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Cook County Recorder of Deeds  
Date: 01/31/2008 02:49 PM Pg: 1 of 6

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THIS INSTRUMENT PREPARED  
BY AND AFTER RECORDING  
RETURN TO:  
Sylvia C. Michas  
Law Offices of Samuel VP Banks  
221 N. LaSalle St.  
38th Floor  
Chicago, IL 60601  
312-782-1983

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Sylvia C. Michas  
221 N. LaSalle St.  
38th Floor  
Chicago, IL 60601  
312-782-1983

## DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 30<sup>th</sup> day of July, 2008, by **Susan King** (sometimes hereinafter referred to as "Declarant").

### RECITALS:

WHEREAS, Declarant is the Owner of a certain parcel of real estate in Chicago, Cook County, Illinois commonly known as **4711 North Talman, Chicago, Illinois**, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, the Premises is 30' in width and 125.34' in depth for a total of 3,760.2 sq. ft. and;

WHEREAS, Declarant intends that the existing three-flat shall remain. The reason for the zoning change is to bring the Premises into legal conformity in terms of density so that the Declarant can pursue a renovation and expansion of the existing three-flat;

WHEREAS, the present zoning for the Premises is an RS3 Residential Single-Unit (Detached House) District; and

WHEREAS, in order to accommodate Declarant's Intended Use, Declarant intends to effectuate a zoning change for the Premises to an RT4 Two-Flat, Townhouse & Multi-Unit District; and

WHEREAS, if the proposed zoning change to an RT4 Residential Two-Flat, Townhouse & Multi-Unit District is approved by the City of Chicago, it shall be subject to a restrictive covenant being recorded against the Premises to limit to that of bringing the existing three-flat into legal conformity in terms of density; and

WHEREAS, Declarant, in consideration of the City of Chicago's consent to the RT4 Residential Two-Flat, Townhouse & Multi-Unit District zoning change, shall encumber the Premises with a restrictive covenant setting forth the aforesaid restrictions, all as more specifically set forth below.

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## DECLARATIONS:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for the purpose stated herein, Declarant declares as follows:

1. The recitals set forth hereinabove are fully incorporated herein by reference.
2. All of the Premises are and shall be held, sold and conveyed subject to the covenants, conditions and restrictions herein stated, all of which shall run with the land and be binding upon all parties now or hereinafter having any right, title or interest in the Premises or in any part thereof, and upon those claiming under them, with such limitations or exceptions as are herein expressed.
3. The premises, or any portion thereof, shall remain improved with the existing three-flat.
4. The subject property is 1,760 sq. ft. and is currently improved with a three-flat.
5. The existing three-flat shall remain. The purpose of the zoning amendment is to bring the existing three-flat into legal conformity in terms of density in order to allow the renovation and expansion of the existing building.
6. The final product shall be in substantial compliance with architectural drawings drafted by Parallel World Architecture, attached hereto as Exhibit "B".
7. All covenants, conditions, and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and persons owning any portion of the premises.
8. No construction begin on the existing building, unless the plans and specifications of any building proposed to be erected have been submitted to the City and written approval therefrom has been secured. Issuance of a building permit by the City for the Premises shall constitute the City's approval of the submitted plans and specifications.
9. Breach of any of the covenants or violation of any other portions of this Declaration shall not defeat or render invalid the lien of any mortgage or trust deed made in good faith and for value as to any portion of the Premises, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Premises whose title thereto is acquired by foreclosure, trustee sale or otherwise under such mortgage or trust deed, and shall remain effective as to each portion of the Premises so acquired.
10. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, its successors or assigns, or the City, or the Office of

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the Alderman which has jurisdiction over the Premises, against any person or persons violating or attempting to violate any covenant, restriction or other provision hereof, either to restrain or prevent such violation or attempted violation or to recover damages, or both. Failure by the Declarant, its successors or assigns, or the City or the Office of the Alderman, to promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any rights of the Declarant, its successor or assigns, the City, or the Office of the Alderman, to so enforce any covenant, restriction or other provision of this Declaration.

11. In the event of any litigation arising out of this Declaration, the prevailing party shall be entitled to payment of court costs and reasonable attorneys' fees.

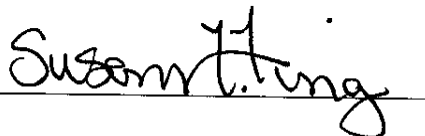
12. Invalidation of any covenant, restriction or other provision of the Declaration by judgment or court order shall in no way affect any of the other provisions of the Declaration and such other provisions shall remain in full force and effect.

13. Upon completion of the proposed project, as detailed by architectural drawings drafted by Parallel World Architecture, and attached hereto as Exhibit "B", all covenants, conditions and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the Premises and all persons claiming under them until the earlier of (i) fifty (50) years from the date hereof; (ii) the zoning classification of the Premises changed from an RT4 Residential Two-Flat, Townhouse & Multi-Unit District or (iii) an instrument signed by a majority of the then owners of the Premises and the Office of the Alderman which has jurisdiction over the Premises is recorded against the Premises modifying, amending or terminating the covenants, conditions and restrictions contained herein.

14. This Declaration is executed by Susan King.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date and year first above written.

Declarant:

A handwritten signature in black ink that reads "Susan King". The signature is written in a cursive style and is positioned above a horizontal line.

**Susan King**

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STATE OF ILLINOIS     )  
  )SS  
COUNTY OF COOK     )

I, Stephanie Zografos, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Susan King**, known to me to be the same person whose names are subscribed to the foregoing DECLARATION OF RESTRICTIVE COVENANT, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their own free and voluntary act, for the uses and purposed therein set forth.

GIVEN under my hand and seal, this 30<sup>th</sup> day of January, 2008.

Stephanie Zografos  
Notary Public



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## EXHIBIT A

### LEGAL DESCRIPTION:

LOT 22 IN BLOCK 24 IN RAVENSWOOD GARDENS, A SUBDIVISION OF THAT PART OF THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) AND THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEAST OF SANITARY DISTRICT RIGHT OF WAY (EXCEPTING THEREFROM THE RIGHT OF WAY OF THE NORTHWESTERN ELEVATED RAILWAY COMPANY) IN COOK COUNTY, ILLINOIS

COMMONLY KNOWN AS: 4711 NORTH TALMAN AVENUE CHICAGO, IL

PIN: 13-13-203-017-0000

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