

# UNOFFICIAL COPY

00628010

This instrument prepared by and mail to:

JOHN C. GRIFFIN  
10001 S. Roberts Road  
Palos Hills, Illinois 60465  
(708) 598-6800

5406/0061 53 001 Page 1 of 9  
2000-08-16 10:39:24  
Cook County Recorder 83.00



## EXHIBIT ATTACHED

### SECOND AMENDMENT

TO

### DECLARATION OF PARTY WALL RIGHTS, COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR AVONDALE MEADOWS TOWNHOMES ASSOCIATION

THIS SECOND AMENDMENT TO DECLARATION OF PARTY WALL RIGHTS, COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR AVONDALE MEADOWS TOWNHOMES ASSOCIATION is made and entered into this 7<sup>th</sup> day of August, 2000, by STATE BANK OF COUNTRYSIDE, Trustee Under Trust Agreement dated August 15, 1987 and known as Trust No. 87-230 and not individually (The "Trustee"):

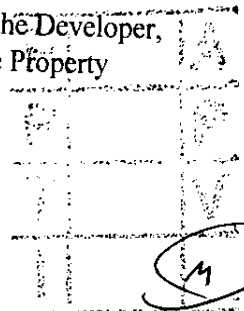
### WITNESSETH:

WHEREAS, by the Declaration of Party Wall Rights, Covenants, Conditions, Easements and Restrictions for AVONDALE MEADOWS TOWNHOMES ASSOCIATION ("Declaration") recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 99-824542, STATE BANK OF COUNTRYSIDE, as Trustee under Trust Agreement dated August 15, 1987 and known as Trust No. 87-230, and not individually, submitted certain real estate (the "Property") to the provisions of the Declaration of said townhome development being known as AVONDALE MEADOWS TOWNHOMES ASSOCIATION (the "Townhomes"); and

WHEREAS, BY ARTICLE 2 of the Declaration the right is reserved in the Developer, MALLOW CONSTRUCTION CO. to annex and add certain real property to the Property

F:\Dev-dir\96600dev\96600Dec-2ndAmend-Avondale(v-4)ff.doc

8300-1  
8/16/00 COPIES 4  
JM 12pgs



UNOFFICIAL COPY

8-16-00

# EXHIBIT

ATTACHED TO

00 628010

DOCUMENT NUMBER

SEE PLAT BOOK

described in the Declaration and thereby add to the Townhomes; and

WHEREAS, the Declarant originally submitted the following described real estate to the terms of the Declaration and recorded same as Document No. 99-824542.

LOT 14 IN AVONDALE MEADOWS SUBDIVISION PHASE 2 BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A RESUBDIVISION OF LOTS 14, 15, 16 AND 17 IN AVONDALE MEADOWS SUBDIVISION PHASE I, ACCORDING TO THE PLAT OF SUBDIVISION THEREOF, RECORDED SEPTEMBER 18, 1998, AS DOCUMENT NO. R98-836581, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESSES: 17917, 17919, 17921 & 17923 Nielsen Drive  
Tinley Park, IL

PIN: 27-35-400-010 (1998#) AFFECTS P.I.Q. & OTHER PROPERTY  
27-35-400-015 (1999#) AFFECTS P.I.Q. & OTHER PROPERTY

WHEREAS, the Declaration was then amended once to include the following described real estate and recorded as Document No. 99-284634:

LOT 15 IN AVONDALE MEADOWS SUBDIVISION PHASE 2 BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A RESUBDIVISION OF LOTS 14, 15, 16 AND 17 IN AVONDALE MEADOWS SUBDIVISION PHASE I, ACCORDING TO THE PLAT OF SUBDIVISION THEREOF, RECORDED SEPTEMBER 18, 1998, AS DOCUMENT NO. R98-836581, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESSES: 17927, 17929, 17931 & 17933 Nielsen Drive  
Tinley Park, IL

PIN: 27-35-400-010 (1998#) AFFECTS P.I.Q. & OTHER PROPERTY  
27-35-400-015 (1999#) AFFECTS P.I.Q. & OTHER PROPERTY

WHEREAS, STATE BANK OF COUNTRYSIDE, as Trustee under Trust Agreement dated August 15, 1987 and known as Trust No. 87-230 is the legal title holder of the Property to be annexed and MALLOW CONSTRUCTION CO., is the Developer and wishes to so annex and add to said Property and thereby submit to the Declaration as a part of the Townhomes the

following real property (the "Additional Property"):

LOTS 16, 17 & 18 IN AVONDALE MEADOWS SUBDIVISION PHASE 2 BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESSES:

Lot 16: 17937, 17939, 17941 and 17943 Nielsen Drive, Tinley Park, IL

Lot 17: 8011, 8013 and 8015 Nielsen Drive, Tinley Park, IL

Lot 18: 8019, 8021, 8023 and 8025 Nielsen Drive, Tinley Park, IL

PIN: 27-35-401-017 (1998 PIN) AFFECTS P.I.Q. & OTHER PROPERTY  
27-35-400-015 (1999 PIN) AFFECTS P.I.Q. & OTHER PROPERTY

which property is described in Exhibit "B" to the said Declaration as Additional Property;  
and

WHEREAS, the Additional Property is now improved with three (3) buildings, containing eleven (11) units making a total eleven (11) additional units, as defined in the Declaration.

NOW, THEREFORE, STATE BANK OF COUNTRYSIDE, as Trustee under Trust Agreement dated August 15, 1987 and known as Trust No. 87-230, and not individually, as the legal title holder of the Additional Property and MALLOW CONSTRUCTION CO., as the beneficial owner of said trust, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Additional Property is hereby annexed to the Parcel and Property as defined in the Declaration and Declarant hereby declares that the additional property shall be held, sold and conveyed subject to the party wall rights, covenants, conditions, easements and restrictions contained in the Declaration all of which shall run with the land and be binding on all parties having or acquiring any right, title or interest therein or any part thereof, and shall inure to the benefit of each Owner thereof.

2. The Plat attached to the Declaration showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by the addition of one (1) pages attached hereto showing the boundaries of the annexed Property and describing the additional Units contained in said annexed Property.

3. It is expressly understood and agreed by and between the parties hereto to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be representations, covenants, and agreements herein made on the part of the Trustee are nevertheless each and every one of them made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purposes 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 Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the STATE BANK OF COUNTRYSIDE 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 Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto, anything to the contrary notwithstanding, that the Trustee will act only on the direction of the beneficiaries.

4. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

UNOFFICIAL COPY

00628010

IN WITNESS WHEREOF, the said STATE BANK OF COUNTRYSIDE, as Trustee as aforesaid and not individually, and MALLOW CONSTRUCTION CO., have caused this instrument to be signed and sealed by its duly authorized officers on its behalf, and the Trustee, attorney-in-fact as aforesaid, has set its hand and seal, all done in Countryside, Illinois.

STATE BANK OF COUNTRYSIDE, as  
Trustee under Trust Agreement dated  
August 15, 1987, known as Trust No.  
87-230

BY:

*Joan Hicks*  
Trust Officer

ATTEST:

*[Signature]*  
Assistant Trust Officer

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that JIGAN MITRA, Trust Officer of STATE BANK OF COUNTRYSIDE, and JOYCE JUTZ, Assistant Trust Officer of said Bank, who subscribed to the foregoing instrument as such Trust Officer and Assistant Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their 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 Assistant Trust Officer then and there acknowledged that she as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as her 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 notarial seal this 11 day of Aug, 2000

Martha A Czarnik-Thompson  
NOTARY PUBLIC

My commission expires:  
\_\_\_\_\_




## CONSENT OF MORTGAGEE

State Bank of Countryside holder of mortgages on the property dated October 22, 1998, December 17, 1998 and May 17, 1999 and recorded as document numbers 98-998905 and 99-469941 and 99-501681, respectively hereby consents to the execution and recording of the within Amendment to the Declaration and agrees that said mortgages are subject to the provisions of said Amendments to the Declaration.

IN WITNESS WHEREOF, the said State Bank of Countryside has caused this instrument to be signed by its duly authorized officers on its behalf, all done at Countryside, Illinois.

BY: SUSAN L. JUTZI, Vice Pres.

ATTEST:

JOAN MICKA, Trust Officer



UNOFFICIAL COPY

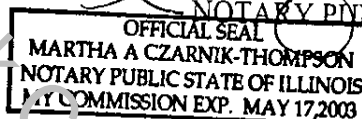
00628010

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that SUSAN L. JUZI, Vice Pres. of STATE BANK OF COUNTRYSIDE, and JOAN MICKA, Trust Officer of said Bank, who subscribed to the foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth and acknowledged that they as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as their own free and voluntary act and as the free and voluntary act of said bank for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 11 day of Aug, 2000

My commission expires:



UNOFFICIAL COPY

00628010

D96600d3.bf

MALLOW CONSTRUCTION CO.

BY: Michael Murphy  
President

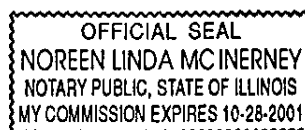
ATTEST:

Margaret Murphy  
Secretary

STATE OF ILLINOIS)  
) SS.  
COUNTY OF COOK )

I, Noreen Linda McInerney, a Notary Public in and for the County and State aforesaid, Do Hereby Certify that Michael Murphy, personally known to me to be the President of the MALLOW CONSTRUCTION CO. and Margaret Murphy, Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledge that as such Michael Murphy President and Margaret Murphy Secretary, they signed, sealed and delivered said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 11<sup>th</sup> day of August,  
2000



Noreen Linda McInerney  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

EXHIBIT ATTACHED