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0021132478

EXHIBIT

ATTACHED TO

0021132478

DOCUMENT NUMBER

10-16-02

SEE PLAT BOOK

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11/15/00

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be Returned to:

Gregory A. Thorpe, Esq.
Kubasiak, Fylstra, Reizen &
Rotunno, P.C.
20 South Clark Street
Suite 2900
Chicago, Illinois 60603

EXHIBIT ATTACHED

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

ALAN SCHAFFNER,

Plaintiff,

v.

**514 WEST GRANT PLACE CONDOMIN-
IUM ASSOCIATION, INC., et al.,**

Defendants.

**WILLIAM WYLIE and BRUCE
GERSHENZON,**

Counterplaintiffs,

v.

ALAN SCHAFFNER,

Counterdefendant.

ENTERED

OCT 16 2002

JUDGE
BERNETTA D. BUSH - 1587

No. 01 CH 18617
(formerly 00 CH 2844)

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ORDER

This matter having come before the court for trial, the parties having reached a settlement and the Court being fully advised in the premises;

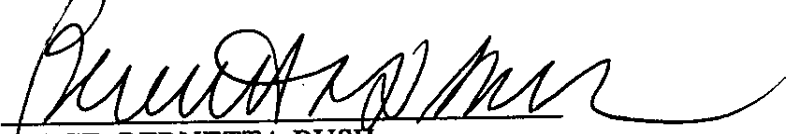
IT IS HEREBY ORDERED:

1. The Court finds that the Declaration of Condominium Ownership and of Easements, Covenants, Restrictions, and Bylaws for the 514-516 West Grant Place Condominium Association ("Declaration") contained errors and should be reformed as stated herein.
2. Pursuant to the Illinois Condominium Property Act, 765 ILCS 605/27, and under the common law doctrine of reformation, the Declaration shall be amended to designate an outdoor parking space as a limited common element appurtenant to each Unit 101 and Unit 102, for their sole use and enjoyment. The Amendment shall be substantially in the form attached hereto as Exhibit I.
3. The Board Members of the 514-516 West Grant Place Condominium Association, Marci Cherney, William Wylie III and Alice Wylie, shall sign the Amendment.
4. The Unit Owners of the 514-516 West Grant Place Condominiums, Marci Cherney, William Wylie III and Alan Schaffner shall also sign the Amendment and shall use diligent efforts to obtain the consent of their respective mortgagees and to execute any other documents necessary to effectuate the settlement, if necessary, so that Units 101 and 102 will each be exclusively entitled to one of the two outdoor parking spaces.
5. After the Amendment is executed, it shall be recorded with the Cook County Recorder of Deeds.

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6. Plaintiff Schaffner shall give notice of the Amendment and its provisions related to the ownership of the outdoor parking spaces to any prospective purchaser of Unit 103.
7. Defendants Wylie and Gershenzon shall pay to Plaintiff Schaffner total the sum of \$30,000. *on or before October 21, 2002.* Each party shall bear its own attorneys fees and costs.
8. This matter is dismissed with prejudice, but the Court retains jurisdiction to enforce the settlement agreement and amendment of the Declaration.

Entered:


JUDGE BERNETTA BUSH

Richard S. Reizen
Gregory A. Thorpe
Ellen Chapelle
Bethany E. Ammons
KUBASIAK, FYLSTRA, REIZEN & ROTUNNO, P.C.
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AMENDMENT TO CONDOMINIUM DECLARATION

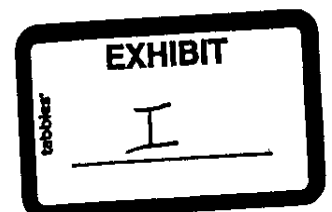
THIS AMENDMENT (the "Amendment") to the Declaration of Condominium Ownership and of Easements, Covenants, Restrictions, and Bylaws for the 514-516 West Grant Place Condominium Association is made and entered into by (a) The 514-516 West Grant Place Condominium Association (the "Association"), an Illinois not-for-profit corporation, (b) Marci Cherney, Unit Owner of Unit 101, (c) William Wylie III, Unit Owner of Unit 102, and (d) Alan Schaffner, Unit Owner of Unit 103, being all of the Unit Owners in the Condominium (hereinafter defined).

WITNESSETH

WHEREAS, pursuant to the Declaration of Condominium Ownership and Easements, Covenants, Restrictions, and Bylaws for The 514-516 West Grant Place Condominium Association dated September 9, 1982 (the "Declaration"), as recorded with the Recorder of Deeds of Cook County, Illinois, on September 24, 1982, as Document Number 27008180, AETNA Bank (the "Trustee"), Trustee under Trust Agreement dated May 10, 1981, and known as Trust Number 10-2826, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), under the name "The 514-516 West Grant Place Condominium" (the "Condominium");

WHEREAS, the Condominium Property is described on Exhibit 1 attached hereto and made a part thereof;

WHEREAS, the Trustee conveyed all of the Units in the Condominium, and the Association is exclusively responsible for the management and administration of the Condominium;



WHEREAS, the Condominium Property contains five (5) parking stalls consisting of three (3) enclosed parking stalls and two (2) outdoor parking stalls; however, the Plat originally attached as Exhibit A to the Declaration (the "Plat"), mistakenly only identified the three (3) enclosed parking stalls and failed to identify the two (2) outdoor parking stalls;

WHEREAS, the developer of the Condominium assigned the exclusive use of the two (2) outdoor parking stalls to the Unit Owners of Units 101 and 102, respectively;

WHEREAS, William Wylie, III, current Unit Owner of Unit 102, and Bruce Gershenzon, former Unit Owner of Unit 101, petitioned the Circuit Court of Cook County (the "Court") for Reformation of the Declaration;

WHEREAS, the common law and Section 27 of the Act provides that the Court may correct any omissions or errors in the Declaration or Bylaws;

WHEREAS, the Court has ordered reformation of the Declaration to establish the two outdoor parking stalls as limited common elements appurtenant to Units 101 and 102.

NOW THEREFORE, the Declaration hereby is amended as follows:

1. The Plat originally attached to the Declaration as Exhibit A is hereby amended by substituting for pages one (1) and three (3) of the original Exhibit A, corrected pages one (1) and three (3) of the Plat dated October ____, 2002 attached hereto as EXHIBIT 2 and made a part hereof. The Plat as amended is hereafter referred to as the "Amended Plat."

2. The term "Enclosed Parking Stall" is added to Article One of the Declaration and inserted below the term "Developer" together with the following corresponding definition:

Enclosed Parking Stall: Means that area provided for the enclosed parking of an automobile as shown or referred to on the Amended Plat.

3. The term "Outdoor Parking Stall" is added to Article One of the Declaration and inserted below the term "Enclosed Parking Stall" together with the following corresponding definition:

Outdoor Parking Stall: Means that area provided for the outdoor parking of an automobile as shown or referred to on the Amended Plat.

4. The definition of "Parking Stall" is stricken, and replaced with the following definition:

Parking Stall: Means the "Enclosed Parking Stall(s)" and "the Outdoor Parking Stall(s)" collectively.

5. Article Three, Section Two, Paragraph B of the Declaration is amended as follows:

The Enclosed Parking Stalls and the Garage doors related thereto, and the Outdoor Parking Stalls shall be Limited Common Elements as designated and identified on the Amended Plat as Enclosed Parking Stalls 101 through 103, and Outdoor Parking Stalls 101A and 102A, as listed on Exhibit 1 attached hereto. One Enclosed Parking Stall is assigned to each Unit as shown on the attached Exhibit 1. The Outdoor Parking Stall identified as Unit 101A is assigned to Unit 101, and the Outdoor Parking Stall identified as Unit 102A is assigned to Unit 102. The Board shall be responsible for maintaining and repairing the Parking Stalls and the related Garage doors, and the costs of such maintenance and repair shall be borne by each Unit Owner to which each Parking Stall is assigned. Each Unit Ownership shall include as a right and easement appurtenant thereto a grant of a perpetual and exclusive easement consisting of the right to use for parking purposes the specific Parking Stall(s) referencing the identifying number which corresponds with the Unit bearing the same identifying number. The legal description of each said Parking Stall shall consist of the identifying number of such Parking Stall as shown on the Amended Plat. Each deed, lease, mortgage or other instrument affecting a Unit Ownership shall include, the specific Parking Stall(s) so allocated and appurtenant thereto.

Any such deed, lease, mortgage or other instrument purporting to affect a Unit Ownership without also including the specific Parking Stall(s) expressly allocated to said Unit shall be deemed and taken to include the said Parking Stall(s) even though not expressly mentioned or described therein.

6. Article Three, Section Five, paragraph A of the Declaration is amended as follows:

A. The Common Elements shall remain undivided and no right shall exist to partition, divide or sever Ownership from the Units of any of them, except when withdrawal of the Property from the *Illinois Condominium Property Act* is authorized by all Unit Owners and the holders of all mortgages or other liens affecting all Units, and except as otherwise provided by law. On such authorization, all Unit Owners, mortgagees, and lienors shall execute and file for record in the office where this Declaration is filed, an instrument withdrawing the Property from the provisions of the *Act*. On the filing of such instrument, the Owners shall become tenants in common of the Property, and each shall own an undivided interest therein equal to the percentage of his undivided interest in the Common Elements before the filing of such instrument. On the filing of such instrument, each lien on an individual Unit shall become a lien on the individual undivided

interest of the Owner of such Unit as tenant in common of the entire Property. Removal of the Property from the *Illinois Condominium Property Act* shall not bar subsequent resubmission to the provisions of the *Act* in accordance with the terms thereof.

7. The Association is hereby authorized to take such steps as are necessary on behalf of the Condominium to ensure that the use of the Outdoor Parking Stalls is in conformance with this Amendment, including without limitation, the installation of signs indicating the exclusive rights of the owners of Units 101 and 102 to the use of the Outdoor Parking Stalls, provided that all costs associated therewith shall be borne exclusively by the Unit Owners of Units 101 and 102.

8. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, this Amendment is approved by the unanimous vote of the Board of Managers and by the unanimous vote of the Unit Owners, on this ____ day of _____ 2002.

Unit Owners

The 514-516 West Grant Place Condominium Association

Marci Cherney
Unit Owner of 101

Marci Cherney
Board Member

William Wylie III
Unit Owner of Unit 102

William Wylie III
Board Member

Alice Wylie
Unit Owner of Unit 102

Alice Wylie
Board Member

Alan Schaffner
Unit Owner of Unit 103

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that **William Wylie, III**, personally known to me to be one of the Unit Owners of **The 514-516 West Grant Place Condominium** and one of the Board Members of **The 514-516 West Grant Place Condominium Association**, 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 acknowledged that as a Unit Owner and a Board Member, he signed and delivered the said instrument, pursuant to authority given by the Board of the 514-516 West Grant Place Condominium Association as his free and voluntary act and as the free and voluntary act and deed of said Association for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____ 2002.

Notary Public

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Alan Schaffner personally known to me to be one of the Unit Owners of The 514-516 West Grant Place Condominium 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 acknowledged that as a Unit Owner, he signed and delivered the said instrument, pursuant to authority given by the Board of the 514-516 West Grant Place Condominium Association as his free and voluntary act and as the free and voluntary act and deed of said Association for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____ 2002.

Notary Public

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that **Alice Wylie** personally known to me to be one of the Board Members of **The 514-516 West Grant Place Condominium Association**, and personally known to me to be the same person whose names is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as a Board Member, she signed and delivered the said instrument, pursuant to authority given by the Board of the 514-516 West Grant Place Condominium Association as her free and voluntary act and as the free and voluntary act and deed of said Association for the uses and purposes therein set forth.

Given under my hand and official seal, this _____ day of _____ 2002.

Notary Public

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MORTGAGEE'S CONSENT

_____, Mortgagee under a certain Mortgage dated
_____, and recorded _____, with the Recorder of Deeds of Cook County,
Illinois, as Document No. _____, hereby consents to the foregoing Amendment
pursuant to the Illinois Condominium Property Act as if it were an original signatory thereto.

IN WITNESS WHEREOF, the said Mortgagee has caused its corporate seal to be affixed
hereunto and caused its name to be signed by its _____ (Officer) on this _____ of
_____, 2002.

Authorized Officer

Title: _____

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IN WITNESS WHEREOF, the said Mortgagee has caused its corporate seal to be affixed
hereunto and caused its name to be signed by its _____ (Officer) on this _____ of
_____, 2002.

Authorized Officer

Title: _____

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Illinois, as Document No. _____, hereby consents to the foregoing Amendment
pursuant to the Illinois Condominium Property Act as if it were an original signatory thereto.

IN WITNESS WHEREOF, the said Mortgagee has caused its corporate seal to be affixed
hereunto and caused its name to be signed by its _____ (Officer) on this _____ of
_____, 2002.

Authorized Officer

Title: _____

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EXHIBIT 1

Units 101, 102, and 103 in the 514-516 West Grant Place Condominium, as delineated on a Survey of the following described real estate:

Lots Twelve (12) and Thirteen (13), in Subdivision Block One (1) in Lay's Subdivision of Block Twelve (12) in the Canal Trustees' Subdivision in Section 33, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, which Amended Plat is attached as Exhibit "2" to the Declaration of Condominium and recorded in the Recorder's Office as Document Number 27008180 together with their undivided percentage interest in the common elements.

Commonly known as : Units 101, 102, and 103, 514-516 West Grant Place,
Chicago, Illinois.

Permanent Index Numbers: 14-33-111-053-1001;14-33-111-053-1002; 14-33-111-053-1003

Unit	PIN	Percentage of Ownership	Number of Enclosed Parking Stalls	Number of Outdoor Parking Stalls
101	14-33-111-053-1001	40%	1 (Parking Stall 101 on Exhibit 2)	1 (Parking Stall 101A on Exhibit 2)
102	14-33-111-053-1002	40%	1 (Parking Stall 102 on Exhibit 2)	1 (Parking Stall 102A on Exhibit 2)
103	14-33-111-053-1003	20%	1 (Parking Stall 103 on Exhibit 2)	None

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EXHIBIT 2

EXHIBIT ATTACHED

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