized by a vote of the members of the Association at a meeting of the membership held on February 27, 2020 at which the Amendments were approved by more than 66 2/3% of the members pursuant to the requirements of Declaration and By-Laws.

IN WITNESS WHEREOF, the undersigned have signed this Certificate on the 28th day of FEBRUARY, 2020.


Edward Marczak, President


Frederick Finter, Secretary

STATE OF NEW YORK)

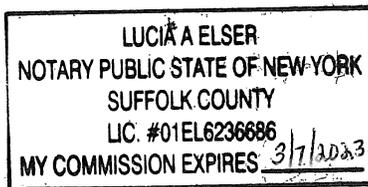
ss.:

COUNTY OF SUFFOLK)

On the 28th day of February, 2020, before me, the undersigned, personally appeared Edward Marczak, personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Lucia A. Elser

Notary Public



STATE OF NEW YORK)

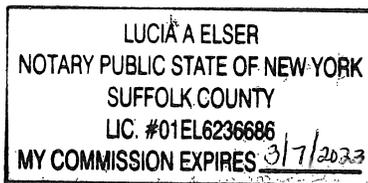
ss.:

COUNTY OF SUFFOLK)

On the 28th day of February, 2020, before me, the undersigned, personally appeared Frederick Finter, personally known to me or proved to be on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Lucia A. Elser

Notary Public



SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Ridge, Town of Brookhaven, County of Suffolk and State of New York, know and designated as:

Lot number 1 through 128 as shown on a certain map entitled "Map of Leisure Glen, Section 1" which said map was duly filed in the office of the clerk of the County of Suffolk on 12/23/1985 as map number 8034.

Lot number 129 through 276 as shown on a certain map entitled "Map of Leisure Glen, Section 2" which said map was duly filed in the office of the clerk of the County of Suffolk on 1/15/1987 as map number 8258.

Lot number 277 through 386 as shown on a certain map entitled "Map of Leisure Glen, Section 3" which said map was duly filed in the office of the clerk of the County of Suffolk on 1/19/1988 as map number 8459. *- EXCEPT 367 & 368*

Lot number 387 through 474 as shown on a certain map entitled "Map of Leisure Glen, Section 4" which said map was duly filed in the office of the clerk of the County of Suffolk on 10/17/1988 as map number 8632.

and 651 & 652
Lot number 475 through 632 as shown on a certain map entitled "Map of Leisure Glen, Section 5" which said map was duly filed in the office of the clerk of the County of Suffolk on 7/23/1993 as map number 9392.

Lot number 633 through 650 as shown on a certain map entitled "Map of Leisure Glen, Section 6" which said map was duly filed in the office of the clerk of the County of Suffolk on 9/19/1995 as map number 9742.