AMENDMENT TO **DECLARATION** OF CONDOMINIUM FOR THE HIGHLAND TOWERS III CONDOMINIUM ASSOCIATION



Doc#: 0415634018

Eugene "Gene" Moore Fee: \$52.00

Cook County Recorder of Deeds

Date: 06/04/2004 10:17 AM Pg: 1 of 15

For Use by Recorder's Office Only

This document is recorded for the

purpose of amending the Amended and Restated Declaration of Condominium Ownership (hereafter the "Declaration") for the Highland Towers Condominium III Association, (hereafter the "Association"), which Declaration was recorded on December 24, 1980, with the Recorde: of Deeds of Cook County as Document Number 25717877, and covers the property (hereater the "Property") legally described in Exhibit "A," which is attached hereto and made a part hereof,

This Amendment is adopted pursuant to the provisions of Section 24 of the aforesaid Declaration. Said section provides that the Amended Declaration may be amended by an instrument in writing signed and acknowledged by the Board and by Owners having at least 80% of the total ownership and centaining an affidavit by an officer of the Board certifying that a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any unit ownership, not less than 10 days prior to the date of such affidavit. Any amendment is effective upon recordation in the Office of the Cook County Recorder of Deeds.

RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been subjected to the covenants contained therein; and

WHEREAS, the Board and the Owners desire to amend the Declaration in order

to provide for the orderly operation of the Property; and

This document prepared by and after recording to be returned to:

KERRY T. BARTELL JORDAN I. SHIFRIN Kovitz Shifrin & Waitzman 750 Lake Cook Road, Suite 350 Buffalo Grove, IL 60089 - (847) 537-0500

WHEREAS, the following Amendment has been approved by the Board of Managers, said approval attached hereto as Exhibit B; and RECORDING FEE \$ 52

DATE 6-4-4 COPIES 6

15 PGS

WHEREAS, the Amendment has been approved by Owners having at least 80% of the total ownership, which approvals are attached hereto; and

WHEREAS, an affidavit by an officer of the Board certifying that a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any unit, is attached hereto as Exhibit C.

NOW, THEREFORE, the Amended and Restated Declaration of Condominium Ownership for the Highland Towers Condominium III Association is hereby amended in accordance with the text which follows:

1. Secrion 19 of the Declaration is hereby amended by deleting it in its entirety and replacing it with the following:

19. Leasing of a Unit

- (a) Subject to the additional provisions of this Amendment listed below, there shall be no leasing or Units after the effective date of this Amendment. No Unit, or interest therein, shall be leased by a Unit Owner for transient or hotel purposes. No Unit Owner may lease less than the entire Unit. All leases of Units shall be in writing, and a copy of every such lease, as and when executed, shall be furnished to the Board. The lessee brider every such lease shall be bound by and subject to all of the obligations, under this Declaration and the By-Laws, of the Unit Owner making such lease, and the failure of the lessee to comply with any of the terms of said instruments shall constitute a default under the lease, and the lease shall expressly so provide. The Unit Owner making such lease shall not be relieved thereby from any of said obligations.
- (b) Upon the sale or conveyance of any Unit after the execution date of this Amendment, the purchaser must reside in the Unit and is prohibited from leasing it to any third party, for any reason, subject to the additional provisions of this Amendment.
- (c) Any Owner currently leasing out their Unit as of the effective date of this Amendment may continue to lease to the tenant occupying the Unit for so long as that tenant resides in the Unit. Once this tenant vacates the Unit, the Owner must either: (1) take possession of the Unit, (2) lease the Unit to a blood relative or (3) sell the Unit.
- (d) Occupancy of a Unit by a blood relative(s) of a Unit Owner without the Unit Owner being a resident, shall not constitute a lease as defined under this Amendment, even if a written memorandum or agreement has been executed between the parties.

- (e) A blood relative is defined as a grandparent, parent, child (natural or adopted), grandchild or sibling of a Unit Owner.
- (f) Hardship. If a Unit vacated by a tenant in occupancy as of the recording date of this Amendment, or vacated by a Unit Owner for reasons beyond his control, the Unit Owner may apply for a one year hardship waiver in the following manner:
 - (1) The Unit Owner must submit a request in writing to the Board of Directors requesting a one year hardship waiver of subsection (a), setting forth the reasons why they are entitled to same.
 - (2) If, based on the data supplied to the Board of Directors by the Unit Owner, the Board finds that a reasonable hardship exists, the Board may grant a one year waiver. Any lease entered into shall be in writing and for a period of one year. The lease must also contain a provision that failure by the tenant or the Unit Owner to abide by the Rules and Regulations of the Association may, in the discretion of the Board of Directors, result in termination of the lease by the Board of Directors. All decisions of the Board shall be final.
 - (3) Copies of all leases must be submitted to the Board within ten (10) days after execution and prior to occupancy.
 - (4) All tenants shall acknowledge in writing that they have received copies of the rules and regulations of the Association and a copy of the written receipt shall be submitted to the Board of Directors.
 - (5) In the event an Owner has been granted hardship status, they must re-apply within thirty (30) days of the expiration of each hardship period if they wish to request an extension.
- (g) The effective date of this Amendment shall be deemed to be the date of recording with the office of the Recorder of Deeds of Cook County.
- (h) Any Unit being leased out in violation of this Amendment or any Owner found to be in violation of the Rules and Regulations adopted by the Board of Directors may be subject to a flat or daily fine to be determined by the Board of Directors upon notice and an opportunity to be heard.
- (i) In addition to the authority to levy fines against the Owner for violation of this Amendment or any other provision of the Declaration, By-Laws or Rules and Regulations, the Board shall have all rights and remedies, including but not limited to the right to maintain an action for possession against the Owner and/or their tenant, under 735 ILCS 5/9-111, an action for injunctive and other equitable relief, or an action at law for damages.

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- (j) Any action brought on behalf of the Association and/or the Board of Directors to enforce this Amendment shall subject the Owner to the payment of all costs and attorneys' fees at the time they are incurred by the Association.
- (k) All unpaid charges as a result of the foregoing shall be deemed to be a lien against the Unit and collectible as any other unpaid regular or special assessment, including late fees and interest on the unpaid balance.
- (I) This Amendment shall not prohibit the Board from leasing any Unit owned by the Association or any Unit which the Association has been issued an Order of Possession by the Circuit Court of Cook County.
- 2. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

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EXHIBIT A

LEGAL DESCRIPTION

That part of the Northeast 1/4 of Section 15, Township 41 North, Range 12 East of the Third Principal Meridian, bounded by a line described as follows: Commencing at the intersection of the North line of the South 25 acres of the East ½ of the East of the Northeast 1/4 of said Section 15 with the West line of Western Avenue as dedicated per Document No. 12269286; thence North 00_-04'-42" East along said West line of Western Avenue, 557.74 feet; thence North 89_-55'-18" West, 77.53 feet to the point of beginning of the parcel to be described; thence South 43_-56'-17" West, 240.84 feet; thence North 46_-03'-43" West, 81.50 feet; thence North 43_-56'-17" East, 240.84 feet; thence South 46_-03'-43" East, 81.50 feet to the point of beginning, in Cook County, Illinois.

Consisting of one building located at 8815 West Golf Road, in the City of Niles, County of Cook, State of Illinois and containing the following units:

<u>PIN</u>	<u>UNIT</u>	ADDRESS	% OF <u>OWNERSHIP</u>
09-15-202-048-1001	1A	8315 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1002	1B	8815 West Golf Road, Niles, Illinois 60714	0.7519
09-15-202-048-1003	1C	8815 West Colf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1004	1G	8815 West Go'f Road, Niles, Illinois 60714	0.7616
09-15-202-048-1005	11	8815 West Go'', Road, Niles, Illinois 60714	1.0785
09-15-202-048-1006	1J	8815 West Goit P.oz d, Niles, Illinois 60714	1.0153
09-15-202-048-1007	2A	8815 West Golf Rogu, Niles, Illinois 60714	1.0785
09-15-202-048-1008	2B	8815 West Golf Road, Niles Illinois 60714	1.0153
09-15-202-048-1009	2C	8815 West Golf Road, Ni'es, Illinois 60714	1.019
09-15-202-048-1010	2D	8815 West Golf Road, Niles, Juinois 60714	0.7712
09-15-202-048-1011	2F	8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1012	2G	8815 West Golf Road, Niles, Illinoic 60714	1.01 9
09-15-202-048-1013	2H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1014	21	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1015	2J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1016	3A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1017	3B	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1018	3C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1019	3D	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1020	3E	8815 West Golf Road, Niles, Illinois 60714	0.763
09-15-202-048-1021	3F	8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1022	3G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1023	3H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1024	31	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1025	3J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1026	4A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1027	4B	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1028	4C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1029	4D	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1030	4E	8815 West Golf Road, Niles, Illinois 60714	0.763
09-15-202-048-1031	4F	8815 West Golf Road, Niles, Illinois 60714	0.8315

09-15-202-048-1032	4G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1033	4H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1034	41	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1035	4J	8815 West Golf Road, Niles, Illinois 60714	
09-15-202-048-1036	5A		1.0153
		8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1037	5B	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1038	5C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1039	5D	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1040	5E	8815 West Golf Road, Niles, Illinois 60714	0.763
09-15-202-048-1041	5F	8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1042	5G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1043	5H		
09-15-202-048-1044		8815 West Golf Road, Niles, Illinois 60714	0.7712
	51	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202 018-1045	5J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-045-1046	6A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1047	6B	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1548	6C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1049	6D	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1050	64	8815 West Golf Road, Niles, Illinois 60714	
09-15-202-048-1051	6F		0.763
		8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1052	6G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1053	6H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1054	61	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1055	6J	8315 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1056	7A	ิจราร West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1057	7B	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1058	7C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1059	7D		
09-15-202-048-1060		8815 West Golf Road, Niles, Illinois 60714	0.7712
	7E	8815 West 3c f Road, Niles, Illinois 60714	0.763
09-15-202-048-1061	7F	8815 West Gof Foad, Niles, Illinois 60714	0.8315
09-15-202-048-1062	7G	8815 West Golf Kord, Niles, Illinois 60714	0.7616
09-15-202-048-1063	7H	8815 West Golf Road Niles, Illinois 60714	0.7712
09-15-202-048-1064	71	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1065	7J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1066	8A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1067	8B	8815 West Golf Road, Niles, Ilimois 60714	1.0153
09-15-202-048-1068	8C	8815 West Golf Road, Niles, Illinois 60714	
09-15-202-048-1069	8D		0.7616
		8815 West Golf Road, Niles, Illinois 60.714	0.7712
09-15-202-048-1070	8E	8815 West Golf Road, Niles, Illinois 60714	0.763
09-15-202-048-1071	8F	8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1072	8G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1073	8H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1074	81	8815 West Golf Road, Niles, Illinois 60714	1.0795
09-15-202-048-1075	8J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1076	9A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1077	9B		
		8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1078	9C	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1079	9D	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1080	9E	8815 West Golf Road, Niles, Illinois 60714	0.763
09-15-202-048-1081	9F	8815 West Golf Road, Niles, Illinois 60714	0.8315
09-15-202-048-1082	9G	8815 West Golf Road, Niles, Illinois 60714	0.7616
09-15-202-048-1083	9H	8815 West Golf Road, Niles, Illinois 60714	0.7712
09-15-202-048-1084	91	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1085	9J	8815 West Golf Road, Niles, Illinois 60714	1.0153
09-15-202-048-1086	10A	8815 West Golf Road, Niles, Illinois 60714	1.0785
09-15-202-048-1087	10B	·	
00-10-202-040-100/	IVD	8815 West Golf Road, Niles, Illinois 60714	1.0153

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09-15-202-048-1088 09-15-202-048-1089 09-15-202-048-1090 09-15-202-048-1091 09-15-202-048-1092 09-15-202-048-1093 09-15-202-048-1095 09-15-202-048-1095 09-15-202-048-1097 09-15-202-048-1099 09-15-202-048-1099 09-15-202-048-1100 09-15-202-048-1100 09-15-202-048-1101 09-15-202-048-1105 09-15-202-048-1105 09-15-202-048-1106 09-15-202-048-1107 09-15-202-048-1108 09-15-202-048-1108	10C 10D 10E 10F 10G 10H 10I 11A 11B 11C 11D 11E 11F 11G 11H 11I 12A 12C 12D	8815 West Golf Road, Niles	s, Illinois 60714	0.7616 0.7712 0.763 0.8315 0.7616 0.7712 1.0785 1.0153 0.7616 0.7712 0.763 0.8315 0.7616 0.7712 1.0785 1.0153 2.0437 1.2137 1.0413 2.0251
		8815 West Golf Road, Niles 8815 West Golf Road, Niles	10/4/s O	TOTAL:

100%

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EXHIBIT B

APPROVAL BY BOARD OF MANAGERS

Junia Essenstein

Joan M. Fenlow

Being the Board of Managers of the Highland Towers Condominium III Association

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EXHIBIT C

AFFIDAVIT OF MAILING

I, Trying Elsenstein, state that I am an officer of the Highland Towers Condominium III Association, and hereby certify that the foregoing Amendment was mailed to mortgagees having bona fide liens of record against any unit ownership not less than ten days prior to the date of this affidavit.
Dated: May 13 , 2004 By: Drawing Essenstein File: President

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

NAME (SIGNATURE)	ADDRESS	NAME AND ADDRESS OF MORTGAGEE
Arthur Frances	2515681845	7
Ally Gegaranon	= 985 Golf 90	>
Jua Rolows -	8815 GAF RD 101	
Min	SSUS GOLFROIT	
Ellorda Zeenher	8815 D. GOLF ZJA	VII.
sead of the symonic	8815 W Golf Ko +	41
crat Petrous-	8815W GOLFRAHITE	
Rauci de la Crus	80/1 N. POUT RO &B	
Lee Greenspan	8812 y . Hod B 20	9,7
Sera & Clarfules	8815 Jef. apt 11D	75
Whi Reyntisky	88 is Hoyer Theus	4 O.S.
Uriene Harp	8815 Sulp Hel- 118	Co
John Jeropai	8815 Golf Rd 9E	
Alle hopping	8815 bolf Rd. 3F	
My and Halwice	8815 Golfred 9D 8815 Golfred 18	
Jenyey / Ceyar	8815 Golf Rd 18	
Jo 2 tull	3815 boil 81 46	

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

		NAME AND ADDRESS
NAME (CIGNATURE)	ADDRESS	OF MORTGAGEE
Buth Bressen	8815 Hoffel #8C	
Wickey Weires	88/5 GOLF 6I	
I wother o	8815 Golf 8E	
M. Destlet	Poll Cole (18)	110
the Die Char	8815 W. GOLF Rd 10-	
Dragana Zlalojevich	8815W. GIERO APHAY	7
Soop	8815 W GOLD Rd APT 6E	3
Gutt Unint	8815 W. GOIFRO 25	
Joan tenlow	8815 W. Solf Rd 5A	
D Bealuce Q the	w 8815 Gof 57	TS
Kates Andrader	8815 Golf 1C	O _{/Sc.}
Rein Rolls	8811-604 = 2F	'Co
Elicil Laben	8815 Gaef - 6	D
Mie Chums	8815 W. Golf 12)	
Reduarel	8815 U. Got 10B	
Gertrude Slav	8815 GOLF GE	
alex Enjeretes	8815 GOLF AR SB	

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

NAME (SIGNATURE)	ADDRESS	NAME AND ADDRESS OF MORTGAGEE
Jaming Eisenstein	8815 Golf 3J	
Harry P. Herman	8815 " 6F	
Just als 2	8815 Golf 95	
Motherer V	\$815 Golf 7E	
Tous Welligen	2815 GOLF 2A	
Julit & nagary	8815 GLP 9I .	
D Jayan &	8815 bolf 6A	
Mine Poponich	8815 Golf, 3\$5	
Dars & Reps	881564F 1A	9,,
hell o Bearing	8815 al 24	T'6
Judy Xoldtein	8815 Solf 6J	O _{jje}
marion a Zohner	8815 Day 2c	· C
Sent Adaction	3815 boy Da-3D	
Mon Moderoup	8814 GOT FRE SE	
Level F Sul	8815 GUERO ZI	
Resalie Jacktiel	8815 Golf Rd 116	
Max Decker	5818 Holf Rd. 122	

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

MAME (SIGNATURE)	ADDRESS	NAME AND ADDRESS OF MORTGAGEE
1 . / - ()		OF WORLDAGE
Jany M. Intra.	8815 Ingres Rd 8F	
Doll Rosa	8815 Heref Red 94	
Unoplean tola	2815Cay 40	
Lundy Lindhy	58156py 25F	
Jol Jankeling	pris to Gove	5-10
Born Benge	8815 apt 7H.	
Ashich Storm	SSIS opt of.	
In a Wood	8815 XN 617	
Leorge Sergue	hy 6815 Cove 80	
Kynny Ma Chu	ASIS W Golf 72	45
Chalfort	885 GO/F 7B	O _E
EJEVM	8815,60LF10C	(C)
Kae Bolnick	8815 Holf 3I	
Facult Muyeryce	8715 Goff pd 50	
Theres Smithan	_ 8815 Leg R& 10F	
L. Vainhat	881 Su galf Rd 485	
V. Roll Menko		48H
	V	

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

	NAME (SIGNATURE)	ADDRESS	NAME AND ADDRESS OF MORTGAGEE
	Sharm A Ladine	8865 W. Colf, 717	
	Janet Soldwing	1000	
/	Sertude Kanfron	8815W Gdy 60	
	Vesen Defiter	9015 W. Golf	MT 3E
	Virginia Midgiela	8815 1. Half Rd 10H	
c	Mullian Junger	88/5 bi 200 5I	
i	Harriel & Brown	8815 Jado 101	
	Mourior Goles	4000 KO (-8815 Com	898
	Jank & Milly	PP15WAHABA 98	9,,
:		8815 W HOR 11 F	TÓ
,	A Guperich	8815 W. Bill # 1B	O _{ffe}
	Goldie Gordon	8815 W. Solf-3G	Co
	Mariama Gastryos	8875 W Golf 4A	
	4 Gebrit	8815 Golf. 7c	
	JEAN HOR	8815 Golf 4 E	
~	Jean Ross Michelle Jin	8815, w. fact #10 A	
	Swinghout	84569845	
1		· ·	

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PETITION TO APPROVE AMENDING THE AMENDMENT TO THE DECLARATION FOR THE HIGHLAND TOWERS CONDOMINIUM III ASSOCIATION

NAME (S'GNATURE)	ADDRESS	NAME AND ADDRESS OF MORTGAGEE
Maronfrom micharing	8215 (2011 H 20	OT MORTOAGEE
Telew Stattened	2 88/5 bolf Kd #8. Niles, Il	
Doll mitchell	885 GOLF 15	
Raymond for them	805 W. GOLF 106	
Vathan Borda	2815 W. GOLFT.G	
Maryoss	8815 W. GOH 7F	
Janet Glinken	8815 Jay St. G.	
0	O	
		14,
		.0