



Doc#: 0412418091
Eugene "Gene" Moore Fee: \$86.00
Cook County Recorder of Deeds
Date: 05/03/2004 02:47 PM Pg: 1 of 12

This instrument was prepared by:

Steven E. Moltz
LAW OFFICES OF
STEVEN E. MOLTZ
79 West Monroe Street
Suite 826
Chicago, Illinois 60603

MTC 2047552
[Signature]

**FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS
EASEMENTS RESTRICTIONS AND COVENANTS FOR THE
KIMBARK ESTATES CONDOMINIUMS**

THIS AMENDMENT to the Declaration made this 3rd day of May, 2004 by 6318-24 S. KIMBARK DEVELOPMENT, INC., an Illinois corporation, (hereinafter referred to as "Declarant"):

WITNESSETH THAT:

WHEREAS, Declarant filed a Declaration of Condominium Ownership and By-Laws Easements, Restrictions and Covenants for The KIMBARK ESTATES CONDOMINIUMS on the 7th day of July, 2003 in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0318818024 (the "Declaration");

WHEREAS, the Declaration sets forth that Declarant holds legal title to the following described real estate (the "Property") which Property was submitted in conformance with the requirements of the Act as hereinafter defined:

LOTS 22 AND 23 IN BLOCK 3 IN WAIT AND BOWEN'S SUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RAILROAD, IN SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 6318-24 S. KIMBARK AVE.
CHICAGO, ILLINOIS 60637

P.I.N. 20-23-200-019-000, 20-23-200-022-0000

And

RECORDING FEE \$86.00
DATE 5-3-4 COPIES 6X
OK BY C. Fitz

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WHEREAS, the Declaration sets forth in Article II that all Units located on the Property are delineated on the Plat of Survey, referred therein and attached thereto as Exhibit "A" and made a part of the Declaration and legally described as follows:

UNITS: 101, 102, 103, 104, 105, 200, 201, 202, 203, 204, 205, 300, 301, 302, 303, 304, 305, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16, P-17, P-18, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27, P-28, P-29, P-30, P-31, P-32, P-33, P-34

as delineated on the Plat of Survey of the following described parcel of real estate:

LOTS 22 AND 23 IN BLOCK 3 IN WAIT AND BOWEN'S SUBDIVISION OF THAT PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RAILROAD, IN SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; and

WHEREAS, pursuant to Article II, Section 1 of the Declaration, the Declarant intends to amend the Plat of Survey referred to in the Declaration as Exhibit "A" and recorded simultaneously therewith as Document Number 00318818024 (the "Plat") in conformance with the requirements of the Condominium Property Act, 765 ILCS 605/1 (the "Act") by recording the amended Plat of Survey attached hereto as Exhibit "A" (the "**First Amended Plat**") and by this reference made a part of this First Amendment to Declaration of Condominium Ownership and By-Laws Easements, Restrictions and Covenants for The KIMBARK ESTATES CONDOMINIUM (the "First Amendment"), which First Amended Plat depicts the "as-built" configuration of the Building; and

WHEREAS, the Declarant desires by this First Amendment to add and annex the following Units to the Property (as herein defined) pursuant to the terms of Article XIX of the Declaration:

UNITS 400, 401, 402, 403, 404, and 405.

NOW, THEREFORE, this First Amendment amends the Declaration as follows:

1. The recitals hereinabove set forth are hereby incorporated herein by reference as though full set forth herein.
2. Amends the Plat of Survey attached to the Declaration as Exhibit "A" by replacing it with the **First Amended Plat** attached to this First Amendment as Exhibit "A" and incorporated herein by reference.
3. Exhibit "B" of the Declaration, "Percentage of Ownership Interest in the Common Elements", is deleted and an amended Exhibit "B" attached hereto is substituted therefor.
4. This First Amendment to the Declaration is made pursuant to the applicable provisions of the Declaration and the Condominium Property Act (765 ILCS 605/1 *et seq.*)
5. Except as expressly set forth and provided for herein, the Declaration shall not be changed, modified or amended in any respect.

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IN WITNESS WHEREOF, the President and Secretary of the Declarant have caused to be signed to these presents this 3rd day of May, 2004.

6318-24 S. KIMBARK DEVELOPMENT, INC.,
an Illinois corporation

By: *[Signature]*
Its: President

ATTEST:

[Signature]
Secretary

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 Gheorghe Ciobanica, personally known to me to be the President and Iosif Joldes, personally known to me to be the Secretary of 6318-24 S. KIMBARK DEVELOPMENT, INC., an Illinois corporation, 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 severally acknowledged that as such President and Secretary they signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said corporation, as her free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 3rd day of May, 2004.



[Signature]
NOTARY PUBLIC

This instrument was prepared by (and mail to):
Steven E. Moltz
LAW OFFICES OF STEVEN E. MOLTZ
79 West Monroe Street, Suite 826
Chicago, Illinois 60603
312-782-3967

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Exhibit "A-1"

LEGAL DESCRIPTION

PARCEL ONE:

UNIT(S) _____ IN THE KIMBARK ESTATES CONDOMINIUMS, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 22 AND 23 IN BLOCK 3 IN WAIT AND BOWEN'S SUBDIVISION OF THAT PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RAILROAD, IN SECTION 23, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT 0318818024 TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

PARCEL TWO:

THE EXCLUSIVE RIGHT TO USE STORAGE SPACE _____, A LIMITED COMMON ELEMENT AS DELINEATED ON A SURVEY ATTACHED TO THE DECLARATION RECORDED AS DOCUMENT 0318818024.

ADDRESS: UNIT(S) _____,
6318-24 S. KIMBARK AVE.,
CHICAGO, ILLINOIS 60637

P.I.N: 20-23-200-019-0000, 20-23-200-020-0000

SUBJECT TO: (A) GENERAL REAL ESTATE TAXES NOT DUE AND PAYABLE AT THE TIME OF CLOSING; (B) THE ACT; (C) THE DECLARATION OF CONDOMINIUM RECORDED JULY 7, 2003, AS DOCUMENT NUMBER 0318818024 INCLUDING ALL AMENDMENTS AND EXHIBITS THERETO, THE SAME AS THOUGH THE PROVISIONS OF SAID DECLARATION WERE RECITED AND STIPULATED AT LENGTH HEREIN; (D) APPLICABLE ZONING AND BUILDING LAWS AND ORDINANCES; (E) COVENANTS, CONDITIONS, RESTRICTIONS, ENCROACHMENTS AND EASEMENTS OF RECORD (NONE OF WHICH SHALL IN ANY WAY AFFECT THE USE AND OCCUPANCY OF THE PURCHASED UNIT); (F) ACTS DONE OR SUFFERED BY PURCHASER OR ANYONE CLAIMING THROUGH PURCHASER; (G) UTILITY EASEMENTS, WHETHER RECORDED OR UNRECORDED; (H) LIENS AND OTHER MATTERS OF TITLE OVER WHICH THE TITLE INSURER (AS HEREINAFTER DEFINED) IS WILLING TO INSURE OVER WITHOUT COST TO PURCHASER.

GRANTOR ALSO HEREBY GRANTS TO THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, AS RIGHTS AND EASEMENTS APPURTENANT TO THE ABOVE DESCRIBED REAL ESTATE, THE RIGHTS AND EASEMENTS FOR THE BENEFIT OF SAID PROPERTY SET FORTH IN THE DECLARATION OF CONDOMINIUM,

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AND GRANTOR RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, THE RIGHTS AND EASEMENTS SET FORTH IN SAID DECLARATION FOR THE BENEFIT OF THE REMAINING PROPERTY DESCRIBED THEREIN.

THIS DEED IS SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN SAID DECLARATION THE SAME AS THOUGH THE PROVISIONS OF SAID DECLARATION WERE RECITED AND STIPULATED AT LENGTH HEREIN.

THE TENANT OF THE UNIT HAD NO RIGHT OF FIRST REFUSAL.

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EXHIBIT "B"

KIMBARK ESTATES CONDOMINIUMS

<u>UNIT NUMBER:</u>	<u>% OWNERSHIP IN COMMON ELEMENTS</u>
101	3.594%
102	4.553%
103	3.115%
104	4.457%
105	3.115%
200	4.663%
201	3.728%
202	3.920%
203	3.680%
204	3.877%
205	4.184%
300	4.709%
301	3.776%
302	3.968%
303	3.728%
304	3.920%
305	4.232%
400	4.757%
401	3.824%
402	4.016%
403	3.776%
404	3.968%
405	4.280%
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TOTAL**100.000%**

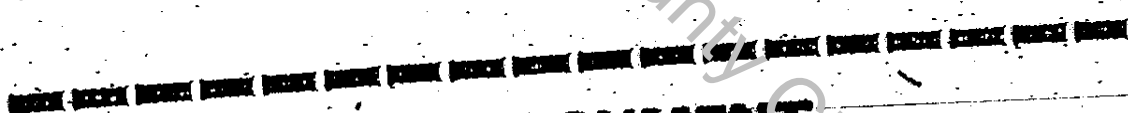
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**DOCUMENT
WITH THIS EXHIBIT**

EXHIBIT

ATTACHED TO

Property of Cook County Clerk's Office



**DOCUMENT
WITH THIS EXHIBIT**

7-963

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DOCUMENT

SEE PLAT INDEX