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This Instrument prepared by and
mail to: Dranias, Harrington & Wilson
77 W. Washington Street Suite 1020
Chicago, Illinois 60602



Doc#: 0419010078
Eugene "Gene" Moore Fee: \$38.50
Cook County Recorder of Deeds
Date: 07/08/2004 03:47 PM Pg: 1 of 8

Property address: 1959 W. Division
Chicago, Illinois

PIN: 17-06-400-001-0000
17-06-400-002-0000
17-06-400-003-0000

Property of Cook County Clerk's Office

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FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP D-SQUARED CONDOMINIUM

This First Amendment to Declaration of Condominium Ownership is made and entered into as of this 23rd day of June, 2004.

RECITALS

- A. A Declaration of Condominium Ownership (the "Declaration") for D-Squared Condominium was executed by RH Developers, Inc. on October 9, 2003, and recorded on October 15, 2003, in the public records of Cook County, Illinois as Document No. 03 28818054.
- B. RH Developers, Inc. (the "Owner"), the original declarant under the Declaration desires to amend the Declaration regarding the occupancy and use of Unit 1959, the sole Unit intended to be used and occupied as a commercial establishment.

NOW, THEREFORE, Owner hereby amends the Declaration as follows:

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1. Use of Terms. Any capitalized term in this First Amendment shall have the same meaning given to it in the Declaration unless otherwise stipulated herein.

2. Unit 1959 Provisions. Notwithstanding anything to the contrary in the Declaration, the following provisions shall apply to the use and occupancy of Unit 1959 by any commercial owner or tenant:

a. In the event of any damage to or destruction of Common Elements that affects the use and occupancy of Unit 1959 in any way, the owner or tenant of Unit 1959 may take immediate measures to repair or restore the damaged Common Elements in order to remain open for business if the Association does not immediately take such action. Any cost and expense incurred by the owner/tenant of Unit 1959 in making such repairs or restoration to Common Elements shall be reimbursed by the Association. This provision is not intended to change the rights and responsibilities of the various parties for repair and maintenance, but simply acknowledge the right of the owner/tenant of Unit 1959 to make emergency repairs when the operation of the business conducted therein is adversely affected by damage or destruction of Common Elements.

b. The owner/tenant of Unit 1959 shall have the right, but not the obligation, to enforce any of the rules, regulations and provisions of the Declaration against any other Unit owner if the failure to enforce such by the Association affects the conduct of business in Unit 1959.

c. The owner/tenant of Unit 1959 shall have the unilateral right without the consent of the Association to do the following.

- (i) place, maintain, and replace an ATM machine or other self service equipment on the exterior of the Building.
- (ii) place, maintain, and replace signage anywhere on the exterior of the Building that does not block a window of another Unit.
- (iii) increase electrical service to Unit 1959 to 400 amp service;
- (iv) install, maintain, and replace communications equipment on the rooftop of the Building and associated cabling and equipment to connect it with Unit 1959 for the exclusive use of the owner/tenant of Unit 1959; and
- (v) place all heating, ventilating, and air conditioning equipment, including a compressor and related facilities, on the roof and along the exterior of the Building and inside the Common Areas (including any risers) of the Building, as necessary in the reasonable discretion of the owner/tenant of Unit 1959.

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d. The mutual waiver of subrogation provisions of Section 11(l) of the Declaration shall also apply to and include any tenant or other occupant of Unit 1959.

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IN WITNESS WHEREOF, the undersigned have executed this First Amendment as of the day and year first above written. The undersigned hereby certify that at least 75% of the Unit Owners have approved this First Amendment and a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record not less than 10 days prior to the date hereof.

D-SQUARED CONDOMINIUM ASSOCIATION

By: See attached
President

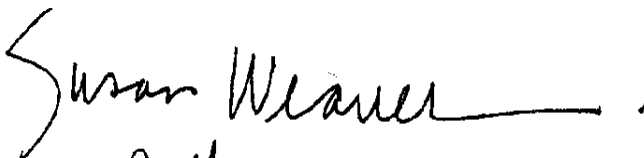
By: See attached
Secretary


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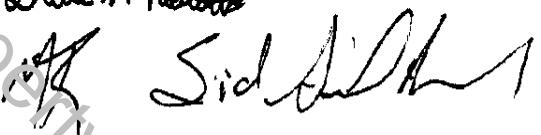
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Consent

The undersigned, being the Unit owners of each Condominium Unit located at 1957-59 W. Division hereby consent to and approve of the foregoing First Amendment to Declaration of Condominium Ownership for the D-Squared Condominium.

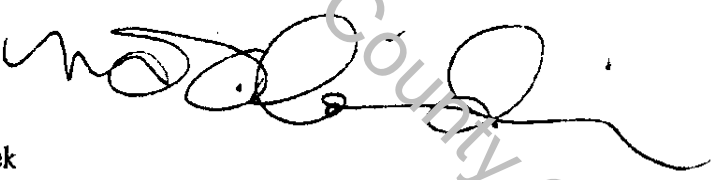
Susan Weaver 

David Faretto 

Maggie Bolin 

Matthew Matvik 

Tammy Schultz


Nancy Florida 

Stephen Naparstek

1 unit

Alisha Kamminga

Michael Ehrlich 

Don Glisovich 

This Deal applies to Bankone / JP Morgan only -

R/H 

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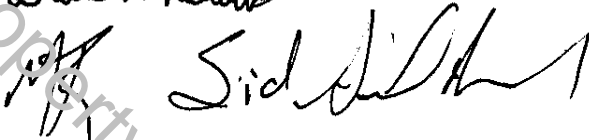
Susan Weaver



David Paretto



Maggie Bolin

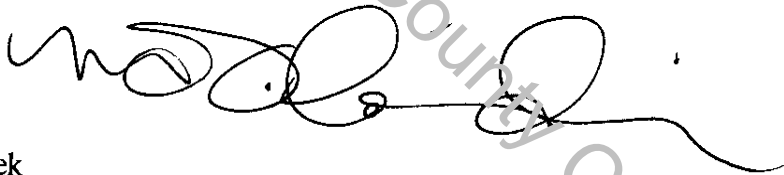


Matthew Malik



Tammy Schultz

Nancy Florida

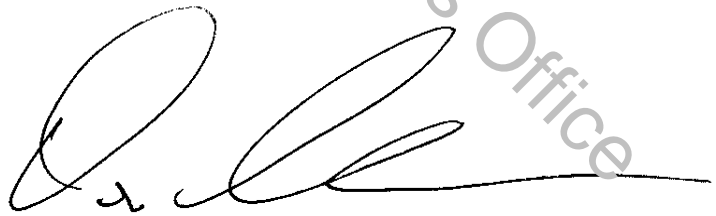


Stephen Naparstek

Alisha Kamminga


Michael Ehrlich

Don Glissudin



This Deal applies to Bankone / JP Morgan only - D squared Condominium Association



By:  Robert Walaszek, President and Secretary

1 unit

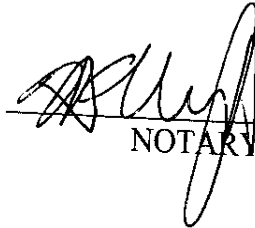
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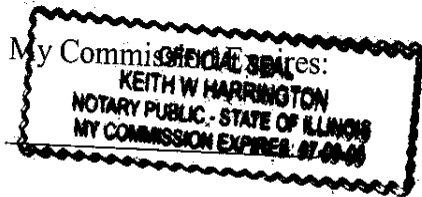
STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, Keith Harrington, a Notary Public in and for said County, in the State
aforesaid, do hereby certify that ~~Robert Walaszek~~ Robert Walaszek
personally known to me to be the same persons whose names are subscribed to the foregoing
instrument as the President and Secretary respectively of D-Squared Condominium Association,
appeared before me this day in person and acknowledged that they signed and delivered the said
instrument as their own free and voluntary act, and as the free and voluntary act of said
corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this 23rd day of June, 2004.



NOTARY PUBLIC



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EXHIBIT "A"

LEGAL DESCRIPTION OF UNITS

UNIT 1151-2A, UNIT 1151-2B, UNIT 1151-2C, UNIT 1151-3A, UNIT 1151-3B, UNIT 1151-3C, UNIT 1151-4A, UNIT 1151-4B, the commercial space designated as UNIT 1959 and parking spaces designated as P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10 AND P-11 in the D-SQUARED Condominium, as delineated on the survey of

LOTS 1, 2 AND 3 IN WILLIAM E. HATTERMAN'S SUBDIVISION OF LOTS 3 AND 4 AND VACATED ALLEY IN BLOCK 2 IN SUPERIOR COURT PARTITION OF BLOCKS 2, 4, 7 AND THE WEST ¼ OF BLOCK 3 AND THE SOUTH ½ OF BLOCK 8 IN COCHRAN'S SUBDIVISION OF THE WEST ¼ OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 1151 N. Damen and 1959 W. Division, Chicago, IL 60622

P.I.N.'s (undivided and underlying): 17-06-400-001-0000

17-06-400-002-0000

17-06-400-001-0000

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