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Cook County Recorder 33.50



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COOK COUNTY
RECORDER
JESSE WHITE
SKOKIE OFFICE

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS
FOR BARCELONA APARTMENT HOMES - BUILDING NO. 1
CONDOMINIUM

**FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS
FOR BARCELONA APARTMENT HOMES – BUILDING NO. 1
CONDOMINIUM**

This document is recorded for the purpose of amending the Declaration of Condominium Ownership (hereinafter the "Declaration") for the Barcelona Apartment Homes - Building No. 1 Condominium Association (hereinafter the "Association"), which Declaration was recorded on March 10, 1971 as document number LR2546214 in the Office of the Recorder of Deeds of Cook County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A", which is attached hereto and made a part hereof.

This Amendment is adopted pursuant to the provisions of Article XIII, Section 13.08 of the aforesaid Declaration. Said section provides that this Amendment, the text of which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds of Cook County, Illinois, of an instrument in writing setting forth the change, provided the same is approved by at least three-fourths (3/4) of the total vote of the Unit Owners. Each Unit Owner shall be entitled to the number of votes equal to the total of the percentage of ownership in common elements applicable to his or her, or their, unit ownership as prescribed at Section 5.03 of the aforesaid Declaration and expressed at Exhibit "B" to same.

RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been subjected to the covenants contained therein; and

WHEREAS, the Board and the Owners desire to amend the Declaration in order to provide for the orderly operation of the Property; and

WHEREAS, the following amendment has been approved by three-fourths (3/4) of the Unit Owners, in compliance with Article XIII, Section 13.08 of the Declaration.

NOW, THEREFORE, the Declaration of Condominium Ownership of the Barcelona Apartment Homes - Building No. 1 Condominium Association is hereby amended in accordance with the text which follows (Additions in text are indicated by underline; Deletions are indicated by strike outs):

1. Article VIII, Section 8.01 is amended as follows:

8.01. Sale: Any Owner, other than the Trustee or its beneficiary, who wishes to sell his Unit Ownership to any person not related by blood or marriage to the Owner (including the beneficiary of any Unit held in Trust) shall give to the Board of Managers no less than thirty (30) days' prior written notice of the terms of any contemplated sale, together with the name and address of the proposes purchaser, and its or their financial and character references. The Board, acting on behalf of the other Unit Owners as hereinafter provided, shall at all times have the first right and option to purchase such Unit Ownership upon the same terms as the proposed sale, which option shall be exercisable for a period of forty-five (45) days following the date or receipt of such notice; provided, however, that if the proposed purchase shall be for a consideration which the Board, in its reasonable opinion, deems inconsistent with the bona fide fair market value of such Unit Ownership, the Board may elect to exercise such option in the manner, within the period, and on the terms set forth in Section 8.02 below. If said option is not exercised by the Board within the aforesaid option period, or if said option is properly waived, the Owner may, at the expiration of said period (and at any time within sixty (60) days after the expiration of said period) contract to sell such Unit Ownership to the proposed purchaser named in such notice upon the terms specified therein, and, if he fails to close said proposed sale transaction within said sixty (60) days, his Unit Ownership shall again become subject to the Board's right of first option as herein provided.

2. Article VIII, is further amended by the addition of the following Section 8.01(a):

8.01(a) Rental of Units:

(i) Notwithstanding any provisions of this Declaration to the contrary, rental or leasing of Units is prohibited, except as hereinafter provided. To meet special situations and to avoid undue hardship or practical difficulties, the Board may, but is not required to, grant permission to an Owner to lease his Unit to a specified lessee for a period of not more than six (6) months on such reasonable terms as the Board may establish. Such permission may be granted by the Board only upon written application by the Owner to the Board. The Board shall respond to each application in writing within thirty (30) days of the submission thereof. All requests for extension of the original lease must also be submitted to the Board in the same manner as set forth for the original application. The Board has sole and complete discretion to approve or disapprove any Owner's application for a lease or extension of a lease. The Board's decision shall be final and binding.



This instrument was prepared by

and Mail to:

JOHN H. WINAND

Karm & Winand

800 Waukegan Rd., #202

Glenview, IL 60025

5. Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

4. This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds of Cook County, Illinois.

8.05. Transfer of Option Rights to Single Unit Owner or Group of Owners: Any right to purchase which the Board may have or obtain under the provisions of this Article may be transferred, with the consent of the Unit Owners, as hereinafter provided, to one or more of the Unit Owners so as to enable the said Unit Owner or Owners to acquire the subject Unit or interest as a personal investment, provided that the Board is reasonably assured that such Unit Owner or Owners have the financial capacity to undertake such purchase and will fulfill the requirements of said purchase within all stipulated time periods.

3. Article XIII, Section 8.05 is amended as follows:

(iii) Subsection (i) of this Section 8.01(a) shall not apply to the rental or leasing of Units to the immediate family members of an Owner or contract purchaser. For purposes of this Section, "immediate family member" shall include the spouse, parents, grandparents, children, grandchildren and siblings of an Owner or contract purchaser.

(ii) Subsection (i) of this Section 8.01(a) shall not apply to rental or leasing agreements for Units by any Owner or contract purchaser of a Unit entered into prior to November 1, 1998 and such Owners shall be entitled to rent or lease their Units until the first to occur of the expiration of such rental or leasing agreements according to these terms existent as of November 1, 1998 or December 31, 1999.

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STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

WE, THE UNDERSIGNED, are the members of the Board of Managers of Barcelona Apartment Homes – Building No. 1 Condominium Association, a condominium established by the aforesaid Declaration of Condominium, and by our signatures below, we hereby execute and acknowledge the foregoing Amendment to the Declaration.

EXECUTED AND ACKNOWLEDGED this 28th day of October, 1998.

Harold A. Kauer

Patricia K. Kauer

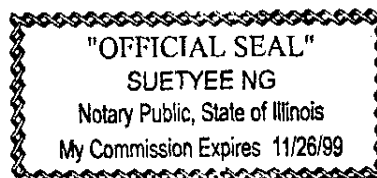
Robert A. Kauer

Irma Kauer

Being the Members of the Board of
Managers of the Barcelona Apartment
Homes – Building No. 1 Condominium
Association

I, the undersigned, a Notary Public, hereby certify that on the above date the Board of Managers of the Barcelona Apartment Homes – Building No. 1 Condominium Association, which Board Members are personally known to me, appeared before me and acknowledged that, as such Board Members, they signed this instrument as their free and voluntary act and is the free and voluntary act of said Board for the uses and purposes therein set forth.

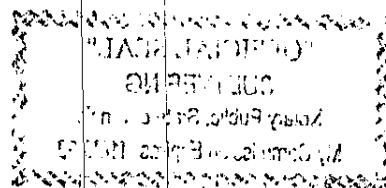
Suetyee Ng
Notary Public



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Property of Cook County Clerk's Office

[Handwritten signature]



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AFFIDAVIT OF SECRETARY

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, state that I am the Secretary of the Board of Managers of Barcelona Apartment Homes – Building No. 1 Condominium Association, and hereby certify that the foregoing Amendment was approved by the affirmative vote of three-fourths (3/4) of the Unit Owners at the Association.

Dated: October 28, 1998

By: Irma Keener
Secretary

Property of Cook County Clerk's Office

EXHIBIT "A"

That part of Lots thirty-four (34) to thirty-eight (38), both inclusive, Lots fifty-five (55) to sixty (60), both inclusive, that part of vacated LaCrosse Avenue, all lying South of a line 410.08 feet South of and parallel with the South line of Golf Road (Simpson Street), also the vacated North and South alley (except the North 269.08 feet thereof) lying West of and adjoining Lots forty-seven (47) through fifty-nine (59), both inclusive, all in Talman and Thiele's Cicero Avenue-Simpson Street Subdivision of the North 40 rods of the East 33 rods of the North East Quarter (1/4) of Section Sixteen (16), Township forty-one (41) North, Range thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois.

Unit: PIN	Unit: PIN
101 10-16-205-026-1001	301 10-16-205-026-1029
102 10-16-205-026-1002	302 10-16-205-026-1030
103 10-16-205-026-1003	303 10-16-205-026-1031
104 10-16-205-026-1004	304 10-16-205-026-1032
105 10-16-205-026-1005	305 10-16-205-026-1033
106 10-16-205-026-1006	306 10-16-205-026-1034
107 10-16-205-026-1007	307 10-16-205-026-1035
108 10-16-205-026-1008	308 10-16-205-026-1036
109 10-16-205-026-1009	309 10-16-205-026-1037
111 10-16-205-026-1010	310 10-16-205-026-1038
111 10-16-205-026-1011	311 10-16-205-026-1039
112 10-16-205-026-1012	312 10-16-205-026-1040
113 10-16-205-026-1013	313 10-16-205-026-1041
114 10-16-205-026-1014	314 10-16-205-026-1042
201 10-16-205-026-1015	401 10-16-205-026-1043
202 10-16-205-026-1016	402 10-16-205-026-1044
203 10-16-205-026-1017	403 10-16-205-026-1045
204 10-16-205-026-1018	404 10-16-205-026-1046
205 10-16-205-026-1019	405 10-16-205-026-1047
206 10-16-205-026-1020	406 10-16-205-026-1048
207 10-16-205-026-1021	407 10-16-205-026-1049
208 10-16-205-026-1022	408 10-16-205-026-1050
209 10-16-205-026-1023	409 10-16-205-026-1051
210 10-16-205-026-1024	410 10-16-205-026-1052
211 10-16-205-026-1025	411 10-16-205-026-1053
212 10-16-205-026-1026	412 10-16-205-026-1054
213 10-16-205-026-1027	413 10-16-205-026-1055
214 10-16-205-026-1028	414 10-16-205-026-1056