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630 Dundee Road, Suite 120  
Northbrook, IL 60062

Pins: 11-19-105-035-0000

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

RECORDING FEE \_\_\_\_\_  
DATE 11/24/03 \_\_\_\_\_  
OK BY [Signature]



Doc#: 0332819176  
Eugene "Gene" Moore Fee: \$42.00  
Cook County Recorder of Deeds  
Date: 11/24/2003 02:29 PM Pg: 1 of 10

For Recorder's Office Use Only

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

This Sixth Amendment ("Sixth 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 Recorder's Office on September 16, 2003, as Document No. 0325919110 (the "Fourth Amendment"), and executed and caused the Fifth Amendment To Declaration Of Condominium Ownership for 1210-1236 Chicago Avenue Condominium Association to be

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recorded in the Cook County Recorder's Office on October 31, 2003, as Document No. 0330445200 (the "Fifth 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, the Fourth Amendment and the Fifth Amendment, is herein referred to as the "Declaration", and all capitalized terms used, but not defined in, this Sixth 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 bring the Declaration into compliance with the Act, pursuant to Section 8.1 of the Declaration; and

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

WHEREAS, the Third Amendment subjected additional property to the provisions of the Act and the Declaration; and

WHEREAS, Declarant desires to amend the Third Amendment by deleting any provisions that do not concern subjecting additional property to the provisions of the Act, in accordance with the requirements of Section 25 of the Act, and to provide in this Sixth Amendment for the amendment of Section 2.14 of the Declaration; and

WHEREAS, Section 2.14 of the Declaration imposes certain limitations on the business uses which may be conducted in the Commercial Units; and

WHEREAS, Declarant has determined that the general wording of such limitations has created an ambiguity as to whether certain categories of uses are permissible uses of the Commercial Units, and Declarant finds that the financing of First Mortgages covering the Commercial Units has been and is likely to be impaired by the ambiguity; and

WHEREAS, Declarant desires to correct and resolve the matter so that the financing of such Commercial Units will not be impaired.

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

**1. Amendment of the Third Amendment.** The Third Amendment is hereby amended by deleting Section 1 thereof. The remaining sections of the Third Amendment

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shall be renumbered, so that section 2 thereof shall henceforth be section 1 thereof, and so on for all remaining sections of the Third Amendment.

**2. Amendment of Section Regulating Commercial Units.** Section 2.14 of the Declaration is deleted in its entirety and replaced with the following:

“ 2.14 USE OF COMMERCIAL UNITS: The Commercial Units shall be used and occupied for a limited range of business office, retail store and personal service uses that are compatible with the first-class residential character of the Property. Examples of professional or business office uses that are permitted uses for the Commercial Units under this Section 2.14 include, but are not limited to: libraries, art galleries and museums; offices or clinics for accountants, attorneys, dentists, physicians, psychologists, optometrists, opticians, consultants, real estate brokers, insurance brokers, stock brokers, surveyors, architects, engineers, financial and other professional service businesses, travel agencies and corporate or general administrative offices for a business or not-for profit organization. Examples of retail and personal service uses that are permitted uses for the Commercial Units under this Section 2.14 include, but are not limited to: antique shops, apparel shops, art and school supply stores, artist studios that offer classes of instruction or that may also be engaged in the custom production of goods, including but not limited to, pottery, ceramics, painting, weaving, leather work, jewelry and clothing, either for sale or for the use of the artist, bakery shops, including the baking and processing of food products when prepared for retail sales only, barber and beauty salons and full-service day spas, book and stationary stores, camera and photography supply shops, candy and ice cream shops, china and glassware stores, coffee shops, computer sales and servicing shops, convenience blueprinting, photocopying and printing or shipping establishments, florist shops, convenience grocery or dry goods store, furniture stores, furrier shops offering the storage or conditioning of furs gift shops, hobby stores (not including video or computer game parlors or other uses intended to attract and provide commercial indoor recreation, amusement or entertainment), household appliance stores, jewelry watch sales and repair shops, leather goods and luggage stores, music stores, including the sale and service of stereo equipment, audio recordings and sheet music, musical instrument sales and repair stores, office machine, service and supply stores, orthopedic and medical appliance stores, not including the assembly or manufacture of such articles, photographic studios providing for the development and printing of photographs and picture framing for the general public, plumbing supplies and fixture sales, private or group yoga instruction, sporting goods stores, toy stores, custom dressmaking and tailoring shops, upholstery repair shops, drop-off dry cleaning and pressing establishments (provided the actual cleaning of dry goods occurs off-premises), lock and key services, package handling service, and shoe, hat and leather repair shops. The foregoing list of permitted uses in the Commercial Units is not intended

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to be exhaustive; provided, that any future use, if not enumerated above, shall be similarly compatible with the residential Units. The Commercial Units shall not be used for any of the following purposes, notwithstanding that such uses from time to time shall be permitted or special uses under the zoning classification of the zoning district in which the Building is located:

- (a) restaurant, food catering or food carry-out businesses of any kind that require on-site use of stoves, grills or other cooking equipment that produce flames, gases, smoke or other exhaust and that are required under applicable building codes to vent such flames, gases, smoke or other exhaust outside the Building by using flue piping or ducts (the prohibition on such types of food preparers being intended to prohibit users whose cooking activities would generate offensive odors in and around the Building); provided, however, that the on-site defrosting, freezing, chilling, warming or toasting of food or baking (with ovens that do not vent to the outside) and similar activities that do not require venting of flames, gases, smoke or other exhaust outside the Building, such as would be conducted by a delicatessen, bakery, bagel store, sandwich shop, café, ice cream or candy store, are not prohibited; and the sale of packaged food items by a food store (when the food is prepared at another location or else does not violate the limitations set forth above) shall be permitted;
- (b) liquor store (provided, that the sale of alcoholic liquors in package form including, without limitation, beer, wine and ale, by any food store shall be permitted);
- (c) gun or martial arts weapons store;
- (d) adult book, video or similar stores primarily engaged in selling materials which are sexually explicit, obscene, erotic or violent;
- (e) massage, manicure or pedicure establishments (that are not part of a full service spa) or tattooing or body piercing establishments;
- (f) off-track betting parlor or facility;
- (g) salvage shop;
- (h) alcoholic, psychiatric, narcotic or drug abuse treatment facilities or employment agencies;

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- (i) day care centers receiving children or adults for care during all or part of a day;
- (j) private or public educational institutions, including trade or business schools, (an artist studio offering classes of instruction shall not be deemed an educational institution unless the studio confers commercial art degrees);
- (k) establishments engaged in providing commercial indoor recreation, amusement or entertainment for an entrance fee or admission charge, including such activities as children's recreation facilities, exercise clubs, sports training club, dance halls, studios, theatrical productions, bands, orchestras and other musical entertainment, bowling alleys, billiard and pool establishments, games and amusement arcades and parlors;
- (l) currency exchanges;
- (m) religious organizations conducting organized religious services;
- (n) medical or dental laboratories or laboratories conducting scientific research, investigation, testing or experimentation in the physical sciences on a regular basis;
- (o) sound or music recording studios;
- (p) accessory dwelling use; and
- (q) Automated Machine Use if such use is provided to and can be accessed by the public without entering the common vestibule areas of the Buildings."

3. **Declaration, As Amended, Remains In Full Force And Effect.** Except as modified by the terms of this Sixth Amendment, the Declaration shall remain unmodified and in full force and effect.

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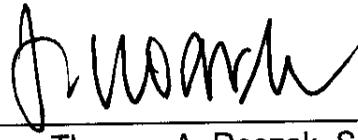
**IN WITNESS WHEREOF**, Declarant has executed this Sixth Amendment this 17th day of November, 2003.

DECLARANT:

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

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

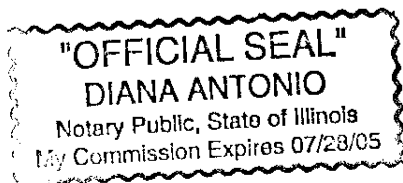
By:   
Thomas A. Roszak, President

Attest:   
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 21<sup>ST</sup> day of November, 2003.



  
Notary Public



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**EXHIBIT A  
TO THE SIXTH 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 projected vertically and 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

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87° 25' 39" West 79.49 feet to the point of beginning; Thence South 02° 32' 17" East 136.44 feet; Thence South 87° 19' 16" West 8.73 feet; Thence North 02° 34' 16" West 136.45 feet; Thence North 87° 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° 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; Thence North 87° 19' 16" East 32.20 feet to the point of beginning; Thence continue North 87° 19' 16" East 45.22 feet to the East line of said tract; Thence South 02° 51' 00" East along said East line 13.89 feet; Thence South 87° 19' 16" West 45.12 feet; Thence North N03° 14' 48" W 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: 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 88.30 feet; Thence North 02° 34' 16" West 1.98 feet to the point of beginning; Thence South 87° 30' 46" West 94.69 feet



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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 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 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  $87^{\circ} 30' 46''$  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  $00^{\circ} 15' 16''$  East, 22.02 feet; Thence South  $87^{\circ} 29' 10''$  West, 45.16 feet; Thence North  $02^{\circ} 30' 50''$  West, 18.83 feet; Thence South  $87^{\circ} 29' 10''$  West, 13.42 feet; Thence South  $02^{\circ} 30' 50''$  East, 18.83 feet; Thence South  $87^{\circ} 29' 10''$  West, 16.08 feet; Thence North  $02^{\circ} 30' 50''$  East, 21.00 feet; Thence South  $87^{\circ} 29' 10''$  West, 15.50 feet; Thence South  $02^{\circ} 30' 50''$  East, 21.00 feet; Thence South  $87^{\circ} 29' 10''$  West, 11.67 feet; Thence North  $02^{\circ} 30' 50''$  West, 4.33 feet; Thence South  $87^{\circ} 29' 10''$  West, 40.08 feet; Thence North  $02^{\circ} 30' 50''$  West,

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14.50 feet; Thence South  $87^{\circ} 29' 10''$  West, 9.08 feet; Thence South  $02^{\circ} 30' 50''$  East, 18.83 Feet; Thence South  $87^{\circ} 29' 10''$  West, 30.48 feet; Thence North  $10^{\circ} 08' 25''$  West, 66.59 feet; Thence North  $87^{\circ} 29' 10''$  East, 192.92 feet; Thence South  $00^{\circ} 15' 16''$  East, 22.02 feet; Thence North  $87^{\circ} 29' 10''$  East, 2.95 feet to a point on the Easterly line of said Lot 3; Thence South  $00^{\circ} 18' 00''$  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  $00^{\circ} 18' 00''$  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 to the point of beginning; Thence North  $87^{\circ} 19' 16''$  East 32.20 feet; Thence South  $03^{\circ} 14' 48''$  East 13.89 feet; Thence South  $87^{\circ} 19' 15''$  West 41.09 feet; Thence North  $02^{\circ} 34' 16''$  West 13.90 feet; Thence North  $87^{\circ} 19' 16''$  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 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: 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.