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3724/0114 63 001 Page 1 of 7

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Cook County Recorder 33.00



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Property of Cook County Clerk's Office

FIRST SPECIAL AMENDMENT

TO

DECLARATION OF CONDOMINIUM FOR THE OPTIMA TOWERS EVANSTON CONDOMINIUM

THIS INSTRUMENT PREPARED BY AND MAIL TO:

Richard J. Nakon & Associates  
121 E. Liberty Street, Suite 3  
Wauconda, Illinois 60084  
(847) 526-0626

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5-10-02

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**FIRST SPECIAL AMENDMENT**

**TO**

**DECLARATION OF CONDOMINIUM FOR  
THE OPTIMA TOWERS CONDOMINIUM**

THIS DECLARATION made and entered into this 29<sup>th</sup> day of April, 2002, by OPTIMA CENTER EVANSTON LIMITED PARTNERSHIP (the "Declarant").

WITNESSETH:

**WHEREAS**, by a Declaration of Condominium (the "Declaration") recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document Number 0020329861, on March 22, 2002 the Declarant submitted certain real estate to the provisions of the Illinois Condominium Property Act (the "Act"); and,

**WHEREAS**, Article Thirteen, Paragraph 7 of the Declaration reserves to the Declarant the right to amend the Declaration to conform with the requirements of the Act; and,

**WHEREAS**, the Declarant now desires to amend the Declaration to conform with the requirements of the Act.

**WHEREAS**, Article Thirteen, Paragraph 7 of the Declaration reserves to the Declarant the right to amend the Declaration to insert any omitted language or data required by the Declarant, and ,

**WHEREAS**, the Declarant now desires to amend the Declaration to insert omitted language required by the Declarant.

**NOW, THEREFORE**, the Declarant does hereby amend the Declaration as follows:

1. The Declaration is hereby amended by deleting Paragraph 5 of Article Six and substituting therefore following paragraph:

**"5. IMPROVEMENTS AND BETTERMENTS TO UNITS.**

After the initial sale of a Unit, each Unit Owner (except the Declarant) shall be required to report all additions, alterations or betterments to his Unit promptly in writing to the Board, without prior request from the Board or the managing agent, and to reimburse the Board for any additional insurance premiums attributable thereto, and each Unit Owner shall be responsible for any deficiency in any insurance loss recovery which results from such Unit Owner's failure to so notify the Board. The Board shall not be responsible for obtaining insurance on such additions, alterations, improvements or betterments made after the initial sale of the Unit unless and until such Unit Owner shall make such report and request the Board in writing to obtain such insurance; and upon the failure of such Unit Owner so to do, the Board shall not be obligated to apply any insurance proceeds to

restore the affected Unit to a condition better than the condition existing prior to the makings of such additions, alterations, improvements or betterments. "Additions", "alterations" improvements or betterments shall include, but shall not be limited to, all decorating, fixtures, furnishings, electrical fixtures, appliances, air conditioning and heating equipment, water heaters built in cabinets, carpeting, special flooring, special wall covering or paneling within the boundaries of the Units installed by Unit Owners. The insurance coverage described in this Paragraph 5 shall not be deemed to include personal property owned by the Unit Owner and not attached to the Unit. Any increased cost for insurance coverage obtained by the Board for additions, alterations, improvements or betterments to Unit may be assessed by the Association against the Unit affected."

2. The Declaration is hereby amended by adding the following to the end of the last sentence of Paragraph 3(c) of Article Fourteen:

"provided, however, that the percentage of ownership of Units which from time to time are part of the Condominium shall be based on the relative percentages set forth in Exhibit D to the Optima Towers Condominium Disclosure Statement dated January 2001;"

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





**EXHIBIT "B"**

**TO FIRST SPECIAL AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
AND OF  
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR  
OPTIMA TOWERS CONDOMINIUM**

**LEGAL DESCRIPTION OF THE PROPERTY, OR  
PORTIONS THEREOF, PREVIOUSLY SUBMITTED TO THE ACT**

Permanent Index Number: 11-18-311-036 and 11-18-311-037

That part lying below elevation 70.25 (Evanston City Datum) of Plat of Consolidation of part of Block 64 in the Village of Evanston, in the Southwest Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, recorded March 24, 1983 as Document 26546834, in Cook County, Illinois, (except therefrom that part lying above elevation 21.5 and below elevation 33.5 (Evanston City Datum) described as follows: Commencing at the easternmost Southeast corner of said Consolidation; thence N.00°03'42"E. along the East line thereof, being also the West line of Sherman Avenue, 27.36 feet for a point of beginning; thence West along a line normal to the West line of the Plat of Consolidation aforesaid, 22.11 feet; thence North 11.34 feet; thence West 4.75 feet; thence North 1.58 feet; thence West 13.92 feet; thence North 26.92 feet; thence West 73.75 feet; thence North 24.17 feet; thence West 27.42 feet; thence North 57.23 feet to a point on the North line of said Consolidation; thence S.71°16'32"E. along said North line, being also the South line of Davis Street, 149.96 feet to the Northeast corner of said Consolidation; thence S.00°03'42"W. along the East line thereof, being also the West line of Sherman Avenue, 73.09 feet to the point of beginning);

ALSO That part lying below elevation 70.25 (Evanston City Datum) of that part of the Private Alley in Judson's Subdivision of Lot 1 in Langworthy's Subdivision of Block 64 in the Village of Evanston, lying South of and adjoining the North line of Lot 7 in said Judson's Subdivision extended West to the West line of said Private Alley, lying North of the North line of Lot 8 and West of the West line of Lot 7 (except therefrom the North 16 feet of the West 15 feet of that Private Alley (as designated in P. Judson Subdivision aforesaid) lying South of and adjoining the North line of Lot 7 aforesaid, extended West to the West line of said alley) all in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Surveys attached only to original Declaration and Amendments thereto  
Recorded with the Recorder of Deeds of Cook County, Illinois.

**UNOFFICIAL COPY****EXHIBIT "C"**

**TO  
THE DECLARATION OF CONDOMINIUM OWNERSHIP  
AND  
BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS  
FOR THE  
OPTIMA TOWERS EVANSTON CONDOMINIUM**

**PERCENTAGE INTEREST OF UNITS SUBMITTED TO THE ACT**

Unit Number	Percentage Interest
201	3.51
202	4.73
203	3.71
204	5.42
205	5.13
301	3.55
302	4.97
303	3.64
304	5.34
305	4.91
401	3.60
402	4.84
403	3.56
404	5.23
405	4.76
501	4.46
502	3.31
503	2.54
504	4.08
505	3.06
506	3.64
507	3.96
508	2.06
509	2.57
510	3.42
	100