



Doc#: 0527755108 Fee: \$36.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/04/2005 02:23 PM Pg: 1 of 7

**AMENDMENT TO THE AMENDED  
AND RESTATED DECLARATION OF  
CONDOMINIUM OWNERSHIP AND  
EASEMENTS, RESTRICTIONS AND  
COVENANTS FOR THE DANA POINT  
COINDOMINIUM ASSOCIATION**

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This amendment to the Declaration is Made and entered into this 27<sup>th</sup> day of September, 2005 and is an amendment to that certain Amended and Restated Declaration of Condominium Ownership and Easements, Restrictions and Covenants (Declaration) recorded in the Office of the Recorder of Deeds of Cook County, Illinois on December 1, 1999 as Document No. 09123730 And in Accordance with Section 26 of the Illinois Condominium Property Act.

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**WITNESSETH:**

WHEREAS, Article IV, Section 4.3.1 of the Declaration provides in part that the garage parking area has been divided into garage spaces and that a unit ownership may include as a right and easement appurtenant thereto a grant of a perpetual and exclusive easement, consisting of the right to use for parking purposes one or more of the garage spaces; and

WHEREAS, the owner of Building Number 2, Unit Number 106A (the legal description to which unit is attached hereto as Exhibit A) has appurtenant to his premises a perpetual and exclusive easement for parking purposes in and to Building Number 2, Garage Space 24AN as set forth a defined in said Declaration and Survey (Garage Space Number 24AN legally described in Exhibit C attached hereto); and

WHEREAS, the owner of Building Number 2, Unit Number 106A is desirous of selling Garage Space Number 24AN to the owners of Building Number 2, Unit 454A (the legal description to which unit is attached hereto as Exhibit B) and the owners of Building Number 2, Unit 454A is desirous of purchasing Garage Space 24AN from the owner of Building 2, Unit 106A; and

WHEREAS, Section 26 of the Act provides that the use of a limited common element (garage space) may be transferred between unit owners at

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their expense by an Amendment to the Declaration executed by all unit owners who are parties to the transfer and consented to by all other unit owners who have any right to use the limited common element, that the amendment shall contain a certificate showing a copy of the amendment has been delivered to the Board of Directors, and that the amendment shall contain a statement from the parties involved in the transfer which sets forth any changes in the parties proportionate shares.

NOW THEREFORE, the Declaration is amended as follows:

### RECITALS:

1. The owner of Building Number 2, Unit Number 106A has appurtenant to his premises a perpetual and exclusive easement for parking purposes in and to Building Number 2, Garage Space 24AN as set forth a defined in said Declaration and Survey ("Garage Space Number 24AN"); and
2. The owner of Building Number 2, Unit 106A and the owners of Building Number 2, Unit 454A certify that a copy of this Amendment was delivered to and received by the Board of Directors of the Dana Point Condominium Association; and
3. The owner of Building Number 2, Unit 106A and the owners of Building Number 2, Unit 454A agree that there are no changes in their proportionate shares as a result of the transfer of Garage Space Number 24AN; and
4. Upon the effective date of this Amendment Garage Space Number 24AN shall hereafter be appurtenant to Building Number 2, Unit Number 454A. The transfer of Garage Space Number 24AN shall become effective upon the recording of this Amendment in the Office of the Recorder of Deeds of Cook County, Illinois.

Owner of Building No. 2, Unit 106A:

Owner of Building No. 2, Unit 454A:

~~Lasalle Bank National Association~~  
~~Lasalle National Bank, Successor to~~  
~~First Chicago Trust Company of Illinois,~~  
Trustee under the provisions of a  
Trust Agreement dated November 20,  
1991 and known as Trust No. MP11351;

and not personally

*James Y. Brusca*  
Vice President

*Robert V. Wiles*  
Robert V. Wiles

This instrument is executed by LASALLE BANK National Association, not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by LASALLE BANK National Association are hereby taken by it solely as Trustee, as aforesaid, and not individually and all covenants and conditions herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against LASALLE BANK National Association by reason of any of the terms, provisions, stipulations, covenants and/or conditions contained in this instrument.

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State of Illinois )  
                          ) SS  
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid DO HEREBY CERTIFY that ANNETTE N. BRUSCA is personally known to me, appeared in person before me this day and acknowledged that the foregoing instrument was signed, sealed and delivered a free and voluntary act for the uses and purposes set forth therein.

Given under my hand and official seal this 27th day of September, 2005.

Jan Wilson  
Notary Public

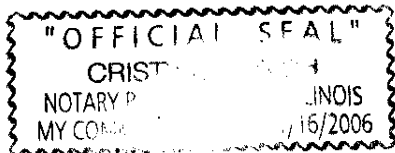


State of Illinois )  
                          ) SS  
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid DO HEREBY CERTIFY that Robert V. Wiles is personally known to me, that he appeared in person before me this day and acknowledged that he signed, sealed and delivered the foregoing instrument as his free and voluntary act for the uses and purposes set forth therein.

Given under my hand and official seal this 15th day of September, 2005.

Cristy L. Ulrich  
Notary Public



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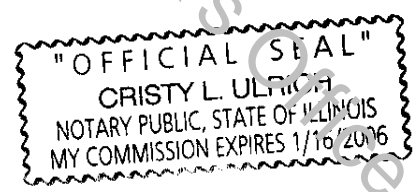
## AFFIDAVIT OF SERVICE

I, Janet Nuccio, being first duly sworn on oath, depose and state that I am the President of the Dana Point Condominium Association, and that a copy of the foregoing Amendment transferring Garage Space Number 24AN was delivered to and received by the Board of Directors of the Dana Point Condominium Association.

Janet Nuccio  
Name: Janet Nuccio  
Title: President

Subscribed and sworn to before me this 15th day of September, 2005

Cristy L. Ulrich  
Notary Public



This Instrument Prepared by:

Stephen R. Murray  
637 East Golf Road  
Suite 209  
Arlington Heights, Illinois 60005

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## EXHIBIT A

**Property Address:** 1505 E. CENTRAL ROAD, UNIT 106A,  
ARLINGTON HEIGHTS IL 60005

**Legal Description:**

BUILDING NO. 2, UNIT NO. 106A IN THE DANA POINT CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF LAND (HEREINAFTER REFERRED TO AS "PARCEL"):

LOTS "B" AND "C" TAKEN AS TRACT (EXCEPT THE NORTH 306.0 FEET OF THE WEST 350.0 FEET AND EXCEPT THE NORTH 469.65 FEET LYING EAST OF THE WEST 350. FEET THEREOF) IN KIRCHOFF'S SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, AND NORTH 10 CHAINS OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, ALL IN TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4, SOUTH OF RAILROAD, OF SECTION 33, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, SOUTH OF RAILROAD, OF SECTION 33, AND THE WEST 14-1/2 ACRES OF THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4, SOUTH OF RAILROAD OF SECTION 33, ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLATS, PAGE 15 IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO A CERTAIN DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY LASALLE NATIONAL BANK, NATIONAL BANKING ASSOCIATION, AS TRUSTEE, UNDER TRUST AGREEMENT DATED APRIL 14, 1958 AND KNOWN AS TRUST NO. 22370 AND RECORDED IN THE OFFICE OF THE COOK COUNTY RECORDER OF DEEDS ON SEPTEMBER 8, 1978 AS DOCUMENT NO. 24618528, TOGETHER WITH AN UNDIVIDED .152 PERCENT INTEREST IN SAID PARCEL (EXCEPT FROM SAID PARCEL ALL THE PROPERTY AND SPACE COMPRISING ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY. TRUSTEE ALSO HEREBY GRANTS TO GRANTEES, SUCCESSORS AND ASSIGNS, AS A PERPETUAL AND EXCLUSIVE EASEMENT FOR PARKING PURPOSES IN AND TO BUILDING NO. 2, GARAGE SPACE NO. 24AN AS SET FORTH AND DEFINED IN SAID DECLARATION AND SURVEY, TOGETHER WITH THE TENEMENTS AND APPURTENANCES THEREUNTO BELONGING IN COOK COUNTY, ILLINOIS.

**Permanent Index No.:** 08-10-201-024-1093,

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## EXHIBIT B

**Property Address:** 1515 E. CENTRAL ROAD, UNIT 454A  
ARLINGTON HEIGHTS IL 60005

**Legal Description:**

BUILDING NO. 2, UNIT NO. 454A IN THE DANA POINT CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF LAND (HEREINAFTER REFERRED TO AS "PARCEL"):

LOTS "B" AND "C" TAKEN AS TRACT (EXCEPT THE NORTH 306.0 FEET OF THE WEST 350.0 FEET AND EXCEPT THE NORTH 469.65 FEET LYING EAST OF THE WEST 350. FEET THEREOF) IN KIRCHOFF'S SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, AND NORTH 10 CHAINS OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, ALL IN TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4, SOUTH OF RAILROAD, OF SECTION 33, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, SOUTH OF RAILROAD, OF SECTION 33, AND THE WEST 14-1/2 ACRES OF THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4, SOUTH OF RAILROAD OF SECTION 33, ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLATS, PAGE 15 IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO A CERTAIN DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY LASALLE NATIONAL BANK, NATIONAL BANKING ASSOCIATION, AS TRUSTEE, UNDER TRUST AGREEMENT DATED APRIL 14, 1958 AND KNOWN AS TRUST NO. 22370 AND RECORDED IN THE OFFICE OF THE COOK COUNTY RECORDER OF DEEDS ON SEPTEMBER 8, 1978 AS DOCUMENT NO. 24618528, TOGETHER WITH AN UNDIVIDED .152 PERCENT INTEREST IN SAID PARCEL (EXCEPT FROM SAID PARCEL ALL THE PROPERTY AND SPACE COMPRISING ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY IN COOK COUNTY, ILLINOIS

**Permanent Index No.:** 08-10-201-024-1218

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## EXHIBIT C

Garage Space Number 24AN

A PERPETUAL AND EXCLUSIVE EASEMENT FOR PARKING PURPOSES IN AND TO BUILDING NUMBER 2, GARAGE SPACE NUMBER 24AN, AS SET FOR AND DEFINED IN SAID DECLARATION AND SURVEY APPURTENANT TO THE PREMISES.

Property of Cook County Clerk's Office