

AMENDMENT NO. 2
to
DECLARATION
of
TOBEY BROOK CONDOMINIUM
and
BY-LAWS
of
TOBEY BROOK CONDOMINIUM

1999 DEC 17 AM 11: 27
MONROE COUNTY CLERK

RECEIVED

THIS AMENDMENT NO. 2 to the Declaration of Tobey Brook Condominium and to the By-Laws of Tobey Brook Condominium is made as of December 1, 1999 by the BOARD OF MANAGERS of TOBEY BROOK CONDOMINIUM (the "Board") having an address of 9 Tobey Brook, Pittsford, New York 14534.

WHEREAS, by notice dated October 25, 1999 the Board gave all unit owners of Tobey Brook Condominium notice of a proposed amendment to amend the By-Laws of Tobey Brook Condominium, to be acted upon at a meeting held in two sessions, one on November 3, 1999 and the other on December 1, 1999; and

WHEREAS, by resolution dated November 14, 1999, the Board recommended to residents that such amendment be adopted; and

WHEREAS, following such notice, Board resolution and convening of the unit owners' meeting, such amendment was duly adopted by thirty-two of the forty-two unit owners, comprising a vote of at least seventy-five percent (75%) of the eligible unit owners; and

WHEREAS, in accordance with Real Property Law §339-u, such amendment is being set forth as an amendment to the Declaration as well as an amendment to the By-Laws of Tobey Brook Condominium; and

WHEREAS, the original Declaration of Tobey Brook Condominium was recorded on September 14, 1978 in the Monroe County Clerk's Office at Liber 5503 of Deeds, page 50, and was amended by an Amended Declaration recorded in the Monroe County Clerk's Office on November 7, 1979 at Liber 5712 of Deeds, page 252, the original Declaration and the Amended Declaration taken together containing a complete description of the real property constituting Tobey Brook Condominium; and

WHEREAS, THE By-Laws of Tobey Brook Condominium comprise Schedule B of the original Declaration and are recorded as a part thereof.

NOW, THEREFORE, THE BOARD CERTIFIES THAT THE FOLLOWING AMENDMENT NO. 2 was duly adopted after a duly called meeting of the unit owners, with an affirmative vote of at least seventy-five percent (75%) of the eligible unit owners:

AMENDMENT NO. 2

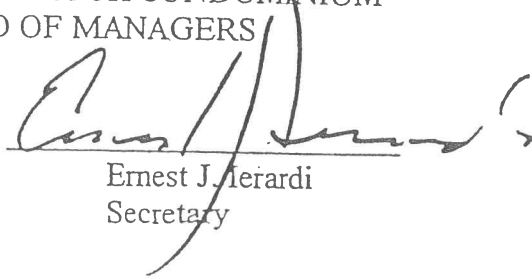
Article II, Section A, Membership and Election, shall be amended to read in its entirety as follows:

A. Membership and Election. The Condominium shall be governed by a Board of Managers consisting of seven persons elected for three-year, staggered terms by the unit owners at the annual meeting of unit owners, with each unit owner eligible to vote for as many candidates as there are positions to be filled. In the 1999 election, three managers shall be elected for three years, two for two years and two for one year. Each manager shall be eligible one time for reelection to a three-year term; upon the conclusion of a second such term, that individual shall not be eligible to serve again as a manager until a year has passed. If more than one person or a corporation holds title to a unit, then one person shall be designated in writing as representative for the unit by the respective owners or corporation.

IN WITNESS WHEREOF, the duly elected Secretary of the Board of Managers of Tobey Brook Condominium hereby certifies that the foregoing constitutes Amendment No. 2 to the Declaration and By-Laws of Tobey Brook Condominium.

TOBEY BROOK CONDOMINIUM
BOARD OF MANAGERS

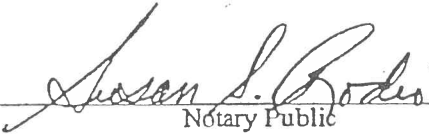
By:



Ernest J. Terardi
Secretary

STATE OF NEW YORK)
) SS.:
COUNTY OF MONROE)

On the 16th day of December, in the year 1999 before me, the undersigned, personally appeared Ernest J. Ierardi, personally known to me or proved to me 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.



Notary Public

SUSAN E. ROOKO
Notary Public, State of New York
No. 01RO46376S4
Qualified in Monroe County
Certificate Filed in Monroe County
Commission Expires June 30, 2000

SUITE 1100, CLINTON SQUARE
ROCHESTER, NEW YORK 14604

Clinton Square
Post Office Box 1051
Rochester, New York 14603-1051
(716) 263-1000
Fax: (716) 263-1600
Direct Dial: (716) 263-1526
E-Mail: eierardi@nixonpeabody.com

February 25, 2000

Gary M. Trechel, Esq.
Associate Counsel
Division of Corporations
New York State Department of State
41 State Street
Albany, New York 12231-0001

RE: Amendment No. 2 to Declaration of Tobey Brook Condominium

Dear Mr. Trechel:

Thank you for your letter of February 8 in this matter.

Tobey Brook Condominium designates the Secretary of State of the State of New York as agent of the Board of Managers, of Tobey Brook Condominium, upon whom process against it may be served. The address to which the Secretary of State may mail copies of such process is as follows: Dr. Anthony Labrum, 9 Tobey Brook, Pittsford, New York 14534.

I enclose the amendment noted above. The Condominium's management company will forward you the check for \$25 for the filing fee in due course.

Thank you for your assistance with this matter.

Very truly yours,



Ernest J. Ierardi

Secretary,
Tobey Brook Condominium

EJI:keb
Encl.



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

February 8, 2000

ALEXANDER F. TREADWELL
SECRETARY OF STATE

ERNEST J. IERARDI
SUITE 1100, CLINTON SQUARE
ROCHESTER, NY 14604

RE: Amendment No. 2 to Declaration of Tobey Brook Condominium

Dear Mr. Ierardi:

The Amendment to the Declaration of Tobey Brook Condominium is returned herewith.

Section 339-n(7) of the Real Property Law requires the declaration to include a designation of the Secretary of State as the agent of the board of managers, or a corporation formed to operate the board of managers, upon whom process against it may be served along with the address to which the Secretary of State shall mail copies of such process.

The fee for filing the amendment is \$25.

I apologize for any inconvenience caused in this matter.

Sincerely,



Gary M. Trechel
Associate Counsel
Division of Corporations
(518) 473-2278

GMT/bf
Enc.

AMENDMENT NO. 3

To

DECLARATION AND BYLAWS OF TOBEY BROOK CONDOMINIUM

THIS AMENDMENT NO. 3 to the Declaration and Bylaws of Tobey Brook Condominium is made as of December 14, 2020 by the BOARD OF MANAGERS of TOBEY BROOK CONDOMINIUM (the "Board") having an address of c/o Crofton Perdue Associates, Inc., 111 Marsh Road, Suite #1, Pittsford, New York 14534.

WHEREAS, the Board of Managers approved a proposed amendment to the Bylaws to reduce the Board size from 7 to 5 members on October 20, 2020; and

WHEREAS, in accordance with Real Property Law §339-u, such amendment to the Bylaws is being set forth as an amendment to the Declaration of Tobey Brook Condominium; and

WHEREAS, the original Declaration of Tobey Brook Condominium was recorded on September 14, 1978 in the Monroe County Clerk's Office at Liber 5503 of Deeds, page 50, as amended by an Amended Declaration recorded in the Monroe County Clerk's Office on November 7, 1979 at Liber 5712 of Deeds, page 252, as further amended by Amendment No.2 to Declaration and Bylaws of Tobey Brook Condominium recorded in the Monroe County Clerk's office on December 17, 1999 at Liber 9253 of Deeds, page 135; and

WHEREAS, the Bylaws of Tobey Brook Condominium comprise Schedule 0 of the original Declaration and are recorded as a part thereof.

NOW THEREFORE, THE BOARD CERTIFIES THAT THE FOLLOWING AMENDMENT NO. 3 was duly adopted by the Board of Managers:

RECORDED
Time: _____

DEC 17 2020

AMENDMENT NO. 3.

Monroe County Clerk's Office

Article II, Section A, Membership and Election, shall be amended to read in its entirety as follows:

- A. Membership and Election. The Condominium shall be governed by a Board of Managers consisting of five (5) persons elected for three-year, staggered terms by the unit owners at the annual meeting of unit owners, with each unit owner eligible to vote for as many candidates as there are positions to be filled. Each Manager shall be eligible one time for re-election to a three-year term. Upon the conclusion of the second three-year term, that individual shall not be eligible to serve again as a Manager until a year has passed.

IN WITNESS WHEREOF, the duly elected President and Secretary of the Board of Managers of Tobey Brook Condominium hereby certify that the foregoing amendment was passed by a majority of the Board and constitutes Amendment No.3 to the Declaration and Bylaws of Tobey Brook Condominium.

TOBEY BROOK CONDOMINIUM
BOARD OF MANAGERS

By: Jane Gorsline
Jane Gorsline, President

By: Mitchell Starr
Mitchell Starr, Secretary

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

On the 14th day of December in the year 2020 before me, the undersigned, a Notary Public in and for said State, personally appeared Jane Gorsline, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

KELLEY ROSS BROWN
Notary Public in the State of New York
Monroe County
Commission Expires April 27, 2022

Kelley Ross Brown
Notary Public

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

On the 14th day of December in the year 2020 before me, the undersigned, a Notary Public in and for said State, personally appeared Mitchell Starr, personally known to me or proved to me 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.

KELLEY ROSS BROWN
Notary Public in the State of New York
Monroe County
Commission Expires April 27, 2022

Kelley Ross Brown
Notary Public