

CHESTERFIELD GARDENS CONDOMINIUM, INC.FIRST AMENDMENT TO THE BY-LAWS

THIS FIRST AMENDMENT TO THE BY-LAWS (hereinafter referred to as "First Amendment"), made this 13th day of May, 1993, by Chesterfield Gardens Condominium, Inc., a condominium incorporated under the laws of the State of Maryland (hereinafter referred to as "the Condominium").

WITNESSETH:

THAT WHEREAS, Article XV, Section 1 of the By-Laws dated October 9, 1984 and recorded among the Land Records of Anne Arundel County, Maryland at Liber 3820, folio 321, et seq. (hereinafter referred to as the "By-Laws") provides that the By-Laws may be amended by the affirmative vote of unit owners having sixty-six and two-thirds percent (66-2/3%) or more of the total percentage interest at a meeting of the Council for that purpose...;" and

WHEREAS, at a duly held annual meeting of the unit owners, unit owners representing at least sixty-six and two-thirds percent (66-2/3%) of the total percentage interest of the Condominium voted to amend the By-Laws in the manner set out below; and

WHEREAS, notice of the Amendments set out below was sent to all mortgagees.

NOW, THEREFORE, the unit owners of the Condominium hereby declare that the Condominium's By-Laws are amended as follows:

1. Article V, Section 1 of the By-Laws is deleted in its entirety and is amended to read as follows:

Section 1. Number and Qualification.
The affairs of the Corporation shall be governed by the Board of Directors which shall be composed of five (5) members. Only members of the Corporation shall serve on the Board of Directors and no members shall be elected to the Board of Directors if he or she owes assessments, fines, late charges, interest, costs of collection or any other monetary sum to the Council of Unit Owners.

2. Article V, Section 6 of the By-Laws is deleted in its entirety and is amended to read as follows:

Section 6. Removal of Directors. At an annual meeting of the members, or at any special meeting called for such purpose, any Director may be removed with or without cause by the affirmative vote of a majority of the votes of the members, voting in person or by proxy, and a successor may then and there be elected to fill the vacancy thus created. Any Director whose removal has been proposed by the members shall be given an opportunity to be heard at the meeting. Any Director who becomes more than forty-five (45) days delinquent in the payment of any assessments or carrying charges due the Council, or any Director who is not in attendance at two (2) consecutive, regular Board meetings (unless the absent Director gave prior notice or had good cause and the Board minutes reflect the notice or the good cause), is deemed to have

automatically resigned from the Board of Directors and the remaining Directors shall appoint his or her successor as provided in this Article.

3. Article V, Section 9 of the By-Laws is deleted in its entirety and is amended to read as follows:

Section 9. Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors, but such meetings shall be held at least four (4) times during each fiscal year. Notice of regular meetings of the Board of Directors shall be given to each Director, personally or by mail, telephone or telegraph, at least five (5) days prior to the day named for such meeting. Regular meetings of the Board of Directors, except those held pursuant to Section 11-109.1 of the Maryland Condominium Act, shall be open to all members. Notice to members of the regular Board meetings shall be given at least five (5) days prior to the meeting in a manner determined by the Board of Directors.

4. Article V, Section 10 of the By-Laws is deleted in its entirety and is amended to read as follows:

Section 10. Special Meetings. Special meetings of the Board of Directors may be called by the President on three (3) days' notice to each Director, given personally or by mail, telephone or telegraph. Special meetings may also be called by the President or the Secretary, in the manner cited above, upon the written request of at least one-third (1/3) of the Directors. Notice to the members of the special meeting shall be given prior to the meeting in a manner determined by the Board of Directors.

5. Article V, Section 11 of the By-Laws is amended by adding "unless otherwise provided by the Maryland Condominium Act" before the first sentence of the Section, so that the beginning of the Section reads as follows:

Unless otherwise provided by the Maryland Condominium Act, a meeting of the Board of Directors may be held in closed session only for the following purposes....

Article V, Section 11 of the By-Laws is also amended by deleting the last sentence of the Section in its entirety and amending it to read as follows:

If a meeting is held in closed session, a statement of the time, place and purpose of the closed meeting, the record of the vote of each Board Member by which the meeting was closed and the authority under Section 11-109.1 of the Maryland Condominium Act for closing the meeting shall be included in the minutes of the next meeting of the Board of Directors.

6. Article V, Section 14 of the By-Laws is amended by adding "unless a different procedure is set out in Section 11-113

of the Maryland Condominium Act" before the first sentence of the Section, so that the beginning of the Section reads as follows:

Unless a different procedure is set out in Section 11-113 of the Maryland Condominium Act, the Board may not impose a fine, suspend voting or infringe upon any other rights of a member or other occupant for violations of rules until the following procedure is followed....

Article V, Section 14 is also amended by adding new subsections (d) and (e), which read as follows:

(d) If any member fails to comply with the Maryland Condominium Act, the Declaration, these By-Laws or a decision rendered pursuant to this Section or Section 11-113 of the Maryland Condominium Act, the member may be sued for damages caused by the failure or for injunctive relief, or both, by the Council of Unit Owners or by any member. The prevailing party in such a proceeding is entitled to an award of counsel fees as determined by the Court.

(e) The failure of the Council of Unit Owners to enforce the provisions of the Maryland Condominium Act, the Declaration or these By-Laws on any occasion is not a waiver of the right to enforce the provisions on any other occasion.

7. Article IX of the By-Laws is amended by adding a new Section 8, which reads as follows:

Section 8. Suspension of Utility Services. In addition to the other remedies set forth in this Article which are available to the Corporation when a member fails to pay assessments, the Corporation, through the Board of Directors, may suspend any bulk metered utility services provided to a member's unit until such time as the member pays in full all past due assessments, accelerated assessments, interest, late fees and the costs of collection and attorney's fees associated with collecting the assessments. Utility services shall be suspended only under the following conditions:

(a) The Board of Directors shall not suspend any bulk metered utility services to a member's unit until the procedures set out in Article V, Section 14 of the By-Laws have been afforded to the non-paying member and the member has failed to pay in full all past due assessments, accelerated assessments, interest, late fees and the costs of collection and attorney's fees associated with collecting the assessment.

(b) The Board of Directors shall not commence the procedures set out in Article V, Section 14 of the By-Laws for the purpose of suspending a member's bulk metered

utility services unless and until the member is at least forty-five (45) days past due in the payment of his or her assessments.

8. EXCEPT AS AMENDED HEREIN, all other terms, covenants and conditions of the Condominium's By-Laws shall remain in full force and effect.

IN WITNESS WHEREOF, the unit owners of the Condominium, through its President, have caused this First Amendment to be executed on their behalf the day and year first above written.

WITNESS/ATTEST:

CHESTERFIELD GARDENS CONDOMINIUM, INC.

Antionette Ives

By: Ruth Volz (SEAL)
Ruth Volz, President

CERTIFICATION OF SECRETARY

I HEREBY CERTIFY that, as the person specified in the By-Laws to count votes at meetings of the Condominium's unit owners, the foregoing First Amendment to the By-Laws was approved by the affirmative vote of unit owners, whether present in person or by proxy, representing at least sixty-six and two-thirds percent (66-2/3%) of the total percentage interest of the Condominium at the annual meeting of the Condominium held on the 13th day of May, 1993.

ATTEST:

Stuart L. Sagal

Antionette Ives
Antionette Ives, Secretary

RETURN TO: STUART L. SAGAL, Esquire
341 North Calvert Street
Baltimore, Maryland 21202

s:\wpl\apena\letters\3-16/p23

ALREADY ON INDEX

6079...
LIBER

796...
FOLIO

Bad Page

CHANGE LIBER AND FOLIO TO

6127
LIBER

W-R
7-7-93

268
FOLIO