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**AMENDMENT TO  
DECLARATION OF  
CONDOMINIUM  
OWNERSHIP AND  
BY-LAWS,  
EASEMENTS,  
RESTRICTIONS AND  
COVENANTS FOR  
215 E. 31<sup>ST</sup> STREET  
CONDOMINIUM ASSOCIATION**



Doc#: 0831031083 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 11/05/2008 03:00 PM Pg: 1 of 7

Recorder's Office Only

This document is recorded for the purpose of amending the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants (the "Declaration"), which Declaration was recorded on in the Office of the Recorder of Deeds of Cook County, Illinois on July 21, 2004 as document 0420334113 to, and covers the property legally described in Exhibit "A" (the "Property"), which is attached hereto and made a part hereof.

**WITNESSETH:**

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

WHEREAS, pursuant to the provisions of Article XIX, Section 6 of the Declaration, the Declaration may be amended, changed or modified by an instrument in writing, setting forth such amendment, signed and acknowledged by all of the members of the Board, at least three-fourths (3/4) of the Unit Owners, and containing an affidavit by an officer of the Board certifying that a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, not less than ten (10) days prior to the date of such affidavit.

WHEREAS, said instrument has been signed by all members of the Board; and

**This document prepared by and after  
recording to be returned to:**

John H. Bickley III  
Katharine W. Griffith  
Kovitz Shifrin Nesbit  
750 Lake Cook Road, Suite 350  
Buffalo Grove, IL 60089 — (847) 537-0500

WHEREAS said instrument has been signed by at least 3/4 of the Unit Owners; and

WHEREAS, an officer of the Board has certified by affidavit (attached hereto) that a copy of the Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record

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against any Unit, not less than ten (10) days prior to the date of such affidavit; and

WHEREAS, the effective date of the Amendment shall be the date of recordation.

NOW, THEREFORE, the Declaration is hereby amended as follows (additions in text are indicated by underline and deletions in text are indicated by ~~strikethrough~~):

1. Insert the following language to the end of Article XIX, Section 6, Amendment:

Any amendment, change, or modification to the provisions of the condominium instruments of material adverse nature to First Lien Mortgagees must be agreed upon by First Lien Mortgagees representing at least fifty-one percent (51%) of the Unit Owner votes.

2. Insert the following new section to Article VI, Insurance:

7. Insurance Proceeds. Any action taken by the Board to use insurance proceeds for any purpose other than to rebuild, must be agreed upon by First Lien Mortgagees representing at least fifty-one percent (51%) of the Unit Owner votes.

3. Insert the following language to the end of Article XIX, Section 1, Notice to Mortgagees:

Notwithstanding any provision in this Declaration to the contrary, mortgagees and guarantors of the mortgages shall automatically receive timely written notice, without the necessity of prior written request to the Board, of: a) Any condemnation or casualty loss affecting a material portion of the Association's property; or any Unit securing the mortgage; b) Any 60 day delinquency in payment of assessments or charges owed by the Unit Owner; c) A lapse, cancellation or material modification of any insurance policy maintained by the Association; and d) Any proposed action requiring the consent of a specified percentage of Mortgagees.

4. Insert the following new section to Article XIX, General Provisions.

15. Consent by Mortgagees. Whenever required, consent by mortgagees shall be deemed granted unless the party seeking consent is advised to the contrary, in writing, by the mortgagee within thirty (30) days after making a request for consent.

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

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

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APPROVED THIS 31 DAY OF OCTOBER, 2008

Board Members:

[Signature]  
[Signature]  
[Signature]  
[Signature]

Subscribed and sworn to before me  
this 5th day of November, 2008

[Signature]  
Notary Public



END OF TEXT OF AMENDMENT

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## **EXHIBIT A** **LEGAL DESCRIPTION**

LOT 10 IN M. HAYWOOD'S SUBDIVISION OF THE WEST 4/5 THS OF THE  
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE  
NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 14,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 17-34-103-065-1001  
17-34-103-065-1002  
17-34-103-065-1003  
17-34-103-065-1004

Property of Cook County Clerk's Office

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## EXHIBIT B

### CERTIFICATION AS TO OWNER APPROVAL

I, STEVE MARTINEZ, do hereby certify that I am the duly elected and qualified ~~secretary~~<sup>Secy</sup> for the 215 E. 31<sup>st</sup> Street Condominium Association, ~~and as such~~<sup>Secy</sup> Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached Amendment to the Declaration for 215 E. 31<sup>st</sup> Street Condominium Association was signed by three-fourths (3/4) of the Unit Owners, in accordance with the provisions of Article XIX, Section 6 of the Declaration.

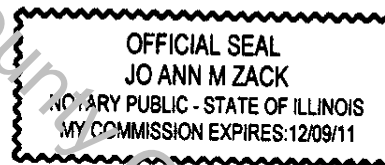
Date: 11/3/08

Steve Martinez  
Secretary TREASURER

Subscribed and sworn to before me

this 5th day of November 2008

Jo Ann M. Zack  
Notary Public



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## EXHIBIT C

### AFFIDAVIT OF MORTGAGEE SERVICE

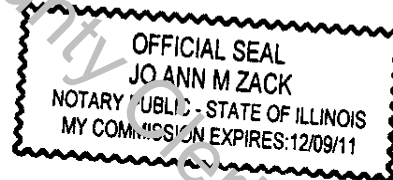
I, STEVE MARTINEZ, being first duly sworn on oath, depose and state that I am a member of the Board of Directors of the 215 E. 31<sup>st</sup> Street Condominium Association, and that a copy of the foregoing Amendment was mailed by certified mail to all mortgagees having bona fide liens or record against any Unit not less than ten (10) days prior to the date of this affidavit.

Steve Martinez  
Board member of the 215 E. 31<sup>st</sup> Street Condominium Association

Subscribed and sworn to before me

this 5<sup>th</sup> day of November, 2008

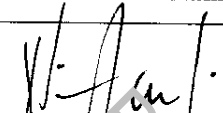


Jo Ann M. Zack  
Notary Public



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## PETITION TO APPROVE AMENDING THE DECLARATION FOR THE 215 E. 31<sup>ST</sup> STREET CONDOMINIUM ASSOCIATION

We, the undersigned, do hereby approve the amendment to the Declaration for the 215 E. 31<sup>st</sup> Street Condominium Association, specifically regarding leasing.

Name	Address	Name and Address of Mortgagee, if any ***
 _____ (signature) Kim Shinn (print name)	_____ Date: _____	_____ Loan No. _____
 _____ (signature) Hao NGUYEN (print name)	UNIT #2 _____ Date: 11/2/2008	COUNTRYWIDE _____ Loan No. 134222809
 _____ (signature) STEVE MARTINEZ (print name)	_____ Date: 10/31/2008	COUNTRYWIDE _____ Loan No. 119523961
_____ (signature) _____ (print name)	_____ Date: _____	_____ Loan No. _____

\*\*\* This information is required in order to send notice to mortgagee of this amendment pursuant to the terms of the Association's Declaration.