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Doc#: 0617855181 Fee: \$32.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/27/2006 02:28 PM Pg: 1 of 5

TICOR TITLE 401441
1084

PARTY WALL DECLARATION

This Declaration is made on November 16, 2005, by Robert D. Rosenberg (hereinafter sometimes referred to as the "Declarant");

WITNESSETH:

WHEREAS, the Declarant is the owner in fee simple absolute of the premises commonly known as 2100-02 East 73rd Street, Chicago, Cook County, Illinois, which is legally described as follows, to wit:

LOT 11 IN BLOCK 7 IN SOUTH KENWOOD, ACCORDING TO THE PLAT RECORDED DECEMBER 14, 1889 AS DOCUMENT NO. 1197798, IN COOK COUNTY, ILLINOIS.

P.I.N. 20-25-208-034-0000 Volume 262, and

WHEREAS, the Declarant is dividing the subject premises into two separate Parcels, and

WHEREAS, Parcel A is legally described as follows, to wit:

LOT 11, EXCEPT THE EAST TWENTY FEET THEREOF, IN BLOCK 7 IN SOUTH KENWOOD, ACCORDING TO THE PLAT RECORDED DECEMBER 14, 1889 AS DOCUMENT NO. 1197798, IN COOK COUNTY, ILLINOIS.

P.I.N. 20-25-208-⁰⁴⁸-0000 Volume 262

Commonly Known As: 2100 East 73rd Street, Chicago, Cook County, Illinois 60649, and

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WHEREAS, Parcel B is legally described as follows, to wit:

LOT 11, EXCEPT THE WEST TWENTY FEET THEREOF, IN BLOCK 7 IN SOUTH KENWOOD, ACCORDING TO THE PLAT RECORDED DECEMBER 14, 1889 AS DOCUMENT NO. 1197798, IN COOK COUNTY, ILLINOIS.

⁰⁴⁹
P.I.N. 20-25-208- 1-0000 Volume 262

Commonly Known As: 2102 East 73rd Street, Chicago, Cook County, Illinois 60649, and

WHEREAS, the two Parcels will share a party wall which runs along the East line of Parcel A and along the West line of Parcel B, and

WHEREAS, the Declarant desires to provide for the maintenance, repair, and replacement of the said party wall, and

WHEREAS, the Declarant desires that this Party Wall Declaration shall run with the land, and

NOW THEREFORE, in consideration of the foregoing, the Declarant states as follows, to wit:

1. The wall which is built as part of the original construction of the Improvement upon the Property and placed on the dividing line between Parcel A and Parcel B, whether wall, ceiling, or floor, shall constitute a party wall and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and of liability for property damages due to negligence or willful acts or omissions shall apply thereto.

2. The cost of reasonable repair, maintenance and replacement of the party wall shall be shared equally, jointly and severally, by each owner or owners of Parcel A and Parcel B, whichever of whom makes use of the party wall, except that the entire cost of repairing damage caused by the negligence or wilful act or omission of any one owner of either Parcel A or Parcel B, shall be paid

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for by the said owner. If the party wall is destroyed or damaged by fire or other casualty, either owner who has used the wall may restore it, and the other owner who shares the use of the wall shall contribute to the cost or restoration thereof equally without prejudice to the right of any such owner to call for a larger contribution from the other owner under any rule or law regarding liability for negligent or willful acts or omissions.

3. Notwithstanding any other provision of this Declaration, any owner who by negligence or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

4. The right of any owner to contribution from the other owner under this Declaration shall be appurtenant to the land and shall pass to such owner's successors and assigns in title.

5. This Declaration shall be appurtenant to and run with the land.

IN WITNESS WHEREOF, Robert D. Rosenberg has caused this Declaration to be executed on the date first above written.

 (Seal)
ROBERT D. ROSENBERG

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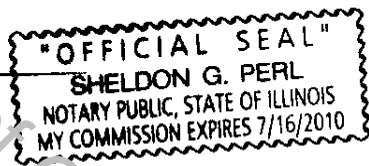
STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that ROBERT D. ROSENBERG, 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, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 16th day of November, 2005.



NOTARY PUBLIC



PREPARED BY, AND PLEASE MAIL TO:

SHELDON G. PERL
Morgen & Perl
Attorneys and Counselors
7101 North Cicero Avenue
Suite #101
Lincolnwood, Illinois 60712

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CONSENT OF MORTGAGEE

Cosmopolitan Bank and Trust, as sole Mortgagee, hereby consents to the aforesaid Party Wall

Declaration.

COSMOPOLITAN BANK AND TRUST

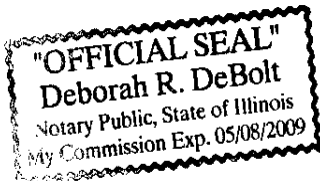
By:



Paul Minar, Vice President

Subscribed and Sworn to
before me this 15th day of
November, 2005.


NOTARY PUBLIC



PREPARED BY, AND PLEASE MAIL TO:

SHELDON G. PERL
Morgen & Perl
Attorneys and Counselors
7101 North Cicero Avenue
Suite #101
Lincolnwood, Illinois 60712

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