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**FIRST AMENDMENT TO DECLARATION  
OF EASEMENTS, RESTRICTIONS AND COVENANTS  
FOR CHINA PALCE AND WELLS STREET TOWNHOMES**

7a

This First Amendment to that certain Declaration of Easements, Restrictions, and Covenants for China Place and Wells Street Townhomes recorded with the Recorder of Deeds of Cook County, Illinois on April 25, 2000, as Document No.00287883, as amended from time to time (the "Declaration"), is executed by Lakeside Bank as Trustee under Trust Agreement dated January 20, 1998, and known as Trust No. 10-1912, and not individually (hereinafter referred to as the "Declarant").

**WITNESSETH**

**WHEREAS**, that real estate described in the First Recital to the Declaration, which by this reference is made a part hereof, is located in the County of Cook and State of Illinois;

**WHEREAS**, the legal description for the parking spaces are available and pursuant to Article 4.19 and Exhibit A of the Declaration, the Developer desires to amend Exhibit A of the Declaration with Exhibit A attached hereto and made a part hereof;

**WHEREAS**, the Declarant desires to amend the Declaration as it relates to the assignment of parking spaces (Exhibit "B" thereto).

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**BOX 333-CTI**

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BOX 333-11

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NOW THEREFORE, the Declarant, as the holder of legal title, for the purposes above set forth, hereof declares that the Declaration is amended as follows:

1) Exhibit "A" of the Declaration, "Parking Space Legal Description", is deleted and the amended Exhibit "A" duly prepared by the Developer attached hereto is substituted in lieu thereof;

2) The Declaration is amended by inserting Exhibit "B" attached hereto, as Exhibit B of the Declaration, "Assignment of Parking Spaces";

3) It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings, warranties and agreements herein made on the part of the Declarant while in form purporting to the representations, covenants, undertakings, warranties, and agreements of the Declarant are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings, warranties and agreements by the Declarant or for the purpose or with the intention of binding the Declarant personally but are made and intended for the purpose of binding only that portion of the property specifically described herein, and this instrument is executed and delivered by the Declarant not in its own right, but solely in the exercise of the powers conferred upon it as such Declarant; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against Declarant, on account of this instrument or on account of any representation, covenants, undertaking, warranty, or agreement of the Declarant in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released. The Declarant makes no personal representations as to nor shall it be responsible for the existence, location or maintenance of the chattels herein described, if any; and

4) Trustee Exculpation. This declaration is executed by **LAKESIDE BANK**, aforesaid, in the exercise of power and authority conferred upon and vested in it as such trustee (and said trustee hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this declaration that said trustee as aforesaid, and not personally has joined in the execution of this declaration for the sole purpose of subjecting the title holding interest and trust estate under said Trust No. 10-1912 to the terms of this declaration; and any and all obligations, duties, covenants and agreements of every nature herein set forth by said trustee, as

aforesaid to be kept or performed are intended to be kept, performed and discharged by the beneficiaries under said trust or their successor, and not by said trustee personally, and further, that no duty shall rest upon LAKESIDE BANK, either personally or as such trustee, to sequester trust assets, rentals, avails, or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied arising under the terms of this declaration, including where said trustee is acting pursuant to direction as provided by the terms of said trust, and after the trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and of the remainder of the declaration on any question of apparent liability or obligation resting upon said trustee, the exculpatory provisions hereof shall be controlling.

IN WITNESS WHEREFORE, the said LAKESIDE BANK, as trustee aforesaid and not individually has caused its corporate seal to be affixed hereunto and caused its name to be signed in these presents by its Trust Officer and attested by its Assistance Trust Officer this 22nd day of May, 2000.

LAKESIDE BANK, as Trustee as aforesaid, and not individually u/t/n 10-1912 dated January 20, 1998

ATTESTED:

Sheila B. Weber  
Assistance Trust Officer

[Signature]  
Trust Officer

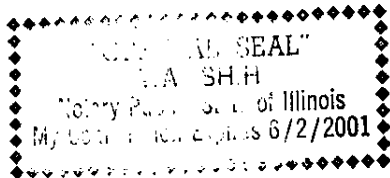
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STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF C O O K )

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that VINCE TOLVE, Trust Officer of Lakeside Bank and SHEILA WEBER Assistance Trust Officer of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as Trust Officer and Assistance Trust Officer respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said bank as trustee as aforesaid, for the uses and purposes therein set forth; and the Trust Officer then and there acknowledged that he as custodian of the corporate seal of said bank, did affix the corporate seal of said bank to said instrument as his own free and voluntary act and as the free and voluntary act of said bank as trustee as aforesaid, for the uses and purposes therein set forth.

Given under my hand and notary seal this 24<sup>th</sup> day of May, 2000.



  
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NOTARY PUBLIC

This document is prepared by: Wallace K. Moy  
53 W. Jackson Blvd. #1564  
Return document to : Chicago, Illinois 60604

SEE RIDER ATTACHED HERETO  
AND MADE A PART HEREOF.

EXHIBIT A**PARKING PARCEL A:**

THE NORTHWESTERLY  $\frac{1}{2}$  OF THAT PART OF THE LIMITED COMMON ELEMENT BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 44 THENCE SOUTHWESTERLY ALONG THE SOUTHERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID LOT 44, A DISTANCE OF 3.0 FEET; THENCE SOUTHEASTERLY ALONG A LINE 3.0 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT 44, A DISTANCE OF 17.50 FEET TO A POINT ON THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 45, SAID POINT BEING 3.0 FEET SOUTHWESTERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 45; THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY EXTENSION AND THE NORTHWESTERLY LINE OF SAID LOT 45, A DISTANCE OF 16.0 FEET; THENCE NORTHWESTERLY, 17.50 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 44 AFORESAID, SAID POINT BEING 13.0 FEET NORTHEASTERLY OF THE PLACE OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 13.0 FEET TO THE PLACE OF BEGINNING, ALL IN SANTA FE GARDEN UNIT 2, BEING A RESUBDIVISION OF PART OF BLOCKS 25, 40 AND 41 AND THE VACATED STREETS AND ALLEYS LYING WITHIN AND ADJOINING SAID BLOCKS, IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE EAST FRACTION OF THE SOUTHEAST FRACTIONAL  $\frac{1}{4}$  OF SECTION 21, TOGETHER WITH THAT PART OF LOT 65 IN CHINA TOWN SQUARE SUBDIVISION, ALL IN TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARKING PARCEL B:**

THE SOUTHEASTERLY  $\frac{1}{2}$  OF THAT PART OF THE LIMITED COMMON ELEMENT BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 44 THENCE SOUTHWESTERLY ALONG THE SOUTHERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID LOT 44, A DISTANCE OF 3.0 FEET; THENCE SOUTHEASTERLY ALONG A LINE 3.0 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT 44, A DISTANCE OF 17.50 FEET TO A POINT ON THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 45, SAID POINT BEING 3.0 FEET SOUTHWESTERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 45; THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY EXTENSION AND THE NORTHWESTERLY LINE OF SAID LOT 45, A DISTANCE OF 16.0 FEET; THENCE NORTHWESTERLY, 17.50 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 44 AFORESAID, SAID POINT BEING 13.0 FEET NORTHEASTERLY OF THE PLACE OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 13.0 FEET TO THE PLACE OF BEGINNING, ALL IN SANTA FE GARDEN UNIT 2, BEING A RESUBDIVISION OF PART OF BLOCKS 25, 40 AND 41 AND THE VACATED STREETS AND ALLEYS LYING WITHIN AND ADJOINING SAID BLOCKS, IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE EAST FRACTION OF THE SOUTHEAST FRACTIONAL  $\frac{1}{4}$  OF SECTION 21, TOGETHER WITH THAT PART OF LOT 65 IN CHINA TOWN SQUARE SUBDIVISION, ALL IN TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B

### CHINA PLACE AND WELLS STREET TOWNHOMES ASSIGNMENT OF PARKING SPACES

The owner(s) of lot 54 as described in the Declaration and commonly known as 2102F S. China Place, Chicago, Illinois is hereby assigned PARKING PARCEL A as described in Exhibit A.

The owner(s) of lot 45 as described in the Declaration and commonly known as 2010 S. Wells Street, Chicago, Illinois is hereby assigned PARKING PARCEL B as described in Exhibit A.

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Lakeside Bank

55 WEST WACKER DRIVE • CHICAGO, ILLINOIS 60601-1699 • (312) 435-5100

## GENERAL RIDER

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of **LAKESIDE BANK**, Trustee, while in form purporting to be the representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the **LAKESIDE BANK**, Trustee, or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said **LAKESIDE BANK**, Trustee, not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the **LAKESIDE BANK**, either individually or in its capacity as Trustee or any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any representation, covenant, undertaking or agreement of the said **LAKESIDE BANK**, Trustee, in this instrument contained either expressed or implied, all such personal liability, if any, being expressly waived and released.