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TICOR TITLE INSURANCE

THIS DOCUMENT WAS)
 PREPARED BY:)
 Kathryn Hamilton Fink)
 558 Provident Avenue)
 Winnetka, Illinois 60093)
)
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 Kathryn Hamilton Fink)
 558 Provident Avenue)
 Winnetka, Illinois 60093)
)



Doc#: 0505902259
 Eugene "Gene" Moore Fee: \$36.00
 Cook County Recorder of Deeds
 Date: 02/28/2005 01:16 PM Pg: 1 of 7

[THIS SPACE RESERVED FOR RECORDING PURPOSES.]

**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
 FOR WEST BURTON PLACE CONDOMINIUM ASSOCIATION, 150 WEST
 BURTON PLACE, CHICAGO, ILLINOIS, A NOT-FOR-PROFIT
 CORPORATION**

THIS FIRST AMENDMENT (the of this "Amendment") is entered into as of the 24th day of January, 2005 by and between David Allen (a/k/a David T. Allen) and Rebecca J. Smith-Allen (a/k/a Rebecca Smith-Allen a/k/a Rebecca J. Smith), as the owners of Unit 2 and Unit 3 in the referenced West Burton Place Condominium (collectively, the "Unit 2/Unit 3 Owner") and Phillip J. Bartolementi (a/k/a Phillip Bartolementi), as the owner of Unit 1 in said West Burton Place Condominium (collectively, the "Unit 1 Owner"; the Unit 2/Unit 3 Owner and the Unit 1 Owner are hereinafter collectively referred to as the "Unit Owners" and represent all of the Unit Owners of the West Burton Place Condominium.

WITNESSETH:

WHEREAS, the Unit 2/Unit 3 Owner previously owned only Unit 3 in said West Burton Place Condominium (the "Condominium" or the "Property") and now owns both said Unit 3 and Unit 2 in the Condominium; and

WHEREAS, the Unit 2/Unit 3 Owner intends to use both Unit 2 and Unit 3 of the Condominium as its residence, and in connection therewith, desires that the stairways that provide access to and from each such Unit and the rooftop deck and the stairway providing access to it be reserved for the exclusive use and benefit of those Units 2 and 3, it being acknowledged by all of the Unit Owners that such stairways do not provide access to or from Unit 1 of the Condominium; and

WHEREAS, for the foregoing purposes, the Unit Owners desire to amend the referenced Declaration of Condominium Ownership, dated December 1, 1975 and recorded on that same date in the office of the Cook County Recorder of Deeds as

BOX 15

BOX 15

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Document Number 23309463 (the "**Declaration**") to reflect that such stairways and the rooftop deck are reserved for the exclusive use and benefit of Unit 2 and Unit 3 of the Condominium as herein more fully set forth;

NOW, THEREFORE, for and in consideration of the sum of Ten and no/100 Dollars, in hand paid, one to the other, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged by the Unit Owners, the Unit Owners hereby agree as follows:

1. All capitalized terms which are used but not defined in this Amendment shall have the meanings respectively ascribed to them in the Declaration.
2. Section 1(f)(i) of the Declaration is hereby amended by deleting the words "hallways, stairways, entrances and exits" from lines three and four thereof.
3. Section 1(i)(iii) of the Declaration is hereby amended by adding at the end of such subparagraph the following: "Notwithstanding any provision of this Declaration, including the provisions of Section 1(f) hereof, or the Plat to the contrary, for so long as the same Owner or Owners own Unit 2 and Unit 3, (A) all above-grade stairways and hallways, interior and exterior, of the Property that are not necessary for ingress to or egress from Unit 1, and (B) any deck or patio that may now or in the future exist from time to time on the roof of the Property shall be deemed, for all purposes under the Declaration and the Act, to be Limited Common Elements serving exclusively Unit 2 and Unit 3. For purposes of the Declaration, the same Owner or Owners shall be deemed to own Unit 2 and Unit 3 if said Owner or Owners are either the titleholders of record, or the beneficial owners, of such Units."
4. Section 16 of the Declaration is hereby amended by adding the following at the end of said Section: "Notwithstanding any provision of this Declaration to the contrary, including the provisions of this Section 16, alterations, additions and improvements to any Limited Common Element may be made by or on behalf of the Owner of the Unit to which the Limited Common Element pertains without the prior written approval of the Board; provided, however, any such alterations, additions or improvements must be done at the sole cost and expense of the Owner of said Unit, and such Owner shall be responsible for any damage to the other Units or to any other portion of the Property resulting from such alterations, additions or improvements."
5. In the future the Unit 1 Owner may desire to improve up to one-third of the square footage of the Common Element basement space for exclusive use as a Limited Common Element appurtenant to Unit 1, all at the sole cost and expense of the Unit 1 Owner. If the Unit 1 Owner elects to make such improvements, then the improvements shall include construction of an additional stairway providing exclusive access from Unit 1 to such

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portion of the basement space. Upon written notice of his intention to make such improvements accompanied by a detailed plan depicting the intended construction, the Unit 2/Unit 3 Owner agrees to cooperate with the Unit 1 Owner, cooperation not to be unreasonably withheld, in causing the Declaration to be amended as necessary and appropriate to cause such improved basement space to be designated as a Limited Common Element appurtenant to Unit 1. Any such amendment to this Declaration shall not be effective until all requirements under Section 22 of the Declaration have been satisfied. All improvements made by the Unit 1 Owner shall comply fully with the Declaration and all applicable laws, codes and ordinances.

6. The Declaration, except as amended by this First Amendment, remains unamended, unmodified and in full force and effect.
7. In the event of any conflict between the terms of this First Amendment and the Declaration or the Plat, the provisions of this First Amendment shall govern and control.
8. Attached hereto and made a part hereof as **Exhibit A** is an affidavit of the President of the Association certifying to the fact that, pursuant to and in accordance with Section 22 of the Declaration, all holders of liens recorded against legal title to the Property as of the date of this Amendment have been notified in writing, sent by certified mail, of the modifications to the Declaration contained in this Amendment.
9. This First Amendment shall be recorded against legal title to the Property, shall constitute a covenant that runs with title to the Property, including each of the Units, and shall be binding upon and inure to the benefit of the parties hereto, the Unit Owners from time to time of the Units, and the respective successors, successors-in-interest, estates, heirs, administrators,

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executors and legal and personal representatives of each of the foregoing. Attached hereto and made a part hereof as **Exhibit B** is an accurate legal description of the Property.

IN WITNESS WHEREOF, this First Amendment has been entered into as of the day and year first written above.

UNIT 1 OWNER:



Phillip J. Bartolementi

Print Name: Phillip J. Bartolementi (a/k/a Phillip Bartolementi)

UNIT 2 OWNER:



Print Name: David Allen (a/k/a David T. Allen)

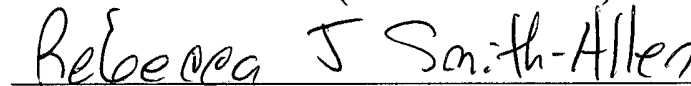


Print Name: Rebecca J. Smith-Allen (a/k/a Rebecca Smith-Allen a/k/a Rebecca J. Smith)

UNIT 3 OWNER:



Print Name: David Allen (a/k/a David T. Allen)



Print Name: Rebecca J. Smith-Allen (a/k/a Rebecca Smith-Allen a/k/a Rebecca J. Smith)

Property of County Clerk's Office

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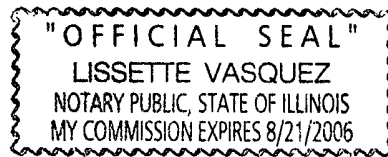
NOTARIAL ACKNOWLEDGMENTS

FOR UNIT OWNER 1

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK.)

On Dec. 10th, 2004, before me, Phillip J. Bartolementi, personally appeared **PHILLIP J. BARTOLEMENTI (A/K/A PHILLIP BARTOLEMENTI)**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as his own free and voluntary act.

WITNESS my hand and official seal.



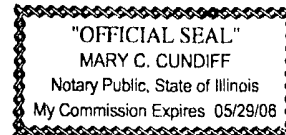
Lisette Vasquez
Notary public in and for said State

FOR UNIT OWNERS 2 AND 3

STATE OF ILLINOIS)
) ss:
COUNTY OF _____)

On JAN 24th, 2004, before me, MARY C. CUNDIFF, personally appeared **DAVID ALLEN (A/K/A DAVID T. ALLEN) AND REBECCA J. SMITH-ALLEN (A/K/A REBECCA SMITH-ALLEN A/K/A REBECCA J. SMITH)**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as their own free and voluntary acts.

WITNESS my hand and official seal.



Mary C. Cundiff
Notary public in and for said State

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EXHIBIT A

Legal Description of the Property

PIN: 17-04-204-045-1001 (as to Unit 1)
 17-04-204-045-1002 (as to Unit 2)
 17-04-204-045-1003 (as to Unit 3)

COMMON ADDRESS: 150 West Burton Place, Units 1, 2 and 3
 Chicago, Illinois 60610

PARCEL 1:

UNIT NOS. 1, 2 AND 3 ARE EASEMENTED UPON THE SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE, TOGETHER WITH THE TENEMENTS AND APPURTENANCES THEREUNTO BELONGING HEREINAFTER REFERRED TO AS 'PARCEL'): LOT 6 IN STARR'S SUBDIVISION OF LOTS 114, 115 AND 116 IN BRONSON'S ADDITION TO CHICAGO IN THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT 'A' TO THE DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY THE AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 28, 1974 KNOWN AS TRUST NUMBER 33041 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS AS DOCUMENT 23309463, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN SAID PARCEL (EXCEPTING FROM SAID PARCEL THE PROPERTY AND SPACE COMPRISING ALL OF THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY).

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AGREEMENT BETWEEN THE AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED AUGUST 8, 1973 AND KNOWN AS TRUST NUMBER 32170 AND THE AMERICAN NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 28, 1974 AND KNOWN AS TRUST NUMBER 33041 AND DATED AUGUST 5, 1974 AND RECORDED AUGUST 8, 1974 AS DOCUMENT 22809321 FOR PASSAGE WAY OVER THE WEST 7.12 FEET OF LOT 5 AND ALSO OVER THE NORTH 5.12 FEET OF THE SOUTH 52.93 FEET OF THE EAST 0.88 FEET OF THE WEST 8 FEET OF LOT 5 IN STARR'S SUBDIVISION AFORESAID, IN COOK COUNTY, ILLINOIS.

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EXHIBIT B Form of President's Affidavit

THIS AFFIDAVIT is made by the undersigned, the President of the West Burton Place Condominium Association, an Illinois not-for-profit corporation, pursuant to Section 22 of the Declaration of Condominium Ownership For West Burton Place Condominium Association, 150 West Burton Place, Chicago, Illinois, A Not-For-Profit Corporation.

After being duly sworn on oath, the undersigned affiant hereby certifies as follows:

1. I have personal knowledge of the facts herein provided, and if called as a witness, I could competently testify thereto.
2. All capitalized terms which are used but not defined in this Affidavit shall have the meanings respectively ascribed to them in the above-described Declaration of Condominium Ownership (the "**Declaration**").
3. On or about January 24, 2005 I sent written notice of the modifications to the Declaration contained in the First Amendment to the Declaration to which this Affidavit is attached (collectively, the "**Notices to Lienholders**") to Northern Trust Company, who, based on title reports issued by Ticor Title Insurance Company, dated October 29, 2004 was, as of such date, the only holder of liens recorded against legal title to Units 2 and 3 of the Property. On or about January 24, 2005, I caused said Notices to Lienholders to be sent via certified mail/return receipt requested, and have not received any objections to these amendments. Further, based upon a title report issued by Ticor Title Insurance Company, dated effective November 3, 2004, as of such date there is no lien holder with a lien interest recorded against legal title to Units 1 of the Property.

AND FURTHER AFFIANT SAYETH NAUGHT

David T. Allen

Print Name: David Allen

Print Title: President of the West Burton Place Condominium Association

STATE OF ILLINOIS)
COUNTY OF DuPage)

On Jan 31, 2005, before me, Juliann Miller, personally appeared David Allen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same as his/her own free and voluntary act.

WITNESS my hand and official seal.

Juliann Miller
Notary public in and for said State

