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Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 02/11/2008 01:02 PM Pg: 1 of 7

THIS DOCUMENT WAS PREPARED BY,  
AND AFTER RECORDING, RETURN TO:

Michael D. Burstein  
**MUCH SHELIST**  
191 North Wacker Drive  
Suite 1800  
Chicago, Illinois 60606.1615

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## FIRST AMENDMENT TO THE MCKINLEY PARK MANOR DECLARATION OF COVENANTS AND RESTRICTIONS

This **FIRST AMENDMENT TO THE MCKINLEY PARK MANOR DECLARATION OF COVENANTS AND RESTRICTIONS** (this "**Amendment**") is made and entered into on this 11 day of February, 2008, by **CHICAGO TITLE LAND TRUST COMPANY**, as successor trustee to Cole Taylor Bank as Trustee under Trust Agreement dated July 1, 2003 and known as Trust number 03-9901 (herein the "**Trust**" and, as to **CHICAGO TITLE LAND TRUST COMPANY**, as successor trustee to Cole Taylor Bank, the "**Trustee**"), and not individually, and **JAMES MCNAUGHTON—PERSHING ROAD, LLC**, an Illinois limited liability company (herein the "**Developer**"), sole beneficiary under the terms of the Trust.

### RECITALS:

**A.** The Trustee recorded the McKinley Park Manor Declaration of Covenants and Restrictions dated May 3, 2005 (the "**Declaration**"), on May 5, 2005, in the Office of the Cook County Recorder of Deeds as Document No. 0512503035. The Declaration encumbers the property legally described on the attached and incorporated **Exhibit "A"** (the "**Original Property**").

**B.** In Section 17.2 of the Declaration, the Developer reserved the right to amend the Declaration in its sole discretion prior to the turnover to the Members of the Association the authority to appoint the Board.

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C. The Developer desires to exercise the right and power reserved in Section 17.2 of the Declaration to add and submit to the Declaration the real estate described on the attached and incorporated **Exhibit "B"** (the "**Additional Property**").

**NOW THEREFORE**, the Trustee and the Developer do hereby supplement and amend the Declaration as follows:

1. **Terms**. Any capitalized term not otherwise defined in this Amendment shall have the meaning ascribed to such term in the Declaration.

2. **Additional Property**. The Declaration is amended by deleting in its entirety the legal description of the Original Property contained in Exhibit A thereto and replacing it with the legal description of the Property (including the Additional Property) contained in the attached and incorporated **Exhibit "C"**.

3. **Covenants to Run With Land**. The covenants, conditions, restrictions and easements contained in the Declaration, as amended by this Amendment, shall run with and bind the Property, including the Additional Property.

4. **Continuation**. As expressly hereby amended, the Declaration shall continue in full force and effect in accordance with its terms.

5. **Trustee's Exculpation**. This Amendment is executed by **CHICAGO TITLE LAND TRUST COMPANY**, as successor to Cole Taylor Bank, as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee (and **CHICAGO TITLE LAND TRUST COMPANY**, as successor to Cole Taylor Bank hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm, corporation or other entity hereafter claiming any interest under this Amendment that **CHICAGO TITLE LAND TRUST COMPANY**, as successor to Cole Taylor Bank, as Trustee as aforesaid, and not personally, has joined in the execution of this Amendment for the sole purpose of subjecting its title-holding interest and the trust estate under said Trust No.03-9901 to the terms of this Amendment, that any and all obligations, duties, covenants and agreements of every kind and nature herein set forth by **CHICAGO TITLE LAND TRUST COMPANY**, as successor to Cole Taylor Bank, as Trustee, as aforesaid, to be kept or performed, are intended to be kept, performed and discharged by the beneficiary under said Trust No. 03-9901, or its successors, and it shall not be the obligation of **CHICAGO TITLE LAND TRUST COMPANY**, as successor to Cole Taylor Bank, either personally, or as such Trustee, to sequester trust assets, rentals, avails or proceeds of any kind or otherwise to see to the fulfillment or discharge of any obligations, express or implied, arising under the terms of this Amendment, except where said Trustee is acting pursuant to direction, as provided by the terms of said Trust No. 03-9901, and after the Trustee has first been supplied with funds required for that purpose. In the event of conflict between the terms of this paragraph and of the remainder of this Amendment on any question of apparent liability or obligation resting upon said Trustee, the exculpatory provision hereof shall be controlling.

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**IN WITNESS WHEREOF**, the Trustee and the Developer have executed this First Amendment to the McKinley Park Manor Declaration of Covenants and Restrictions as of the day and year first above written.

### TRUSTEE:

**CHICAGO TITLE LAND TRUST COMPANY**, as successor trustee to Cole Taylor Bank, as Trustee under Trust Agreement dated July 1, 2003 and known as Trust number 03-9901

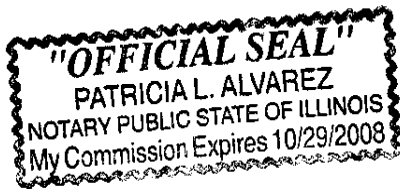
By:

Name: [Signature]  
Title: [Signature]

STATE OF ILLINOIS   )  
                                  ) SS  
COUNTY OF COOK    )

The undersigned, a Notary Public in and for the said County, in the State aforesaid, **DO HEREBY CERTIFY** that [Signature], the [Signature] of **CHICAGO TITLE LAND TRUST COMPANY**, an Illinois corporation, as trustee as aforesaid, who is 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 as such [Signature], he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said corporation, as trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 11th day of February, 2008.



[Signature]  
Notary Public

My Commission Expires:

10/29/08

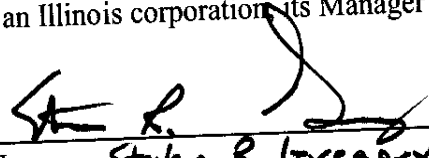
*[Signatures Continue on Following Page]*

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*[Signatures Continued from Preceding Page]*

**JAMES MCNAUGHTON—PERSHING ROAD, LLC**, an Illinois limited liability company

By: **JAMES MCNAUGHTON BUILDERS, INC.**, an Illinois corporation, its Manager

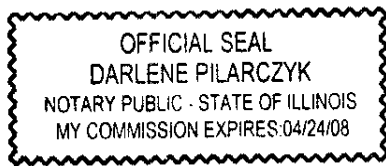
By:   
Name: Steven R. Gregory  
Title: Chief Operating Officer

STATE OF ILLINOIS )  
COUNTY OF COOK ) ss.

The undersigned, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that Steven R. Gregory, the C.O.O. of **JAMES MCNAUGHTON BUILDERS, INC.**, an Illinois corporation, the Manager of **JAMES MCNAUGHTON—PERSHING ROAD, LLC**, an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Steven R. Gregory, 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 and said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 7<sup>th</sup> day of February, 2008.

  
Notary Public



My Commission Expires:

4-24-08

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## EXHIBIT "A"

### LEGAL DESCRIPTION OF THE ORIGINAL PROPERTY

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and OUTLOT "A" IN MCKINLEY PARK MANOR, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 14, 2004 AS DOCUMENT 0410539064 IN COOK COUNTY, ILLINOIS.

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## EXHIBIT "B"

### LEGAL DESCRIPTION OF THE ADDITIONAL PROPERTY

THAT PART OF LOT 3 IN OWNERS' INDUSTRIAL DIVISION, BEING A SUBDIVISION OF THE EAST HALF (EXCEPT STREETS) OF BLOCK 35 IN CANAL TRUSTEES' SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1943 AS DOCUMENT 13144815 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 88 DEGREES 40 MINUTES 20 SECONDS EAST ALONG AN ASSUMED BEARING, BEING THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 134.90 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREES 24 MINUTES 53 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 377.93 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 15.02 FEET; THENCE NORTH 01 DEGREES 24 MINUTES 53 SECONDS WEST 153.16 FEET; THENCE SOUTH 88 DEGREES 40 MINUTES 20 SECONDS WEST 119.90 FEET TO THE WEST LINE OF LOT 3; THENCE NORTH 01 DEGREES 24 MINUTES 53 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 224.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Clerk's Office

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## EXHIBIT "C"

### LEGAL DESCRIPTION OF THE PROPERTY

#### PARCEL 1:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and OUTLOT "A" IN MCKINLEY PARK MANOR, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 14, 2004 AS DOCUMENT 0410539064 IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

THAT PART OF LOT 3 IN OWNERS' INDUSTRIAL DIVISION, BEING A SUBDIVISION OF THE EAST HALF (EXCEPT STREETS) OF BLOCK 35 IN CANAL TRUSTEES' SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1943 AS DOCUMENT 13144815 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 88 DEGREES 40 MINUTES 20 SECONDS EAST ALONG AN ASSUMED BEARING, BEING THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 134.90 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREES 24 MINUTES 53 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 377.93 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 88 DEGREES 25 MINUTES 07 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 15.02 FEET; THENCE NORTH 01 DEGREES 24 MINUTES 53 SECONDS WEST 153.16 FEET; THENCE SOUTH 88 DEGREES 40 MINUTES 20 SECONDS WEST 119.90 FEET TO THE WEST LINE OF LOT 3; THENCE NORTH 01 DEGREES 24 MINUTES 53 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 224.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.