EXHIBIT

ATTACHED TO

09149196

DOCUMENT NUMBER

SEE PLAT BOOK

12-9-99

RETURN TO: 30/15
TICOR TITLE INSURANCE NOFFICIAL CO. 50/149196
203 N. LaSALLE, STE. 1400 NOFFICIAL CO. 50/1007 53 001 Page 1 of 9
CHICAGO, IL 60601
RE: 440248 K
Cook County Recorder 71.00

PREPARED BY & MAIL TO: P.D. Hartz Construction Company, Inc. 8995 WEST 95TH STREET PALOS HILLS, IL 60465 Original Document No. 99333248



THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR KIRBY CONDOMINIUM ASSOCIATION

THIS DECLARATION is made by Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee under Trust No. 7573, dated November 1, 1983, hereinaften known as "Declarant" and P.D. Hartz Construction Company, Inc., hereinafter known as "Developer".



WITHESSETH

WHEREAS, by the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 99333248 on April 7, 1999. Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee, under Trust Number 7573, dated November 1, 1983, and not individually, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as Kirby Condominium Association; and

WHEREAS, under Paragraph 1 of Article XIX of the Declaration, the right is reserved by the Developer P.D. Hartz Construction Company, Inc., to annex and acid certain real property to the Parcel and Property described in the Declaration, and thereby add to the Condominium; and

WHEREAS, Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Agreement dated November 1, 1983, and known as Trust No. 7573, is the legal title holder of the property to be annexed and P.D. Hartz Construction Company, inc. is the Developer and wishes to annex and add to said Parcel and Property, and thereby submit to the Act as a part of the Condominium the following real property (the "Additional Property"):

Lots 16 and 17 in Town Pointe Multi-Family Unit 1, being a subdivision as recorded per Document No. 98-194139 of part of the South West Quarter (1/4) of Section 35, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, recorded on March 11, 1998 as Document No. 98-194139.

PIN: 27-35-301-002-0000

DATE 129/99 COPIES !

G: DecksFldr-AMENDMENTTHREEKirby7-26-99.doc

COMMON ADDRESSES: 18118 Kirby Drive 18128 Kirby Drive

18120 Kirby Drive 18130 Kirby Drive 18122 Kirby Drive 18132 Kirby Drive

18124 Kirby Drive 18134 Kirby Drive

which property is a portion of the Development Area described in said Declaration; and

WHEREAS, the Additional Property is now improved with two (2) buildings containing (4) four units each for a total of eight (8) units as defined in the Declaration.

NOW THEREFORE, Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustce under Trust Agreement dated November 1, 1983, and known as Trust No. 7573, and not individually, as the legal title holder of the Additional Property and P.D. Hartz Construction Company, Inc. as the Developer, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

- 1. The Additional Property is hereby annexed to the parcel and Property as defined in Article I of the Declaration and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with, and shall be deemed to be governed in all respects by the terms and provisions of the Declaration.
- 2. The Plat attached to the Declaration a. Exhibit "A" showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by Exhibit "A" attached hereic showing the boundaries of the annexed Property and Describing the additional units contained in said annexed Property.
- 3. Exhibit "B" attached to the Declaration setting forth the percentages of the undivided interest in the common elements corresponding to each Unit described in Exhibit "A" prior to this Amendment are hereby reduced to the respective percentage interest in the common elements as set forth in Exhibit "B" attached hereto. Exhibit "C" attached to the Declaration is amended by the substitution of Exhibit "C" attached hereto.
- 4. The additional common elements added to the Declaration by this Amendment, are hereby granted and conveyed, all as set forth in the Declaration.
- 5. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

| SEE ATTACHED RIDER FOR EXECUTION BY TRUSTEE SEE ATTACHED RIDER FOR EXECUTION BY TRUSTEE Old Kent Bank, as Successor to First National Bank of Evergreen Park, as Trustee, under Trust Agreement No. 7573, dated November 1, 1983 BY: Wice President and Trust Officer ATTEST: Assistant Trust Officer STATE OF ILLINOIS) SS COUNTY OF COOK) I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo Who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rod 1gh1 erg who is Size President and Trust Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, "espectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this Wy Commission Expires: Old Kent Bank of Evergreen Park, as Trustee, under Trust American Notarial Bank of Evergreen Park, as Trustee, under Trust Officer ATTUSTORIES President and Trust Officer ATTUSTORIES Presi | IN WITNESS WHEREOF, the Declar hereunto and caused its name to be signed he day of <u>December</u> , 1999. | rant has caus reto by its duly | ed its corporate seal to be affixed authorized officers, this 6774 | | |
|--|---|-------------------------------------|--|--|--|
| ATTEST: **Manual Adultation** Assistant Trust Officer STATE OF ILLINOIS) SS COUNTY OF COOK) I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Perk, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge trict is a scustodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this | SEE ATTACHED RIDI EXECUTION BY TR | ER FOR | National Bank of Evergreen Park, as Trustee, under Trust Agreement No. | | |
| STATE OF ILLINOIS) SS COUNTY OF COOK) I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighierg who is Ass't Tr Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that it is as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of Licenster, 1999. Licenster Augusta | BY: New Vice President and Trust Officer | | | | |
| STATE OF ILLINOIS) SS COUNTY OF COOK) I, the undersigned, a Notary Public in and fc. the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighierq who is Ass't Tr Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that he as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of | ATTEST: | | | | |
| I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Offcr, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of | Manus Podichicio Assistant Trust Officer | | | | |
| I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Offcr, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that his as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of | | | | | |
| I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Offcr, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that his as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of | | • | | | |
| I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Offcr, of the same corporation, personally known to me to be the same personal whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that has as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this day of | | | | | |
| HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Offcr, of the same corporation, personally known to me to be the same personally of the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that it is as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. GIVEN under my hand and Notarial Seal this | • | 0, | | | |
| My Commission Expires: "OFFICIAL SEAL" ELAINE M. CIOLKOWSKI Notary Public, State of Illinois | HEREBY CERTIFY THAT Robert J. Mayo who is Vice President and Trust Officer of Old Kent, as Successor to First National Bank of Evergreen Park, as Trustee under Trust Number 7573 dated November 1, 1983 and Nancy Rodighiero who is Ass't Tr Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth, there acknowledge that he as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth. | | | | |
| My Commission Expires: "OFFICIAL SEAL" ELAINE M. CIOLKOWSK! Notary Public, State of Illinois | Flaire M. Violhamski | | | | |
| My Commission Expires: ELAINE M. CIOLKOWSKI Notary Public, State of Illinois | NOTARY PUBLIC | WODELOLAT | SEAL" | | |
| | Wy Commission Expired. | ELAINE M. CIO Notary Public, Sta | OLKOWSKI kite of Illinois | | |

RIDER ATTACHED TO THE THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP

DATED NOVEMBER 1, 1983 UNDER TRUST NO. 7573

Executed and delivered by Old Kent Bank, as Successor to First National Bank of Evergreen Park, not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property, and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding that each and all of the undertakings and agreements herein made, are made and intended not as personal undertakings and agreements of the Trustee, or for the purpose of binding the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon it as such Trustee, and no personal liability or personal responsibility is assumed by, or shall at any time be asserted or enforced against said Trustee on account hereof or on account of any undertaking or agreement herein contained, either expressed or implied. All such personal liability, if any being hereby expressly waived and released by all other parties hereto, and those claiming by, through or under them.

Old Kent Bank, as Successor to First National Bank of Evergreen Park, not not individually, but as Trustee under Trust Number 7573

BY: Vice President & Trust Officer

ATTEST:

Assistant Trust Office

CONSENT OF MORTGAGEE

Old Kent Bank, the owner and holder of the mortgages, dated June 1, 1999 Document No. 99729786 and dated June 23, 1999 Document No. 99605571 recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on the property, hereby consent to the execution and recording of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the Kirby Condominium Association.

IN WITNESS WHEREOF the said Old Kent Bank has caused the instrument to be signed by it Ç

| IN WITNESS WHEREOF, the said Old Kerit Barik Has caused the institution to be signed by the duly outborized officers on its behalf; all done at Cook County, Illinois, on the 672 day |
|--|
| its duly authorized officers of its bentail, all done at event, white, |
| of <u>DECEMBEN</u> 1999. |
| |
| (4/10-1) |
| By: Hafer L. Mord., Vt |
| 09. / / / / / / / / / / / / / / / / / / / |
| |
| ATTEST: |
| |
| |
| |
| STATE OF ILLINOIS) (SS) (COUNTY OF COOK) |
| CTATE OF HILINOIS |
| STATE OF ILLINOIS)) SS |
| COUNTY OF COOK) |
| Country of order / |
| |
| I, PATRICIA A. UIDL, a Notary Public in and for the said County and State, DO HEREBY |
| CERTIES that CANTORN B. NOVAK and LUKE OOSTERHOUSE respectively of, Old Kent Bank |
| as Successor to First National Bank of Evergreen Park, personally known to me to be same |
| persons whose names are subscribed to the foregoing instrument as such _ vic PRESIDENT |
| and VICE PRESIDENT, 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 and |
| voluntary act of said corporation, or the uses and purposes therein set forth. |
| Voluntary act of said corporation, of the door and purposes the same said |
| Given under my hand and Notarial seal the 6TH day of DECEMBER , 1999. |
| ~ 1 2 |
| () () () () () () () () () () |
| NOTARY PUBLIC PATRICIA A. UIDL |
| Notary Public, State of Illinois |
| My Commission Expires 11/15/03 |
| My Commission Expires: 11/15/03 |
| my 442 |
| |

EXHIBIT "B" PERCENTAGE INTERESTS IN COMMON ELEMENTS FOR KIRBY CONDOMINIUM ASSOCIATION

| <u>UNITS</u> | % INTEREST |
|--|--|
| 8412 | 3.571% |
| 8414 | 3.571% |
| 8416 | 3.571% |
| 8418 | 3.571% |
| 8416 8418 8422 8424 8426 8426 | 3.571% |
| 8424 | 3.571% |
| 8426 | 3.571% |
| 8428 | 3.571% |
| 8432 | 3.571% |
| £47A | 3.571% |
| | 3.571% |
| 8438 | 3.571% |
| 8442 | 3.571% |
| 8444 | 3.571% 3.571% 3.571% 3.571% 3.571% 3.571% 3.571% 3.571% 3.571% |
| 8446 | 3.571% |
| 8448 | 3.571% |
| 8452 | 3.571% |
| 8454 | 3.571% |
| 8456 | 3.571% |
| 8458 | 3.571% |
| 18118 | |
| 18120 | <i>3</i> 571% |
| 18122 | 3.571% |
| 18124 | 3.571% |
| 18128 | 3.571% |
| 18130 | 3.571% |
| 18132 | 3.571% 3.571% <u>3.583%</u> |
| 18134 | |
| | 100.000% |

EXHIBIT "C" ADDITIONAL LAND

Lots 18 through 24, both inclusive, in Town Pointe Multi Family Unit 2, being a subdivision as recorded per Document No. 09033230 on November 3, 1999 of part of the Southwest 1/4 of Section 35, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Dropperty of Cook County Clerk's Office