8756/0086 38 001 Page 1 of 19 2001-11-02 12:55:40 Cook County Recorder 57.80

THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR WINDER LANE CONDOMINIUM



This americanent to the Declaration of Condominium for Winder Lane Condominium is made and entered into this 28th day of August, 2001 by the Board of Directors of Winder Lane Condominium Association and the undersigned Unit Owners of the condominium units in the Winder Lane Condominium (hereinafter referred to as the "Unit Owners"), having at least seventy-five percent (75%) of the total votes of the membership of the Winder Lane Condominium.

WITNESSETH

WHEREAS, by the Declaration of Condominium Ownership for Winder Lane Condominium (hereinafter referred to "the Declaration"), filed in the office of the Recorder of Deeds of Cook County, Illinois on or about July, 1975 as Document No. 23403005 certain real estate was committed to the Condominium Property Act of the State of Illinois, said condominium being know as Winder Lane Condominium:

whereas, Section 19 of the Declaration sets forth the procedures for amendment, change or modification of the Declaration by written instruments setting forth the amendment, change or modification, signed and acknowledged by all members of the Board and at least seventy-five percent (75%) of the Unit Owners and containing an affidavit by an office of the Board certifying that all mortgagees having bona fide liens of record against any Unit have been notified by certified mail of such an amendment, charge or modification and an affidavit by an officer certifying to such mailing is part of such instrument;

WHEREAS, the Board and the Unit Owners desire to prohibit the leasing of Units;

NOW THEREFORE, the Board and the Unit Owners do hereby amend the Declaration as follows:

Section 7 of the Declaration is deleted in its entirety and the following substituted in its place and stead:

1. Sale. Any Unit Owner who wishes to sell his unit shall give to the Board not less

1. <u>Sale.</u> Any Unit Owner who wishes to sell his unit shall give to the Board not less than thirty (30) days prior written notice of his intent to sell and subsequently, the terms of any contract to sell, entered into subject to the Board's option as set forth hereinafter together with a copy of such contract, the name, address and financial and character references of the proposed purchaser and such other information concerning the proposed

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purchaser as the Board may reasonably require. The members of the Board, acting on behalf of the other Unit Owners, shall at all times have the first right and option to purchase such unit ownership upon the same terms, which option shall be exercisable for a period of thirty (30) days, the Unit Owner may, at the expiration of said thirty (30) day period and at any time within ninety (90) days after the expiration of said period, proceed to consummate the sale of such unit ownership to the proposed purchaser named in such notice upon the terms specified therein. If the Unit Owner fails to close said proposed sale transaction within said ninety (90) days, the unit ownership shall again become subject to the Board's right of first refusal as herein provided. If a proposed sale, device or gift of any unit ownership is made by any Unit Owner, after compliance with the foregoing provision, the purchaser, devisee or donee thereunder shall be bound by and subject to such unit ownership obligations of such Unit Owner with respect to such unit ownership as provided in this Declaration. If any sale, device or gift of a unit ownership is made or attempted by any Unit Owner without complying with the foregoing provisions, such sale, device or gift shall be subject to each and all the rights and options of the Board hereunder and each and all of the remedies and actions available to the Board hereunder or at law or in equity in connection therewith. The foregoing provisions with respect to the Board's right of first option as to any proposed sale, device or gift shall be and remain in full force and effect until the Property as a whole shall be sold or removed from the provisions of the Act, as provided in the Act, unless sooner rescinded or amended by the Unit Owners in the manner herein provided for amendments of this Declaration. The Board may adopt rules and regulations from time to time, not inconsistent with the foregoing provisions, for the purpose of implementing and effectuating the same.

Section 7(k) of the Declaration is deleted in its entirety and the following substituted in its place and stead:

The Board's right of first refusal as provided in this section shall not apply to any sale, gift devise or transfer by any corporation, trust or other entity when the original Unit Owner or persons having at least a majority control of said Unit Owner are in control of the transferee, or resulting from statutory merger or consolidation, or between co-owners of the same unit, or any one or more of them, or to any Trustee of a trust, the sole beneficiary of beneficiaries of which are the Unit Owner, the spouse or lawful child of the Unit Owner, or any one or more of them, or from any Trustee or a trust to any one or more of the beneficiaries thereof.

Section 7(g) of the Declaration is deleted in its entirety.

The following provisions are added to the Declaration:

- 7(p) <u>Leasing of Units Prohibited.</u> No Unit Owner may enter into any lease, sublease or other tenancy arrangement for any Unit or with respect to any Unit Leasing, subleasing or other tenancy arrangements are, as of the date of this Amendment and hereinafter, prohibited in their entirety. Any lease, sublease or other tenancy arrangement effective on the date of this Amendment, however, shall be valid for the term of that lease, sublease or other tenancy arrangement but shall not be renewed for any term thereafter. Nothing contained herein shall prohibit a Unit Owner from renting a parking space to another Unit Owner.
- 7(q) <u>Units Owned by Association.</u> The Board of Directors of the Association shall have the right to lease out any Association owned Units or any Unit which the Association has possession of pursuant to any court order.
- 7(r) Full Remedies Available to Association. In the event a Unit or any interest herein is leased in violation of this Amendment, the Board and/or Association shall have the right

to enforce this Amendment by any proceeding in law or in equity and may pursue any and/or all of the remedies set forth in the Declaration, rules and regulations, the Illinois Condominium Property Act and the condominium instruments.

7(s) Legal Contest. In the event of any legal contest or challenge to the provisions of this Declaration Amendment, the party raising the contest or challenge shall pay all costs and expenses relating to the contest or challenge, including those attorney's fees and costs of the Association and/or Board, regardless of the outcome of such contest or legal proceedings.

IN WITNESS WHEREOF, the undersigned Unit Owners and Board Members have hereunto set their hands and seals the day and date first written above.

Property of Cook County Clerk's Office

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Property of Cook County Clerk's Office

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AFFIDAVIT RELATING TO THIRD AMENDMENT TO **DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR** WINDER LANE CONDOMINIUM ASSOCIATION

I, Mark D. Roth, affirm in this Affidavit that a copy of the Third Amendment to Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Winder Lane Condominium Association, was mailed by certified mail at least 10 days prior to all mortgagees with a bona fide lien of record against any unit.

The undersigned certifles that the statements set forth in this instrument are true and correct.

dersign.

Derry Or Cook County Clerk's Office Date:_

0011032563

, LEGAL DESCRIPTION:

LOTS 1, 2 AND THE EAST HALF OF LOT 3 IN BLOCK 4 IN ROBERTS MILWAUKEE AVENUE SUBDIVISION OF LOTS 5 AND 10 IN SUBDIVISION OF THAT PART OF LOT 5 WEST OF MILWAUKEE AVENUE IN SCHOOL TRUSTEES SUBDIVISION IN SECTION 16, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN.

THE REAL PROPERTY OR ITS ADDRESS IS COMMONLY KNOWN: 5518 W. WINDSOR CHICAGO, IL

PIN NOS:

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Rec July 14, 1474 Doc. 2/148726
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1.0 + 1074 V P + 1018 3.0 + 1048
y: Mark D. Roth, Esq.
ORUM & ROTH
53 W. Jackson Boulevard
Chicago, IL 60604
(312) 922-6262
Mark D. Roth, Esq.
ORUM & ROTH
53 W. Jackson Boulevard
Chicago, IL 60604
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Prepared By: Mark D. Roth, Esq.

Mail To:

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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STATE OF ILLINOIS)		
) SS: COUNTY OF COOK)		
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GIVEN my hand and notarial	NOT ARY PUBLIC THIA NOTARY PUBLIC	AL SEAL STATE OF ILLINOIS SEXPIRES 2-28-2003

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

UNIT OWNER	UNIT ADDRESS	% OF COMMON ELEMENTS	
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Unit Owner's Signature MORTGAGE HOLDERS NAME A	ND ADDRESS: (to be completed by	Unit Carner)	
NOTARY SE	********* CTION-MUST BE COMPLETED PRIOR	TO RETURN	
STATE OF ILLINOIS)) SS:			
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GIVEN my hand and notarial	NOTABLE PUBLIC OFFICIAL OFFICIAL PRO	NIECKIVIAIN E	
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SIGNATURE PAGE FOR THE THIRD AMENDMENT 0011032563 TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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City/State/2:p	******	
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STATE OF ILLINOIS)) SS:		
COUNTY OF COOK)		
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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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STATE OF ILLINOIS)) SS:			
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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

UNIT OWNER	UNIT ADDRESS	% OF COMMON ELEMENTS
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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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COUNTY OF COOK)		
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	MY COMMISSI	ION EXPIRES 2-28-2003

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COUNTY OF COOK	.)			
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COUNTY OF COOK)				
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		S MAYLE	RY FUBLIC, STATE OF ILLIN	ioio ž	

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SIGNATURE PAGE FOR THE THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS OF WINDER LANE CONDOMINIUM ASSOCIATION

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City/State/Zip:G	erzyille in 1400	

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STATE OF ILLINOIS)		C
) SS: COUNTY OF COOK)		
who are personally known to me all and voluntary act for the purposes	County of Cook and State of Illinois, do he ppeared before me this day in person and therein set forth.	ereby certify that the above persons d signed this instrument as their free
GIVEN my hand and nota	rial seal this 24 day of Websel	, 2001.
	NOTARY PUBLICATION	TAL SEAL
	CYNIHIA I	BRUECKMAN { c. state of illinois {
		JEYPIRES 2.28.2002 \$