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# SCENIC RIDGE HOMEOWNERS' ASSOCIATION

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## AMENDMENT TO BY-LAWS OF

### SCENIC RIDGE HOMEOWNERS' ASSOCIATION, INC.

Scenic Ridge Homeowners' Association, Inc., a New York Not-For-Profit Corporation, whose business address is 1 Amber Drive, Croton-on-Hudson, New York 10520, hereby amends its By-Laws, in the following respect:

- (1) A new Section 2 of Article IV of the By-Laws, regarding a restriction on use of Lots, is added to read as follows:

Section 2. The Lots may be used for residential purposes as defined in the applicable zoning ordinances, as the same may be amended from time to time, and such other accessory uses as permitted by such zoning ordinances.

Notwithstanding the foregoing, the leasing of Lots is restricted under a Rental Procedure, as follows:

- a) All Owners who desire to rent their homes must submit an application to the Board of Directors. The application must be in a form approved by the corporation. A fee may be charged to submit the application.
- b) Properly completed applications shall be received on a "first come, first served" basis by the Board or other person, agent or committee appointed by the President. The names of the Owners so received will be entered on a list in consecutive order (the "Rental List").
- c) Owners that are eligible to seek a tenant shall be notified in writing by the Board (the "Eligible Owners").
- d) The Eligible Owners must submit the then prevailing and required Rental materials, including all fees, to the Board on or before forty five (45) days from the date of notification of their eligibility from the Board (the "Primary Submission"). The materials will be submitted to the Board of Directors at its next regularly scheduled meeting.
- e) If consent is granted for a rental by the Directors, the Eligible Owner may then rent his or her home. Consent to a rental shall not be unreasonably withheld. However, except as set forth under sub-section (k) below, under no circumstances will the number of approvals granted under the Rental Procedure exceed nine (9). An Owner with an existing rental arrangement at the adoption of this Rental Procedure may maintain the rental arrangement, and it shall be counted towards the maximum of nine (9) permitted hereunder.
- f) If consent is withheld by the Directors, the Eligible Owner may resubmit materials within forty five (45) days of notification of disapproval (the "Alternate Submission"). If consent is granted to the Alternate Submission, the Eligible Owner may then rent the home.
- g) If the Eligible Owner fails to submit a proper Primary Submission or Alternate Submission on a timely basis, or if consent to both submissions is denied, then the Eligible Owner will be disqualified, and such Owner's name will be placed at the end of the Rental List. An Owner whose application to rent is disapproved shall be notified by the Board via first class mail.

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- h) If, as stated in the preceding paragraph, one or more of the Eligible Owner(s) are disqualified, then such other Owner as is next on line in the Rental List shall be selected as the alternate Eligible Owner. The alternate Eligible Owner must submit rental materials in equivalent time periods as set forth above.
- i) Owners of record, that are fully paid up in assessments and other charges, are eligible to participate in the Rental Procedure. In all circumstances an Owner must be in ownership and residence for at least three (3) years before he or she may qualify to be placed on the Rental List. An Owner of multiple homes shall not be permitted to rent other homes if he or she already rents one home. Any Owner who does not participate at the time of adoption of this Section of the By-Laws, or persons who become Owners after the record date of adoption of this Section of the By-Laws, or Eligible Owners or Owners who currently lease their homes but whose tenants later vacate the home, may be eligible to participate thereafter, but their names will be added to the end of the Rental List on a "first come" basis.
- j) The Association is authorized to impose an administrative charge of \$500.00 per year, with interest therein, upon an Owner for violations of this Rental Procedure of Section 2 of Article IV of these By-Laws. Violations may also result in litigation or other appropriate enforcement relief against the Owner. Nothing herein shall be construed to be in limitation of the Association's remedies against the Owner. The election to impose an administrative charge under this Rental Procedure shall not preclude the Association from any other remedy under the law or under the Declaration or these By-Laws. Administrative charges are payable on demand as an additional assessment under these By-Laws.
- k) Notwithstanding anything stated herein to the contrary, a request for consent of the Directors to a lease may be made in exceptional circumstances on a case-by-case basis. The request shall be limited to so-called "hardship cases" where special circumstances are determined to exist. One example of a type of a "hardship case" is where an Eligible Owner is temporarily relocated on business with a definite intention to return and re-occupy the home at the expiration of the proposed lease. However, a Unit Owner's difficulty or inability to sell a home will not be considered to be a "hardship case". If consent is granted pursuant to this sub-section, the number of approvals granted under the Rental Procedure may exceed nine (9).
- l) Notwithstanding anything stated herein to the contrary, all applicable provisions of the Declaration, By Laws, Rules and Regulations, and other applicable rules of the corporation, remain in full force and effect.

n.b. ADDITIONS are indicated by underline.

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2) The authorizing Resolution for the amendment passed at a special meeting of and by at least two-thirds (2/3) of the Members held on the \_\_\_\_ day of \_\_\_\_\_, 2004.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and caused this Amendment to the By-Laws to be executed by its President this \_\_\_\_ day of \_\_\_\_\_, 2004.

SCENIC RIDGE HOMEOWNERS' ASSOCIATION, INC.  
By:

\_\_\_\_\_  
Howard Millman, President

I HEREBY CERTIFY that a special meeting of the Members of SCENIC RIDGE HOMEOWNERS' ASSOCIATION, INC., held on the \_\_\_\_ day of \_\_\_\_\_, 2004, the amendment set forth at item #(1) of the foregoing Amendment, was duly approved by Resolution of and by at least two-thirds (2/3) of votes of the Members who are voting in person or by proxy.

\_\_\_\_\_  
Debra Maiorano, Secretary

Dated: \_\_\_\_\_, \_\_\_\_\_, 2004

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER) ss.:

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2004, before me, the undersigned, personally appeared HOWARD MILLMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER) ss.:

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2004, before me, the undersigned, personally appeared Debra Maiorano, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public