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DOCUMENT



WITH THIS EXHIBIT

Doc#: 0330445200
Eugene "Gene" Moore Fee: \$102.00
Cook County Recorder of Deeds
Date: 10/31/2003 03:14 PM Pg: 0

EXHIBIT

ATTACHED TO

DOCUMENT

WITH THIS EXHIBIT

DOCUMENT

SEE PLAT INDEX

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Prepared by and after recording return to:

Bruce K. Huvad
Cohen, Salk & Huvad, P.C.
630 Dundee Road, Suite 120
Northbrook, IL 60062

Pins: 11-19-105-035-0000

Property Address:
1210-1236 Chicago Avenue,
Evanston, Illinois

RETURN TO:
TICOR TITLE INSURANCE
203 N. LaSALLE, STE. 2300
CHICAGO, IL 60601
RE: 475934

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P		P
T		V
L	(MNM)	

For Recorder's Office Use Only

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR 1210-1236 CHICAGO AVENUE CONDOMINIUM

This Fifth Amendment ("Fifth Amendment") to the Declaration of Condominium Ownership for 1210-1236 Chicago Avenue Condominium is made by TR Chicago Avenue Partners, L.P., an Illinois limited partnership, not individually, but as Declarant (the "Declarant").

WITNESSETH:

WHEREAS, Declarant executed and caused the Declaration Of Condominium Ownership For 1210-1236 Chicago Avenue Condominium Association to be recorded in the Cook County Recorder's Office on December 28, 2001, as Document No. 0011237861 (the "Original Declaration"), and executed and caused the First Amendment To Declaration Of Condominium Ownership for 1210-1236 Chicago Avenue Condominium Association to be recorded in the Cook County Recorder's Office on January 16, 2002, as Document No. 0020066381 (the "First Amendment"), and executed and caused the Second Amendment To Declaration Of Condominium Ownership for 1210-1236 Chicago Avenue Condominium Association to be recorded in the Cook County Recorder's Office on March 29, 2002, as Document No. 0020358995 (the "Second Amendment") and executed and caused the Third Amendment To Declaration Of Condominium Ownership for 1210-1236 Chicago Avenue Condominium Association to be recorded in the Cook County Recorder's Office on October 30, 2002, as Document No. 0021196279 (the "Third Amendment") and executed and caused the Fourth Amendment To Declaration Of Condominium Ownership for 1210-1236 Chicago Avenue Condominium Association to be recorded in the Cook County

RECORDING FEE 102
DATE 10/31 COPIES 6
OK BY [Signature]

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Recorder's Office on September 16, 2003, as Document No. 0325919110 (the "Fourth Amendment"), submitting the property legally described on **Exhibit A** hereto to the provisions of the Illinois Condominium Act; and

WHEREAS, the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment and Fourth Amendment, is herein referred to as the "Declaration", and all capitalized terms used, but not defined in, this Fifth Amendment shall have the same meanings as in the Declaration; and

WHEREAS, Declarant has reserved the right and power to Record a Special Amendment to the Declaration at any time and from time to time which amends the Declaration to correct errors in the Declaration or any Exhibit thereto, pursuant to Section 8.1 of the Declaration; and

WHEREAS, as of the date of this Fifth Amendment, Declarant holds title to a portion of the Property and is authorized to make, execute and Record a Special Amendment; and

WHEREAS, page 7 of the Plat, attached to the Declaration as Exhibit C, erroneously does not depict parking spaces P-53, P-54, P-55, P-56, P-57 and P-58, or storage spaces S-53, S-55 and S-57; and

WHEREAS, Declarant desires to amend page 7 of the Plat to show parking spaces P-53, P-54, P-55, P-56, P-57 and P-58, and storage spaces S-53, S-55 and S-57; and

WHEREAS, page 8 of the Plat, attached to the Declaration as Exhibit C, erroneously does not depict parking spaces P-31, P-32, P-33, P-34, P-35 and P-36, or storage spaces S-28, S-32, S-34 and S-36; and

WHEREAS, Declarant desires to amend page 8 of the Plat to show parking spaces P-31, P-32, P-33, P-34, P-35 and P-36, and storage spaces S-28, S-32, S-34 and S-36; and

WHEREAS, page 17 of the Plat, attached to the Declaration as Exhibit C, erroneously does not depict storage spaces S-182A, S-182B, S-182C and S-182D; and

WHEREAS, Declarant desires to amend page 17 of the Plat to show storage spaces S-182A, S-182B, S-182C and S-182D; and

WHEREAS, the Plat, as attached to the Fourth Amendment when it was recorded on September 16, 2003, erroneously did not include page 23 of 30; and

WHEREAS, Declarant desires to correct this omission by recording page 23 of the Plat to show parking spaces P-2 through P-7, both inclusive, P-8A, P-8B, P-9 through P-14, both inclusive, P-16 through P-25, both inclusive, and storage spaces S-1 through S-7,

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both inclusive, S-8A, S-8B, S-9 through S-14, both inclusive, S-16, S-17A, S-17B, S-18 through S-25, both inclusive, S-166 and S-CA.

NOW, THEREFORE, Declarant, acting pursuant to Article Eight of the Declaration and for the purposes set forth in the Recitals to this Fifth Amendment, which Recitals Declarant hereby incorporates and makes a part of this Fifth Amendment, declares that the Declaration is amended as follows:

1. **Parking Spaces P-53, P-54, P-55, P-56, P-57 and P-58, and Storage Spaces S-53, S-55 and S-57.** Page 7 of Exhibit C to this Fifth Amendment is hereby substituted in its entirety for page 7 of Exhibit C to the Declaration.
2. **Parking Spaces P-31, P-32, P-33, P-34, P-35 and P-36, and Storage Spaces S-28, S-32, S-34 and S-36.** Page 8 of Exhibit C to this Fifth Amendment is hereby substituted in its entirety for page 8 of Exhibit C to the Declaration.
3. **Storage Spaces S-182A, S-182B and S-182C.** Page 17 of Exhibit C to this Fifth Amendment is hereby substituted in its entirety for page 17 of Exhibit C to the Declaration.
4. **Parking Spaces P-2 through P-7, both inclusive, P-8A, P-8B, P-9 through P-14, both inclusive, P-16 through P-25, both inclusive, and Storage Spaces S-1 through S-7, both inclusive, S-8A, S-8B, S-9 through S-14, both inclusive, S-16, S-17A, S-17B, S-18 through S-25, both inclusive, S-166 and S-CA.** Page 23 of Exhibit C to this Fifth Amendment is hereby added to Exhibit C to the Declaration.
5. **Declaration, As Amended, Remains In Full Force And Effect.** Except as modified by the terms of this Fifth Amendment, the Declaration shall remain unmodified and in full force and effect.

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IN WITNESS WHEREOF, Declarant has executed this Fifth Amendment this 29th day of October, 2003.

DECLARANT: **TR CHICAGO AVENUE PARTNERS, L.P.**, an Illinois limited partnership

By: TR Chicago Avenue, Inc., an Illinois corporation, its general partner

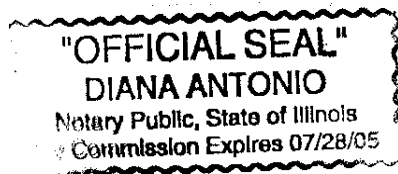
By: [Signature]
Thomas A. Roszak, President

Attest: [Signature]
Thomas A. Roszak, Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that THOMAS A. ROSZAK, President and Secretary of TR Chicago Avenue, Inc., the General Partner of TR Chicago Avenue Partners, L.P., an Illinois limited partnership, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President and Secretary appeared before me this day and subscribed his name to the foregoing instrument as his own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein stated.

Given under my hand and notarial seal this 29th day of October, 2003.



[Signature]
Notary Public

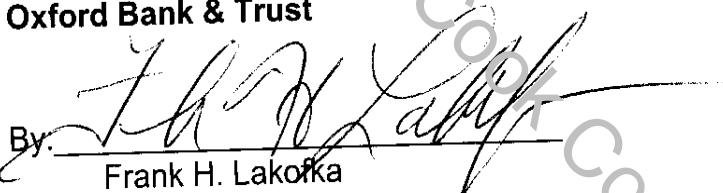
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Consent of Holder of First Mortgage Lien

Oxford Bank & Trust, with a mailing address of 1100 West Lake Street, Addison, Illinois 60101, is the holder of a certain Mortgage and Security Agreement made July 17, 2000 by TR Chicago Avenue Partners, L.P., the "Declarant" named in the foregoing Fifth Amendment to Declaration of Condominium Ownership for 1210-1236 Chicago Avenue Condominium. The Mortgage and Security Agreement was recorded in the Office of the Cook County Recorder of Deeds on August 3, 2000 as Document 00589859.

Oxford Bank & Trust hereby consents to the recording of this Fifth Amendment to the Declaration of Condominium Ownership for 1210-1236 Chicago Avenue Condominium in the Office of the Cook County Recorder.

Oxford Bank & Trust

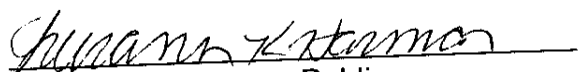
By: 
Frank H. Lakofka
Its: Senior Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do hereby certify that Frank H. Lakofka, of OXFORD BANK & TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Senior Vice 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 bank, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28th day of October, 2003.

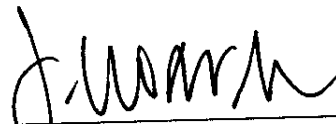



Notary Public

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CERTIFICATE

The undersigned, as president of the 1210-1236 Chicago Avenue Condominium Association, hereby certifies that a copy of the foregoing Fifth Amendment was delivered to the Board of Directors of the 1210-1236 Chicago Avenue Condominium Association.



Thomas A. Roszak, President

Property of Cook County Clerk's Office

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**EXHIBIT A
TO THE FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
1210-1236 CHICAGO AVENUE STREET CONDOMINIUM**

LEGAL DESCRIPTION OF PARCEL

Parcel 1

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership-Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract described as follows: commencing at the Northeast corner of said tract; Thence South 00° 18' 00" East along the East line thereof 84.41 feet to the point of beginning; Thence South 87° 25' 39" West 79.49 feet; Thence South 02° 32' 17" East 136.44 feet; Thence North 87° 19' 16" East 77.42 feet to the East line of said tract; Thence North 01° 30' 00" West along said East line 84.0 feet to a bend therein; Thence North 02° 00' 48" West along said East line 50.03 feet to a bend therein; Thence North 00° 18' 00" West along said East line 2.28 feet to the point of beginning, in Cook County, Illinois.

Parcel 2

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership-Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract falling within the boundaries

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projected vertically and described as follows: commencing at the Northeast corner of said tract; Thence South $00^{\circ} 18' 00''$ East along the East line thereof 84.41 feet; Thence South $87^{\circ} 25' 39''$ West 79.49 feet to the point of beginning; Thence South $02^{\circ} 32' 17''$ East 136.44 feet; Thence South $87^{\circ} 19' 16''$ West 8.73 feet; Thence North $02^{\circ} 34' 16''$ West 136.45 feet; Thence North $87^{\circ} 25' 39''$ East 8.81 feet to the point of beginning, in Cook County, Illinois.

Parcel 3

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership-Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract falling within the boundaries projected vertically and described as follows: commencing at the Northeast corner of said tract; Thence South $00^{\circ} 18' 00''$ East along the East line thereof 84.41 feet; Thence South $87^{\circ} 25' 39''$ West 79.49 feet; Thence South $02^{\circ} 32' 17''$ East 136.44 feet; Thence North $87^{\circ} 19' 16''$ East 32.20 feet to the point of beginning; Thence continue North $87^{\circ} 19' 16''$ East 45.22 feet to the East line of said tract; Thence South $02^{\circ} 51' 00''$ East along said East line 13.89 feet; Thence South $87^{\circ} 19' 16''$ West 45.12 feet; Thence North $N03^{\circ} 14' 48''$ West 13.89 feet to the point of beginning, in Cook County, Illinois.

Parcel 4

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership-Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract described as follows:

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commencing at the Northeast corner of said tract; Thence South $00^{\circ} 18' 00''$ East along the East line thereof 84.41 feet; Thence South $87^{\circ} 25' 39''$ West 88.30 feet; Thence North $02^{\circ} 34' 16''$ West 1.98 feet to the point of beginning; Thence South $87^{\circ} 30' 46''$ West 94.69 feet to the West line of said tract; Thence South $10^{\circ} 08' 25''$ East along said West line 153.95 feet; Thence North $87^{\circ} 19' 15''$ East 74.41 feet; Thence North $02^{\circ} 34' 16''$ West 152.33 feet to the point of beginning, in Cook County, Illinois.

Parcel 5

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership-Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyder's Addition to Evanston, a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract described as follows: beginning at the Northeast corner of said tract; Thence South $00^{\circ} 18' 00''$ East along the East line thereof 84.41; Thence South $87^{\circ} 25' 39''$ West 88.30 feet; Thence North $02^{\circ} 34' 16''$ West 1.98 feet; Thence South $87^{\circ} 30' 45''$ West 92.30 feet to the Northwest corner thereof; Thence South $89^{\circ} 53' 50''$ East along the North line of said tract 198.71 to the point of beginning, in Cook County, Illinois.

Excepting therefrom the following:

That part of Lots 1, 2 and 3 in F.B. Brewer's Subdivision of the South 137 feet (except the railroad) of the North 312 feet of Block 1 of Snyder's Addition to Evanston, a Subdivision of the North half of the Northwest Quarter, East of the railroad and West of Chicago Avenue, in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, taken as a tract, lying below a horizontal plane having an elevation of 613.88 feet above the National Geodetic Vertical Datum of 1929 (NGVD 29) and lying above a horizontal plane having an elevation of 604.30 feet above the National Geodetic Vertical Datum of 1929 (NGVD 29), described as follows:

Commencing at the Southeast corner of Lot 3 in Brewer's Subdivision, aforesaid, being also the Northeast corner of Lot 1 in G.M. Limited Partnership Consolidation, in said Section 19; Thence North $00^{\circ} 18' 00''$ West along the Easterly line of said Lot 3 a distance of 38.25 feet to the point of beginning; Thence South $87^{\circ} 29' 10''$ West, 2.97 feet; Thence South 00°

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15' 16" East, 22.02 feet; Thence South 87° 29' 10" West, 45.16 feet; Thence North 02° 30' 50" West, 18.83 feet; Thence South 87° 29' 10" West, 13.42 feet; Thence South 02° 30' 50" East, 18.83 feet; Thence South 87° 29' 10" West, 16.08 feet; Thence North 02° 30' 50" West, 21.00 feet; Thence South 87° 29' 10" West, 15.50 feet; Thence South 02° 30' 50" East, 21.00 feet; Thence South 87° 29' 10" West, 11.67 feet; Thence North 02° 30' 50" West, 4.33 feet; Thence South 87° 29' 10" West, 40.08 feet; Thence North 02° 30' 50" West, 14.50 feet; Thence South 87° 29' 10" West, 9.08 feet; Thence South 02° 30' 50" East, 18.83 Feet; Thence South 87° 29' 10" West, 30.48 feet; Thence North 10° 08' 25" West, 66.59 feet; Thence North 87° 29' 10" East, 192.92 feet; Thence South 00° 15' 16" East, 22.02 feet; Thence North 87° 29' 10" East, 2.95 feet to a point on the Easterly line of said Lot 3; Thence South 00° 18' 00" East, along said Easterly line, 22.02 feet to the point of beginning, in Cook County, Illinois.

Parcel 6

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as document no. 96,891,657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as document no. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the Railroad) of the North 312 feet of Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract described as follows: commencing at the Northeast corner of said tract; Thence South 00° 18' 00" East along the East line thereof 84.41 feet; Thence South 87° 25' 39" West 79.49 feet; Thence South 02° 32' 17" East 136.44 feet to the point of beginning; Thence North 87° 19' 16" East 32.20 feet; Thence South 03° 14' 48" East 13.89 feet; Thence South 87° 19' 15" West 41.09 feet; Thence North 02° 34' 16" West 13.90 feet; Thence North 87° 19' 16" East 8.73 feet to the point of beginning, in Cook County, Illinois.

Parcel 7

That part of the following described property taken as a tract:

Lot 1 in G. M. Limited Partnership Consolidation in the Northwest Quarter of Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois, according to the plat thereof recorded November 22, 1996 as Document Number 96891657 and confirmation and ratification of Consolidation Plat recorded July 31, 2000 as Document No. 00577569, together with Lots 1, 2 and 3 in F. B. Brewer's Subdivision of the South 137 feet (except the railroad) of the North 312 feet of

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Block 1 of Snyders Addition to Evanston a Subdivision of the North Half of the Northwest Quarter East of the railroad and West of Chicago Avenue in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, said part of said tract described as follows: beginning at the Southeast corner of said tract; Thence South $87^{\circ} 29' 10''$ West along the South line thereof 154.92 feet to the Southwest corner of said tract; Thence North $10^{\circ} 08' 25''$ West along the West line of said tract 76.92 feet; Thence North $87^{\circ} 19' 15''$ East 160.62 feet to the East line of said tract; Thence South $02^{\circ} 51' 00''$ East along said East line 35.53 feet; Thence South $08^{\circ} 28' 00''$ East along said East line 41.40 feet to the point of beginning, in Cook County, Illinois.

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**EXHIBIT C
TO THE FIFTH AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
1210-1236 CHICAGO AVENUE STREET CONDOMINIUM**

**PAGE 7 OF PLAT OF CONDOMINIUM PROPERTY;
PAGE 8 OF PLAT OF CONDOMINIUM PROPERTY;
PAGE 17 OF PLAT OF CONDOMINIUM PROPERTY; AND
PAGE 23 OF PLAT OF CONDOMINIUM PROPERTY**

Property of Cook County Clerk's Office