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**THIS INSTRUMENT
PREPARED BY AND AFTER
RECORDING RETURN TO:**

Brian A. Cohen, Esq.
Piper Rudnick LLP
203 North LaSalle Street
Suite 1800
Chicago, Illinois 60601

Doc#: 0414532091
Eugene "Gene" Moore Fee: \$78.00
Cook County Recorder of Deeds
Date: 05/24/2004 12:18 PM Pg: 1 of 10

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FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS, AND BY-LAWS FOR PALATINE STATION CONDOMINIUM ASSOCIATION

THIS FOURTH AMENDMENT ("Fourth Amendment") amends that certain Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Palatine Station Condominium Association recorded on December 16, 2003 in the Office of the Recorder of Deeds of Cook County, Illinois (the "Recorder") as Document No. 0335031077, as amended by First Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants, and By-Laws for Palatine Station Condominium Association dated January 20, 2004, Second Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Palatine Station Condominium Association dated February 23, 2004, and Third Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for Palatine Station Condominium Association dated May 17, 2004 (collectively, the "Condominium Declaration"), and is executed as of this 17 day of May, 2004 by Toll IL III, L.P., an Illinois limited partnership (referred to herein as "Declarant").

RECITALS

**PERMANENT REAL ESTATE INDEX
NUMBERS:**

02-15-411-062
02-15-411-064
02-15-411-050
02-15-411-070
02-15-411-073

ADDRESS OF PROPERTY:
NWC Smith Street and Wilson Street
Palatine, Illinois 60067

RECORDING FEE \$78
DATE 5-24-04 **COPIES** 6X
OK BY C. Feby

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T	5244	V
J	C.F.	

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A. The real estate described in Exhibit A to the Condominium Declaration situated in the Village of Palatine, Cook County, Illinois (the "Submitted Parcel") has heretofore been submitted to the provisions of the Condominium Declaration.

B. Pursuant to Article 12 of the Condominium Declaration, Declarant reserved the right and power to annex and add to the Submitted Parcel and thereby add to the plan of ownership created by the Homeowners Declaration all or any portion of the Future Expansion Parcel (as defined in the Homeowners Declaration), which is legally described on Exhibit C to the Condominium Declaration.

C. Declarant desires to amend the Condominium Declaration to annex and add to the Condominium Property a portion of the Future Development Parcel and to amend the legal description of the Condominium Property (Exhibit A thereto), the Plat of Survey (Exhibit A thereto) and the percentage of ownership interest in the common elements for Condominium Units (Exhibit B thereto) based upon the annexation of such Future Development Parcel.

D. Pursuant to Article 12 of the Condominium Declaration a power coupled with an interest is granted to Declarant to amend the percentage of ownership in the common elements appurtenant to each Condominium Unit to reflect the percentages set forth in each amendment to the Condominium Declaration.

NOW, THEREFORE, the Declarant does hereby amend and supplement the Condominium Declaration as follows:

1. **Additional Parcel and Added Units.**

(a) A portion of the Future Development Parcel (which is legally described in its entirety on Exhibit C to the Condominium Declaration) and legally described on Exhibit A to this Fourth Amendment, is hereby made subject to the Condominium Declaration as an "Additional Parcel", together with all improvements now or hereafter constructed thereon, and is also submitted to the provisions of the Act. Exhibit A to the Condominium Declaration is hereby amended by adding the property legally described on Exhibit A to this Fourth Amendment.

(b) That portion of Exhibit A to the Condominium Declaration entitled "Plat of Survey" (the "Original Plat"), is hereby amended by adding the Plat of Survey attached hereto as Exhibit C at the end of the Original Plat. In addition to those matters shown on the Original Plat, Exhibit C, as hereby amended and supplemented, shows the boundaries of the Additional Parcel annexed to the Parcel, and delineates and describes the Units of the annexed Additional Parcel.

2. **Amendment to Exhibit B.** Exhibit B to the Condominium Declaration, "Percentage of Ownership", is hereby deleted in its entirety and Exhibit B attached to this Fourth Amendment is substituted in its place. Exhibit B to this Fourth Amendment reflects the amended percentages of ownership interest in the Common Area (as such term is defined in the Condominium Declaration), including the Common Area attributable to the Additional Parcel

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annexed to the Property, allocable to every Unit, including all Existing Units and Added Units added by this Fourth Amendment.

3. **Terms**. All terms used herein with initial capital letters shall have the same meanings ascribed to them in the Condominium Declaration, unless otherwise provided herein.

4. **Covenants to Run with Land**. The covenants, conditions and restrictions contained in the Condominium Declaration, as amended by this Supplement, shall run with and bind the Property, including the Additional Parcel and Added Units.

5. **Continuation**. All terms, conditions and provisions of the Condominium Declaration, as expressly amended and supplemented by this Fourth Amendment, are hereby ratified, confirmed and shall continue to apply with full force and effect. In the event of any inconsistency between this Fourth Amendment and the Condominium Declaration, this Fourth Amendment shall control.

[END OF DOCUMENT]

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IN WITNESS WHEREOF, TOLL IL III, L.P., an Illinois limited partnership, as caused this Fourth Amendment to be signed this 17 day of May, 2004.

TOLL IL III, L.P., an Illinois limited partnership

By: [Signature]
Name: Andrew Stern
Its: Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, John T. Casey, a Notary Public in and ^{vice AS} for the County and State aforesaid, do hereby certify that Andrew Stern, as President of TOLL IL GP CORP., an Illinois corporation, as General Partner of TOLL IL III, L.P., an Illinois limited partnership, 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 foregoing instrument as his own free and voluntary act and the free and voluntary act of such corporation, as General Partner on behalf of the limited partnership, for the uses and purposes therein set forth. _{vice AS}

GIVEN under my hand and notarial seal this 17th day of May, 2004.

[Signature]
Notary Public

My Commission Expires:

November 25, 2007



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**EXHIBIT A TO FOURTH AMENDMENT
TO
DECLARATION OF CONDOMINIM OWNERSHIP
AND OF
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS
FOR PALATINE STATION CONDOMINIUM ASSOCIATION**

LEGAL DESCRIPTION OF THE ADDITIONAL PARCEL

THAT PART OF LOT 2 IN PALATINE STATION SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 1, 2003 AS DOCUMENT NUMBER 0312145115, AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED DECEMBER 16, 2003 AS DOCUMENT NUMBER 00335031076 DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF LOT 3 IN N. MERSCH'S SUBDIVISION, RECORDED APRIL 17, 1958 AS DOCUMENT NUMBER 17183583; THENCE NORTH 00 DEGREES 01 MINUTES 35 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 3, 150.00 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 54 MINUTES 58 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 3 AND THE NORTH LINE OF LOT 2 IN SAID SUBDIVISION, 89.45 FEET, TO THE EAST LINE OF TIN'S ADDITION TO PALATINE, RECORDED AUGUST 17, 1928 AS DOCUMENT NUMBER 10121245; THENCE NORTH 00 DEGREES 01 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE OF TIN'S ADDITION TO PALATINE, 114.00 FEET, TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 54 MINUTES 58 SECONDS WEST, ALONG NORTH LINE OF LOT 2 IN SAID TIN'S ADDITION TO PALATINE, 72.39 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 54 MINUTES 58 SECONDS WEST, ALONG THE NORTH LINE OF LOT 2 IN SAID TIN'S ADDITION TO PALATINE, 56.11 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 35 SECONDS WEST, 215.50 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WOOD STREET AS DEDICATED TO THE VILLAGE OF PALATINE FOR ALL PUBLIC PURPOSES PER DOCUMENT NUMBER 0312145115; THENCE SOUTH 59 DEGREES 23 MINUTES 20 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THIS COURSE AND NEXT 2 COURSES, 117.18 FEET; THENCE SOUTH 04 DEGREES 04 MINUTES 17 SECONDS WEST, 5.59 FEET; THENCE SOUTH 35 DEGREES 30 MINUTES 31 SECONDS WEST, 76.40 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 02 SECONDS EAST, 87.98 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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**EXHIBIT B TO FOURTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS
FOR PALATINE STATION CONDOMINIUM ASSOCIATION**

PERCENTAGE OF OWNERSHIP

<u>Unit No.</u>	<u>Current Percentage</u>	<u>Estimated Minimum Percentage</u>
45B-End	3.04948%	1.19646%
46E	2.84218%	1.11512%
47E	2.22025%	0.87111%
48E	2.56823%	1.00764%
49E	2.56823%	1.00764%
50E	2.22025%	0.87111%
51E	2.56823%	1.00764%
52E	2.53121%	0.99312%
53E	2.22025%	0.87111%
54E	2.53121%	0.99312%
55E	2.53121%	0.99312%
56B	2.82737%	1.10931%
57B	2.84218%	1.11512%
58B-End	3.01247%	1.18193%
59B	2.87179%	1.12674%
60B	2.81256%	1.10350%
61B	2.81996%	1.10641%
62B	2.90881%	1.14127%
63B	2.87920%	1.12965%
64B	2.79035%	1.09479%
65E	2.18323%	0.85658%
66E	2.53121%	0.99312%
67E	2.53121%	0.99312%
68B	2.79035%	1.09479%
69B-End	3.03468%	1.19065%
70B	3.01247%	1.18193%
71B	2.79035%	1.09479%
72B	2.79035%	1.09479%
73B	2.79035%	1.09479%
74B-End	2.89400%	1.13546%
75B	2.90141%	1.13836%
76C	3.01247%	1.18193%
77E	2.18323%	0.85658%
78E	2.53121%	0.99312%

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**EXHIBIT C TO FOURTH AMENDMENT
TO
DECLARATION OF CONDOMINIM OWNERSHIP
AND OF
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS
FOR PALATINE STATION CONDOMINIUM ASSOCIATION**

PLAT OF SURVEY

[copy attached]

Property of Cook County Clerk's Office

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**DOCUMENT
WITH THIS EXHIBIT**

EXHIBIT

ATTACHED TO

~~PROPERTY OF COOK COUNTY CLERK'S OFFICE~~

DOCUMENT

WITH THIS EXHIBIT

DOCUMENT

8-PGS
2-X +
10-PAGES

SEE PLAT INDEX