

UNOFFICIAL COPY



Doc#: 0435019030
Eugene "Gene" Moore Fee: \$40.00
Cook County Recorder of Deeds
Date: 12/15/2004 11:22 AM Pg: 1 of 9

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE KEDZIE MANOR CONDOMINIUM

THIS DECLARATION, made and entered into this 13th day of December 2004 by
BENNETT DEVELOPMENT, INC., an Illinois corporation, (hereinafter the "Declarant") and
JOSE R. ALVAREZ-LOPEZ, CHONG SIK KIM, SU NAM KIM, DAVID HENSEL, ELLEN
K. HAYES, FRANK J. ALATORRE AND XIOMARA R. ALATORRE AND LUKASZ
MOCZYDLOWSKI (hereinafter referred to as "Owners");

WITNESSETH

WHEREAS, by the Declaration of Condominium Ownership recorded in the office of
the Recorder of Deeds of Cook County, Illinois on March 18, 2004 as Document No.
0407827020 (the "Declaration"). Declarant submitted the real estate legally described in
Exhibit "A" to the Declaration (the "Parcel") to the Condominium Property Act of the State

MTC 2050624

marcyn title

9

UNOFFICIAL COPY

of Illinois (the "Act"), said condominium being known as The Kedzie Manor Condominium (hereinafter referred to as the "Condominium"); and

WHEREAS, the Declarant was presented with an offer to sell a commercial unit to be used for the purpose of a restaurant/bar.

WHEREAS, the Declaration prohibited the use of the commercial units for a restaurant/bar.

WHEREAS, Declarant desires to amend the Declaration to allow the commercial units to be used as a restaurant/bar.

WHEREAS, the Owners have no objection to the Amendment to the Declaration recorded March 18, 2004 and desire to consent to the recording of this Amendment to allow the commercial units to be used as a restaurant bar; and

WHEREAS, pursuant to the Declaration and The Condominium Property Act, the Declarant and the Unit Owners have the right to amend said Declaration.

NOW THEREFORE, the Declarant and the Owners, for the purposes above set forth, hereby declare that the Declaration be and hereby is amended as follows:

1. Article 3.06 of the Declaration recorded on March 18, 2004 as Document 0407827020 captioned "UNIT AS A RESIDENCE ONLY" only is hereby deleted and superseded by the substitution of the following:

"3.06 UNIT AS A RESIDENCE ONLY: Each residential unit (being each unit other than Units 1 and 2) shall not be used for other than residential purposes, subject however to the Declarant's right to maintain model apartments and exercise its other rights under Section 2.07 hereof, and the right of any Unit Owner to conduct his personal business or

UNOFFICIAL COPY

professional telephone calls or correspondence Units 1 and 2 incident to his residence therein.

Units 1 and 2 must be used for business and related common purposes for which the property was designed and in accordance with all laws, ordinances and rules and regulations of the federal, state and municipal government applicable thereto. Units 1 and 2 must be used as a business or for such other uses as specifically permitted by this Declaration and for no other purpose. Business uses shall be limited to all uses prescribed by the current City of Chicago Zoning Ordinance; provided, however, that Units 1 and 2, under no circumstances, be used for the use of chemicals for dry cleaning of clothes, fabric, draperies or material or the use of x-ray or radiation equipment. No rule or regulation shall be adopted nor any amendment to this Declaration recorded, which would interfere with the conduct of a business which is permitted in Units 1 and 2; provided however, that the Association may, at any time, and from time to time, adopt one or more rules or regulations which would prohibit or impose restrictions on the conducting of business after 12:00 a.m. Sunday through Thursday and 2:00 a.m. on Fridays and Saturdays.

2. Section 8.7 of the By-Laws attached as Exhibit "C" to the Declaration recorded on March 18, 2004 as Document 0407827020, captioned "COMMERCIAL ACTIVITIES" is hereby deleted and superseded by the substitution of the following:

"SECTION 8.7 COMMERCIAL ACTIVITIES. Each residential unit (being each unit other than Units 1 and 2) shall not be used for other than residential purposes, subject however to the Declarant's right to maintain model apartments and exercise its other rights under Section 2.06 of the Condominium Declaration and the right of any Unit Owner to

UNOFFICIAL COPY

conduct his personal business or professional telephone calls or correspondence from Units 1 and 2 incident to his residence therein.

Units 1 and 2 may be used for business and related common purposes for which the property was designed and in accordance with all laws, ordinances, rules and regulations of the federal, state and municipal government applicable thereto. Units 1 and 2 must be used as a business or for such other use as specifically permitted by this Declaration and for no other purpose. Business uses shall be limited to all uses prescribed by the current City of Chicago Zoning Ordinance; provided, however, that Units 1 and 2 shall, under no circumstances, be used for chemicals for dry cleaning of clothes, fabric, draperies or material or the use of x-ray or radiation equipment. No rule or regulation shall be adopted nor any amendment to this Declaration recorded which would interfere with the conduct of a business which is permitted in Units 1 and 2; provided however, that the Association may, at any time, and from time to time, adopt one or more rules or regulations which would prohibit or impose restrictions on the conducting of business after 12:00 a.m. Sunday through Thursday and 2:00 a.m. on Fridays and Saturdays.

3. Except as expressly set forth herein, the Declaration and all exhibits thereto shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, BENNETT DEVELOPMENT, INC., an Illinois corporation, and JOSE R. ALVAREZ-LOPEZ, CHONG SIK KIM, SU NAM KIM, DAVID HENSEL, ELLEN K. HAYES, FRANK J. ALATORRE AND XIOMARA R. ALATORRE AND LUKASZ MOCZYDLOWSKI, have caused this instrument to be signed on their behalf, all done at Chicago, Illinois on the date first above written.

UNOFFICIAL COPY

Jose R. Alvarez-Lopez
JOSE R. ALVAREZ-LOPEZ

Chong Sik Kim
CHONG SIK KIM

Su Nam Kim
SU NAM KIM

David Hensel
DAVID HENSEL

Ellen K. Hayes
ELLEN K. HAYES

Frank J. Allatore
FRANK J. ALLATORE

Xiomara F. Alatorre
XIOMARA F. ALATORRE

Lukasz Moczulowski
LUKASZ MOCZULOWSKI

BENNETT DEVELOPMENT CORP.,
an Illinois corporation

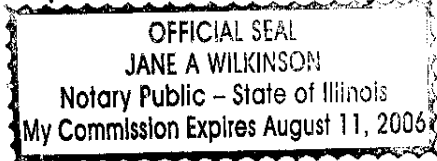
By: Charles Bennett
CHARLES BENNETT, President

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that JOSE R. ALVAREZ-LOPEZ is personally known to me to be the same person who appeared before me this day and acknowledged that he signed and delivered said instrument as his own free and voluntary act for the uses and purposes herein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public



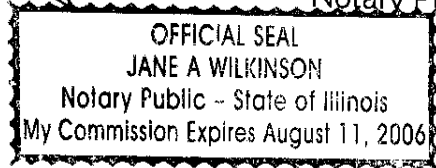
UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that CHONG SIK KIM is personally known to me to be the same person who appeared before me this day and acknowledged that he signed and delivered said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public

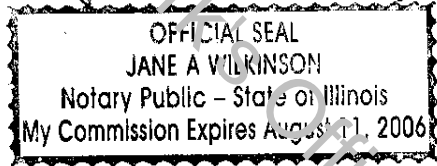


STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that SU NAM KIM is personally known to me to be the same person who appeared before me this day and acknowledged that she signed and delivered said instrument as her own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public

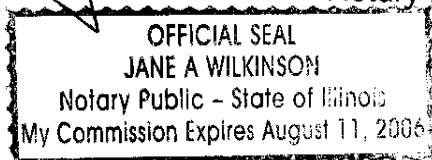


STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that DAVID HENSEL is personally known to me to be the same person who appeared before me this day and acknowledged that he signed and delivered said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public



UNOFFICIAL COPY

STATE OF ILLINOIS)
)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that ELLEN K. HAYES is personally known to me to be the same person who appeared before me this day and acknowledged that she signed and delivered said instrument as her own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public

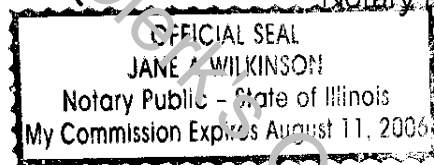


STATE OF ILLINOIS)
)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that FRANK J. ALLATORE is personally known to me to be the same person who appeared before me this day and acknowledged that he signed and delivered said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public

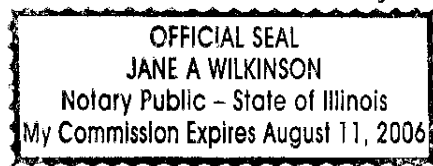


STATE OF ILLINOIS)
)
) SS.
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that XIOMARA ALATORRE is personally known to me to be the same person who appeared before me this day and acknowledged that she signed and delivered said instrument as her own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson
Notary Public



UNOFFICIAL COPY

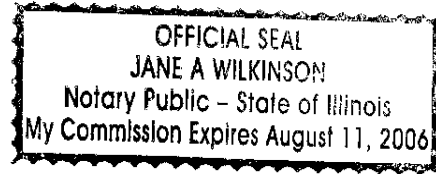
STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that LUKASZ MOCZYDLOWSKI is personally known to me to be the same person who appeared before me this day and acknowledged that he signed and delivered said instrument as his own free and voluntary act for the uses and purposes therein set forth.

Dated this 13 day of December 2004.

Jane A. Wilkinson

 Notary Public



Property of Cook County Clerk's Office

UNOFFICIAL COPY

LEGAL DESCRIPTION

PARCEL 1: UNITS 1, 2, J, 2A, 2B, 2K, 2L, 2H, 2G, 2F, 2E, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 4A, 4B, 4C, 4D, 4E, 4F, 4G AND 4H IN THE KEDZIE MANOR CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 27 (EXCEPT THE SOUTH 5 FEET THEREOF) ALL OF LOT 28 AND THE SOUTH 15 FEET OF LOT 29 IN THE SUBDIVISION (BY HIGGINS) OF LOT 1 IN THE COUNTY CLERK'S DIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "D" TO THE DECLARATION OF CONDOMINIUM RECORDED AS RECORDED AS DOCUMENT 0407827020, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

PIN: 13-25-308-003

COMMONLY KNOWN AS: 2647-51 N. KEDZIE, CHICAGO, IL60647

PREPARED BY AND AFTER RECORDATION MAIL TO:

HAL A. LIPSHUTZ
LEVIT & LIPSHUTZ
1120 W. BELMONT AVENUE
CHICAGO, IL 60657-3313