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Doc#: 0913803058 Fee: \$68.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 05/18/2009 03:59 PM Pg: 1 of 17

This instrument prepared by and
after recording mail to:
William J. Seitz
Fisk Kart Katz and Regan, Ltd.
77 West Washington Street, #900
Chicago, IL 60602
312/726-1833

PINs: 16-07-120-034/035

RECORDER'S STAMP

U395671 PH 11

**SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR
REGENCY DUPLEX CONDOMINIUM ASSOCIATION**

THIS SECOND AMENDMENT is made and entered into by Regency Club Homes LLC, an Illinois limited liability company, (hereinafter referred to as the "Declarant").

RECITALS

Declarant Recorded the Declaration of Condominium Ownership and of Easements, Covenants and By-Laws (the "Declaration") for the Regency Duplex Condominium Association on September 21, 2007. This was filed at the Office of the Recorder of Deeds for Cook County, Illinois, as Document 0726415108.

The Declaration submitted a tract of real estate to the provisions of the Illinois Condominium Property Act ("Act"). The Plat of Survey ("Plat") was attached as Exhibit A. It was made a part of, and recorded with, the Declaration.

The Declarant reserved the right and power to Record a Special Amendment to the Declaration to, among other things, correct errors, omissions, inconsistencies or ambiguities in this Declaration or any Exhibit thereto or any supplement or amendment thereto.

Declarant Recorded the First Amendment to Declaration of Condominium Ownership and of Easements, Covenants and By-Laws ("First Amendment") for the Regency Duplex

5/18/09
CR
WJ

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Condominium Association on May 21, 2008. This was filed at the Office of the Recorder of Deeds for Cook County, Illinois, as Document 0814222035.

The amendments to the Declaration correct survey errors contained in the Plat. Those errors relate to 2 tax parcels, more specifically identified in the Cook County Warrant Books as Volume 141, under the following Property Index Numbers:

Property Index Number 16-07-120-034-0000. The common address is 170 North Marion Street in Oak Park. The Cook County Clerk identifies the property in Tax Code 27005.

On this tax parcel are the 12 Regency Duplex Condominium Association units that are subject to this Declaration.

Also on this tax parcel are the 13 Regency Club Town Homes located at 174 to 198 North Marion Street. Those have been constructed and are part of the Regency Club Town Home Association, established pursuant to a Declaration of Covenants, Conditions, Easements and Restrictions recorded on February 8, 2007. This was filed at the Office of the Recorder of Deeds for Cook County, Illinois, as Document No. 0703918029.

The Regency Club Town Home Association is intended to comprise 14 town homes: 172 to 198 North Marion Street, as set out in its Declaration of Covenants, Conditions, Easements and Restrictions.

Property Index Number is 16-07-120-035-0000. The common address is 1050 Ontario Street in Oak Park. The Cook County Clerk identifies the property in Tax Code 27004.

This tax parcel is a strip of vacant land that is 10 foot wide by 327 foot long.

First Amendment. The First Amendment corrects a survey error by removing the East 10 foot strip from the condominium. The originally filed Declaration erroneously submitted the land that comprises Property Index Number 16-07-120-035-0000 under the Condominium Property Act. Because the Cook County Tax Codes for that tax parcel and for Property Index Number 16-07-120-034-0000 differ, this is impermissible under Cook County ordinances. For this reason, they cannot be combined.

The amended survey attached to the First Amendment excludes the land that comprises Property Index Number 16-07-120-035-0000. It will be a common area of the condominium association, once deeded by Regency Club Homes LLC to the Regency Duplex Condominium Association, as provided under the pertinent statutory provisions: Section 10 of the Condominium Property Act (765 ILCS 605/10) and Section 10-35 of the Property Tax Code (35 ILCS 200/10-35).

Second Amendment. This Second Amendment corrects a survey error that placed the driveway in the wrong location. Section 1.26 of the Declaration defines "Outside Driveways" as

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set out by the Plat of Survey. The driveways marked on the Plat are required and intended to provide vehicular and pedestrian access to Marion Street and to public sidewalks. The driveway is to be located at the south end of the site.

The originally recorded Plat erroneously submitted the wrong location for the Condominium Property "Outside Driveways". Erroneously submitted under the Condominium Property Act was a 20 feet wide by 51.17 feet long parcel of land that was intended for the 14th Regency Club Town Home to be constructed at 172 North Marion Street. This Second Amendment removes this land from the Act, so that a separate tax parcel can be created for 172 North Marion Street.

This Second Amendment records an Amended Plat of Survey that excludes the site of the 14th Regency Club Town Home at 172 North Marion Street. As set out in the Amended Plat, the correct driveway site is being submitted to the provisions of the Condominium Property Act.

To correct the above error, with this Second Amendment, Declarant desires to exercise the rights and powers reserved in Section 14.13 of the Declaration to correct clerical or typographical errors in this Declaration or any Exhibit thereto or any supplement or amendment thereto.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. Terms. All Terms used herein, if not otherwise defined herein, shall have the meanings set forth in the Declaration.

2. Added Real Estate/Amendment of Exhibit A. This Second Amendment adds to the Real Estate: An Outside Driveway as part of the Common Elements on the South boundary of the property. This portion of the Real Estate, which is legally described in Exhibit A to the Second Amendment attached hereto is hereby made part of the Condominium Property as "Added Condominium Property" and is also submitted to the provisions of the Act.

3. Removed Real Estate/Amendment of Exhibit A. This Second Amendment removes from the Real Estate: the site of the 14th Town Home and the 10 foot strip of land on the East boundary of the property. This portion of the Real Estate, which is legally described in Exhibit A to this Second Amendment attached hereto is hereby removed from the Condominium Property as "Removed Condominium Property" and is also removed from the provisions of the Act.

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

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

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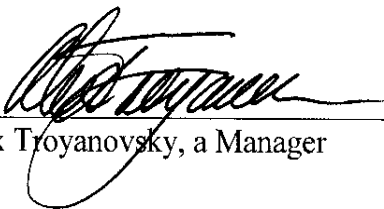
6. New Survey. The Plat of Survey attached to the original declaration is deleted and the new Exhibit A attached to this amendment is substituted therefore.

Dated: 5/12, 2009

DECLARANT:

REGENCY CLUB HOMES LLC, an Illinois limited liability company.

By: Regency Club Homes LLC, an Illinois limited liability company

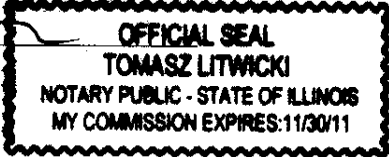
By: 
Alex Troyanovsky, a Manager

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, TOMASZ LITWICKI, a Notary Public in and for County and State aforesaid, do hereby certify that ALEX TROYANOVSKY as manager of Regency Club Homes LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such _____, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as _____ own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 12 day of MAY, 2009.

Notary Public



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PROPERTY DESCRIPTION

Street Address: 170 North Marion Street, Oak Park

P.I.N. 16-07-120-034-0000

Street Address: 1050 Ontario Street, Oak Park

P.I.N. 16-07-120-035-0000

Legal Description:

LOT 1 IN MORADI SUBDIVISION, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM PARCEL 1 AND PARCEL 2, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1;
THENCE NORTH 89°52'08" EAST, A DISTANCE OF 43.17 FEET;
THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 6.00 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 8.00 FEET;
THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 302.02 FEET;
THENCE NORTH 90°00'00" WEST, A DISTANCE OF 51.17 FEET;
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 307.92 FEET,
TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EAST 10 FEET OF LOT 1 IN MORADI SUBDIVISION, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT A

TO

SECOND AMENDMENT

**DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-
LAWS FOR
REGENCY DUPLEX CONDOMINIUM ASSOCIATION**

**AMENDED PLAT OF SURVEY
(ATTACHED HERETO)**

Property of Cook County Clerk's Office

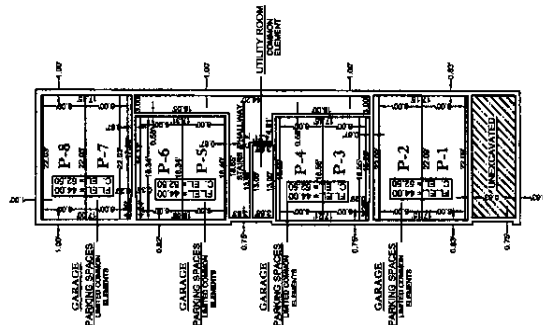
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UNITED SURVEY SERVICE, LLC
 CONSTRUCTION AND LAND SURVEYORS
 3415 NORTH AVENUE, UNIT D, MELROSE PARK, IL 60160-1017
 TEL: (847) 286 - 1010 FAX: (847) 299 - 5987
 E-MAIL: USURVEY@COMCAST.NET

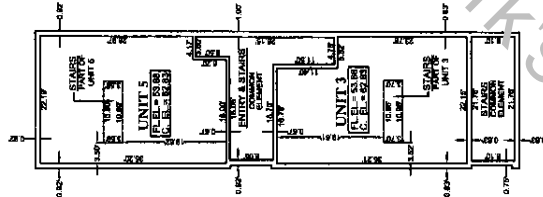
PLAT OF SURVEY

AMENDED EXHIBIT "A" REGENCY DUPLEX CONDOMINIUM

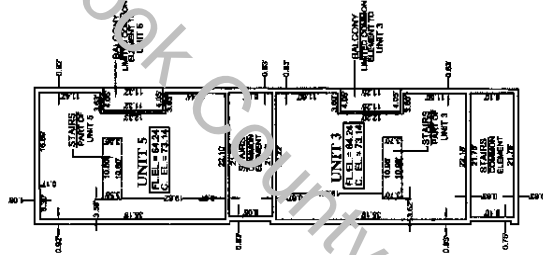
BUILDING "A"



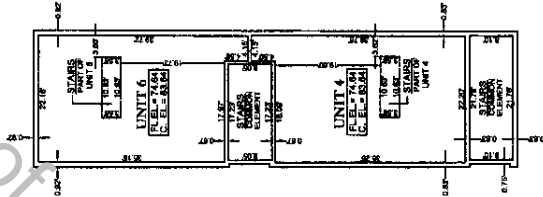
BASEMENT



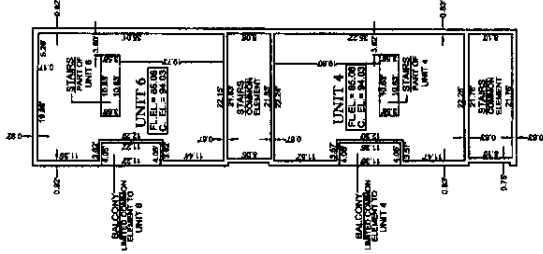
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR



FOURTH FLOOR

F.F.L. = FINISHED FLOOR ELEVATION
 C.E.L. = CEILING ELEVATION
 C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT

NOTE:

- DIMENSIONS SHOWN ARE TO FINISHED SURFACE UNLESS OTHERWISE NOTED.
- REFER TO CONDOMINIUM DECLARATION FOR COMMON ELEMENT RIGHTS.

ORDERED BY:	4/1008	AMENDED PLAT/UPDATED DEVELOPMENT
SCALE:	1" = 10'	EXCEPTION PARCEL 3
DATE:	AUGUST 8, 2007	UPDATED
FILE No.:	090807	REVISED
2007 - 17635	DATE	REVISION

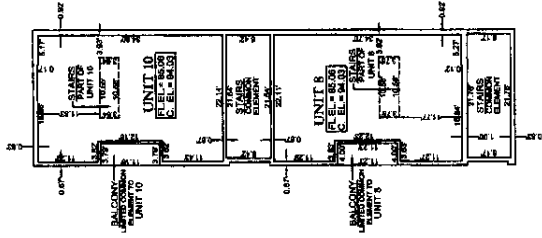
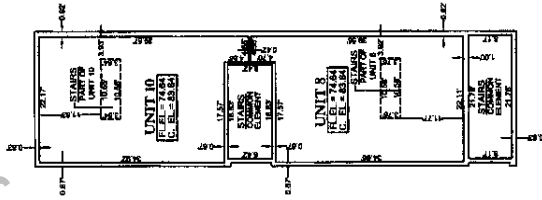
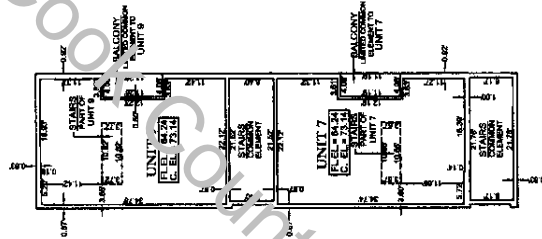
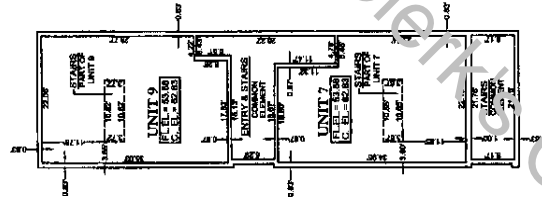
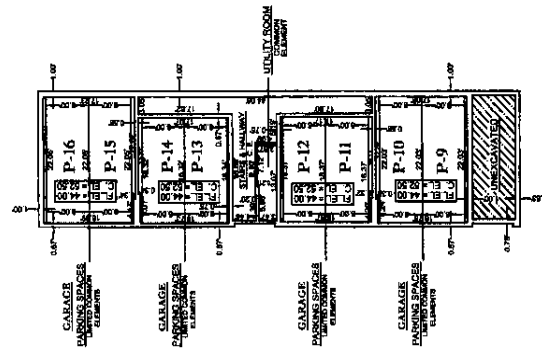
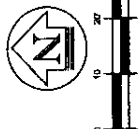
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UNITED SURVEY SERVICE, LLC
 CONSTRUCTION AND LAND SURVEYS
 3415 NORTH AVENUE, UNIT D, MELROSE PARK, IL 60180-1017
 TEL.: (847) 288-1010 FAX: (847) 288-5887
 E-MAIL: USURVEY@COMCAST.NET

PLAT OF SURVEY

AMENDED EXHIBIT "A" REGENCY DUPLEX CONDOMINIUM

BUILDING "B"



NOTE:
 - FINISHED FLOOR ELEVATION
 - C.E.L. = CEILING ELEVATION
 - C.E. = COMMON ELEMENT
 - L.C.E. = LIMITED COMMON ELEMENT

NOTE:
 - DIMENSIONS SHOWN ARE TO FINISHED SURFACE
 - DIMENSIONS OTHER THAN NOTED
 - REFER TO CONDOMINIUM DECLARATION FOR COMMON ELEMENT RIGHTS.

ORDERED BY: REGENCY DATE: 11.14.07	47108 AMENDED PLAT / UPDATED 3/08/08	DATE	REVISION
SCALE: 1" = 12'-0"	EXCEPTION PARCEL 3 UPDATED		
FILE NO.: 2007 - 17635	7/25/07 REVISED		

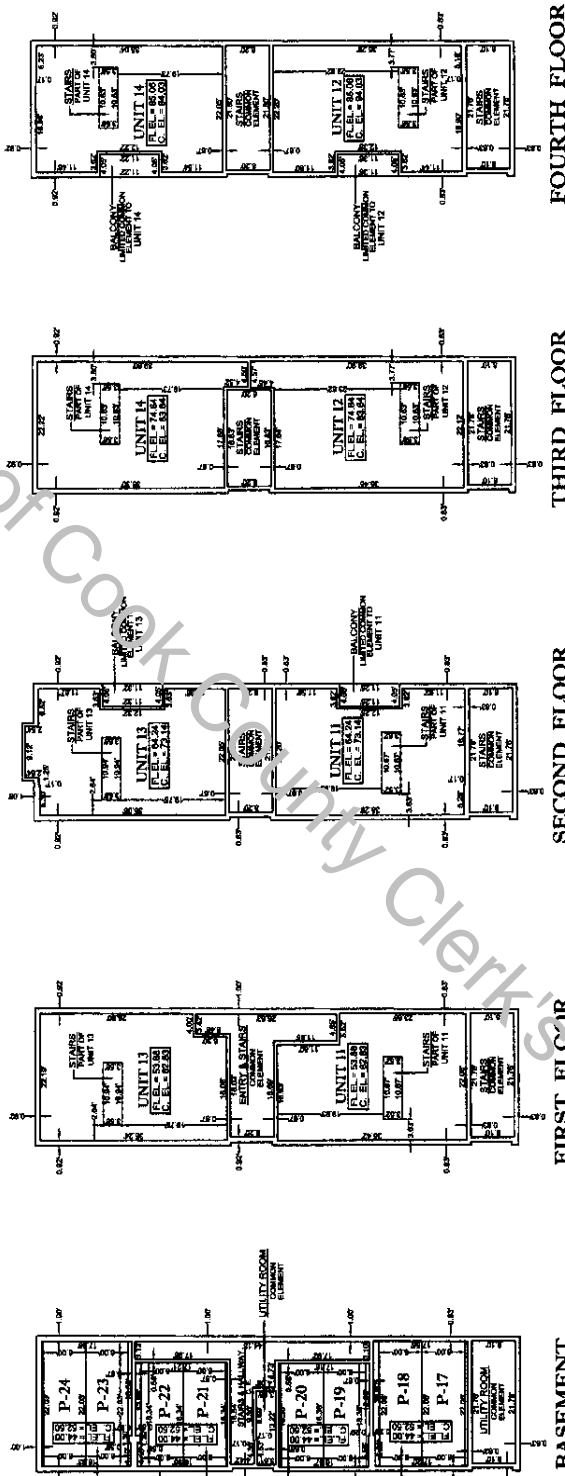
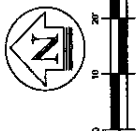
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UNITED SURVEY SERVICE, LLC
 CHICAGO, ILL. LAND SURVEYORS
 3415 NORTH AVENUE UNIT D, MELROSE PARK, IL 60160-1017
 TEL: (847) 288 - 1010 FAX: (847) 288 - 5887
 E-MAIL: USURVEY@COMCAST.NET

PLAT OF SURVEY

AMENDED EXHIBIT "A" REGENCY DUPLEX CONDOMINIUM

BUILDING "C"



NOTE:
 - FINISH FLOOR ELEVATION
 - CEILING ELEVATION
 - COMMON ELEMENT
 - LIMITED COMMON ELEMENT

NOTE:
 - DIMENSIONS SHOWN ARE TO FINISHED SURFACE UNLESS OTHERWISE NOTED.
 - REFER TO CONDOMINIUM DECLARATION FOR COMMON ELEMENT RIGHTS.

ORDERED BY:	REGENCY	4/1/09	AMENDED PLAT / UPDATED
DRAWN BY:	USURVEY	5/9/08	EXCEPTION PARCEL 3
SCALE:	1" = 10'	4/7/08	UPDATED
DATE:	AUGUST 1, 2007	6/28/07	REVISED
FILE NO.:	2007 - 17635		REVISION
		DATE	REVISION

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EXHIBIT B

TO

**DECLARATION OF CONDOMINIUM OWNERSHIP AND OF
EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR
REGENCY DUPLEX CONDOMINIUM ASSOCIATION**

**PERCENTAGE OF OWNERSHIP INTEREST
IN THE COMMON ELEMENTS**

Unit Number Percentage

Property of Cook County Clerk's Office

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EXHIBIT "B"

**REGENCY DUPLEX
CONDOMINIUM ASSOCIATION****PERCENTAGE OF OWNERSHIP**

UNIT #	SALES PRICE	% OF OWNERSHIP COMMON ELEMENTS
3	\$ 450,000	8.0645%
4	\$ 475,000	8.5126%
5	\$ 450,000	8.0645%
6	\$ 475,000	8.5126%
7	\$ 450,000	8.0645%
8	\$ 475,000	8.5126%
9	\$ 450,000	8.0645%
10	\$ 475,000	8.5126%
11	\$ 450,000	8.0645%
12	\$ 475,000	8.5126%
13	\$ 460,000	8.2436%
14	\$ 495,000	8.8709%
		100.0000%

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EXHIBIT C

TO

SECOND AMENDMENT

MEMORANDUM

TO: Office of Cook County Assessor
Divisions Department

FROM: William J. Seitz, Preparer of Second Amendment 

This configuration of the land in the Second Amendment is the final amendment to the Regency Duplex Condominium Association.

No further amendments are anticipated. The final Legal Description for the condominium will be as provided for in this Second Amendment.

It is respectfully requested that both the First and Second Amendments to the Declaration of Condominium Ownership and of Easements, Covenants, and By-Laws for the Regency Duplex Condominium Association be worked by the Assessor's office.

This will enable the 2010 assessment of the condominium to reflect the correct land configuration, and a 2010 assessment be created for the 14th Town House.

WJS

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CONSENT OF MORTGAGEE

Hank Schwabauer, vice President, as lender and agent, holder of a Mortgage on the Property legally described on Exhibit A attached hereto, hereby consents to the execution and recording of the within Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws and agrees that said Mortgage is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.

IN WITNESS WHEREOF, Hank Schwabauer, Vice President has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf; all done at Community Bank of Oak Park on this 14th day of May 2009 River Forest.

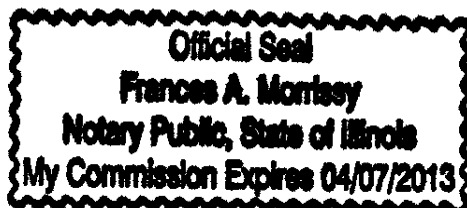
By: [Signature]
Its: VICE PRESIDENT

STATE OF ILLINOIS)
)
) SS.
COUNTY OF COOK)

I, Frances A. Morrissy, a Notary Public in an _____, as lender and agent, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Hank Schwabauer 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, for the uses and purposes therein set forth

Given under my hand and Notarial Seal this 14th day of May 2009,

[Signature]
Notary Public



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04/28/2009 14:53

17083861923

BAIRD & WARNER

PAGE 03/11

CONSENT OF UNIT OWNER

Mr. Keith Dobbetfuhl and Ms. Sonja Thompson, as Owner(s) of Unit 9 of the Regency Duplex Condominium Association legally described on amended Exhibit A attached hereto, hereby consents to the execution and recording of the Second Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws and agrees that said Unit is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.

By Keith Dobbetfuhl

By Sonja Thompson

Date 4/30/09

Property of Cook County Clerk's Office

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04/29/2009 01:35

708-386-1923

BAIRD & WARNER

PAGE 03/12

CONSENT OF UNIT OWNER

Mr. Michael R. Asher, as Owner(s) of Unit 11 of the Regency Duplex Condominium Association legally described on amended Exhibit A attached hereto, hereby consents to the execution and recording of the Second Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws and agrees that said Unit is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.

By

Michael R. Asher

By

Date

5-9-2009

Cook County Clerk's Office

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CONSENT OF UNIT OWNER

Ms. Patricia A. O'Neill and Mr. William C. Lortz, as Owner(s) of Unit 13 of the Regency Duplex Condominium Association legally described on amended Exhibit A attached hereto, hereby consents to the execution and recording of the Second Amendment to Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws and agrees that said Unit is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.

By Patricia A. O'Neill

By William C. Lortz

Date 5-11-09

Consent is conditioned on property (16-07-120-035-0000) being deeded from Regency Club Homes LLC to Regency Duplex Condominium Association.

Property of Cook County Clerk's Office