



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

Property of Cook County Clerk's Office

FIRST SPECIAL AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS  
FOR 1939 WEST DIVISION  
CHICAGO, ILLINOIS

ES-14234

THIS SPECIAL AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR 1939 WEST DIVISION is made and entered into by Prairie Bank & Trust, not individually, but as Trustee Under Trust Agreement dated November 16, 2000, and known as Trust No. 00-124 ("The Declarant").

WITNESSETH:

WHEREAS, by the Declaration of Covenants, Conditions, Restrictions And Easements For 1939 West Division ("Declaration"), recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 0020074657, Prairie Bank & Trust, as Trustee under Trust Agreement dated November 16, 2000, and known as Trust No. 00-124, and not individually, submitted certain real estate (the "Property") to the provisions of the Declaration of Covenants, Conditions, Restrictions and Easements for 1939 WEST DIVISION (the "Property"); and


WHEREAS, BY ARTICLE 23.6 of the Declaration, the right is reserved in the Developer, McBrearty & McInerney Joint Venture, to correct clerical or typographical errors in the Declaration; and

RECORDING FEE 33.00  
DATE 7/1/02 COPIES 6  
OK BY JM 7pgs

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WHEREAS, Prairie Bank & Trust, as Trustee under Trust Agreement dated November 16, 2000, and known as Trust No. 00-124, was the legal title holder of the following described real estate which was submitted to the terms of the Declaration recorded as document number 0020074657.

*UNITS R2 R3 + R4*

LOT 9 IN WILLIAM HATTERMAN'S SUBDIVISION OF LOTS 3 AND 4 AND THE VACATED ALLEY IN BLOCK 2 OF SUPERIOR COURT PARTITION OF BLOCK 2, 4, 7 AND THE WEST ½ OF BLOCK 3 IN THE SOUTH ½ OF BLOCK 8 OF COCHRAN & OTHERS SUBDIVISION OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

STREET ADDRESS OF PROPERTY: 1939 WEST DIVISION  
CHICAGO, ILLINOIS 60622

PERMANENT INDEX NUMBER: 17-06-400-046-0000

NOW, THEREFORE, Prairie Bank & Trust, as Trustee under Trust Agreement dated November 16, 2000, and known as Trust No. 00-124, and not individually, as the Declarant holder and McBrearty & McInerney Joint Venture, as the developer, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. Article 1, Definitions, Section 1.13 is revised to delete "Declarant" and to insert "Developer" in its stead;
2. Article 1, Definitions, is revised to add a Section 1.34 as follows:
  - 1.34 "Declarant" Prairie Bank & Trust Company, not individually, but as Trustee under Trust Agreement dated November 16, 2000, and known as Trust No. 00-124.
3. Article 3, Easements in Favor of Commercial Property and Use Restrictions, Section 3.4, is revised to add a subsection (d) as follows:

(d) a restaurant or bar (except that a coffee shop or café, that does not prepare food and that closes prior to 11:00 p.m. shall be allowable).

4. 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 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 Prairie Bank and 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.

Signed as of the day and year first above written.

PRAIRIE BANK AND TRUST COMPANY,  
NOT INDIVIDUALLY, BUT AS TRUSTEE AS  
AFORESAID

BY: Sandra T. Russell

NAME: Sandra T. Russell

TITLE: Trust Officer

ATTEST

BY: Nancy O'Aoud

NAME: Nancy O'Aoud

TITLE: Asst. Trust Officer

EXCULPATORY CLAUSE

It is expressly understood and agreed by and between the parties hereto anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee, who in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee 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 Trustee not in his own right, but solely in the exercise of the powers conferred upon it as such trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against PRAIRIE BANK AND TRUST COMPANY under said Trust Agreement, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

PRAIRIE BANK AND TRUST COMPANY

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STATE OF ILLINOIS )  
  )SS.  
COUNTY OF COOK )

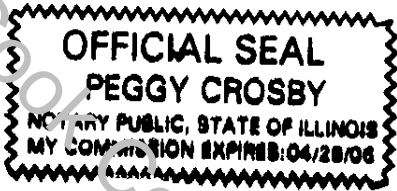
I, the undersigned, a Notary Public in and for the County and State aforesaid Do Hereby Certify that Sandra T. Russell, Trust Officer and Nancy O'Dowd, Asst. Trust Officer, respectively, of **PRAIRIE BANK AND TRUST**, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust Officer and Asst. Trust Officer, 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 29th day of April, 2002.

Peggy Crosby  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

\_\_\_\_\_



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McBREARTY & McINERNEY  
JOINT VENTURE

BY: Noreen Linda McInerney  
NAME: Noreen Linda McInerney  
TITLE: Joint Venture

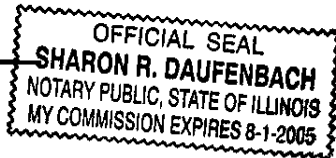
STATE OF ILLINOIS )  
                                  )SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid Do Hereby Certify that Noreen Linda McInerney, respectively, of McBREARTY & McINERNEY JOINT VENTURE, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Authorized Agent, appeared before me this day in person and severally acknowledge that as such she signed, sealed and delivered said instrument and pursuant to authority given by the General Partners of said Joint Venture, as her free and voluntary act, and as the free and voluntary act of said Joint Venture, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 30<sup>th</sup> day of May, 2002.

Sharon R. Daufenbach  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



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## CONSENT OF MORTGAGEE

PRAIRIE BANK AND TRUST holder of mortgages on the property dated April 10, 2001 and recorded April 18, 2001 as Document No. 0010-313940 hereby consents to the execution and recording of the within Declaration of Condominium Ownership and Easements, Restrictions, and Covenants for 1939 West Division Condominiums and Declaration of Bylaws for the 1939 West Division Condominium Association an Illinois Not-for-Profit Corporation and agrees that said mortgages are subject to the provisions of said Declaration.

IT WITNESS WHEREOF, the said PRAIRIE BANK AND TRUST has caused this instrument to be signed by its duly authorized officers on its behalf, all done at Bridgeview, Illinois on this day of April 20<sup>th</sup>, 2002.

BY: Maureen W. Gorman  
EVP

ATTEST:  
Heather E. Amos  
Com'l. Exam. Officer

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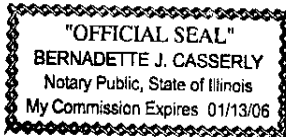
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STATE OF ILLINOIS )  
  ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid Do Hereby Certify that Mark W. Trevor, Heather E. Knox and Executive Vice President, Commercial Loan Officer, respectively, of PRAIRIE BANK AND TRUST, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Executive Vice Pres. and Commercial Loan Officer, 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 30th day of April, 2002.

Bernadette J. Casserly  
NOTARY PUBLIC



MY COMMISSION EXPIRES:

1/13/06

BY: \_\_\_\_\_

ATTEST:  
  
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