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Eugene "Gene" Moore Fee: \$66.00
Cook County Recorder of Deeds
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Document prepared
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SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PURSUANT TO THE ILLINOIS CONDOMINIUM PROPERTY ACT FOR 1353 W. GRAND AVENUE, CHICAGO, ILLINOIS

This SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PURSUANT TO THE ILLINOIS CONDOMINIUM PROPERTY ACT FOR 1353 W. GRAND AVENUE, CHICAGO, ILLINOIS (this "Excluded Area Amendment") is made this 10th day of May, 2005 by DIESEL, INC., an Illinois corporation ("Developer").

RECITALS

A. A Declaration of Condominium Pursuant to the Illinois Condominium Property Act for 1353 W. Grand Avenue, Chicago, Illinois (the "Declaration") was recorded in the Office of the

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Recorder of Deeds of Cook County, Illinois (the "Recorder's Office") on May 3, 2004 as document no. 0412427063.

B. A First Amendment to Declaration of Condominium Pursuant to the Illinois Condominium Property Act for 1353 W. Grand Avenue, Chicago, Illinois (the "Amendment") was recorded in the Recorder's Office on May 20, 2004 as document no. 0414133176.

C. Capitalized terms used in this Excluded Area Amendment but not otherwise defined in this Excluded Area Amendment shall have the same meanings ascribed to such terms in the Declaration.

D. It had come to the attention of Developer that (a) the legal description of the Parcel attached as Exhibit A to the Declaration was incorrect by virtue of the fact that it erroneously included real estate (the "Excluded Area") that Developer did not intend to submit to the Act pursuant to the Declaration, and (b) the Plat attached as Exhibit B to the Declaration erroneously showed the Excluded Area as part of the property submitted by Developer to the Act pursuant to the Declaration.

E. The Excluded Area consists of approximately the 62.00 feet south of the sidewalk directly to the South of the building at the South end of the parcel.

F. Developer has obtained a new survey and legal description of the condominium area and a new survey and legal description of the Excluded Area and will file a separate Declaration of Condominium for the garage condominium to be situated on the Excluded Area.

G. In accordance with the terms of Section 23 of the Declaration and the terms of Section 2 of the Amendment, Developer has the right to modify the Condominium Instruments, including the Declaration and the Plat, to correct clerical errors in the Declaration and the Plat.

NOW THEREFORE, Developer hereby declares as follows:

1. Recitals. The foregoing recitals are hereby incorporated in and made a part of this Amendment.

2. Modification of Condominium Instruments.

(a) As stated in the Amendment, at any time after the recordation of the Amendment, Developer shall have the right, in its sole and absolute discretion, to execute and record, on its own behalf and on behalf of all from time to time Units Owners and their mortgagees, without the need for any agreement or consent by any such Unit Owners or their mortgagees, an Excluded Area Amendment to the Declaration that (i) modifies and amends Exhibit A to the Declaration by deleting said Exhibit A in its entirety and by inserting in lieu thereof, as new Exhibit A to the Declaration, a legal description that excludes the Excluded Area, and (ii) modifies and amends Exhibit B to the Declaration by deleting said Exhibit B in its entirety and by inserting in lieu thereof, as new Exhibit B, a revised Plat that excludes the Excluded Area.

(b) The Excluded Area Amendment shall be automatically effective upon the Recording of said Excluded Area Amendment.

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(c) The former Exhibit A to the Declaration is hereby removed and replaced with the attached survey, labeled herein as Exhibit A to this Excluded Area Amendment.

3. Power Coupled with an Interest. In furtherance of the rights of Developer under this Amendment, a power coupled with an interest is hereby reserved and granted to Developer to execute and record the Excluded Area Amendment on behalf of all Unit Owners and their mortgagees as attorney-in-fact for all Unit Owners and their mortgagees; and each deed, mortgage, trust deed or other evidence of obligation or other instrument affecting a Unit and the acceptance thereof shall be deemed to be a grant and acknowledgment of, and a consent to the reservation of, said power coupled with an interest.


4. Ratification. The Condominium Instruments, as modified and amended by this Amendment, are hereby ratified and confirmed, and are in full force and effect.

SIGNATURE FOLLOWS ON NEXT PAGE

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IN WITNESS WHEREOF, Developer has caused its name to be signed to these presents as of the day and year first above written.

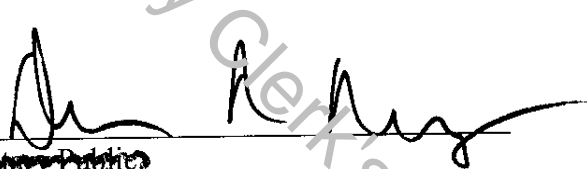
DIESEL, INC., an Illinois corporation

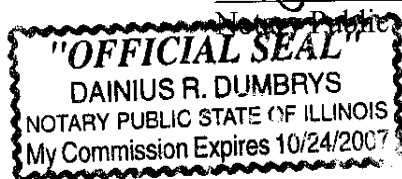
By: 
Edward Neri
President

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Dainius R Dumbrys, a Notary Public in and for County and State aforesaid, do hereby certify that Edward Neri, the president of Diesel, Inc., an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his 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 10th day of May, 2005.





My Commission Expires: _____

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EXHIBIT B
TO
SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR
1353 W. GRAND AVENUE, CHICAGO, ILLINOIS

LEGAL DESCRIPTION

Property Index Number: 17-08-132-011-0000

THE NORTH 87.70 FEET OF LOT 19 AND THE NORTH 87.70 FEET OF THE EAST 0.33 FEET OF LOT 20 IN BLOCK 6 IN ROBBIN'S SUBDIVISION OF BLOCKS 6 AND 7 IN ASSESSORS DIVISION OF EAST ½ OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THAT PART OF PARCEL OF LAND, KNOWN AS COMMERCIAL UNIT 1), LYING AT AND ABOVE A HORIZONTAL PLANE AT ELEVATION +14.42 FEET (CITY OF CHICAGO DATUM) AND LYING AT AND BELOW A HORIZONTAL PLANE AT ELEVATION +26.82 FEET (CITY OF CHICAGO DATUM), MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT IN THE FINISHED SURFACE OF INTERIOR WALLS OF 4 STORY CONCRETE BLOCK BUILDING (COMMONLY KNOWN AS 1353 W. GRAND AVE.), SAID POINT BEING 1.53 FEET SOUTH AND 0.76 FEET EAST FROM THE NORTHWEST PROPERTY CORNER; THENCE EAST 3.36 FEET; THENCE NORTH 0.66 FEET; THENCE EAST 8.99 FEET; THENCE SOUTH 0.68 FEET; THENCE EAST 1.35 FEET; THENCE SOUTH 4.00 FEET; THENCE EAST 5.64 FEET; THENCE SOUTH 8.33 FEET; THENCE EAST 0.62 FEET; THENCE SOUTH 17.26 FEET; THENCE EAST 5.50 FEET; THENCE SOUTH 8.94 FEET; THENCE WEST 3.83 FEET; THENCE SOUTH 7.35 FEET; THENCE WEST 19.95 FEET; THENCE NORTH 2.37 FEET; THENCE EAST 4.03 FEET; THENCE NORTH 10.31 FEET; THENCE WEST 4.00 FEET; THENCE NORTH 51.92 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS. (ALL CALLS ARE DESCRIBED ALONG THE FINISHED INTERIOR WALLS.)

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EXHIBIT

ATTACHED TO

6-pg

1-EX

7- Total

DOCUMENT

SEE PLAT INDEX