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SECOND AMENDMENT
TO THE DECLARATION OF
CONDOMINIUM OWNERSHIP
PURSUANT TO THE
CONDOMINIUM PROPERTY ACT
FOR:
4436-38 MALDEN
CONDOMINIUM
ASSOCIATION



Doc#: 0918831090 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/07/2009 12:01 PM Pg: 1 of 4

THIS INSTRUMENT PREPARED
BY AND MAIL TO:
John M. Aylesworth, Esq.
LAW OFFICE OF JOHN M. AYLESWORTH, LTD.
330 N. Wabash, Suite 1700
Chicago, IL 60611

Second Amendment to the DECLARATION OF CONDOMINIUM PURSUANT TO THE ILLINOIS CONDOMINIUM PROPERTY ACT FOR 4436-38 MALDEN CONDOMINIUM, an Illinois Not-For-Profit Corporation, recorded in the office of the Cook County Recorder of Deeds on June 20, 1984, Cook County, Illinois as Document Number 27138083.

This document is recorded for the purpose of amending the Declaration of Condominium Ownership ("Declaration") for the 4436-38 Malden Condominium Association ("Association"), an Illinois Not-For-Profit Corporation, as amended from time to time, property legally described as follows:

UNDERLYING LEGAL DESCRIPTION:

LOT 52 (EXCEPT THE NORTH 28 FEET THEREOF) AND THE NORTH 37 FEET OF LOT 53 IN THE SUBDIVISION OF THE SOUTH QUARTER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE EAST 569.25 FEET THEREOF) IN COOK COUNTY, ILLINOIS

CURRENT LEGAL

UNITS 1-S, 2-S, 3-S, 1-N, 2-N AND 3-N IN 4436-38 MALDEN CONDOMINIUM AS DELINEATED ON THE PLAT OF SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE:

LOT 52 (EXCEPT THE NORTH 28 FEET THEREOF) AND THE NORTH 37 FEET OF LOT 53 IN THE SUBDIVISION OF THE SOUTH QUARTER OF

RECORDING FEE \$ 42
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THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE EAST 569.25 FEET THEREOF) IN COOK COUNTY, ILLINOIS,

WHICH PLAT OF SURVY IS ATTACHD AS EXHIBIT D TO THE DECLARATION OF CONDOMINIUM MADE BY NATIONAL BOULEVARD BANK, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 13, 1980 AND KNOWN AS TRUST NO. 8497, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER 27128083.

PINS: 14-17-123-020-1002; 14-17-123-020-1003; 14-17-123-020-1005
14-17-123-020-1006; 14-17-123-020-1007; 14-17-123-020-1008

This Amendment is adopted pursuant to the provisions of Article 18 (Amendment) of the aforesaid Declaration. Said section provides that the Declaration may be amended, changed or modified upon approval by at least 75% of the Unit Owners, by an instrument in writing, setting forth said amendment, change or modification, signed and acknowledged all member of the Board of managers of the Association and containing an affidavit by an officer of the Association certifying that (i) at least 75% of the Unit Owners have approved such amendment, change or modification and (ii) a copy of the amendment, change or modification has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit not less than ten days prior to the date of such Affidavit.

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been submitted to the provisions of the Illinois Condominium Property Act; and

WHEREAS, the Board and Owners desire to amend the Declaration in order to eliminate any Right of First Refusal previously granted to the Association; and

WHEREAS, the Board and Owners are desirous of more clearly setting forth the Unit Owners' rights and obligations with respect to the Parking Area and the Parking Space Limited Common Elements and by this amendment clarify that those Unit Owner's who have been granted a Parking Space as a Limited Common Element are solely responsible for all costs and expenses necessary for the Parking Area and the Parking Spaces, such costs and expenses, to included but not limited to, the operation, maintenance, repairs, and improvements of the Parking Area and Parking Spaces. As of the date of the recording of this amendment, Unit 2-S does not have a Parking Space and Unit 2-S shall have no financial responsibility, cost or expense to the Association or the other Unit Owner's with respect to the operation, maintenance, repair or improvement of the Parking Area or the Parking Spaces; and,

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WHEREAS, the amendment has been approved in writing by the acknowledged signatures of the Board of Managers and by the acknowledged affidavit of an Officer of the Association certifying that at least 75% of the Unit Owners have approved such amendment and mailed via certified mail to all mortgagees of record having bona fide liens against any Unit a copy of said amendment; all in compliance with Section 18 of the Declaration;

NOW THEREFORE, the DECLARATION OF CONDOMINIUM PURSUANT TO THE ILLINOIS CONDOMINIUM PROPERTY ACT 4436-38 MALDEN CONDOMINIUM is hereby amended in accordance with the text which follows:

- (a) **RIGHT OF FIRST REFUSAL.** Notwithstanding any language in the Declaration to the contrary, the Association and the Board of Managers shall NOT have a right of first refusal to purchase or lease any Unit and each Unit Owner shall have the absolute right to convey or lease said Unit without obtaining a waiver of said right or first refusal, whether express or implied, from the Board of Managers of the 4436-38 Malden Condominium.
- (b) **PARKING AREA AND PARKING SPACES:** Notwithstanding any language in the Declaration to the contrary, the Declaration is amended to state that only those Unit Owner's that have been granted a Parking Space as a Limited Common Element are responsible for the costs and expenses necessary for operation, maintenance, repairs and improvements for the Parking Area and the Parking Spaces. As of the date of the recording of this amendment, Unit 2-S does not have a Parking Space and Unit 2-S shall have no financial responsibility, cost or expense to the Association or the other Unit Owner's with respect to the operation, maintenance, repair or improvement of the Parking Area or the Parking Spaces.
- (b) Except to the extent there is any conflict with the amendatory language set forth above, the remaining provisions of the Declaration shall continue in effect without change.

As evidence of such agreement and consent to the foregoing Amendment, the members of the Board of Directors hereby affix their hands and seals and attach hereto the signatures of the Unit Owners.

Acknowledged this 25 day of June, 2009.


Board President

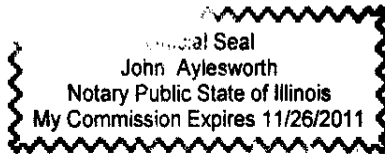

Board Secretary

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Board of Managers:

[Signature]
[Signature]
[Signature]

Subscribed and sworn to before me this 25 day of June, 2009.



Notary Public

Seal:

CERTIFICATION AND AFFIDAVIT

The above and foregoing ^{SECOND} ~~FIRST~~ AMENDMENT to the DECLARATION OF CONDOMINIUM FOR THE 4436-38 MALDEN CONDOMINIUM "Association" was considered and voted upon at the Association's member meeting pursuant to notice of the proposed ~~FIRST~~ Amendment and the undersigned hereby acknowledges and certifies that a minimum of 75% of the Unit Owners voted in favor of, and consented to, said First Amendment.

Second

[Signature]
 Secretary, 4436-38 MALDEN CONDOMINIUM ASSOCIATION

State of Illinois)
) ss
 County of Cook)

I, John Aylesworth, the undersigned, a Notary Public in and for the above referenced County and State do hereby certify that Timothy Moore personally known to me to be the same person whose name is subscribed to the foregoing instrument as having executed the same appeared before me, this date, in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 25 day of June, 2009.

[Signature]
 Notary Public