THIS INSTRUMENT PREPARED BY AND AFTER RECORDING RETURN TO:

HOWARD S. DAKOFF, ESQ. LEVENFELD PEARLSTEIN, LLC 2 NORTH LASALLE STREET, SUITE 1300 CHICAGO, ILLINOIS 60602 Doc#: 0907516052 Fee: \$242.00 Eugene "Gene" Moore RHSP Fee:\$10.00 Cook County Recorder of Deeds Date: 03/16/2009 02:08 PM Pg: 0

FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR THE RESIDENCES AT 401 NORTH WABASH AVENUE, A CONDOMINIUM

This Fourth Amendment ("Fourth Amendment") is made and entered into by 401 North Wabash Venture LLC, an Illinois Imited liability company (the "Declarant"):

WITNESSETH:

Declarant recorded the Declaration Of Condominium Ownership And Of Easements, Restrictions, Covenants, And By-Laws Fer The Residences at 401 North Wabash Avenue, A Condominium ("Declaration") in the office of the Recorder of Deeds of Cook County, Illinois on August 2, 2008 as Document No. 0821716050, by which the Declarant submitted certain real estate to the provisions of the Illinois Condominium Property Act ("Act"); subsequently amended by that First Amendment to the Declaration recorded on September 11, 2008 and recorded as document number 0825534053; subsequently amended by that Second Amendment to the Declaration recorded on October 3, 2008 and recorded as document number 0827710023; subsequently amended by that Third Amendment to the Declaration recorded on February 11, 2009 and recorded as document number 0904245103;

Declarant reserved the right to add-on and annex to the Parcel, all 2, any portion of the property legally described as the Future Expansion Parcel (as described in the Declaration), Exhibit C to the Declaration, all pursuant to the terms and conditions of Article Twelve of the Declaration and the Act;

Declarant intends to so annex and add to said Parcel, and submit to the provisions of the Act and the Declaration, certain real estate commonly known as floors 66-78 of the Trump International Hotel & Tower Chicago (the "Added Portion") which is a portion of the Future Expansion Parcel more fully described in Exhibit A-1 attached hereto;

Declarant is further desirous of extending for its own benefit and for the mutual benefit of all future Unit Owners of the Parcel, or any part thereof, the easements and rights in, over and upon said premises and certain mutually beneficial restrictions and obligations with respect to the property use, conduct and maintenance thereof as set forth in the Declaration; and

Declarant desires and intends that the Unit Owners, mortgagees, occupants, and all other persons hereafter acquiring any interest in the Property or Parcel shall at all times enjoy the benefits of, and shall hold their interests subject to the rights, easements, privileges, and restrictions set forth in the Declaration, all of which are declared to be in furtherance of the plan to promote and protect the cooperative aspect of the condominium as set forth in the Declaration;

RECORDING FET & 242

DATE 3-16-09

OK

OK

NOW, THEREFORE, 401 North Wabash Venture LLC, an Illinois limited liability company, as Declarant and Developer do hereby amend the Declaration as follows:

- 1. All terms defined in the Declaration shall remain and be defined terms for the purposes of this Fourth Amendment unless a contrary intent clearly appears in this Fourth Amendment;
- 2. The Added Portion described in Exhibit A-1 attached hereto, hereby supplements Exhibit A to the Declaration, and is hereby annexed to the Parcel (as defined in the Declaration) and is hereby submitted to the provisions of the Act in accordance with, and deemed to be governed in all respects by, the terms and provisions of the Declaration.
- 3. Exhibit A-2 attached hereto hereby supplements Exhibit A to the Declaration, Plats of Survey, by supplementing Exhibit A with the attached pages of the Plats of Survey, which consists of fifteen (15) pages.
- 4. Exhibit E of the Declaration is hereby amended by deleting said Exhibit B and substituting Exhibit E attached hereto.
- 5. The Added Common Elements (as defined in the Declaration) annexed and added to by this instrument are hereby granted and conveyed to the grantees of all Units as set forth in the Declaration.
- All of the provisions of the Declaration, as amended by this Fourth Amendment, shall be deemed to apply to all of the Unic (toth the Added Units and the Existing Units, as defined in the Declaration) and to all of the Common Elements (both the Added Common Elements and the Existing Common Elements).
- 7. The recording of this Fourth Amendment shall not alter or affect the amount of any lien for Common Expenses due from the Owners or the Existing Units prior to such recording, nor the respective amounts assessed to or due from the Unit Owner(s) of Existing Units for Common Expenses or other assessments levied or assessed prior to such recording.
- 8. The recording of this Fourth Amendment shall not alter or affect Section 12.4 of the Declaration, and the lien of every mortgage encumbering an Existing Unit, together with its appurtenant percentage of ownership interest in the Existing Common Elements, shall automatically be deemed to be adjusted and amended to encumber such Unit and the respective percentage of ownership interest in the Common Elements for such Existing Unit as set forth in such Amendment to the Declaration, and the lien of such mortgage shall automatically attach to such percentage interest in the Added Common Elements (as defined in the Declaration).
- 9. Declarant hereby reserves its rights under Article Twelve of the Declaration as to those portions of the Future Expansion Parcel not added and annexed to the Property or Parcel pursuant to this Fourth Amendment;

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10. Except as modified, altered and/or amended by this Fourth Amendment, the Declaration is declared to be, and shall continue in full force and effect, in accordance with its terms.

[SIGNATURE NEXT PAGE]

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IN WITNESS WHEREOF, 401 North Wabash Venture LLC, has caused this Third Amendment to be executed by its duly authorized manager this __/_3_ day of March 2009.

401 North	Vy bysh	Venture LLC,
	///////	Venture LLC,

Andrew Weiss Vice-President

STATE OF ILLINOIS

SS.:

COUNTY OF COOK

The undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Andrew Weiss, Vice-President of 401 North Wabash Venture LLC, who is personally known to me, appeared before me this day in person and acknowledged that he signed and delivered this instrument as his own free and voluntary act, and as the free and voluntary act of 401 North Wabash Venture LLC, for the uses and purposes herein set forth.

GIVEN under my hand and notarial scal this 13 day of March 2009.

Notary Public

LAURIE MAYBRUN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 9/2/2009

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CONSENT OF MORTGAGEE

Deutsche Bank Trust Company Americas, a New York banking corporation, holder of a Mortgage on the Property dated February 7, 2005 and recorded in the Cook County Recorder's Office as Document No. 0503934132 hereby consents to the execution and recording of the within Fourth Amendment and agrees that said Mortgage is subject thereto and to the provisions of the Illinois Condominium Property Act.

IN WITNESS WHEREOF, Deutsche I of Mortg. ge; at New York, New York March	Bank Trust Company Americas has executed this Consent By: William C. Mott Jr. Managing Director Title:
	Name: JAMES ROLISON Title:
	C/ents Office

STATE OF NEW YORK)) SS.			
COUNTY OF NEW YORK)			
I, Karn D. Bernsohn, a Notary Public in and for said County and State, do hereby certify that william C. Most Tr., the Managing Onctro of DEUTSCHE BANK TRUST COMPANY AMERICAS, a New York banking corporation appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, and as the free ard voluntary act of said corporation, for the uses and purposes therein set forth.			
GIVEN under my hand and notarial seal this 13 day of Manch 2009.			
En D. 21			
Notary KAREN D. BERNSOHN Notary Public, State of New York No. 01BE6008838 Qualified in New York County Commission Facility			
COUNTY OF NEW YORK) SS. COUNTY OF NEW YORK) Commission Expires June 15 2010			
I, Serno Bersohn, a Notary Public in and for said County and State, do hereby certify that James Rolison, the Many in Director of DEUTSCHE BANK TRUST COMPANY AMERICAS, a New York banking corporation, appeared before me this day in person and acknowledged that they signed, sealed and delivered said in strument as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.			
GIVEN under my hand and notarial seal this 13 day of 100.			
Notary Public KAREN D. BERNSOHN Notary Public, State of New York No. 01BE6008838 Qualified in New York County Commission Expires June 15246			

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FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS, AND BYLAWS FOR THE RESIDENCES AT 401 NORTH WABASH AVENUE, A CONDOMINIUM

[Exhibit A-1]
[Legal Description of Added Portion]

RESIDENTIAL PARCEL RC27C1

THAT PART OF LOT 1 IN TRUMP TOWER SUBDIVISION, BEING A SUBDIVISION IN SECTION 10, TOWNSHIP 39 NOP IF, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANF JAVING AN ELEVATION OF +996.83 FEET ABOVE THE CHICAGO CITY DATUM AND LYING ABOVE A FOR ZONTAL PLANE HAVING AN ELEVATION OF +855.01 FEET ABOVE THE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF EAST NORTH WATER STREET WITH THE WEST LINE OF NORTH RUSH STREET, SAID POINT BEING ALSO THE NORTHEAST CORNER OF LOT 1, AFORESAID; THENCE SOUTH 00°18'37" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 104.51 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; TUPNCE SOUTH 62°24'24" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 100.55 FGET TO A BEND THEREIN; THENCE SOUTH 48°44'55" WEST, ALONG THE SOUTHERLY LINE OF SAID LCT. 1, A DISTANCE OF 193.51 FEET; THENCE NORTH 41°15'05" WEST, 18.41 FEET TO THE POINT OF B. GINNING; THENCE SOUTH 48°42'41" WEST, 28.15 FEET; THENCE NORTH 41°15'05" WEST, 15.16 FEET; THENCE NORTH 48°44'55" EAST, 1.68 FEET; THENCE NORTH 41°15'05" WEST, 15.64 FEET; THENCE SOUTH 48°44'55" WEST, 38.69 FEET; THENCE NORTH 41°15'05" WEST, 16.01 FEET; THENCE NORTH 48°44'.5" EAST, 9.17 FEET; THENCE NORTH 41°15'05" WEST, 12.92 FEET; THENCE SOUTH 48°44'55" WEST, 17 05 FEET; THENCE NORTH 41°15'05" WEST, 2.13 FEET; THENCE SOUTH 48°44'55" WEST, 2.22 FEET; THENCE NORTH 89°15'05" WEST, 5.07 FEET; THENCE SOUTH 00°44'55" WEST, 3.12 FEET; THENCE NORTH 89°04'45" WEST, 16.46 FEET; THENCE NORTH 46°28'57" WEST, 7.02 FEET; THENCE NORTH 00°55'17" EAST, 36.96 FEET; THENCE NORTH 48°43'33" EAST, 75.56 FEET; THENCE SOUTHEASTERLY 86.86 FFET ALONG THE ARC OF A CIRCLE, HAVING A RADIUS OF 37.66 FEET, CONCAVE SOUTHWESTERLY, AND WHOSE CHORD BEARS SOUTH 65°11'48" EAST A DISTANCE OF 68.85 FEET; THENCE SOUTH 0\(\cdot\) 52'50" WEST, 35.05 FEET; THENCE SOUTH 46°19'10" EAST, 6.81 FEET; THENCE SOUTH 00°52'50" WE'5T, 17.17 FEET TO THE POINT OF BEGINNING:

(EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS:

COMMERCIAL PARCEL C22

THAT PART OF LOT 1 IN TRUMP TOWER SUBDIVISION, BEING A SUBDIVISION IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +1165.33 FEET ABOVE THE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +276.54 FEET ABOVE THE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF EAST NORTH WATER STREET WITH THE WEST LINE OF NORTH RUSH STREET, SAID POINT BEING ALSO THE NORTHEAST CORNER OF LOT 1, AFORESAID; THENCE SOUTH 00°18'37" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 104.51 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 62°24'24" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 100.55 FEET TO A BEND THEREIN; THENCE SOUTH 48°44'55" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 205.29 FEET; THENCE NORTH 41°20'19" WEST, 91.08 FEET TO THE POINT OF BEGINNING; THENCE NORTH 41°20'19" WEST, 9.47 FEET; THENCE NORTH 48°46'21" EAST, 10.22 FEET; THENCE SOUTH 41°20'19" EAST, 9.47 FEET;

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FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS, AND BYLAWS FOR THE RESIDENCES AT 401 NORTH WABASH AVENUE, A CONDOMINIUM

[See Attached Exhibit A-2] [Supplemental Plats of Survey]

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FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS, AND BYLAWS FOR THE RESIDENCES AT 401 NORTH WABASH AVENUE, A CONDOMINIUM

[Exhibit B] [Percentage Interest in the Common Elements]

			% Common
	Un	it	Ownership
/x			
1	29	A	0.3919%
	30	Α	0.3959%
	31	A	0.3998%
	32	A	0.4038%
	33	A	0.4078%
	34	A	0.4119%
	35	A	0.4119% 0.4160% 0.4202% 0.4244%
	36	A	0.4202%
	37	A	0.4244%
	38	A	0.4287%
	39	A	0.4329%
	40	A	0.4373%
	41	A	0.5153%
	42	A	0.5205%
	43	A	0.5257%
	44	A	0.5425%
	45	A	0.5479%
	46	A	0.5534%
	47	A	0.5589%
	48	A	0.5645%
	49	A	0.5701%
	51	A	0.4886%
	52	A	0.4274%
	53	A	0.4317%
	54	A	0.4360%
	55	A	0.4404%
	56	A	0.4448%
	57	A	0.4492%

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58	A	0.4537%
59	A	0.4582%
60	A	0.4628%
61	A	0.4674%
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67	A	0.4962%
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