

# UNOFFICIAL COPY

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2000-09-06 15:25:32  
Cook County Recorder 71.00

PREPARED BY & MAILED TO:  
P.D. Hartz Construction Company, Inc.  
8995 WEST 95TH STREET  
PALOS HILLS, IL 60465  
Original Document No. 99333248



## EIGHTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR KIRBY CONDOMINIUM ASSOCIATION

# EXHIBIT ATTACHED

THIS DECLARATION is made by  
Old Kent Bank, as Successor to First  
National Bank of Evergreen Park, as  
Trustee under Trust No. 7573, dated  
November 1, 1983, hereinafter known  
as "Declarant" and P.D. Hartz Construction  
Company, Inc., hereinafter known as "Developer".

### WITNESSETH

WHEREAS, by the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 99333248 on April 7, 1999, Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee, under Trust Number 7573, dated November 1, 1983, and not individually, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as Kirby Condominium Association; and

WHEREAS, under Paragraph 1 of Article XIX of the Declaration, the right is reserved by the Developer P.D. Hartz Construction Company, Inc., to annex and add certain real property to the Parcel and Property described in the Declaration, and thereby add to the Condominium; and

WHEREAS, Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Agreement dated November 1, 1983, and known as Trust No. 7573, is the legal title holder of the property to be annexed and P.D. Hartz Construction Company, Inc. is the Developer and wishes to annex and add to said Parcel and Property, and thereby submit to the Act as a part of the Condominium the following real property (the "Additional Property"):

Lot 23 in Town Pointe Multi-Family Unit 2, being a subdivision as recorded per Document No. 98-194139 of part of the South West Quarter (1/4) of Section 35, Township 36 North Range 12 East of the Third Principal Meridian, in Cook County, Illinois, recorded on March 11, 1998,

PIN: 27-35-301-004-0000

COMMON ADDRESSES: LOT 23  
8534 Scheer  
8536 Scheer  
8538 Scheer  
8540 Scheer

which property is a portion of the Development Area described in said Declaration, and

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OK BY \_\_\_\_\_

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# EXHIBIT

ATTACHED TO

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DOCUMENT NUMBER

SEE PLAT BOOK

9-6-00

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WHEREAS, the Additional Property is now improved with one (1) building containing (4) four units, as defined in the Declaration.

NOW THEREFORE, Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Agreement dated November 1, 1983, and known as Trust No. 7573, and not individually, as the legal title holder of the Additional Property and P.D. Hartz Construction Company, Inc. as the Developer, 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 Article I of the Declaration and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with, and shall be deemed to be governed in all respects by the terms and provisions of the Declaration.
2. The Plat attached to the Declaration as Exhibit "A" showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by Exhibit "A" attached hereto showing the boundaries of the annexed Property and Describing the additional units contained in said annexed Property.
3. Exhibit "B" attached to the Declaration setting forth the percentages of the undivided interest in the common elements corresponding to each Unit described in Exhibit "A" prior to this Amendment are hereby reduced to the respective percentage interest in the common elements as set forth in Exhibit "B" attached hereto. Exhibit "C" attached to the Declaration is amended by the substitution of Exhibit "C" attached hereto.
4. The additional common elements added to the Declaration by this Amendment, are hereby granted and conveyed, all as set forth in the Declaration.
5. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Declarant has caused its corporate seal to be affixed hereunto and caused its name to be signed hereto by its duly authorized officers, this 1ST day of SEPTEMBER, 2000.

SEE ATTACHED RIDER FOR  
EXECUTION BY TRUSTEE

Old Kent Bank, as Successor to First  
National Bank of Evergreen Park, as  
Trustee, under Trust Agreement No.  
7573, dated November 1, 1983.

BY: Robert J. Sney Vice President and Trust Officer

ATTEST:

Mary Rodriguez Assistant Trust Officer

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STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero, who is Assistant Tr. Off. of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and 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 corporation, for the uses and purposes therein set forth, there acknowledge that he, as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 1<sup>st</sup> day of Sept, 2000.

Nancy J. Manson  
NOTARY PUBLIC

My Commission Expires:  
3/23/04



PROPERTY OF COOK COUNTY CLERK'S OFFICE

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RIDER ATTACHED TO  
THE EIGHTH AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP

DATED NOVEMBER 1, 1983 UNDER TRUST NO. 7573

Executed and delivered by Old Kent Bank, as Successor to First National Bank of Evergreen Park, not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property, and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding that each and all of the undertakings and agreements herein made, are made and intended not as personal undertakings and agreements of the Trustee, or for the purpose of binding the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon it as such Trustee, and no personal liability or personal responsibility is assumed by, or shall at any time be asserted or enforced against said Trustee on account hereof or on account of any undertaking or agreement herein contained, either expressed or implied. All such personal liability, if any being hereby expressly waived and released by all other parties hereto, and those claiming by, through or under them.

Old Kent Bank, as Successor to First National Bank of Evergreen Park, not individually, but as Trustee under Trust Number 7573

BY: Robert J. Dwyer  
Vice President & Trust Officer

ATTEST:

Nancy Rodriguez  
Assistant Trust Officer

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## CONSENT OF MORTGAGEE

Old Kent Bank, the owner and holder of the mortgages, dated June 1, 1999 Document No. 99729786 and dated June 23, 1999 Document No. 99605571 recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on the property, hereby consent to the execution and recording of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the Kirby Condominium Association.

IN WITNESS WHEREOF, the said Old Kent Bank has caused the instrument to be signed by its duly authorized officers on its behalf; all done at Cook County, Illinois, on the 31<sup>st</sup> day of August, 2000.

By: *Philip A. Jones*  
PHILIP A. JONES SVP.

ATTEST:

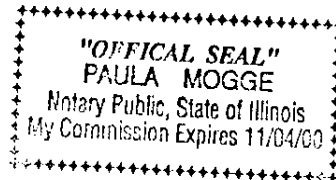
*Virginia L. Buschman, A.P.*

STATE OF ILLINOIS )  
  ) SS  
COUNTY OF COOK )

I, *the undersigned* Notary Public in and for the said County and State, DO HEREBY CERTIFY that *Philip A. Jones*, and *Virginia L. Buschman* respectively of, Old Kent Bank, as Successor to First National Bank of Evergreen Park, personally known to me to be same persons whose names are subscribed to the foregoing instrument as such *SVP* and *VP*, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, and as the free and voluntary act of said corporation, or the uses and purposes therein set forth.

Given under my hand and Notarial seal the 31 day of August, 2000.

*Paula Mogge*  
NOTARY PUBLIC



My Commission Expires:

11.4.00

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EXHIBIT "B"  
PERCENTAGE INTERESTS IN COMMON ELEMENTS  
FOR KIRBY CONDOMINIUM ASSOCIATION

Units	% Interest
8412	1.923
8414	1.923
8416	1.923
8418	1.923
8422	1.923
8424	1.923
8426	1.923
8428	1.923
8432	1.923
8434	1.923
8436	1.923
8438	1.923
8442	1.923
8444	1.923
8446	1.923
8448	1.923
8452	1.923
8454	1.923
8456	1.923
8458	1.923
18113	1.923
18120	1.923
18122	1.923
18124	1.923
18128	1.923
18130	1.923
18132	1.923
18134	1.923
18196	1.923
18198	1.923
18200	1.923
18202	1.923
18210	1.923
18212	1.923
18214	1.923
18216	1.923
18254	1.923
18256	1.923
18258	1.923
18260	1.923
18274	1.923
18276	1.923
18278	1.923
18280	1.923

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## EXHIBIT "B" (Continued)

<u>Units</u>	<u>% Interest</u>
8524	1.923
8526	1.923
8528	1.923
8530	1.923
8534	1.923
8536	1.923
8538	1.923
8540	1.927
	100.000%

Property of Cook County Clerk's Office

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## EXHIBIT "C" ADDITIONAL LAND

Lot 24 in Town Pointe Multi Family Unit 2, being a subdivision as recorded per Document No. 09033230 on November 3, 1999 of part of the Southwest 1/4 of Section 35, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Property of Cook County Clerk's Office

00690293

RETURN TO: *Box 15*  
TICOR TITLE INSURANCE  
203 N. LaSALLE, STE. ~~1400~~ *1390*  
CHICAGO, IL 60601  
RE: *440248 TR*