

This instrument prepared by
and should be mailed to:

JEFF McCARTHY
McCarthy Law Office
136 East Ninth Street
Lockport, IL 60441
(815) 838-5297



**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
BRIDGEVIEW OFFICE**

FIRST SPECIAL AMENDMENT
TO
DECLARATION OF CONDOMINIUM OWNERSHIP AND
EASEMENTS, RESTRICTIONS AND COVENANTS
FOR THE PRESERVE AT MARLEY CREEK CONDOMINIUMS
AND
DECLARATION OF BYLAWS FOR
THE PRESERVE AT MARLEY CREEK CONDOMINIUM ASSOCIATION
AN ILLINOIS NOT-FOR-PROFIT CORPORATION

THIS SPECIAL AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE PRESERVE AT MARLEY CREEK CONDOMINIUMS AND DECLARATION OF BYLAWS FOR THE PRESERVE AT MARLEY CREEK CONDOMINIUM ASSOCIATION, AN ILLINOIS NOT-FOR-PROFIT CORPORATION is made and entered into by Bridgeview Bank & Trust, not individually, but As Trustee Under Trust Agreement, Trust No. 1-2777 dated September 29, 1999 ("The Declarant").

WITNESSETH:

WHEREAS, by the Declaration of Condominium Ownership and Easements, Restrictions and Covenants for PRESERVE AT MARLEY CREEK CONDOMINIUMS and Declaration of Bylaws for THE PRESERVE AT MARLEY CREEK CONDOMINIUM ASSOCIATION, AN ILLINOIS NOT-FOR-PROFIT CORPORATION ("Declaration") recorded in the Office of the Recorder of Deeds of

Cook County, Illinois, as Document No. 0010173073, Bridgeview Bank & Trust, as Trustee under Trust Agreement dated September 29, 1999, and known as Trust No. 1-2777, and not individually, submitted certain real estate (the "Property") to the provisions of the Declaration of said Condominium development being known as THE PRESERVE AT MARLEY CREEK CONDOMINIUM ASSOCIATION (the "Condominiums"); and

WHEREAS, Bridgeview Bank & Trust, as Trustee under Trust Agreement dated September 29, 1999, and known as Trust No. 1-2777 was the legal title holder of the following described real estate which was added to the terms of the Declaration recorded March 6, 2001 as Document 0010173073 by the Third Amendment thereto recorded January 31, 2002 as document number 0020132490.

THE PRESERVE AT MARLEY CREEK CONDOMINIUM BUILDING EIGHT, AS DELINEATED ON THE SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 257 IN THE PRESERVE AT MARLEY CREEK – PHASE 5, A PLANNED UNIT DEVELOPMENT RECORDED AS DOCUMENT NO. 99897433, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST ¼ AND SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PROPERTY ADDRESS: 11535 Settlers Ford Way, Units 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B, 3C and 3D Orland Park, IL
PIN: 27-31-404-007-0000

NOW, THEREFORE, Bridgeview Bank & Trust, as Trustee under Trust Agreement dated September 29, 1999, and known as Trust No. 1-2777, and not individually, as the declarant holder and Distinctive Homes, Ltd., as the developer, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. Exhibit A, Legal Description, set forth as part of the Third Amendment to the Declaration is hereby deleted and the revised "Exhibit A" attached hereto is hereby incorporated into the Declaration.
2. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

Trustee Exculpation. It is expressly understood and agreed, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements of said Declarant are nevertheless, each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Declarant or for the purpose or with the intention of binding said Declarant personally, but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Declarant not in its own right, but solely in the exercise of the powers conferred upon it as Trustee, as aforesaid, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against Bridgeview Bank & Trust or any of the beneficiaries under the Trust Agreement, on account of this instrument or on account of any representation, covenant, undertaking or agreement of said Declarant in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto, anything to the contrary notwithstanding, that the Declarant will act only on the direction of the beneficiaries.

Bridgeview Bank & Trust, as Trustee
 under Trust Agreement dated 9/29/99,
 and known as Trust No.
 1-2777

BY Jacqueline F. Hurst
 Trust Officer


ATTEST:

Rosalind Danyoff
 Assistant Trust Officer

UNOFFICIAL COPY

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DISTINCTIVE HOMES, LTD.

BY: 
Bryan Nooner, Chairman

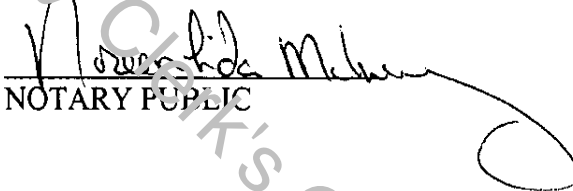
ATTEST:


Lori Schmeski

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Bryan Nooner, President and Secretary, of Distinctive Homes, Ltd., 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 in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17th day of May,
2002.


NOTARY PUBLIC

My commission expires:

10-28-2005



REVISED "EXHIBIT A"

THE PRESERVE AT MARLEY CREEK CONDOMINIUM BUILDING EIGHT, AS DELINEATED ON THE SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 257 (EXCEPT THE WEST 305 FEET THEREOF) IN THE PRESERVE AT MARLEY CREEK - PHASE 5, A PLANNED UNIT DEVELOPMENT RECORDED AS DOCUMENT NO. 99897433, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST ¼ AND SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

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