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This instrument prepared by and mail to:
JOHN C. GRIFFIN
10001 S. Roberts Road
Palos Hills, Illinois 60465
(708) 598-6800



Doc#: 0428834017
Eugene "Gene" Moore Fee: \$40.00
Cook County Recorder of Deeds
Date: 10/14/2004 03:04 PM Pg: 1 of 9

THIRD AMENDMENT

TO

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR NEWBURY ESTATES SUBDIVISION

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR NEWBURY ESTATES SUBDIVISION is made and entered into this 7th day of October, 2004 by State Bank of Countryside, not individually but as Trustee Under Trust Agreement dated January 12, 2001 and known as Trust No. 01-2251 (The "Declarant").

WITNESSETH:

WHEREAS, by the Declaration of Covenants, Conditions, Easements and Restrictions for NEWBURY ESTATES SUBDIVISION ("Declaration") recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 0331132165, State Bank of Countryside, not individually but as Trustee under Trust Agreement date 1 January 12, 2001 and known as Trust No. 01-2251, submitted certain real estate (the "Property") to the provisions of the Declaration of said development being known as NEWBURY ESTATES SUBDIVISION (the "Development"); and

WHEREAS, BY ARTICLE 2 of the Declaration the right is reserved in the Developer, Newbury Estates, L.L.C., an Illinois Limited Liability Company to annex and add certain real property to the Property described in the Declaration and thereby add to the Development; and

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WHEREAS, there have been two previous amendments to the Declaration covering the following described real estate:

Original Declaration:

LOTS 1 TO 14, INCLUSIVE, LOT 65, LOTS 90 TO 96, INCLUSIVE, LOTS 98 TO 114, INCLUSIVE, LOTS 123 AND LOTS 139 IN THE NEWBURY ESTATES, PHASE 1 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 03-240-1000 ON AUGUST 28, 2003, ALL IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: NEWBURY ESTATES PHASE 1
APPX. 6000 W. LINCOLN HWY, MATTESON, ILLINOIS.

PIN: 31-20-101-001-0000, 31-20-102-001-0000 (PIQ & OP)

First Amendment

LOTS 15 TO 23, INCLUSIVE, LOTS 115 TO 122, INCLUSIVE, LOTS 135 TO 138, INCLUSIVE AND OUTLOT C IN THE NEWBURY ESTATES, PHASE 4A SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 03-303-32004 ON OCTOBER 30, 2003, ALL IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: NEWBURY ESTATES PHASE 4A
APPX. 6000 W. LINCOLN HWY, MATTESON, ILLINOIS.

PIN: 31-20-101-001-0000, 31-20-102-001-0000 (PIQ & OP)

Second Amendment

LOTS 50 TO 64, INCLUSIVE, LOTS 66 TO 89, INCLUSIVE, LOTS 97, 124, 140, 141 and 151 AND OUTLOT D IN THE NEWBURY ESTATES, PHASE 2 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 0414518047 ON MAY 24, 2004, ALL IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: NEWBURY ESTATES PHASE 2
APPX. 6000 W. LINCOLN HWY, MATTESON, ILLINOIS.

PIN: 31-20-101-001-0000, 31-20-102-001-0000 (PIQ & OP)

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WHEREAS, State Bank of Countryside, as Trustee under Trust Agreement dated January 12, 2001 and known as Trust No. 01-2251 is the legal title holder of the Property to be annexed and Newbury Estates, L.L.C., an Illinois Limited Liability Company, is the Developer and wishes to so annex and add to said Property and thereby submit to the Declaration as a part of the Development the following real property (the "Additional Property"):

LOTS 44 TO 49, INCLUSIVE, LOTS 125 TO 130, INCLUSIVE AND LOTS 142 TO 150, INCLUSIVE IN THE NEWBURY ESTATES, PHASE 3 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 0427244060 ON SEPTEMBER 28, 2004, ALL IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: NEWBURY ESTATES PHASE 3
APPX. 6000 W. LINCOLN HWY, MATTESON, ILLINOIS.

PIN: 31-20-101-001-0000, 31-20-102-001-0000 (PIQ & OP)

AND

LOTS 24 TO 43, INCLUSIVE, LOTS 131 TO 134, INCLUSIVE AND OUTLOT A IN THE NEWBURY ESTATES, PHASE 4B SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 0427244061 ON SEPTEMBER 28, 2004, ALL IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: NEWBURY ESTATES PHASE 4B
APPX. 6000 W. LINCOLN HWY, MATTESON, ILLINOIS.

PIN: 31-20-101-001-0000, 31-20-102-001-0000 (PIQ & OP)

which property is described in Exhibit "B" to the said Declaration as Additional Property; and

WHEREAS, the Additional Property is now improved with forty-five (45) Lots and one (1) Outlot , as defined in the Declaration.

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NOW, THEREFORE, State Bank of Countryside, as Trustee under Trust Agreement dated January 12, 2001 and known as Trust No. 01-2251, and not individually, as the legal title holder of the Additional Property and Newbury Estates, L.L.C., an Illinois Limited Liability Company, as the beneficial owner of said trust, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Additional Property is hereby annexed to the Parcel and Property as defined in the Declaration and Declarant hereby declares that the additional property shall be held, sold and conveyed subject to the covenants, conditions, easements and restrictions contained in the Declaration all of which shall run with the land and shall be binding on all parties having or acquiring any right, title or interest therein or any part thereof, and shall inure to the benefit of each Owner thereof.
2. The Newbury Estates Phase 3 and Phase 4B Plat of Subdivision previously recorded in Cook County, Illinois delineates and describes the boundaries of the Property added and annexed hereto.
3. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

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Trustee Exculpation. It is expressly understood and agreed, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements of said Declarant are nevertheless, each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Declarant or for the purpose or with the intention of binding said Declarant personally, but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Declarant not in its own right, but solely in the exercise of the powers conferred upon it as Trustee, as aforesaid, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against STATE BANK OF COUNTRYSIDE or any of the beneficiaries under the Trust Agreement, on account of this instrument or on account of any representation, covenant, undertaking or agreement of said Declarant in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto, anything to the contrary notwithstanding, that the Declarant will act only on the direction of the beneficiaries.

Signed as of the day and year first above written.

STATE BANK OF COUNTRYSIDE, not
individually, but as Trustee as aforesaid

BY: 

ATTEST:


WILLIAM O. KERTH, Vice Pres.

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STATE OF ILLINOIS)

) SS.

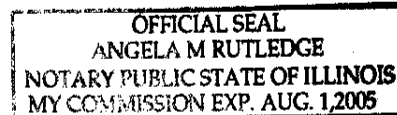
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State
aforesaid, Do Hereby Certify that John A. Kert, Jr., Vice Pres. and WILLIAM O. KERTH, Vice Pres.
personally known to me to be Officers of the aforesaid corporation, and personally known to me to be
the same persons whose names are subscribed to the foregoing instrument, appeared before me this
day in person and severally acknowledge that as such Officers, they signed, sealed and delivered said
instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to
authority given by the Board of Directors of said corporation, as their 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 11 day of October,
2004.


NOTARY PUBLIC

My Commission Expires:



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NEWBURY ESTATES, LLC, AN ILLINOIS
LIMITED LIABILITY COMPANY

John Wade
Member

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid Do Hereby
Certify that John Wade, _____, of Newbury Estates, LLC, personally
known to me to be the same person whose name is subscribed to the foregoing instrument as such
Member, appeared before me this day in person and acknowledged that he signed, sealed and
delivered said instrument as his free and voluntary act, and as the free and voluntary act of said
Limited Liability Company, for the uses and purposes therein set forth

GIVEN under my hand and Notarial Seal this 15th day of June, 2004



Anne M. Stark
Notary Public

My Commission Expires:

11-16-07

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CONSENT OF MORTGAGEE

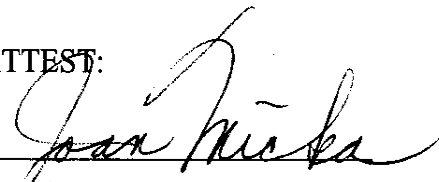
STATE BANK OF COUNTRYSIDE holder of mortgage(s) on the property dated April 10, 2003 and recorded June 19, 2003 as Document Number 03-170-46364 hereby consents to the execution and recording of the within First Amendment to the Declaration and agrees that said mortgages are subject to the provisions of said Declaration.

IN WITNESS WHEREOF, the said STATE BANK OF COUNTRYSIDE has caused this instrument to be signed by its duly authorized officers on its behalf, all done at Countryside, Illinois on the 11 day of October, 2004.

BY: 

WILLIAM O. KERTH, Vice Pres.

ATTEST:



Joan Miska, Secretary

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STATE OF ILLINOIS)

) SS.

COUNTY OF COOK)

I, Angela M Rutledge, a Notary Public in and for the County and State aforesaid, Do Hereby Certify that WILLIAM O. KERITH, Vice Pres. and John J. Kerith, Vice Pres., respectively, of State Bank of Countryside personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Officers, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their 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 11 day of October, 2004.


NOTARY PUBLIC

My Commission Expires:

