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FIRST AMENDMENT TO DECLARATION
OF EASEMENTS, RESTRICTIONS, AND COVENANTS
FOR TOM PARKWAY TOWNHOMES

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This First Amendment to that certain Declaration of Easements, Restrictions, and Covenants for Tom Parkway Townhomes recorded with the Recorder of Deeds of Cook County, Illinois as Document No. 0010358536, as amended from time to time (the "Declaration"), is executed by SUBURBAN BANK & TRUST CO., as Trustee under Trust Agreement dated August 1, 2000, and known as Trust No. 74-2901, and not individually (hereinafter referred to as the "Trustee").

WITNESSETH

WHEREAS, the Trustee retains title to the entire Property which is legally described in attached Exhibit "A";

WHEREAS, the entire Property is service by one water meter account; and

WHEREAS, the Trustee desires to amend said Declaration to include the payment of water and sewer charges as part of the assessment.

NOW THEREFORE, the Trustee, as the holder of legal title, for the purposes above set forth, hereof declares that Article Six Paragraph 6.02 of the Declaration is deleted and an amended Exhibit "B", attached hereto and made a part hereof, is substituted in lieu thereof. Except as herein specifically amended, the Declaration is

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ratified and confirmed. In the event of any inconsistency between this First Amendment and the Declaration, this First Amendment shall control.

This declaration is executed by **SUBURBAN BANK & TRUST CO.**, aforesaid, in the exercise of power and authority conferred upon and vested in it as such trustee (and said trustee hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this declaration that said trustee as aforesaid, and not personally, has joined in the execution of this declaration for the sole purpose of subjecting the title holding interest and trust estate under said Trust No. 74-2901 to the terms of this declaration; and any and all obligations, duties, covenants and agreements of every nature herein set forth by said trustee, as aforesaid to be kept or performed are intended to be kept, performed and discharged by the beneficiaries under said trust or their successor, and not by said trustee personally, and further, that no duty shall rest upon **SUBURBAN BANK & TRUST CO.**, either personally or as such trustee, to sequester trust assets, rentals, avails, or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied arising under the terms of this declaration, including where said trustee is acting pursuant to direction as provided by the terms of said trust, and after the trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and of the remainder of the declaration on any question of apparent liability or obligation resting upon said trustee, the exculpatory provisions hereof shall be controlling.

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IN WITNESS WHEREFORE, the said **SUBURBAN BANK & TRUST CO.**, as trustee aforesaid and not individually has caused its corporate seal to be affixed hereunto and caused its name to be signed this 26th day of November, 2001.

By:


ROSEMARY MAZUR, Its Trust Officer

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EXHIBIT A

LOTS 19 THROUGH 41 INCLUSIVE IN SANTE FE GARDEN III BEING A RESUBDIVISION OF PART OF BLOCKS 21, 24, 25 AND 41 AND THE VACATED STREETS AND ALLEYS LYING WITHIN AND ADJOINING SAID BLOCKS, IN CANAL TRUSTEES' NEW SUBDIVISION OF BLOCKS IN THE EAST FRACTION OF THE SOUTHEAST FRACTIONAL ¼ OF SECTION 21, ALL IN TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PINS# 17-21-508-006; 029; 053 and 054

Commonly known as 1901-1933 and 1906-1932 South Tom Parkway
Chicago, Illinois 60616

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EXHIBIT B

6.02 Purpose of Assessment. The assessments and fees levied by the Association shall be used for the following purposes: (a) paying the cost of maintenance, repair and insurance of the Private Drive, including the cost of labor, equipment, services (including water and sewer and other common utilities and security services, accountants', attorneys' and other professional fees, licenses and permits) and the materials in connection therewith; (b) the payment of water and sewer charges for the common meter serving the Townhomes; (c) the establishment of such reasonable reserves, if any, as the Board deems appropriate, (d) the performance of the duties of the Board as set forth in this Declaration, including the enforcement of the provisions thereof, (e) the payment of real estate taxes and special assessments for the Private Drive, and (f) in general, carrying out the purposes of the Association as stated in this Declaration.

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