9084/0084 10 001 Page 1 of 2001-02-08 10:34:00

Cook County Recorder

29.50

PREPARED BY AND WHE RECORDED MAIL TO:

Christyl Marsh Cohen, Salk & Huvard, PCC 630 Dundee Road, Suite 120 Northbrook, Illinois 60062

Pins: 11-18-324-005-0000

11-18-324-006-0000

Property Address:

1421 Sherman Ave., Evanston, IL



FIRST AMENDMEN'T TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR 1421 SHERMAN AVENUE CONDOMINIUM ASSOCIATION



This First Amendment ("First Alnendment") to the Declaration of Condominium Ownership for 1421 Sherman Avenue Condominium Association is made by TR Evanston Partners, L.P., an Illinois limited partnership, not individually, but as Declarant (the "Declarant"). Capitalized terms used, but not defined in, this First Amendment shall have the same meanings as in the Declaration.

WIINESSEIH:

WHEREAS. Declarant executed and caused the Declaration of Condominium Ownership for 1421 Sherman Avenue Condominium Association, dated October 31, 2000, to be recorded in the Cook County Recorder's Office on November 2, 2000, as Document No. 00865809 (the "Declaration"), submitting the property legally described on Exhibit A hereto to the provisions of the Illinois Condominium Act; and

WHEREAS, pursuant to Section 8.1 of the Declaration, Declarant has reserved the right and power to Record a Special Amendment to the Declaration for the purpose of correcting errors in the Declaration; and

WHEREAS, as of the date of this First Amendment, Declarant holds title to a portion of the Property and is authorized to make, execute and Record a Special Amendment; and

WHEREAS, Section 2.14 of the Declaration imposes certain limitations on the business uses which may be conducted in the Office Units (as defined in the Declaration); and

WHEREAS, the general wording of such limitations has created an ambiguity as to whether certain categories of uses constitute low intensity business office uses, and Declarant finds that the financing of First Mortgages covering the Office Units Declaration has been and is likely to be impaired by the ambiguity; and

WHEREAS, Declarant desires to correct and resolve the matter so that the financing of such Office Units will not be impaired.

NOW, THEREFORE, Declarant, for the purposes above set forth, hereby declares that the Declaration is amended as follows:

- 1. Section 2.14(a) of the Declaration shall be restated in its entirety to read as follows:
 - retail goods establishments or other trades or businesses engaged in selling goods or merchandise to the general public and rendering services to such sale; provided that fine art galleries which display and sell high quality, original fine art, including paintings, photographs and sculptures, shall not be deemed to be retail goods establishments or other trades or businesses for purposes of the foregoing restriction, so long as such uses do not involve the commercial manufacture or production of objects; however, the exception for fine art shall not permit any artist studio to operate in the Office Unit (which use remains prohibited under Section 2.14(I)), and the following uses, which are not considered fine arts, shall constitute retail goods establishments for purposes of this Declaration: jewelry stores, poster stores, craft stores, clothing stores, antique stores, music stores, pen or paper stores.
- 2. Except as modified by the terms of this First Amendment, the Declaration shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this First Amendment this 18th day of January, 2001.

DECLARANT:

TR EV/N3TON PARTNERS, L.P., an Illinois limited partnership

By: TR Evans'ton, Inc., an Illinois corporation, its general partner

Thomas A. Roszak, Alesident

Attest: Thomas A. Roszak, Secretary

Consent of Holder of First Mortgage Lien

Oxford Bank & Trust, with a mailing address of 100 West Lake Street, Addison, Illinois 60101, is the holder of a certain Mortgage and Security Agreement ("Mortgage") made as of February 15, 2000, by TR Evanston Partners, L.P. the "Developer" named in the foregoing Declaration of Condominium Ownership for 1421 Sherman Avenue Condominium Association. The Mortgage was recorded in the Office of the Cook County Recorder on March 1, 2000, as document no. 00149810. Oxford Bank & Trust hereby consents to the recording of this First Amendment in the Office of the Cook County Recorder.

the Office of the Cook County Recorder.
Oxford Bank & Trust
By: SM WALL Its: S i P.
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 THOMAS A. ROSZAK, President and Secretary of TR Evanston, Inc., the General Partner of TR Evanston Partners, L.P., an Illinois limited partnership, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President and Secretary appeared before me this day and subscribed his name to the foregoing instrument as his own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein stated.
Given under my hand and notarial seal this the day of tebruary, 2001.
"OFFICIAL SEAL" DIANA PIOTROWSKI Notary Public, State of Illinois My Commission Expires 06/24/01 Notary Public
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 Frank H Lakefile., of OXFORD BANK & TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such SVP, appeared before me this day in person and acknowledged that s/he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said banking association, for the uses and purposes therein set forth
Given under my hand and notarial seal this 5th day of February, 2001.
OFFICIAL SEAL Lurann R. Kiesa Notary Public, State of Illinois My Commission Expires July 13, 2003 Notary Public

Property of County Clark's Office

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The undersigned, as president of the 1421 Sherman Avenue Condominium Association, hereby certifies that a copy of the foregoing First Amendment was delivered to the Board of Directors of the 1421 Sherman Avenue Condominium Association.

Property of Cook County Clark's Office

EXHIBIT "A"

TO THE FIRST AMENDMENT TO

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

1421 SHERMAN AVENUE CONDOMINIUM ASSOCIATION

10107200

THE NORTH 40 FEET OF LOT 14 AND THE SOUTH 33 1/3 FEET OF LOT 15 IN LAKESIDE SUBDIVISION OF BLOCK 30 IN EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18. TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN. IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NO. 00865809; TOGETHER WITH ITS PER STODERTY OF COOK COUNTY CLERK'S OFFICE UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN COOK COUNTY. ILLINOIS.