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2000-10-05 15:01:16
Cook County Recorder 77.00

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

Horwood Marcus & Berk Chartered
Suite 3700
180 North LaSalle Street
Chicago, Illinois 60601
Attn: Kenneth W. Bosworth



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EXHIBIT ATTACHED

AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR WABASH FLATS CONDOMINIUM

This Amendment to Declaration of Condominium for Wabash Flats Condominium ("Amendment") is made and entered into as of this 29th day of September, 2000, by Continental Community Bank and Trust Company of Chicago, an Illinois corporation, as Trustee under Trust Agreement dated January 2, 1998 and known as Trust No.10195, whose address is 411 Madison Street, Maywood, Illinois 60153 (the "Declarant"):

WITNESSETH

WHEREAS, the Declarant by Declaration of Condominium ("Declaration") dated September 29, 1999 and recorded October 5, 1999 as document no. 99939787 with the Office of the Cook County Recorder, submitted certain property located in Chicago, Illinois (the "Property") to the Illinois Condominium Property Act (the "Act") as more fully set forth therein; and

WHEREAS, in the Declaration, the Developer reserved the right to delay construction of the entire second floor into Commercial and/or Residential Units and to subdivide the second floor from time to time into as many as five (5) Commercial and/or Residential units, at Developer's sole discretion and at Developer's sole cost, without the consent of the Unit Owners, the Association or the Board; and

WHEREAS, the Developer desires to subdivide the entire second floor (Unit 201) into five (5) Units; and

WHEREAS, the Declarant desires to amend the plat of survey, attached to the Declaration as Appendix D, to show the additional Residential Units completed as of such date and to amend certain other provisions of the Declaration relating to Unit 201; and

WHEREAS, the Declarant desires to amend the Declaration to indicate the revised percentage ownership interest in the Common Elements for Unit 201 and newly created Units 202,

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DOCUMENT NUMBER

SEE PLAT BOOK

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203, 204 and 205; and

WHEREAS, the Declarant desires to amend the Declaration in other respects relating to Unit 201 and newly created Units 202, 203, 204 and 205.

NOW, THEREFORE, pursuant to the power coupled with the interest reserved by Declarant in the Declaration, the Declarant hereby amends the Declaration as follows:

1. Section 1(f) under "Definitions" is hereby deleted in its entirety and replaced with the following:

"Commercial Unit: Those Units which are intended for a commercial use as permitted by applicable zoning laws, including Units 101, 201, 202 and 205."

2. Section 1(y) under "Definitions" is hereby deleted in its entirety and replaced with the following:

"Residential Unit: Those units which are intended for use as a single family dwelling, including but not limited to Units 203 and 204."

3. The second and third sentences of Section 3(b) entitled "Description of Units" are hereby deleted in their entirety and replaced with the following:

"Notwithstanding the foregoing provision, Developer reserves the right to delay construction of Units 201, 202 and 205 into Commercial and/or Residential Units and allow all or any part of those Units to be used for commercial purposes on a temporary or permanent basis. Developer may from time to time convert Units 201, 202 and 205 from Commercial Units to Residential Units, or subdivide or combine Units 201, 202 and 205 into as many as three (3) Commercial and/or Residential Units, all at Developer's sole discretion and at the Developer's sole cost, without the consent of the Unit Owners, the Association or the Board."

4. In Section 7, entitled "Lease of Units or Sublease or Assignment of Lease Thereof," the words "Unit 201" are hereby deleted in their entirety and replaced with the words "Units 201, 202 and 205."

5. In Section 12(p), entitled "Use and Occupancy of Units and Common Elements," the words "Unit 201" are hereby deleted in their entirety and replaced with the words "Units 201, 202 and 205."

6. In Section 18, entitled "Amendments," the words "Unit 201" are hereby deleted in their entirety and replaced with the words "Units 201, 202 and 205" in all three (3) instances.

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7. Appendix A-1 to the Declaration is hereby deleted in its entirety and the attached Appendix A-1 is substituted in its place.

8. Appendix B to the Declaration is hereby deleted in its entirety and the attached Appendix B is substituted in its place.

9. Page 2 of Appendix D to the Declaration is hereby deleted in its entirety and the attached page 2 of Appendix D is substituted in its place.

10. Capitalized terms not defined herein shall have the meaning as set forth in the Declaration.

IN WITNESS WHEREOF, the Declarant, as aforesaid, has caused its name to be signed to this presents on the day and year first above written.

CONTINENTAL COMMUNITY BANK AND TRUST
COMPANY OF ILLINOIS, an Illinois corporation, as
Trustee under Trust Agreement dated January 2, 1998 and
known as Trust No. 10195

By: *Samuel*
Its: ASSISTANT VICE PRESIDENT
& TRUST OFFICER

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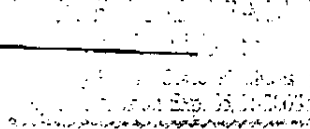
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STATE OF ILLINOIS)
 DuPAGE) SS.
COUNTY OF COOK)

I, *Judy S. Mellito*, a Notary Public in and for said County, in the State aforesaid, do hereby certify that *GAL NELSON*, the ~~Notary Public~~ of CONTINENTAL COMMUNITY BANK AND TRUST COMPANY OF ILLINOIS, as Trustee aforesaid, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such appeared before me this day in person and acknowledged that he signed and delivered said instrument as such officer of said Trustee, as his own free and voluntary act and as the free and voluntary act of said Trustee for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this *14* day of *Oct*, 2000.

Judy S. Mellito
Notary Public

My commission expires


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APPENDIX A-1

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UNIT DESCRIPTION

UNIT 101, UNIT 201, UNIT 202, UNIT 203, UNIT 204, UNIT 205, UNIT 301, UNIT 302, UNIT 303, UNIT 304, UNIT 305, UNIT 401, UNIT 402, UNIT 403, UNIT 404, UNIT 405, UNIT 501, UNIT 502, UNIT 503, UNIT 504, UNIT 505, UNIT 601, UNIT 602, UNIT 603, UNIT 604, UNIT 605, UNIT PS1, UNIT PS2, UNIT PS3, UNIT PS4, UNIT PS5, UNIT PS6, UNIT PS7, UNIT PS8, UNIT PS9, UNIT PS10, UNIT PS11, UNIT PS12, UNIT PS13, UNIT PS14, UNIT PS15, UNIT PS16, UNIT PS17, UNIT PS18, UNIT PS19, UNIT PS20, UNIT PS21, UNIT PS22, UNIT PS23, UNIT PS24, UNIT PS25 IN WABASH FLATS CONDOMINIUM, AS DELINEATED ON A SURVEY AS ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NO. 99939787, BEING A PORTION OF:

THAT PART OF LOTS 8, 9 AND 10 IN SEAMAN'S SUBDIVISION OF BLOCK 5 OF THE ASSESSORS OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF WABASH AVENUE IN THE CITY OF CHICAGO AT A POINT DISTANCE 440 FEET 11 1/2 INCHES SOUTH OF NORTH LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 22 AFORESAID; THEN EAST IN A DIRECT LINE TO A POINT IN THE WEST LINE OF AN 18 FEET ALLEY IN THE REAR OF SAID LOTS 440 FEET AND 6 INCHES SOUTH OF THE NORTH LINE OF SAID 1/4 SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID ALLEY, 47 FEET 4 INCHES; THENCE WEST IN A DIRECT LINE TO A POINT ON THE EAST LINE OF WABASH AVENUE AFORESAID; DISTANCE 488 FEET 2 INCHES SOUTH OF THE NORTH LINE OF SAID 1/4 SECTION AND THENCE NORTH ALONG THE EAST LINE OF WABASH AVENUE AFORESAID 47 FEET 2 1/2 INCHES TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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APPENDIX E

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PERCENTAGE OF OWNERSHIP INTEREST IN THE COMMON ELEMENTS

| <u>UNIT DESIGNATION</u> | <u>% OWNERSHIP INTEREST IN THE COMMON ELEMENTS</u> |
|-------------------------|--|
| UNIT 101 | 1.6% |
| UNIT 201 | 3.12% |
| UNIT 202 | 3.12% |
| UNIT 203 | 3.12% |
| UNIT 204 | 3.12% |
| UNIT 205 | 3.12% |
| UNIT 301 | 3.12% |
| UNIT 302 | 3.9% |
| UNIT 303 | 3.9% |
| UNIT 304 | 3.9% |
| UNIT 305 | 3.9% |
| UNIT 401 | 3.9% |
| UNIT 402 | 3.9% |
| UNIT 403 | 3.9% |
| UNIT 404 | 3.9% |
| UNIT 405 | 3.9% |
| UNIT 501 | 3.9% |
| UNIT 502 | 3.9% |
| UNIT 503 | 3.9% |
| UNIT 504 | 3.9% |
| UNIT 505 | 3.9% |
| UNIT 601 | 3.9% |
| UNIT 602 | 3.9% |
| UNIT 603 | 3.9% |
| UNIT 604 | 3.9% |
| UNIT 605 | 3.9% |
| UNIT PS1 | 3.9% |
| UNIT PS2 | 0.192% |
| UNIT PS3 | 0.192% |
| UNIT PS4 | 0.192% |
| UNIT PS5 | 0.192% |
| UNIT PS6 | 0.192% |
| UNIT PS7 | 0.192% |
| UNIT PS8 | 0.192% |
| UNIT PS9 | 0.192% |

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| <u>UNIT DESIGNATION</u> | <u>% OWNERSHIP INTEREST IN THE COMMON ELEMENTS</u> | 00780041 |
|-------------------------|--|----------|
| UNIT PS10 | 0.192% | |
| UNIT PS11 | 0.192% | |
| UNIT PS12 | 0.192% | |
| UNIT PS13 | 0.192% | |
| UNIT PS14 | 0.192% | |
| UNIT PS15 | 0.192% | |
| UNIT PS16 | 0.192% | |
| UNIT PS17 | 0.192% | |
| UNIT PS18 | 0.192% | |
| UNIT PS19 | 0.192% | |
| UNIT PS20 | 0.192% | |
| UNIT PS21 | 0.192% | |
| UNIT PS22 | 0.192% | |
| UNIT PS23 | 0.192% | |
| UNIT PS24 | 0.192% | |
| UNIT PS25 | 0.192% | |
| | <u>100.00%</u> | |

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