

This instrument prepared by and to be mailed to:

Mark R. Rosenbaum  
Fischel & Kahn, Ltd.  
190 S. LaSalle St., Ste 2850  
Chicago, Illinois 60603  
Recorder's Box 345



0011064073

Above Space for Recorder's Use Only

FIRST AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP AND EASEMENTS, RESTRICTIONS  
AND COVENANTS FOR  
HINMAN-KEDZIE CONDOMINIUM

This Amendment ("Amendment") made and entered into as of June 3, 2001, by the Hinman-Kedzie Condominium Association, an Illinois not-for-profit corporation (the "Association").

Recitals:

- A. By the Declaration of Condominium Ownership recorded in the Office of the Recorder of Cook County, Illinois, as document no. 22563-926 (the "Declaration"), the Declarant submitted certain real estate to the Illinois Condominium Property Act (the "Act"), said condominium being known as Hinman-Kedzie Condominium (the "Condominium"); and
- B. The legal description of the Units and Property now subject to the Declaration is attached hereto as Exhibit "A" and incorporated by reference herein.
- C. The Board of Managers (the "Board") of the Association has determined that the rental by Unit Owners of Units at the Association has the effect of reducing the number of resident Owners; and
- D. The Board believes that the existence of large numbers of renters in Association Units could adversely affect quality of life at the Association, and the marketability of Units (in that mortgages for potential buyers may be more difficult to obtain), and
- E. The Board believes that the Association is best served by having as many resident Owners as possible; and

F	F.	The Board believes that it is in the best interests of the Association to eliminate, as much as possible, the rental of Units at the Association, except in certain circumstances.
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 OK BY JM 27

Box 345

- G. That the Board has approved the Amendment set forth below, and that Unit Owners owning in excess of 75% of the undivided percentage interests in the common elements have voted, in person or by proxy, to approve said Amendment, which approvals are attached hereto.

Now Therefore, the Association, for the uses and purposes set forth above, hereby declares that the Declaration be and hereby is, amended as follows:

1. That the Declaration of this Association be amended by adding the following as Section 1a to Article VIII of the Declaration:

“ 1a. Lease of Units. Notwithstanding anything else contained in this Article, the right of an Owner to lease his/her Unit Ownership (and the right of a tenant to sublease the Unit or assign the tenant's lease rights shall be subject to the following restrictions:

- 1) In order to prevent transiency and to preserve the residential character of the Association, each Unit shall be occupied and used as a private dwelling for an Owner of such Unit. Effective on the recording date of this Amendment, therefore, the leasing of Units (or the subleasing of any Unit or the assignment of lease rights) to any person for any purpose is not permitted, subject to provisions of subsections (a) through (d) below.
  - (a) To avoid undue hardship, the Board of Managers shall allow a Unit to be leased one time in any four (4) year period, provided the lease is for a period of not longer than one year, and further provided that the request for a lease is based upon the undue hardship of the Unit Owner. The determination of the existence of Unit Owner hardship shall be within the sole discretion of the Board, whose decision on the issue shall be final and binding on all persons. No lease may be renewed or extended. Business transfer, death of the resident Unit Owner, or other similar circumstances shall be factors in the determination of the existence of undue hardship.
  - (b) To lease a unit, a Unit Owner shall submit a written application to the Board. The application must contain facts showing an undue hardship sufficient to justify the lease. The Board shall respond to each application within thirty (30) days by granting or denying the application subject to the provisions of Subsection (a) above. Failure of the Board to reply within said thirty (30) day period shall be deemed a denial, based on lack of hardship, of the proposed lease.
  - (c) As of the recording date of this Amendment, any Unit Owner whose Unit is being leased subject to a written lease agreement previously submitted to

the Board shall be permitted to continue leasing the Unit until the termination date stated in said lease agreement, unless said lease agreement is terminated prior to the expiration of its stated term. Such a lease may not be renewed or extended.

(d) For purposes of this Section 1a, the occupancy and use of a Unit by any of the following persons ("Eligible Persons") shall be deemed occupancy and use by the Unit Owner:

i) If the Unit, or any interest therein, is owned by a corporation, a shareholder of the corporation; or

ii) If the Unit, or any interest therein, is owned by a general or limited partnership, a general partner of the partnership; or

iii) If the Unit, or any interest therein, is owned by a limited liability company, member of the limited liability company; or

iv) If the Unit, or any interest therein, is owned by a land trust, any present (not contingent, whether vested or otherwise) beneficiary of the land trust; or

v) If the Unit, or any interest therein, is owned by a trust (other than a land trust), a trustee of the trust, or any present (not contingent, whether vested or otherwise) beneficiary thereunder; or

vi) If the Unit, or any interest therein, is owned by some other form of entity, only those persons with an ownership interest in the entity.

2. Upon the written request of the Board (made at any time and from time to time), any person claiming to be eligible to occupy and use a Unit under Subsection 1(d) above, shall deliver to the Board, within ten (10) business days of the such request, a certification from the entity (acceptable to the Board in its sole discretion) as to the office, title or position of the allegedly Eligible Person in order to substantiate his or her claim as an Eligible Person. Failure to timely submit such a certification shall result in the ineligibility of such person to occupy the Unit and the Board may proceed to take any and all actions as the Board deems necessary, including eviction of the occupying person or persons, for violation of the provisions of the Declaration.

3. It shall be a violation of this Section 1a if a Unit is occupied and used by a person who is neither an Owner of the Unit nor an Eligible Person, and if the Owner of the Unit or an Eligible Person does not then actually occupy and use the

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Unit. This Subsection shall supercede the provisions of Article VIII, Section 10, to the extent, if any, that they are deemed to conflict." and

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

In Witness Whereof, the Association, by its duly elected officers, has caused its name to be affixed hereunto and caused its name to be signed hereto the date and year first set forth above.

Hinman-Kedzie Condominium Association, an Illinois not-for-profit corporation

By: John Deume  
Its President

Attest: Erin Coakley  
Its Secretary

Property of Cook County Clerk's Office

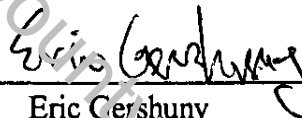


Affidavit

The undersigned person, being first duly sworn on oath, deposes and states as follows:

1. The undersigned is the duly elected, and now acting, Secretary of the Hinman-Kedzie Condominium Association, an Illinois not-for-profit corporation.
2. The undersigned has been, and now is, duly authorized to make this Affidavit on behalf of the Association.
3. That the above and foregoing First Amendment was duly approved by the vote of Unit Owners of the Association owning in excess of 75% of the undivided percentage interests in the common elements at a meeting of said Unit Owners duly called and properly noticed.
4. That the undersigned caused a true and correct copy of the above and foregoing First Amendment to be mailed, on October 31, 2001, by certified mail, to all mortgagees having bona fide liens against any Unit Ownership, said date being at least ten (10) days prior to the date of this Affidavit.

Date: 11/12, 2001

  
 \_\_\_\_\_  
 Eric Gershuny

Subscribed and sworn to before me  
this 12<sup>th</sup> day of Nov., 2001

  
 \_\_\_\_\_  
 Notary Public

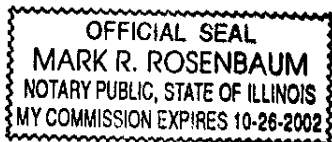


EXHIBIT "A"

Units 421-1, 421-2, 421-3, 423-1, 423-2, 423-3, 425-1, 425-2, 425-3, 801-1, 801-2, 801-3, 803-1, 803-2, 803-3, 805-1, 805-2, 805-3, 807-1, 807-2, 807-3, G-1, G-2, G-3, G-4, G-5, G-6 and G-7 in Hinman-Kedzie Condominium as delineated on a plat of survey of the following described real estate:

Lots 10, 11 and 12 in Block 10 in the Resubdivision of the East ½ of Block 11 and the West ½ of Block 10 in White's Addition to Evanston in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois,

which plat of survey is attached as Exhibit "B" to the Declaration of Condominium Ownership, recorded as document no. 22563426 in the Office of the Recorder of Cook County, Illinois, together with each of said units' undivided percentage interest in the common elements.

PIN:	<u>Unit</u>	<u>PIN</u>
	421-1	11-19-402-025-1001
	421-2	11-19-402-025-1002
	421-3	11-19-402-025-1003
	423-1	11-19-402-025-1004
	423-2	11-19-402-025-1005
	423-3	11-19-402-025-1006
	425-1	11-19-402-025-1007
	425-2	11-19-402-025-1008
	425-3	11-19-402-025-1009
	801-1	11-19-402-025-1010
	801-2	11-19-402-025-1011
	801-3	11-19-402-025-1012
	803-1	11-19-402-025-1013
	803-2	11-19-402-025-1014
	803-3	11-19-402-025-1015
	805-1	11-19-402-025-1016
	805-2	11-19-402-025-1017
	805-3	11-19-402-025-1018
	807-1	11-19-402-025-1019
	807-2	11-19-402-025-1020
	807-3	11-19-402-025-1021
	G-1	11-19-402-025-1022
	G-2	11-19-402-025-1023
	G-3	11-19-402-025-1024
	G-4	11-19-402-025-1025
	G-5	11-19-402-025-1026

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G-6

11-19-402-025-1027

G-7

11-19-402-025-1028

Street Addresses:

Units 421-1, 421-2 and 421-3, 421 Kedzie, Evanston, IL 60202

Units 423-1, 423-2 and 423-3, 423 Kedzie, Evanston, IL 60202

Units 425-1, 425-2 and 425-3, 425 Kedzie, Evanston, IL 60202

Units 801-1, 801-2 and 801-3, 801 Hinman, Evanston, IL 60202

Units 803-1, 803-2 and 803-3, 803 Hinman, Evanston, IL 60202

Units 805-1, 805-2 and 805-3, 805 Hinman, Evanston, IL 60202

Units 807-1, 807-2 and 807-3, 807 Hinman, Evanston, IL 60202

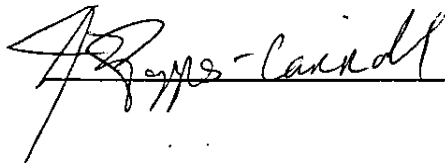
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 421-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.


  
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Unit's Percentage Interest in the Common Elements: 4.91

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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 421-2 and G-6 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

  
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Units' Combined Percentage Interests in the Common Elements: 5.27

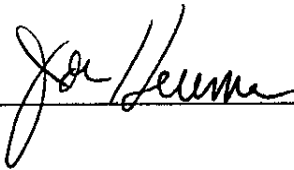
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting member with regard to Unit 421-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

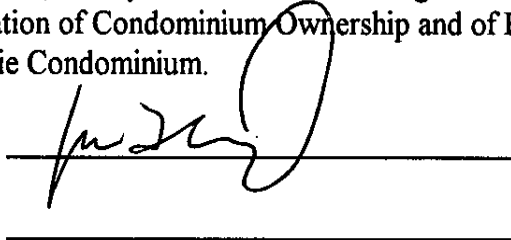
  
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Unit's Percentage Interest in the Common Elements: 4.81

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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 423-1 and G-5 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



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Units' Combined Percentage Interests in the Common Elements: 4.45

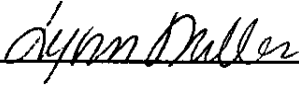
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 423-2 and G-4 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

  
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Units' Combined Percentage Interests in the Common Elements: 4.45

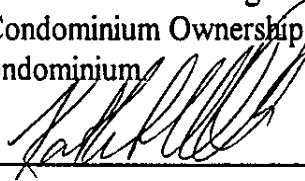
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 423-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



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Unit's Percentage Interest in the Common Elements: 4.00

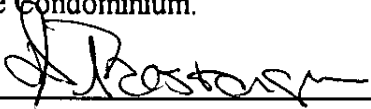
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 425-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

  
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Unit's Percentage Interest in the Common Elements: 4.09

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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 425-2 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

Johann Haraldsson

Unit's Percentage Interest in the Common Elements: 4.09

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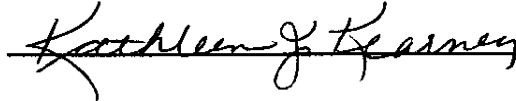


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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 801-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



Unit's Percentage Interest in the Common Elements: 5.63

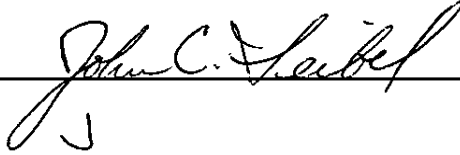
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 801-2 and G-2 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

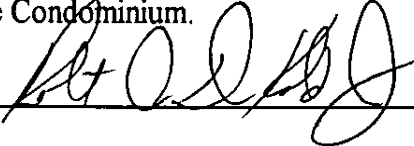
  
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Units' Combined Percentage Interests in the Common Elements: 5.99

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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 801-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

  
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Unit's Percentage Interest in the Common Elements: 5.54

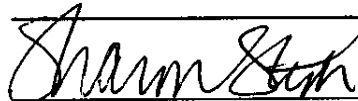
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 803-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

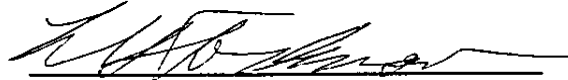
  
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Unit's Percentage Interest in the Common Elements: 4.36

Property of Cook County Clerk's Office

UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 803-2 and G-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



A handwritten signature in black ink, appearing to be 'W. A. ...', is written over a horizontal line.

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Units' Combined Percentage Interests in the Common Elements: 4.72

Property of Cook County Clerk's Office

UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 803-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

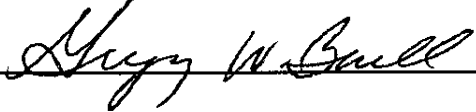
~~Caroline Beal Ballou~~  
Diana Hryz

Unit's Percentage Interest in the Common Elements: 4.27

Property of Cook County Clerk's Office

UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 805-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

  
\_\_\_\_\_

Unit's Percentage Interest in the Common Elements: 4.54

Property of Cook County Clerk's Office

UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

KW

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 805-2 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

Kelly Warner

Unit's Percentage Interest in the Common Elements: 4.54

Property of Cook County Clerk's Office



UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
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RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 805-3 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.

*Ardis Bea Collins*

Unit's Percentage Interest in the Common Elements: 4.45

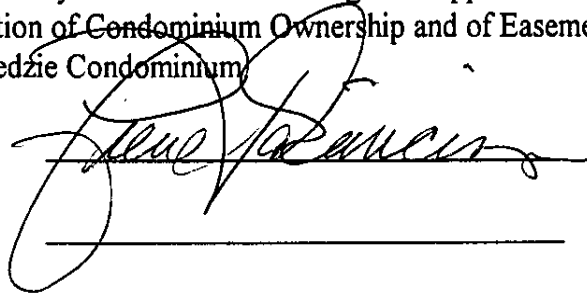
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UNIT OWNER APPROVAL OF  
FIRST AMENDMENT TO  
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RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Unit 807-1 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



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Unit's Percentage Interest in the Common Elements: 5.09

Property of Cook County Clerk's Office

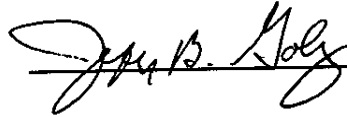
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DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS,  
RESTRICTIONS AND COVENANTS OF  
HINMAN-KEDZIE CONDOMINIUM

The undersigned, being the Unit Owner(s) of or Voting Member with regard to Units 807-2 and G-7 in Hinman-Kedzie Condominium, hereby evidences the undersigned's approval of the attached First Amendment of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants of Hinman-Kedzie Condominium.



Units' Combined Percentage Interests in the Common Elements: 5.45

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