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Doc#: 0725422112 Fee: \$106.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/11/2007 01:54 PM Pg: 1 of 17

This instrument was prepared by and
after recording mail to:
Herbert A. Kessel
BEERMANN SWERDLOVE LLP
161 North Clark Street, #2600
Chicago, Illinois 60601-3221
(312) 621-9700

RECORDING FEE 106
DATE 9-11-07 SERIES 6
OK BY [Signature]

CT 8117184 DBK

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR 740 FULTON CONDOMINIUM ASSOCIATION

This Fifth Amendment to that certain Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for 740 Fulton Condominium Association, Chicago, Illinois, recorded with the Recorder of Deeds of Cook County, Illinois on March 13, 2007 as Document No. 0707215073, as amended (the "Declaration"), is executed by 740 Fulton L.L.C., an Illinois limited liability company, (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, the real estate described in the First Recital to the Declaration, which by this reference is made a part hereof, located in the County of Cook and State of Illinois (the "Submitted Parcel") has been submitted to the Condominium Property Act of the State of Illinois, as amended (the "Act") pursuant to the Declaration; and

WHEREAS, pursuant to the Act, in Article 12 of the Declaration, the Declarant reserved the right from time to time to annex and add to the Submitted Parcel, and thereby add to the plan of condominium ownership created by the Declaration; and

WHEREAS, the Declarant, pursuant to Article 12 of the Declaration, desires to annex and add to the Property (as defined in the Declaration), and to the plan of condominium ownership, and submit to the Act the additional condominium Units identified on Schedule 1 attached hereto (collectively, the "Additional Parcel"), such Units being identified as such, depicted and legally described in Exhibit "A" attached hereto and

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by this reference made a part hereof, the street address and Permanent Real Estate Number of the Additional Parcel being as set forth therein; and

WHEREAS, the Additional Parcel is a portion of the Future Development Parcel in the Declaration as described in Exhibit "C" thereto; and

WHEREAS, the Declarant desires to amend the Declaration as it relates to the Plat of Survey (Exhibit "A" thereto) and to the percentage of ownership interest in the common elements for condominium units (Exhibit "B" thereto); and

WHEREAS, pursuant to Section 14.13 of the Declaration, Declarant reserves its right to correct clerical errors in the Declaration and certain exhibits and Declarant desires to correct certain clerical errors in Exhibit "A".

NOW, THEREFORE, the Declarant, as the holder of legal title to the Additional Parcel, for the purposes above set forth, hereby declares that the Declaration is amended as follows:

1. The Additional Parcel is hereby annexed to the Submitted Parcel and, together with all improvements and structures now or hereafter erected, constructed or contained thereon or therein, is submitted to the Act.
2. Exhibit "A" of the Declaration, "Plat of Survey", is hereby amended by deleting, in its entirety, pages 1, 2, 3, 4, 5, 6 and 16 and substituting, in their place, the pages on Exhibit "A" attached hereto and by this reference made a part hereof.
3. Exhibit "B" of the Declaration, "Percentage of Ownership Interest in the Common Elements", is deleted and an amended Exhibit "B", attached hereto and by this reference made a part hereof, is submitted in lieu thereof.
4. All the unit owners and mortgage holders, by the Declarant, hereby consent to this Fifth Amendment to the Declaration pursuant to the powers set forth in Article 12 and Section 14.13 of the Declaration.
5. Except as herein specifically amended, the Declaration is ratified and confirmed. In the event of any inconsistency between this Fifth Amendment and the Declaration, this Fifth Amendment shall control.

[NO FURTHER TEXT ON THIS PAGE, SIGNATURE PAGE FOLLOWS]

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EXHIBIT A
TO
FIFTH AMENDMENT TO DECLARATION OF
CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS,
COVENANTS AND BY-LAWS FOR
740 FULTON CONDOMINIUM ASSOCIATION

LEGAL DESCRIPTION
ADDITIONAL PARCEL

Survey of Units
(Attached hereto)

Property of Cook County Clerk's Office

Common Address: 740 West Fulton Street
Chicago, Illinois

PIN: 17-09-307-010-0000

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**EXHIBIT B
TO
DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS,
COVENANTS AND BY-LAWS FOR
740 FULTON CONDOMINIUM ASSOCIATION**

**PERCENTAGE OF OWNERSHIP INTEREST
IN THE COMMON ELEMENTS**

| <u>UNIT NO.</u> | <u>% INTEREST IN COMMON ELEMENTS</u> |
|-----------------|--|
| 501 | 0.89% |
| 502 | 0.83% |
| 503 | 0.60% |
| 504 | 0.34% |
| 505 | 0.72% |
| 506 | 0.38% |
| 507 | 0.76% |
| 508 | 0.38% |
| 509 | 0.69% |
| 510 | 0.59% |
| 511 | 0.55% |
| 512 | 0.34% |
| 513 | 0.86% |
| 514 | 0.80% |
| 601 | 0.90% |
| 602 | 0.85% |
| 603 | 0.61% |
| 604 | 0.34% |
| 605 | 0.73% |
| 606 | 0.38% |
| 607 | 0.77% |
| 608 | 0.38% |
| 609 | 0.70% |
| 610 | 0.60% |
| 611 | 0.56% |
| 612 | 0.34% |
| 613 | 0.88% |
| 614 | 0.82% |

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| <u>UNIT NO.</u> | <u>% INTEREST IN COMMON ELEMENTS</u> |
|-----------------|--|
| 701 | 0.92% |
| 702 | 0.86% |
| 703 | 0.62% |
| 704 | 0.34% |
| 705 | 0.74% |
| 706 | 0.38% |
| 707 | 0.78% |
| 708 | 0.38% |
| 709 | 0.71% |
| 710 | 0.62% |
| 711 | 0.57% |
| 712 | 0.34% |
| 713 | 0.89% |
| 714 | 0.83% |
| 801 | 0.93% |
| 802 | 0.88% |
| 803 | 0.63% |
| 804 | 0.34% |
| 805 | 0.75% |
| 806 | 0.38% |
| 807 | 0.80% |
| 808 | 0.38% |
| 809 | 0.73% |
| 810 | 0.63% |
| 811 | 0.58% |
| 812 | 0.34% |
| 813 | 0.90% |
| 814 | 0.85% |
| 901 | 0.97% |
| 902 | 0.92% |
| 903 | 0.64% |
| 904 | 0.34% |
| 905 | 0.77% |
| 906 | 0.38% |
| 907 | 0.81% |
| 908 | 0.38% |
| 909 | 0.74% |
| 910 | 0.64% |
| 911 | 0.59% |
| 912 | 0.34% |
| 913 | 0.95% |
| 914 | 0.89% |

EXHIBIT B
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| <u>UNIT NO.</u> | <u>% INTEREST IN COMMON ELEMENTS</u> |
|-----------------|--|
| 1001 | 0.99% |
| 1002 | 0.93% |
| 1003 | 0.65% |
| 1004 | 0.57% |
| 1005 | 0.78% |
| 1006 | 0.63% |
| 1007 | 0.82% |
| 1008 | 0.68% |
| 1009 | 0.75% |
| 1010 | 0.65% |
| 1011 | 0.60% |
| 1012 | 0.58% |
| 1013 | 0.96% |
| 1014 | 0.90% |
| 1101 | 1.01% |
| 1102 | 0.94% |
| 1103 | 0.66% |
| 1104 | 0.57% |
| 1105 | 0.79% |
| 1106 | 0.64% |
| 1107 | 0.84% |
| 1108 | 0.69% |
| 1109 | 0.76% |
| 1110 | 0.66% |
| 1111 | 0.61% |
| 1112 | 0.59% |
| 1113 | 0.98% |
| 1114 | 0.91% |
| 1201 | 1.02% |
| 1202 | 0.96% |
| 1203 | 0.67% |
| 1204 | 0.58% |
| 1205 | 0.80% |
| 1206 | 0.65% |
| 1207 | 0.85% |
| 1208 | 0.70% |
| 1209 | 0.77% |
| 1210 | 0.67% |
| 1211 | 0.62% |
| 1212 | 0.60% |
| 1213 | 0.99% |
| 1214 | 0.93% |

EXHIBIT B
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| <u>UNIT NO.</u> | <u>% INTEREST IN COMMON ELEMENTS</u> |
|-----------------|--|
| 1301 | 1.03% |
| 1302 | 0.97% |
| 1303 | 0.68% |
| 1304 | 0.59% |
| 1305 | 0.81% |
| 1306 | 0.66% |
| 1307 | 0.86% |
| 1308 | 0.71% |
| 1309 | 0.79% |
| 1310 | 0.68% |
| 1311 | 0.63% |
| 1312 | 0.60% |
| 1313 | 1.01% |
| 1314 | 0.94% |
| 1401 | 1.87% |
| 1402 | 1.81% |
| 1403 | 1.65% |
| 1404 | 1.40% |
| 1405 | 1.83% |
| 1406 | 1.79% |
| C-1 | 0.15% |
| C-2 | 0.34% |
| B-16 | 0.05% |
| B-17 | 0.05% |
| B-19 | 0.05% |
| B-21 | 0.05% |
| B-22 | 0.05% |
| B-27 | 0.05% |
| 1-02 | 0.05% |
| 1-03 | 0.05% |
| 1-05 | 0.05% |
| 1-06 | 0.05% |
| 1-09 | 0.05% |
| 2-05 | 0.05% |
| 2-27 | 0.05% |
| 3-23 | 0.05% |
| 3-24 | 0.05% |
| 3-31 | 0.05% |
| 3-33 | 0.05% |
| 4-09 | 0.05% |
| 4-28 | 0.05% |
| 4-29 | 0.05% |
| 4-30 | 0.05% |

EXHIBIT B
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SCHEDULE 1

**TO
FIFTH AMENDMENT TO DECLARATION OF
CONDOMINIUM OWNERSHIP AND OF EASEMENTS,
RESTRICTIONS, COVENANTS AND BY-LAWS FOR
740 FULTON CONDOMINIUM ASSOCIATION**

ADDITIONAL PARCEL UNITS

UNITS 1401, 1402, 1403, 1404, 1405, 1406, C-1 AND C-2, ALL AS LEGALLY DESCRIBED ON THE FOLLOWING PARCEL OF REAL ESTATE:

THAT PART LOTS 15, 16, 17 AND THE WEST 1 FOOT 2 7/8 INCHES OF THE NORTH 99 FEET 10 7/8 INCHES OF LOT 18 IN BLOCK 61 IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO TOGETHER WITH ALL THAT PART OF VACATED WEST WAYMAN AVENUE LYING NORTH OF AND ADJOINING LOTS 15, 16, 17 AND THE WEST 1 FOOT 2 7/8 INCHES OF LOT 18 AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 1 FOOT 2 7/8 INCHES OF LOT 18, ALL IN BLOCK 61 IN ORIGINAL TOWN OF CHICAGO IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +166.00 FEET CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +154.35 FEET CHICAGO CITY DATUM, IN COOK COUNTY, ILLINOIS.

Public Access to County Clerk's Office

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EXHIBIT

ATTACHED TO

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Property of Cook County Clerk's Office

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+ 7

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SEE PLAT INDEX