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# EXHIBIT

ATTACHED TO

0021104860

DOCUMENT NUMBER

10-8-02

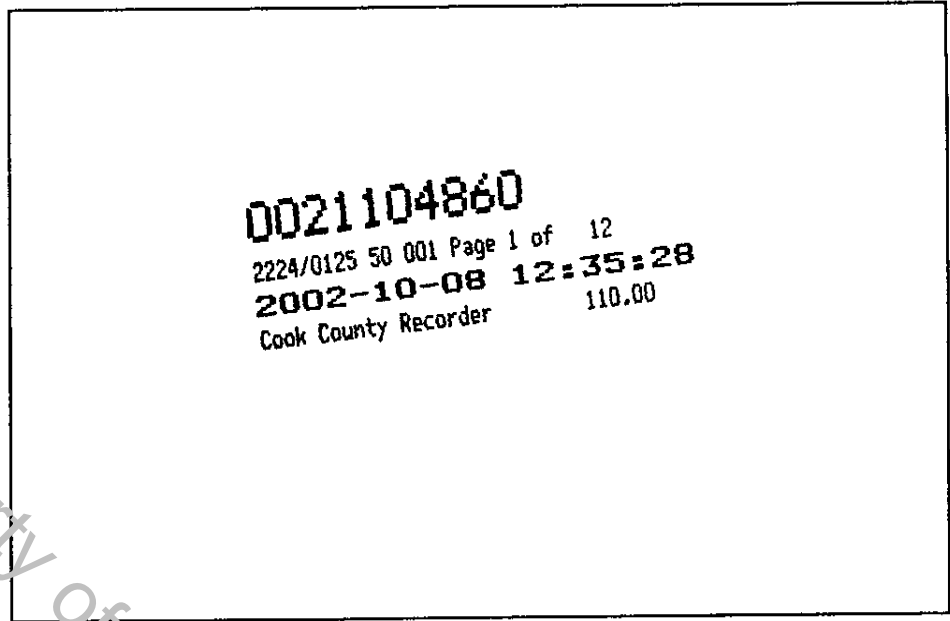
SEE PLAT BOOK

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## SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR 420 W. ONTARIO RESIDENTIAL CONDOMINIUM ASSOCIATION

NAME: 420 W. Ontario Residential Condominium

ADDRESS: 420 W. Ontario Street, Chicago, Illinois 60610

### Permanent Real Estate Index Numbers:

17-09-127-037-1001  
17-09-127-037-1002  
17-09-127-037-1003

F	110	A
P		P
T		V

01-19402 LTIC C.K.

THIS INSTRUMENT PREPARED BY AND AFTER RECORDING MAIL TO:

Nick Helmer Jr.  
420 Lofts LLC  
420 W. Ontario, Management Office  
Chicago, IL 60610

RECORDING FEE \_\_\_\_\_  
DATE 10/8/02  
OK BY [Signature]

# EXHIBIT ATTACHED

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## SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR 420 W. ONTARIO RESIDENTIAL CONDOMINIUM ASSOCIATION

This **SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR 420 W. ONTARIO RESIDENTIAL CONDOMINIUM ASSOCIATION** ("Second Amendment") made and entered into on this 2nd day of October, 2002, by **420 LOFTS LLC**, an Illinois limited liability company, the Second Successor Declarant as provided for below (hereinafter referred to as the "Residential Owner/Developer"). **001104860**

### WITNESSETH:

WHEREAS **LASALLE BANK NATIONAL ASSOCIATION**, a national banking association, not personally, but solely as Trustee under the provisions of a Trust Agreement dated May 11, 1993 and know as Trust No. 117901 ("Original Declarant") previously filed that certain Declaration of Condominium Ownership for 420 W. Ontario Residential Condominium pursuant to the Illinois Condominium Property Act with the Cook County Recorder's Office ("Recorder's Office") on October 6, 1999 as Document No. 99947221 ("Original Declaration") to convert to condominium ownership certain sections of real estate located as 420 W. Ontario, Chicago, Illinois 60610 ("Residential Property") and legally described as :

### SEE ATTACHED EXHIBIT A

WHEREAS, **ONTARIO STREET LOFTS, L.L.C.**, an Illinois limited liability company ("Ontario L.L.C."), purchased the entire Residential Property from Original Declarant and subsequently, as successor to Original Declarant ("Successor Declarant"), amended the Original Declaration by that certain First Amendment to Declaration of Condominium Ownership for 420 W. Ontario Residential Condominium recorded on December 13, 2001 as Document No. 0011182379 ("First Amendment"). The Original Declaration and the First Amendment are collectively referred to herein as the ("Declaration").

WHEREAS, **RESIDENTIAL OWNER/DEVELOPER**, as successor by sale to Ontario L.L.C., purchased the entire Residential Property from Ontario L.L.C. and 1) has retained fee simple title to the entire Residential Property (including all Residential Condominium Units (defined in the Original Declaration)), 2) has not yet subdivided the Residential Property into individual Residential Units, and 3) is the sole shareholder of 420 W. Ontario Residential Condominium Association, an Illinois not-for-profit corporation ("Residential Association"). As such, Residential Owner/Developer is the Second Successor Declarant to the Original Declaration; and

WHEREAS, pursuant to waiver of any notice, the Board of Directors of the Residential Association has heretofore called a special meeting for the purpose of changing or modifying the Declaration as herein set forth; and

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WHEREAS, Section 27 of the Illinois Condominium Property Act, 605 ILCS 27(b)(1) provides as follows:

“If there is an omission or error in the declaration, bylaws or other condominium instrument in such respects as may be required to conform to this Act, and any other applicable statute or to the declaration by vote of two-thirds of the members of the Board of Managers or by a majority vote of the unit owners at a meeting called for this purpose, unless the Act or the condominium instruments specifically provide for greater percentages or different procedures.”

WHEREAS, the original Plat of Residential Condominium attached to the Original Declaration, as amended by the First Amendment, described Units 420-1, 420-2, and 420-3, erroneously omitted space which was meant to be set aside as Residential Condominium Common Area in the basement and first floor of the Condominium Property for installation of certain mechanical equipment, utility rooms, elevator and lobby; and

WHEREAS, Article XI, Section 1 of the Original Declaration states:

“Except as hereinafter otherwise provided, the provisions, of Article I, II, III, IV, V and this paragraph of this Declaration may be amended, changed or modified by an instrument in writing setting forth such amendment, change or modification, signed and acknowledged by all members of the Board, all of the Unit Owners and each mortgage having a *bona fide* lien of record against any Unit.”

WHEREAS, the first sentence of Article XIV(d) states:

“Developer shall have the right to divide the Units into smaller residential condominiums or apartments in any manner which complies with the City of Chicago Building Code and Zoning Ordinance and Illinois Condominium Property Act in effect at the time of such division.”

WHEREAS, the second sentence of Article XIV(d) states:

“Developer shall also have the right to divide the roof Limited Common Elements appurtenant thereto as herein provided.

WHEREAS, all members of the Second Successor Declarant and Board of Directors of the Condominium have unanimously approved the modifications contained in this Second Amendment; and

WHEREAS, other than Second Successor Declarant, there are no Unit Owners; and

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WHEREAS, Commercial Loan Corporation, the only First Mortgagee with a *bona fide* lien of record against the Residential Property, has consented to this Second Amendment by signing the "Mortgagee's Consent" attached to this Second Amendment.

WHEREAS, Second Successor Declarant, the Board of Directors and the First Mortgagee have each executed this document to evidence its consent to this Amendment.

NOW, THEREFORE, pursuant to the authority granted in the Declaration, the Second Successor Declarant and Board of Directors of the 420 W. Ontario Residential Condominium amend the Declaration by executing and recording this Amendment.

- 1) The Original Declaration is hereby amended to delete the first paragraph of Article II, Section 2 of the Original Declaration and substitute in lieu thereof the following:

"Units 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 407, 408, 409 and 410 (each individually a "Residential Unit") delineated on the Second Amended Plat of Survey attached to this Second Amendment as Exhibit C ("Second Amended Plat") and made a part hereof. In addition to the units, the Second Amended Plat shall show the exact locations of the basement utility rooms and elevator pit and the first floor lobby, elevator and stairwells."

- 2) The Plat attached to the Original Declaration, as amended by the Plat attached to the First Amendment, is hereby deleted in its entirety and the Second Amended Plat attached hereto as Exhibit C is hereby inserted in lieu thereof.
- 3) The Original Declaration is hereby amended to include new Article V, Section 9(d) which states:

"Upon the conveyance of each Residential Unit from Residential Owner/Developer to an individual buyer, Residential Owner/Developer shall collect from such buyer an amount equal to three (3) times the amount of the monthly homeowner's assessment for such unit for the year in which said conveyance occurs. Such amount will be deposited by Residential Owner/Developer into a segregated bank account to be reserved for future capital improvements for the Residential Property as may be determined by the Board of Directors in the future."

- 4) Pursuant to Article XIV(d), Second Successor Declarant reserves the right to amend the Declaration at a future date to allocate specific ownership of the limited common areas located on the roof area of the Residential Property.

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- 5) In all respects not herein modified, Developer and Residential Owner/Developer hereby ratify and confirm all provisions of the Original Declaration.

[SIGNATURES ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the following parties have executed this Second Amendment on the date first written above.

RESIDENTIAL OWNER/DEVELOPER:

**420 LOFTS LLC,**  
an Illinois limited liability company

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

Nick Helmer Jr., ~~Authorized Agent~~

MANAGER

**420 W. ONTARIO RESIDENTIAL CONDOMINIUM ASSOCIATION,**  
an Illinois not for profit corporation

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

Nick Helmer Jr., Director

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

Jon A. Levey, Director

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

Michelle Testoni

Michelle Testoni, Director

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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 Nick Helmer Jr., personally known to me to be an authorized agent of 420 Lofts LLC, an Illinois limited liability company, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged to me that he, being thereunto duly authorized, signed and delivered said instrument as of his own free and voluntary act, for the use and purposes set forth therein.

GIVEN under my hand and notarial seal this 3<sup>rd</sup> day of October, 2002.

Christine Hathaway 0021104860  
Notary Public

My Commission Expires:

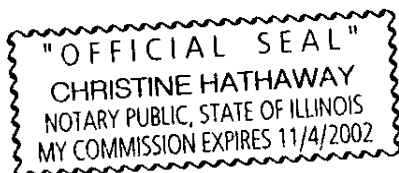
11-4-02



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 Nick Helmer Jr., ~~Nick Helmer Sr.~~ John A Levey and Michelle Testoni, each personally known to me to constitute the Board of Managers/Directors of the 420 W. Ontario Residential Condominium, an Illinois not for profit corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged to me that they, being thereunto duly authorized, signed and delivered said instrument as their own free and voluntary act, for the use and purposes set forth therein.

GIVEN under my hand and notarial seal this 3<sup>rd</sup> day of October, 2002.



Christine Hathaway

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# UNOFFICIAL COPY

Notary Public

My Commission Expires:

11-4-02

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## CONSENT OF MORTGAGEE

COMMERCIAL LOAN CORPORATION, an Illinois corporation, holder of the mortgage on the Property dated October 26, 2001 and recorded in the Cook County Recorder's Office on December 13, 2001 as Document No. 0011182381, hereby consents to the execution and recording of the within Second Amendment and agrees that said mortgage is subject to the provisions of the Declaration as amended herein.

IN WITNESS WHEREOF, Commercial Loan Corporation has caused this instrument to be signed by its duly authorized officer on its behalf on this 1<sup>st</sup> day of October, 2002.

COMMERCIAL LOAN CORPORATION,  
an Illinois corporation

By: Peter Hueser  
Peter Hueser, President

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DePage )

I, Janet M McDaniel, a notary public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Peter Hueser, in his capacity as President of Commercial Loan Corporation, an Illinois corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged to me that he, being thereunto duly authorized, signed and delivered said instrument as his own free and voluntary act, for the use and purposes set forth therein.

GIVEN under my hand and notarial seal this 1 day of October, 2002.

Janet M McDaniel  
Notary Public

My Commission Expires:

6-17-04



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## EXHIBIT A LEGAL DESCRIPTION

UNITS 420-1, 420-2, AND 420-3, IN THE 420 W. ONTARIO RESIDENTIAL CONDOMINIUM, AS DELINEATED ON THE SURVEY OF CERTAIN LOTS OR PARTS THEREOF IN YOUNG'S SUBDIVISION OF PART OF "KINGSBURY TRACT" IN THE EAST ½ OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CHICAGO RIVER, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "D" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED OCTOBER 06, 1999 AS DOCUMENT 99947221, IN COOK COUNTY, ILLINOIS, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS APPURTENANT TO SAID UNIT, AS SET FORTH IN SAID DECLARATION.

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## EXHIBIT B DIVIDED PERCENTAGE OWNERSHIP

<u>UNIT NO.</u>	<u>PERCENTAGE OWNERSHIP</u>
201	3.189
202	3.374
203	3.542
204	3.542
205	3.814
206	3.814
207	3.365
208	2.916
209	2.916
210	2.916
301	3.217
302	3.392
303	3.542
304	3.542
305	3.814
306	3.814
307	3.379
308	2.938
309	2.938
310	2.938
401	3.435
402	3.424
403	3.542
404	3.542
405	6.846
407	3.393
408	2.972
409	2.972
410	2.972
	<u>100%</u>

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EXHIBIT C  
AMENDED PLAT

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**EXHIBIT ATTACHED**

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