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# EXHIBIT

ATTACHED TO

0020612616

0020612616

DOCUMENT NUMBER

5-31-02

SEE PLAT BOOK

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Property of Cook County Clerk's Office

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This document prepared by,  
and after recording, return to:  
Scott E. Jensen  
Bryce, Downey, Murray,  
Jensen & Mikus LLC  
312 W. Randolph St., Suite 200  
Chicago, IL 60606

EXHIBIT ATTACHED

**EIGHTH AMENDMENT  
TO DECLARATION OF  
CONDOMINIUM FOR  
340 WEST SUPERIOR  
CONDOMINIUMS**

This Declaration, made and entered into this 30<sup>th</sup> day of MAY, 2002, by 340 W. Superior St. Partners, Inc., an Illinois corporation, for convenience hereinafter referred to as "Declarant";

WITNESSETH:

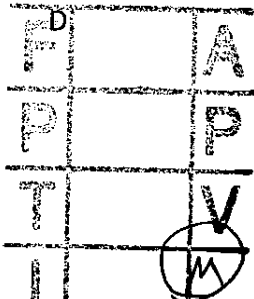
WHEREAS, by a Declaration of Condominium (Declaration) recorded in the Office of the Recorder of Cook County, Illinois, as Document No. 0020190306, as heretofore amended from time to time, Declarant submitted certain real estate to the provisions of the Illinois Condominium Property Act (Act), which property is described in Appendix "A", attached thereto as Appendix "A" has been supplemented from time to time; and

WHEREAS, the Declaration reserves to the Developer (as defined in the Declaration) the right to annex and add to the Parcel and Property (as defined in the Declaration) and thereby add to the Condominium created by the Declaration all or any portion of the Additional Property (as defined in the Declaration); and

WHEREAS, the Declarant now desires to so annex and add to said Parcel and Property and submit to the provisions of the Act and the Declaration certain real estate located on the Sixteenth floor of the Property, which real estate is part of the Additional Property;

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

1. The real estate which is legally described in Appendix "A" hereto ("Added Property") is hereby annexed to the Parcel and Property, as defined in the Declaration, and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with, and deemed to be governed in all respects by, the terms and provisions of the Declaration.
2. Exhibit A-1 of the Declaration is amended by substituting therefore Exhibit A-1 attached hereto.
3. Exhibit B of the Declaration is amended by substituting therefore Exhibit B attached hereto, and the percentage of ownership in the Common Elements appurtenant to each Unit is hereby shifted to the percentages set forth in said Exhibit B.
4. Exhibit D of the Declaration is hereby amended by the attached 8<sup>th</sup> Amendment to Exhibit



RECORDING FEE 95<sup>00</sup>  
DATE 5/31/02 COPIES C  
OK BY JM ISPA

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5. The additional Common Elements annexed by this instrument are hereby granted and conveyed to the grantees of all Units, including the grantees of Units heretofore conveyed, all as set forth in the Declaration.

6. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms, the Declarant reserving unto itself the right to add additional units as set forth in the Declaration.

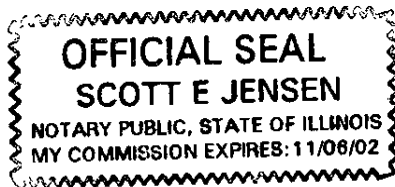
IN WITNESS WHEREOF, the Declarant 340 W. Superior St. Partners, Inc., an Illinois corporation, has caused this instrument to be executed.

340 W. Superior St. Partners, Inc.  
an Illinois corporation

By: Robert J. Berry  
Its authorized officer

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that ROBERT J. BERRY, Secretary of 340 W. Superior St. Partners, Inc., personally known to me to be the same person whose name is subscribed to the foregoing instrument as such officer, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own 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

Dated 05/30, 2002

Scott E Jensen  
Notary Public

### CONSENT OF MORTGAGEE

Cole Taylor Bank, holder of a Mortgage on the property, dated October 10, 2000 and recorded November 15, 2000, with the Recorder of Deeds of Cook County, Illinois as Document No.00895466, an Assignment of Rents dated October 10, 2000, and recorded November 15, 2000, with the Recorder of Deeds of Cook County, Illinois as Document No. 00895467, and Financing Agreement filed November 15, 2001 as Document No. 00U12121, hereby consents to the execution and recording of the within Eighth Amendment to Declaration of Condominium, and agrees that said Mortgage and other loan documents are subject to the provisions of said Declaration and the Condominium Property Act of the State of Illinois.

IN WITNESS WHEREOF, the said Cole Taylor Bank has caused this instrument to be signed by its duly authorized officer on its behalf, this 23<sup>rd</sup> day of April, 2002.

By: \_\_\_\_\_

Its: Vice President

STATE OF ILLINOIS

)  
SS.

COUNTY OF Cook

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that James M. Hauwiler of Cole Taylor Bank, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Vice President appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said Company for the uses and purposes therein set forth.

Given under my hand and Notarial Seal

Date 4/23, 2002

Cheryl Travis  
Notary Public



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## CONSENT OF MORTGAGEE

Lehman Brothers Holdings, Inc., holder of a Mortgage and Security Agreement on the property, originally entered into between 340 W. Superior St. Partners, Inc., and CIG International L.L.C., dated November 10, 2000 and recorded November 15, 2000, with the Recorder of Deeds of Cook County, Illinois as Document No.00895468, an Assignment of Rents dated November 10, 2000, and recorded November 15, 2000, with the Recorder of Deeds of Cook County, Illinois as Document No. 00895469, and a Financing Statement filed November 15, 2001 as Document No. 00U12122, all of said loan documents being assigned to Lehman Brothers Holdings, Inc., and recorded December 7, 2000 with the Recorder of Deeds of Cook County, Illinois as Document number 00963909, hereby consents to the execution and recording of the within Eighth Amendment to Declaration of Condominium, and agrees that said loan documents are subject to the provisions of said Declaration and the Condominium Property Act of the State of Illinois.

IN WITNESS WHEREOF, the said Lehman Brother Holdings, Inc. has caused this instrument to be signed by its duly authorized officer on its behalf, this 14th day of April, 2002.

By: [Signature]  
Its: Authorized Signatory

STATE OF Georgia )  
COUNTY OF Fulton )

SS.

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Christopher S. McKenna of Lehman Brothers Holdings, Inc., personally known to me to be, the same person whose name is subscribed to the foregoing instrument as such Authorized Signatory appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said Company for the uses and purposes therein set forth.

Given under my hand and Notarial Seal

Date April 22, 2002

Carol J. Swanson  
Notary Public

Commission Expires: July 25, 2003

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## APPENDIX A

### LEGAL DESCRIPTION OF ADDED PROPERTY

THAT PART OF LOTS 11, 12, 13, 14, 15 AND 16, BOTH INCLUSIVE, IN BLOCK 18 IN BUTLER WRIGHT AND WEBSTER'S ADDITION TO CHICAGO IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE THE CONCRETE SURFACE OF THE 15<sup>TH</sup> FLOOR CEILING (ELEVATION 164.18 FEET) AND BELOW THE CONCRETE SURFACE OF THE 16<sup>TH</sup> FLOOR CEILING (ELEVATION 178.25 FEET).

P.I.N. 17-09-200-007, 08, 09 and 012 (includes other property)

Street Address: 340 W. Superior Street  
Chicago, Illinois 60610

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## APPENDIX A-1

### DESCRIPTION OF UNITS

Unit \_\_\_\_\_ in the 340 WEST SUPERIOR CONDOMINIUM as delineated on a survey of a part or all of the following described real estate:

THAT PART OF LOTS 11, 12, 13, 14, 15 AND 16, BOTH INCLUSIVE, IN BLOCK 18 IN BUTLER WRIGHT AND WEBSTER'S ADDITION TO CHICAGO IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN,

EXCEPT THAT PART THEREOF LYING ABOVE THE CONCRETE SURFACE OF GROUND LEVEL FIRST FLOOR (ELEVATION 13.40, CITY OF CHICAGO DATUM) AND LYING BELOW THE CONCRETE SURFACE OF CEILING OF SAID GROUND LEVEL FIRST FLOOR (ELEVATION 30.07, CITY OF CHICAGO DATUM), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 89 DEGREES 48 MINUTES EAST, ALONG THE SOUTH LINE OF SAID LOTS, 21.30 FEET; TO THE PLACE OF BEGINNING OF EXCEPTION 'A'; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE INTERIOR FACE OF CONCRETE WALLS, CONCRETE COLUMNS, CONCRETE BLOCK WALLS AND/OR METAL STUD WALLS, TO WIT:

NORTH 00 DEGREES 22 MINUTES 32 SECONDS EAST, 46.12 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 42 SECONDS EAST, 26.38 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 17 SECONDS WEST, 11.16 FEET; THENCE ALONG THE ARC OF A CIRCLE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 13.85 FEET AND A CHORD LENGTH OF 13.96 FEET WHICH BEARS SOUTH 33 DEGREES 14 MINUTES 08 SECONDS EAST, FOR AN ARC LENGTH OF 14.63 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 33 SECONDS EAST, 10.22 FEET; THENCE ALONG THE ARC OF A CIRCLE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 14.60 FEET AND A CHORD LENGTH OF 13.67 FEET WHICH BEARS SOUTH 35 DEGREES 08 MINUTES 23 SECONDS WEST FOR AN ARC LENGTH OF 14.23 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 00 SECONDS WEST, 1.76 FEET TO THE SOUTH LINE OF SAID LOTS; THENCE NORTH 89 DEGREES 48 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 26.37 FEET TO THE PLACE OF BEGINNING,

TOGETHER WITH

THAT PART OF SAID LOTS DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID LOT, 129.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 89 DEGREES 48 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS, 75.42 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE INTERIOR FACE OF CONCRETE WALLS, CONCRETE COLUMNS, CONCRETE BLOCK WALLS AND/OR METAL STUD WALLS, TO WIT: THENCE NORTH 00 DEGREES 12 MINUTES 00 SECONDS EAST, 1.64 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CIRCLE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 13.81 FEET AND A CHORD LENGTH OF 11.68 FEET WHICH BEARS NORTH 30 DEGREES 03 MINUTES 14 SECONDS WEST, FOR AN ARC LENGTH OF 12.06 FEET; THENCE NORTH 44 DEGREES 09 MINUTES 07 SECONDS EAST, 4.07 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 08 SECONDS EAST, 3.38 FEET; THENCE NORTH 44 DEGREES 44 MINUTES 38 SECONDS EAST, 10.23 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 04 SECONDS WEST, 1.74 FEET; THENCE NORTH 45 DEGREES 29 MINUTES 12 SECONDS WEST, 6.57 FEET; THENCE ALONG THE ARC



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OF A CIRCLE CONCAVE WESTERLY HAVING A RADIUS OF 28.96 FEET AND A CHORD LENGTH OF 7.76 FEET WHICH BEARS NORTH 03 DEGREES 27 MINUTES 51 SECONDS EAST, FOR AN ARC LENGTH OF 7.78 FEET; THENCE SOUTH 89 DEGREES 18 MINUTES 14 SECONDS EAST, 12.33 FEET; THENCE NORTH 45 DEGREES 10 MINUTES 24 SECONDS EAST, 35.82 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 47 SECONDS EAST, 17.47 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 55 SECONDS WEST, 3.70 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 05 SECONDS EAST, 39.18 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 55 SECONDS EAST, 0.15 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 05 SECONDS EAST, 8.27 FEET TO THE NORTH LINE OF SAID LOTS; THENCE SOUTH 89 DEGREES 48 MINUTES 00 SECONDS EAST, 40.77 FEET TO THE PLACE OF BEGINNING OF EXCEPTION 'B', ALL IN COOK COUNTY, ILLINOIS.

Which survey is attached as Appendix D to the Declaration of Condominium recorded February 15, 2002 as Document No. 0020190306, as amended from time to time, together with its undivided interest in the common elements.

Permanent Index No. 17-09-200-007, 008, 009 and 012.

Note: There has been no tax division for the individual condominium units.

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## EXHIBIT B

### EIGHTH AMENDMENT TO DECLARATION

#### PERCENTAGE OF OWNERSHIP INTEREST IN THE COMMON ELEMENTS

601	0.7429%
602	0.5515%
603	0.6410%
604	1.0586%
605	0.9214%
606	0.5068%
607	0.7007%
608	0.8797%
609	0.4322%
610	0.2980%
611	0.5068%
612	0.5217%
701	0.7544%
702	0.5590%
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704	1.0736%
705	0.9363%
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712	0.5307%
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811	0.5247%
812	0.5396%
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1007	0.7484%
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1009	0.4680%
1010	0.4024%
1011	0.5426%
1012	0.5635%
1101	0.8081%
1102	0.6023%
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The above percentages are subject to change as additional Units are added to the Condominium Property

Property of Cook County Clerk's Office

**EXHIBIT ATTACHED**