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0317118001

Eugene "Gene" Moore Fee: \$118.00
Cook County Recorder of Deeds
Date: 06/20/2003 09:49 AM Pg: 1 of 20

EXHIBIT

ATTACHED TO



DOCUMENT

SEE PLAT INDEX

Property of Cook County Clerk's Office

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THIS DOCUMENT IS PREPARED BY, AND UPON RECORDATION, RETURN TO:

MARK D. PEARLSTEIN, ESQ.
LEVENFELD PEARLSTEIN
33 WEST MONROE, 21ST FLOOR
CHICAGO, IL 60603

F	118	A
P	[Signature]	P
T	[Signature]	V
I		

FOURTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP FOR WOODLANDS OF MORTON GROVE CONDOMINIUM ASSOCIATION

THIS FOURTH AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP (this "Amendment") is made and entered into as of June 3, 2003 by The Woodlands of Morton Grove, L.L.C., an Illinois limited liability company ("Developer") and Parkway Bank and Trust Company as trustee ("Trustee") under trust agreement dated August 20, 2002 and commonly known as trust number 13371, (the "Trust") and shall be effective upon recording.

~~AND NOT INDIVIDUALLY~~

WHEREAS, Developer and McShane Corporation made and entered into that certain DECLARATION OF CONDOMINIUM OWNERSHIP FOR LINCOLN AVENUE CONDOMINIUMS (the "Original Declaration") which was recorded with the Cook County Recorder of Deeds on June 19, 2000 as document number 00451023.

WHEREAS, the Original Declaration was amended and restated by that certain AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR THE WOODLANDS OF MORTON GROVE CONDOMINIUM ASSOCIATION (the "Restated Declaration") dated May 24, 2002, with respect to the Property legally described on Exhibit A attached hereto and made a part hereof. The Restated Declaration was recorded in the Office of the Cook County Recorder of Deeds on June 7, 2002 as Document 0020639239; and

WHEREAS, pursuant to Section 25 of the Illinois Condominium Property Act, Developer reserved the right in the Restated Declaration to add-on and annex to the Property, all or any portion of the land referenced as Exhibit E in the Restated Declaration and designated therein as the "Future Development Parcel", all pursuant to the terms and conditions of Article 22 of the Restated Declaration; and

WHEREAS, subsequent to recording of the Original Declaration and the Restated Declaration, Developer conveyed fee-simple title to the "Added Parcel" (defined below) to the Trustee, in its capacity as trustee of the Trust.

WHEREAS, Developer is the sole beneficiary and the holder of the power of direction of the Trust.

WHEREAS, the Trustee is presently the fee-simple owner of, and Developer is the beneficial owner of, the "Added Parcel", which is located in the Village of Morton Grove, County of Cook, State of Illinois, and which comprises a portion of the Future Development Parcel.

RECORDING FEE 118-
DATE 6-20-03 COPIES 6
OK BY [Signature]

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The legal description of the Added Parcel is set forth in Exhibit A-1 attached hereto and made a part hereof; and

WHEREAS, Developer has directed the Trustee to execute this Amendment, and the Trustee has executed this Amendment, in its capacity as the fee-simple title holder of the Added Parcel.

WHEREAS, Developer intends to, and has caused the Trustee to hereby submit, the Added Parcel, together with all buildings, improvements and other permanent fixtures of whatsoever kind constructed thereon and all rights and privileges belonging to or pertaining thereto, and owned by Developer or the Trustee to the provisions of the Illinois Condominium Property Act; and

WHEREAS, Developer is desirous of extending for its own benefit and for the mutual benefit of all future Owners or occupants of the Property and the Added Parcel, or any part thereof, the easements and rights in, over and upon said Property and the Added Parcel and certain mutually beneficial restrictions and obligations with respect to the use, conduct and maintenance of the Property and the Added Parcel as set forth in the Restated Declaration; and

WHEREAS, Developer desires and intends that the Owners, mortgagees, occupants, and all other persons hereafter acquiring any interest in the Property and the Added Parcel shall at all times enjoy the benefits of, and shall hold their interests subject to the rights, easements, privileges, and restrictions set forth in the Restated Declaration as amended by this Amendment, all of which are declared to be in furtherance of the plan to promote and protect the cooperative aspect of the Development and established for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Property and the Added Parcel, all as set forth in the Restated Declaration as amended by this Amendment;

NOW, THEREFORE, Developer and Trustee, for the purposes above set forth, DECLARE AS FOLLOWS:

1. Capitalized Terms; Definitions. Except as otherwise set forth in this Amendment, all capitalized terms used in this Amendment shall have the respective meanings ascribed to such terms in the Restated Declaration. From and after the date of this Amendment, the term "Declaration", as used in this Amendment or in the Restated Declaration shall mean the Restated Declaration as amended by this Amendment.
2. Addition and Annexation of Added Parcel. The Added Parcel, together with all buildings, improvements, structures and facilities erected, constructed or contained on or in the Added Parcel, including, without limitation, the eighty-four (84) Added Units and the Added Common Elements thereon, and all rights and privileges belonging to or pertaining thereto, are hereby added and annexed to the Property, and henceforth all references to the "Property" or "Condominium Parcel" contained in the Restated Declaration shall be deemed to include the Added Parcel, and all references to the "Property" contained in the Restated Declaration shall be deemed to include all such buildings, structures and facilities.
3. Added Common Elements. Exhibit B attached hereto and made a part hereof is a plat or plats of survey (the "Current Add-On Plat") of the Added Parcel and of all Added Units and Added Common Elements thereon (including "General Common Elements," "Building Limited Common Elements" and "Exclusive Limited Common Elements") being submitted to the

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provisions of the Act pursuant to the Restated Declaration and this Amendment thereto. Each of the Added Units are designated on the Current Add-On Plat. Upon the recordation of this Amendment with the Recorder of Deeds of Cook County, Illinois, the "Units" as defined in the Restated Declaration, shall include the Added Units designated on the Current Add-On Plat, and the "Common Elements", as defined in the Restated Declaration, shall include the Added Common Elements added by this Amendment (namely, the General Common Elements, Building Limited Common Elements, and Exclusive Limited Common Elements shown on the Current Add-On Plat).

4. Revised Undivided Interests in the Common Elements. Exhibit C attached hereto and made a part hereof hereby replaces and supersedes Exhibit D to the Restated Declaration. Exhibit C attached hereto and made a part hereof sets forth the revised Ownership Interests in the Common Elements for all Units, including the Common Elements attributable to the Added Units located on the Added Parcel. The revised Ownership Interests have been determined in accordance with the provisions of Article 22 of the Restated Declaration and the Act.

5. Restated Declaration Applies to All Units. All of the provisions of the Restated Declaration, as amended, shall be deemed to apply to all of the Units (both the Added Units and the Existing Units) and to all of the Common Elements (both the Added Common Elements and the Existing Common Elements).

6. No Change in Obligations for Prior Common Expenses. The Recording of this Amendment shall not alter or affect the amount of any lien for Common Expenses due from the Owners of the Existing Units prior to such Recording, nor the respective amounts assessed to or due from the Owner or Owners of Existing Units for Common Expenses or other assessments levied or assessed prior to such Recording.

7. Future Add-On Parcel. Developer hereby reserves its rights under Article 22 of the Restated Declaration as to those portions of the Future Development Parcel not added and annexed to the Property pursuant to this Amendment.

8. Effectiveness of Restated Declaration. Except as modified, altered and amended by this Amendment, the Restated Declaration is declared to be and shall continue in full force and effect in accordance with its terms.

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IN WITNESS WHEREOF, The Woodlands of Morton Grove, L.L.C. and Parkway Bank and Trust Company, as trustee under the provisions of that certain trust agreement dated August 20, 2002 and commonly known as Trust Number 13371, have caused their names to be signed to these presents this 3RD of June, 2003.

THE WOODLANDS OF MORTON GROVE, L.L.C., an Illinois limited liability company

By: The Elliott Group, Inc., its Manager

By: [Signature] PMS.
Its President

PARKWAY BANK AND TRUST COMPANY, as Trustee,
as aforesaid AND NOT INDIVIDUALLY #13371

This Agreement is signed by Parkway Bank & Trust Co. not individually but solely as Trustee under a certain Trust Agreement known as Trust No. 13371. Said Trust Agreement is hereby made a part hereof and any claims against said Trustee which may result from the signing of this Agreement shall be payable only out of any trust property which may be held thereunder, and said Trustee shall not be personally liable for the performance of any of the terms and conditions of this agreement or for the validity or condition of the title of said property or for any agreement with respect thereto. Any and all personal liability of Parkway Bank and Trust Co., is hereby expressly waived by the parties hereto and their respective successors and assigns.

By: [Signature]
Its: Assistant Trust Officer



The Trustee in executing this document SPECIFICALLY EXCLUDES all references to any environmental condition of the premises whether under the ILLINOIS ENVIRONMENTAL PROTECTION ACT or otherwise. The Beneficiary of this Trust, as management and control of the premises and as such, has the authority on its/their own behalf to execute as environmental representative but not as agent for or on behalf of the Trustee.

PARKWAY BANK & TRUST COMPANY, as Trustee

PARKWAY BANK & TRUST COMPANY IS EXECUTING THIS DOCUMENT SOLELY IN ITS CAPACITY AS LAND TRUSTEE WITH THE AUTHORIZATION AND DIRECTION OF ITS BENEFICIARY AND HAS NO PERSONAL KNOWLEDGE OF ANY OF THE FACTS OR STATEMENTS CONTAINED HEREIN NOR THE ABILITY TO PERFORM ANY OF THE ACTS ASSOCIATED THEREWITH.

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STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Lesa Dinunzio, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark Elliott, President of The Elliott Group, Inc., an Illinois corporation, as Manager of The Woodlands of Morton Grove, L.L.C., personally known to me to be the same person whose name is subscribed to the foregoing instrument as such 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 corporation and limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 4th day of June, 2003
2003.



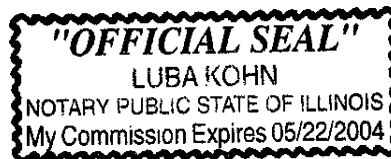
Lesa Dinunzio
Notary Public

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Luba Kohn, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JO ANN KUBINSKI, the ASST. TRUST OFFICER of Parkway Bank and Trust Company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such 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 corporation and limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of June,
2003.

Luba Kohn
Notary Public



UNOFFICIAL COPY**EXHIBIT A**

**Legal Description of the Property Submitted With The
Restated Declaration Which Was Recorded June 7, 2002
Consisted Of the Senior Living Parcel and the Residential Parcel,
Both Of Which Are Legally Described Below.**

SENIOR LIVING PARCEL

That part of the West Half of the Northwest Quarter of Section 20, Township 41 North, Range 13 East of the Third Principal Meridian, in Niles Township, Cook County, Illinois, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 20; Thence South 00°11'31" East along the East line of the West Half of said Southwest Quarter, 493.66 feet, to the South line of the North Half of the South Half of the North Half of said Southwest Quarter; Thence South 88°48'59" West, along said South line, 539.37 feet to the Easterly line of the Chicago - Milwaukee - St. Paul and Pacific Company Railroad; Thence North 22°20'02" West, along said Easterly line, 954.37 feet for the Point of Beginning; Thence North 67°40'11" East, 280.34 feet; Thence North 22°43'38" West, 153.58 feet; Thence North 13°00'30" West, 138.75 feet; Thence North 22°19'49" West, 23.00 feet; Thence North 67°40'11" East, 37.78 feet; Thence North 18°33'15" East, 18.41 feet to the Southerly Right-of-Way of Lincoln Avenue; Thence North 69°17'16" West along said Southerly line, 372.57 feet; Thence North 66°07'45" West along said Southerly line, 114.62 feet to the said Easterly line of the Chicago - Milwaukee - St. Paul and Pacific Company Railroad; Thence South 22°20'02" East, along said Easterly line, 361.45 feet to the Point of Beginning. Containing 3.503 Acres ±.

10-20-121-030-001 - 7602

RESIDENTIAL PARCEL

That part of the West Half of the Northwest Quarter of Section 20, Township 41 North, Range 13 East of the Third Principal Meridian, in Niles Township, Cook County, Illinois, described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 20; Thence South 00°11'31" East, along the East line of the West Half of said Southwest Quarter, 493.66 feet to the South line of the North Half of the South Half of the North Half of said Southwest Quarter; Thence South 88°48'59" West, along said South line, 539.37 feet to the Easterly line of the Chicago - Milwaukee - St. Paul and Pacific Company Railroad; Thence North 22°20'02" West, along said Easterly line, 954.37 feet for the Point of Beginning; Thence North 67°40'11" East, 293.04 feet; Thence South 22°43'38" East, 25.32 feet to a Point of Curvature; Thence Southerly 11.51 feet along a curve to the right having a radius of 19.00 feet (Chord Bearing South 05°22'03" East, 11.34 feet) to the beginning of a non-tangent curve; Thence Southerly 103.29 feet along a curve to the left having a radius of 95.58 feet (Chord Bearing South 22°43'38" East, 98.34 feet) to the beginning of a non-tangent curve; Thence Southeasterly 11.51 feet along a curve to the right having a radius of 19.00 feet (Chord Bearing South 40°05'13" East, 11.34 feet) to a Point of Tangency; Thence South 22°43'38" East, 162.53 feet; Thence South 67°16'22" West, 295.16 feet to said Easterly line of Chicago - Milwaukee - St. Paul and Pacific Company Railroad; Thence North 22°20'02" West, along said Easterly line, 309.87 feet to the Point of Beginning. Containing 2.056 Acres ±.

10-20-121-028

UNOFFICIAL COPY**EXHIBIT A-1****Legal Description of Added Parcel**

PARCEL "E"

Part of the West Half of the Northwest quarter and Part of the Northwest quarter of the Southwest quarter of Section 20, Township 41 North, Range 13 East of the Third Principal Meridian, in Niles Township, Cook County, Illinois, described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 20; Thence South $00^{\circ}11'31''$ East along the East line of the West half of said Southwest quarter, 493.66 feet to the South line of the North half of the South half of the North half of said Southwest quarter; Thence South $88^{\circ}48'59''$ West along said South line, 539.37 feet to the Easterly line of Chicago - Milwaukee - St. Paul & Pacific Company Railroad; Thence North $22^{\circ}20'02''$ West along said Easterly line, 366.76 feet for the Point of Beginning; Thence North $70^{\circ}19'37''$ East, 276.44 feet; Thence North $01^{\circ}11'10''$ West, 89.64 feet; Thence South $88^{\circ}52'56''$ West, 36.00 feet; Thence North $01^{\circ}11'10''$ West, 14.54 feet to a Point of Curvature; Thence Northerly 27.55 feet along a curve concave Westerly, having a radius of 44.00 feet (Chord Bearing North $19^{\circ}07'25''$ West, 27.10 feet) to the beginning of a non-tangent curve; Thence Northerly 39.69 feet along a curve concave Easterly, having a radius of 95.27 feet (Chord Bearing North $23^{\circ}07'40''$ West, 39.40 feet) to the beginning of a non-tangent curve; Thence Westerly 10.56 feet along a curve concave Southerly, having a radius of 7.00 feet (Chord Bearing North $66^{\circ}45'48''$ West, 9.59 feet); Thence North $05^{\circ}36'16''$ East, 25.00 feet to the beginning of a non-tangent curve; Thence Northerly 12.91 feet along a curve concave Westerly, having a radius of 9.00 feet (Chord Bearing North $26^{\circ}11'10''$ East, 11.83 feet) to the beginning of a non-tangent curve; Thence Northerly 7.21 feet along a curve concave Westerly, having a radius of 74.00 feet (Chord bearing, North $17^{\circ}41'29''$ West, 7.20 feet); Thence North $22^{\circ}43'38''$ West, 72.00 feet; Thence South $67^{\circ}16'22''$ West, 295.16 feet to said Easterly line of Chicago - Milwaukee - St. Paul and Pacific Company Railroad; Thence South $22^{\circ}20'02''$ East along said Easterly line, 277.74 feet to the Point of Beginning.

Containing 1.891 Acres \pm .

10-20-121-028

301-029

UNOFFICIAL COPY**EXHIBIT C**
Ownership Interest in the Common Elements

Revised June 3, 2003

<u>Unit</u>	<u>Common Area Pct.</u>
D- 101	0.478658%
D- 102	0.497812%
D- 103	0.516966%
D- 104	0.459504%
D- 105	0.415450%
D- 106	0.467165%
D- 107	0.606032%
D- 108	0.394380%
D- 109	0.555274%
D- 110	0.516966%
D- 111	0.497812%
D- 112	0.478658%
D- 114	0.555274%
D- 115	0.555274%
D- 201	0.482458%
D- 202	0.556231%
D- 203	0.520796%
D- 204	0.463335%
D- 205	0.425027%
D- 206	0.470996%
D- 207	0.609862%
D- 208	0.453758%
D- 209	0.559104%
D- 210	0.520796%
D- 211	0.552400%
D- 212	0.516008%
D- 214	0.559104%
D- 215	0.559104%
D- 301	0.486319%
D- 302	0.560062%
D- 303	0.524627%
D- 304	0.467165%
D- 305	0.428857%
D- 306	0.474827%
D- 307	0.613693%
D- 308	0.457588%
D- 309	0.562935%
D- 310	0.524627%
D- 311	0.556231%
D- 312	0.519839%
D- 314	0.562935%
D- 315	0.562935%
D- 401	0.490150%
D- 402	0.563893%
D- 403	0.528458%
D- 404	0.470996%
D- 405	0.432688%
D- 406	0.478658%
D- 407	0.617524%
D- 408	0.451842%
D- 409	0.566766%
D- 410	0.528458%
D- 411	0.560062%
D- 412	0.523670%
D- 414	0.566766%
D- 415	0.566766%
D- 501	0.493981%
D- 502	0.567724%
D- 503	0.532289%
D- 504	0.474827%
D- 505	0.436519%
D- 506	0.482488%
D- 507	0.621355%
D- 508	0.455673%
D- 509	0.570597%
D- 510	0.532289%
D- 511	0.563893%
D- 512	0.527500%
D- 514	0.570597%
D- 515	0.570597%

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EXHIBIT C Ownership Interest in the Common Elements

Revised: June 3, 2003

<u>Unit</u>	<u>Common Area Pct.</u>
D- 601	0.501642%
D- 602	0.575385%
D- 603	0.539950%
D- 604	0.482488%
D- 605	0.444181%
D- 606	0.490150%
D- 607	0.629016%
D- 608	0.472911%
D- 609	0.578258%
D- 610	0.539950%
D- 611	0.571554%
D- 612	0.535162%
D- 614	0.578258%
D- 615	0.578258%
Sub-total	43.809150%

E- 101	0.478658%
E- 102	0.497812%
E- 103	0.516966%
E- 104	0.459504%
E- 105	0.421196%
E- 106	0.467165%
E- 107	0.629974%
E- 108	0.449927%
E- 109	0.555274%
E- 110	0.516966%
E- 111	0.497812%
E- 112	0.536120%
E- 114	0.555274%
E- 115	0.555274%
E- 201	0.482488%
E- 202	0.580174%
E- 203	0.520796%
E- 204	0.463335%
E- 205	0.425027%
E- 206	0.470996%
E- 207	0.633805%
E- 208	0.453758%
E- 209	0.559104%
E- 210	0.520796%
E- 211	0.576343%
E- 212	0.539950%
E- 214	0.559104%
E- 215	0.559104%
E- 301	0.486319%
E- 302	0.584005%
E- 303	0.524627%
E- 304	0.467165%
E- 305	0.428857%
E- 306	0.474827%
E- 307	0.637636%
E- 308	0.457588%
E- 309	0.562935%
E- 310	0.524627%
E- 311	0.580174%
E- 312	0.543781%
E- 314	0.562935%
E- 315	0.562935%
E- 401	0.490150%
E- 402	0.587835%
E- 403	0.528458%
E- 404	0.470996%
E- 405	0.432688%
E- 406	0.478658%
E- 407	0.641466%
E- 408	0.451842%
E- 409	0.566766%
E- 410	0.528458%
E- 411	0.584005%

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EXHIBIT C Ownership Interest in the Common Elements

Revised: June 3, 2003

Unit	Common Area Pct.	
E- 412	0.547812%	
E- 414	0.566786%	
E- 415	0.566786%	
E- 501	0.493981%	
E- 502	0.591666%	
E- 503	0.532289%	
E- 504	0.474827%	
E- 505	0.436519%	
E- 506	0.482488%	
E- 507	0.645297%	
E- 508	0.455673%	
E- 509	0.570597%	
E- 510	0.532289%	
E- 511	0.587835%	
E- 512	0.51443%	
E- 514	0.570597%	
E- 515	0.501042%	
E- 601	0.59921%	
E- 602	0.539950%	
E- 603	0.482488%	
E- 604	0.444181%	
E- 605	0.490150%	
E- 606	0.652959%	
E- 607	0.472911%	
E- 608	0.578258%	
E- 609	0.539950%	
E- 610	0.595497%	
E- 611	0.559104%	
E- 612	0.578258%	
E- 614	0.578258%	
E- 615	0.578258%	
Sub-total		44.432612%
1- 1A	0.765967%	
1- 2B	0.708505%	
1- 3C	0.746813%	
4- 1A	0.765967%	
4- 2B	0.708505%	
4- 3C	0.746813%	
5S- 1A	0.765967%	
5S- 2B	0.708505%	
5S- 3C	0.746813%	
5N- 1A	0.765967%	
5N- 2B	0.708505%	
5N- 3C	0.746813%	
Sub-total		8.885143%
Senior Living Unit		2.873095%
Total		100.000000%

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