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0020628619

# EXHIBIT

ATTACHED TO

0020628619

DOCUMENT NUMBER

SEE PLAT BOOK

AMENDMENT TO  
CONDOMINIUM DECLARATION  
FOR  
WESTBURY CONDOMINIUM

P.I.N. 10-25-224-024-0000

1619-25 West Howard St., Evanston, IL 60202

THIS AMENDMENT is made this 20 day of MAY, 2002 by 1619 W. Howard, L.L.C., an Illinois limited liability company ("Declarant") being the owner of certain Units of the Westbury Condominium ("Condominium") located at 1619-1625 West Howard Street, Evanston, Illinois which Condominium is legally described as follows:

Units A-1, A-4, A-5, B-1, B-2, B-3, B-4, B-5, C-1, C-2, C-3, C-4, C-5, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12 in the Westbury Condominium as delineated on a survey of the following described real estate: Lots 27, 28, 29 and 30 in Engels Addition to Evanston, being a subdivision of the West 6.358 acres of the South 16.358 acres of the South East 1/4 of the Northeast 1/4 and the East 7.38 chains of the South 8.35 chains of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 41 North, Range 13, East of the Third Principal meridian which survey is attached as Exhibit "A" to the Declaration of Condominium recorded as document number 0020401364 together with its undivided percentage interest in the common elements, all in Cook County, Illinois.

WHEREAS, pursuant to the Condominium Declaration dated April 3, 2002 and recorded with the Cook County Recorder of Deeds as document number 0020401364 ("Declaration"), the property therein described was subjected to the Illinois Condominium Act; and

WHEREAS, Declarant is the owner of twenty-two Units of the Condominium, including eleven parking Units, namely Units P-2 through P-12, and desires to combine said eleven parking units into ten parking units to be designated Units P-2 through P-11, and to reallocate the percentage interests of said Units in the Common Elements, all in accordance with the provisions of section 9.03 of the Declaration.

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1. Exhibit "A" to the Declaration is hereby amended so as to combine the following existing eleven Units:  
P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12  
and to ~~redefine~~ define them into the following ten Units:

DATE 6-5-02  
OK BY [Signature]

59  
[Signature]  
MB

7612469 DB  
SAS 1072

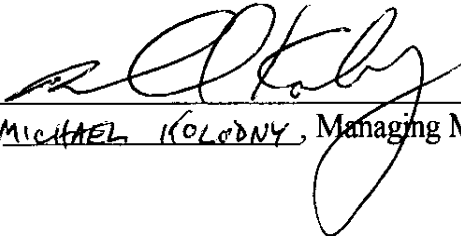
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P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11 as depicted on the survey attached hereto as Exhibit "A".

2. Exhibit "B" to the Declaration, which sets forth the Unit Owners percentage interest in the common elements, is hereby amended to reallocate the percentage interest of each of the resulting ten Units in the common elements as set forth on Exhibit "B" attached hereto.

3. In the event of any inconsistency between the Declaration and this Amendment, this Amendment shall control.

1619 W. Howard, L.L.C.

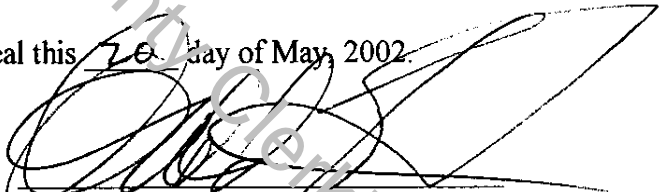
By:   
MICHAEL KOLODNY, Managing Member

STATE OF ILLINOIS )  
                                  ) ss  
COUNTY OF COOK )

I, RONALD L. FARKAS, a notary public in and for said County and State, do hereby certify that MICHAEL KOLODNY, as managing member of 1619 W. Howard, L.L.C. is personally known to me to be the same person whose name is subscribed in the foregoing instrument as managing member, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act, and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 20 day of May, 2002.




  
Notary Public

20628619

The Westbury Condominium Association of Evanston hereby acknowledges receipt of and approves this Amendment.

Westbury Condominium Association of Evanston

By: 

This instrument was prepared by and should be mailed to:  
Ronald L. Farkas  
77 West Washington St.  
Chicago, IL 60602

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## CONSENT OF MORTGAGEE

NEW CENTURY BANK, holder of a mortgage, dated June 20, 2000 and recorded July 12, 2000 as document number 00286088, on the Units affected by the above and foregoing Amendment to Condominium Declaration, hereby consents to the execution and recording of the within Amendment.

IN WITNESS WHEREOF, the said NEW CENTURY BANK, has caused this instrument to be signed by its duly authorized officers on its behalf, at Chicago, Illinois on this 20<sup>th</sup> day of MAY, 2002.

NEW CENTURY BANK

By: Kevin [Signature]

Attest:

James [Signature]

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**EXHIBIT "A"**

TO

AMENDMENT TO  
CONDOMINIUM DECLARATION

FOR

WESTBURY CONDOMINIUM

PLAT OF SURVEY

(to be attached prior to recording)

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## EXHIBIT "B"

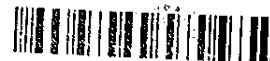
### UNIT OWNERS' PERCENTAGE INTEREST IN WESTBURY CONDOMINIUM

A-1	10.010
A-4	6.120
A-5	8.350
B-1	8.350
B-2	6.120
B-3	6.120
B-4	6.120
B-5	8.350
C-1	8.350
C-2	6.120
C-3	6.120
C-4	6.120
C-5	8.350
P-1	.450
P-2	.495
P-3	.495
P-4	.495
P-5	.495
P-6	.495
P-7	.495
P-8	.495
P-9	.495
P-10	.495
P-11	.495
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Property of Cook County Clerk's Office

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# EXHIBIT

ATTACHED TO

0020628620

DOCUMENT NUMBER

SEE PLAT BOOK

0020628620

4221/0276 55 001 Page 1 of 9  
2002-06-05 15:25:33  
Cook County Recorder 71.00

This instrument prepared by and mail to:  
JOHN C. GRIFFIN  
10001 S. Roberts Road  
Palos Hills, Illinois 60465  
(708) 598-6800

SA 2285065  
CT#

FIRST AMENDMENT

TO

DECLARATION OF PARTY WALL RIGHTS,  
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR  
CHESTNUT RIDGE OF TINLEY PARK TOWNHOME ASSOCIATION

THIS FIRST AMENDMENT TO DECLARATION OF PARTY WALL RIGHTS, COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR CHESTNUT RIDGE OF TINLEY PARK TOWNHOME ASSOCIATION is made and entered into by Republic Bank of Chicago, a corporation of Illinois, as Trustee Under Trust Agreement dated July 25, 2001, and known as Trust No. 1442 and not individually (The "Trustee") this 22<sup>nd</sup> day of May, 2002.

WITNESSETH:

WHEREAS, by the Declaration of Party Wall Rights, Covenants, Conditions, Easements and Restrictions for CHESTNUT RIDGE OF TINLEY PARK TOWNHOME ASSOCIATION ("Declaration") recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 20483381, Republic Bank of Chicago, a corporation of Illinois, as Trustee under Trust Agreement dated July 25, 2001, as known as Trust No. 1442, and not individually, submitted certain real estate (the "Property") to the provisions of the Declaration of said townhome development being known as CHESTNUT RIDGE OF TINLEY PARK TOWNHOME ASSOCIATION (the "Townhomes"); and

WHEREAS, BY ARTICLE 2 of the Declaration the right is reserved in the Developer, CHESTNUT RIDGE DEVELOPMENT, LTD. to annex and add certain real property to the Property described in the Declaration and thereby add to the Townhomes; and

REC'D  
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P  
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I

RECORDING FEE

DATE 6/5/02  
BY [Signature]



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WHEREAS, there have been no previous amendments to the Declaration covering the following described real estate:

LOTS 5, 12, 13, 15, 16 AND OUTLOT A IN CHESTNUT RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property Address:

Lot 5: 18040, 18042, 18044 and 18046 Upland Drive, Tinley Park, Illinois  
Lot 12: 18051, 18053 and 18055 Upland Drive, Tinley Park, Illinois  
Lot 13: 18111, 18113 and 18115 Edgar Place, Tinley Park, Illinois  
Lot 15: Clubhouse & Pool Common Area  
Lot 16: Totlot & Wetland Common Area  
Outlot A: Detention Common Area

Property Index Numbers:

27-34-301-005-0000, 27-34-301-007-0000, 27-34-301-019-0000  
and 27-34-301-020-0000 PIQOP

WHEREAS, Republic Bank of Chicago, a corporation of Illinois, as Trustee under Trust Agreement dated July 25, 2001, and known as Trust No. 1442, is the legal title holder of the Property to be annexed and Chestnut Ridge Development, Ltd., is the Developer and wishes to so annex and add to said Property and thereby submit to the Declaration as a part of the Townhomes the following real property (the "Additional Property"):

LOT 4 IN CHESTNUT RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESSES: 9320, 9322 and 9324 Chestnut Trail

PINs: 27-34-301-005-0000, 27-34-301-007-0000, 27-34-301-019-0000, 27-34-301-020-0000 AFFECTS P.I.Q. & OTHER PROPERTY

which property is described in Exhibit "B" to the said Declaration as Additional Property; and

WHEREAS, the Additional Property is now improved with one (1) building, three (3) units making a total of three (3) additional units, as defined in the Declaration.

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NOW, THEREFORE, Republic Bank of Chicago, a corporation of Illinois, as Trustee under Trust Agreement dated July 25, 2001, and known as Trust No. 1442, and not individually, as the legal title holder of the Additional Property and Chestnut Ridge Development, Ltd., as the beneficial owner of said trust, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Additional Property is hereby annexed to the Parcel and Property as defined in the Declaration and Declarant hereby declares that the additional property shall be held, sold and conveyed subject to the party wall rights, covenants, conditions, easements and restrictions contained in the Declaration all of which shall run with the land and be binding on all parties having or acquiring any right, title or interest therein or any part thereof, and shall inure to the benefit of each Owner thereof.
2. The Plat attached to the Declaration showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by the addition of one (1) page attached hereto showing the boundaries of the annexed Property and describing the additional Units contained in said annexed Property.
3. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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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 REPUBLIC BANK OF CHICAGO 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.

Signed as of the day and year first above written.

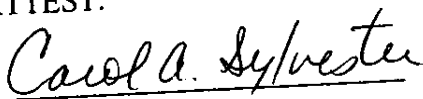
This instrument is executed by Republic Bank of Chicago, not personally by individually, but solely as trustee as aforesaid in the exercise of the power and authority conferred upon and vested in it as such trustee. All of the statements, warranties and representations set forth herein are made solely on information and belief without any independent inquiry or investigation by Republic Bank of Chicago and should be construed accordingly. Notwithstanding any provision to the contrary set forth in this instrument, any recourse against Republic Bank of Chicago shall be limited to the assets comprising the trust estate and no personal liability shall be asserted or be enforceable against Republic Bank of Chicago by reason of the terms, promises, agreements, covenants, warranties, representations, indemnifications, or other matters herein set forth, all such personal liability of Republic Bank of Chicago being expressly waived.

REPUBLIC BANK OF CHICAGO,  
not individually, but as Trustee  
as aforesaid

BY: 

Steven J. Colombo  
Trust Officer

ATTEST:



Carol A. Sylvester  
Trust Administrator

Property Clerk's Office

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CHESTNUT RIDGE DEVELOPMENT, LTD.

BY: [Signature]  
President

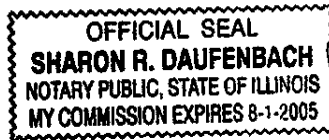
ATTEST:

[Signature]  
Secretary

STATE OF ILLINOIS)  
) SS.  
COUNTY OF COOK)

I, SHARON R. DAUFENBACH, a Notary Public in and for the County and State aforesaid, Do Hereby Certify that JOHN KRETCHMAR, personally known to me to be the President and Secretary of the of said corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledge that he signed, sealed and delivered said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their 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 1<sup>st</sup> day of March,  
2002



[Signature]  
NOTARY PUBLIC

My Commission Expires:

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## CONSENT OF MORTGAGEE

REPUBLIC BANK OF CHICAGO, holder of mortgages on the property dated August 15, 2001, recorded August 22, 2001 as Document Numbers 0010-773449, 0010-773451 and 0010-773452 hereby consents to the execution and recording of the within Townhomes Declaration and agrees that said mortgages are subject to the provisions of said Declaration.

IN WITNESS WHEREOF, the said Republic Bank of Chicago has caused this instrument to be signed by its duly authorized officers on its behalf, all done at Darien, Illinois on the 27th day of March, 2002.

BY:

Spero A. Cantos, SVP  
Spero A. Cantos  
Senior Vice President

ATTEST:

Carol A. Sylvester

Carol A. Sylvester  
Loan Administration Officer

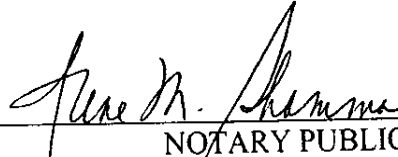
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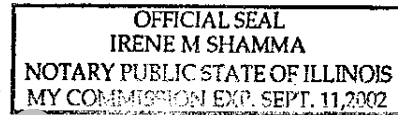
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STATE OF ILLINOIS)  
  ) SS.  
COUNTY OF COOK )

I, IRENE M. SHAMMA, a Notary Public in and for the County and State aforesaid, Do Hereby Certify that SERO A. CANTOS, SR. VICE PRES. and CAROL A. SYLVESTER, LOAN ADMINISTRATION OFFICER, respectively, of Republic Bank of Chicago personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such SERO A. CANTOS and CAROL A. SYLVESTER, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their 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 27th day of March, 2002.

  
NOTARY PUBLIC



My Commission Expires:

Sept. 11, 2002

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