

# UNOFFICIAL COPY

**CORRECTED  
AMENDMENT TO THE  
DECLARATION OF  
COVENANTS, CONDITIONS,  
RESTRICTIONS AND  
RECEIPROCAL EASEMENTS  
FOR THE  
EMERALD CITY CONDOMINIUM  
ASSOCIATION**



Doc#: 1203318030 Fee: \$72.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 02/02/2012 12:37 PM Pg: 1 of 18

For Use By Recorder's Office Only

This document is recorded for the purpose of amending the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements (hereafter the "Declaration") for the Emerald City Condominium Association, (hereafter the "Association"), which Declaration was recorded on December 9, 1997, as Document Number 97925041, in the Office of the Recorder of Deeds of Cook County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A," which is attached hereto and made a part hereof.

This Amendment is adopted pursuant to the provisions of Article XV, Section 15.08 of the Declaration which may be amended by an instrument in writing, signed by the President or a Secretary of the Board and approved by owners having at least sixty-six and two-thirds percent (66 2/3%) of the total vote, at a meeting called for such purpose. A copy of the Amendment shall be sent by certified mail to all mortgagees having bonafide liens of record against any unit.

## RECITALS

**WHEREAS**, by the Declaration recorded in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been subjected to the covenants contained therein; and

**WHEREAS**, the Board of Directors and the Owners desire to amend the Declaration in order to provide for the orderly operation of the Property; and

**WHEREAS**, the Amendment has been approved by the President or the Secretary of the Board;

**WHEREAS**, the following Amendment has been approved by sixty-six and two-thirds percent (66 2/3%) of the total vote as evidenced by the attached ballots and petitions; and

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

ROBERT B. KOGEN, ESQ.  
Kovitz Shifrin Nesbit  
750 Lake Cook Road  
Suite 350  
Buffalo Grove, IL 60089 — (847) 537-0500

**WHEREAS**, a copy of the Amendment has been approved by a majority of the first Mortgagees having bona fide liens of record as evidenced by the Certification attached hereto as Exhibit B.

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**NOW, THEREFORE**, the Declaration of Condominium for Emerald City Condominium Association is hereby amended in accordance with the text which follows (deletions are struck out, additions are underlined):

1. Article XIII of the Declaration, entitled Restrictions on Alienation, is amended as follows:

13.02 Limits on Lease Terms. No Residential Unit shall be leased or subleased for hotel or transient purposes or terms less than six (6) months ~~(except, however, for Unit Owners who are absent on an annual basis for more than two consecutive months)~~. No Parking Unit shall be leased or subleased or a term of less than one (1) month. No portion of a Unit which is less than the entire Unit shall be leased. Each lease of any one or more Units shall be in writing and a copy of every such lease, as and when executed shall be furnished to the Board. The lessee under every such lease shall be bound by and subject to all of the obligations under this Declaration and By-Laws of the Unit Owner making such lease and the failure of the lessee to comply therewith shall constitute a default under the lease which shall be enforceable by the Board or the Association, and the lease shall be deemed to expressly so provide. The Unit Owner making such lease shall not be relieved thereby from any of said obligations. ~~Notwithstanding the foregoing, Developer and Declarant may lease any Unit owned by them for any term until such time as Developer and Declarant cease owning such Unit.~~

2. Article XIII of the Declaration is further amended as by adding the following section:

13.04 Leasing of Units. Notwithstanding any foregoing provisions of this Declaration to the contrary, it is the intent of the Association that the Units may be Non-Owner occupied.

(a) Those Units that are leased or non-owner occupied on the effective date of this Amendment may continue to be leased until the current lease expires, unless said lease is terminated by either party thereto prior to the expiration of the lease term. A copy of all current leases must be on file with the Board of Managers. Said units must then be in compliance with this provision.

(b) Any Owners not leasing their Units as of the effective date of this Amendment may lease for a period of two (2) years. Once this two (2) year period expires, the Owner is banned from leasing for one (1) year and after this one (1) year period, may lease again for two (2) years.

(c) To meet special situations and to avoid undue hardship or practical difficulties, the Board may, but is not required to, grant permission to a Unit Owner to lease his Unit to a specified lessee

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for a period of one (1) year on such reasonable terms as the Board may establish.

- (1) Such permission may be granted by the Board only upon written application by the Unit Owner to the Board. The Board shall respond to each application in writing within thirty (30) days of the submission thereof. All requests for extension of the original lease must also be submitted to the Board in the same manner as set forth for the original application.
- (2) The Board has sole and complete discretion to approve or disapprove any Unit Owner's application for a lease or extension of a lease. The Board's decision shall be final and binding.
- (3) Any lease approved by the Board shall be subject to the Declaration, By-Laws and rules and regulations governing the Association.
- (4) Any request by an Owner for an extension of the hardship waiver shall comply with the same requirements as dictated above.
- (d) This Section shall not apply to the rental or leasing of units to the immediate family members of the Owner, regardless of whether there is a written lease or other memorandum. "Immediate family members" shall be defined as parents, grandparents, children, grandchildren and siblings of an Owner. In addition, owners shall be permitted to have caretakers to aid with a disability.
- (e) This Section shall not apply to various types of domestic assistance in which the owner also resides in the unit, including but not limited to, medical care assistants, live-in maids, and nannies.
- (f) The Board of Directors of the Association shall have the right to lease any Association owned Units or any Unit of which the Association has possession, pursuant to any court order, and said Units shall not be subject to this Amendment.
- (g) Any Unit being leased out in violation of this Amendment or any Unit Owner found to be in violation of the Rules and Regulations adopted by the Board of Directors may be subject to a flat or daily fine to be determined by the Board of Directors upon notice and an opportunity to be heard.

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- (h) In addition to the authority to levy fines against the Unit Owner for violation of this Amendment or any other provision of the Declaration, By-Laws or Rules and Regulations, the Board shall have all rights and remedies, including but not limited to the right to maintain an action for possession against the Unit Owner and/or their tenant, under 735 ILCS 5/9-111, an action for injunctive and other equitable relief, or an action at law for damages.
- (i) Any action brought on behalf of the Association and/or the Board of Directors to enforce this Amendment shall subject the Unit Owner to the payment of all costs and attorneys' fees at the time they are incurred by the Association.
- (j) All unpaid charges as a result of the foregoing shall be deemed to be a lien against the Unit and collectible as any other unpaid regular or special assessment, including late fees and interest on the unpaid balance.

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

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

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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.

APPROVED THIS 8<sup>th</sup> DAY OF July, 2011.

Emerald City Condominium Association

By:

Michelle Lowe  
President

Mackenzie Munnare  
Secretary

Subscribed and sworn to before me  
this 8<sup>th</sup> day of July, 2011.

Doree Bruno  
Notary Public



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## EXHIBIT A LEGAL DESCRIPTION

THE EMERALD CITY CONDOMINIUM, as delineated on a survey of the following described parcel of real estate: Lots 8, 9 and 10 in S.S. Smith's subdivision of the East 1/2 of Block 10 in Canal Trustees' subdivision of the North 1/2 and the north 1/2 of the South East 1/4 and East 1/2 of the Southwest 1/2 of Section 33, Township 40 North, Range 14 East of the Third Principal Meridian, and Lot 21 in Wilson's Subdivision of West 1/2 of Block 10 in Canal Trustees' Subdivision aforesaid, in Cook County, Illinois. said survey attached as Exhibit A to the Declaration of Condominium recorded December 3, 1997 as Document Number 97925041 in Cook County, Illinois.

Unit	Pin	Commonly known as (for informational purposes only)
201	14-33-109-056-1001	2230 N LINCOLN AVE 201 CHICAGO, IL 60614
202	14-33-109-056-1002	2230 N LINCOLN AVE 202 CHICAGO, IL 60614
203	14-33-109-056-1003	2230 N LINCOLN AVE 203 CHICAGO, IL 60614
204	14-33-109-056-1004	2230 N LINCOLN AVE 204 CHICAGO, IL 60614
205	14-33-109-056-1005	2230 N LINCOLN AVE 205 CHICAGO, IL 60614
301	14-33-109-056-1006	2230 N LINCOLN AVE 301 CHICAGO, IL 60614
302	14-33-109-056-1007	2230 N LINCOLN AVE 302 CHICAGO, IL 60614
303	14-33-109-056-1008	2230 N LINCOLN AVE 303 CHICAGO, IL 60614
304	14-33-109-056-1009	2230 N LINCOLN AVE 304 CHICAGO, IL 60614
305	14-33-109-056-1010	2230 N LINCOLN AVE 305 CHICAGO, IL 60614
401	14-33-109-056-1011	2230 N LINCOLN AVE 401 CHICAGO, IL 60614
402	14-33-109-056-1012	2230 N LINCOLN AVE 402 CHICAGO, IL 60614
403	14-33-109-056-1013	2230 N LINCOLN AVE 403 CHICAGO, IL 60614
404	14-33-109-056-1014	2230 N LINCOLN AVE 404 CHICAGO, IL 60614
405	14-33-109-056-1015	2230 N LINCOLN AVE 405 CHICAGO, IL 60614
501	14-33-109-056-1016	2230 N LINCOLN AVE 501 CHICAGO, IL 60614
502	14-33-109-056-1017	2230 N LINCOLN AVE 502 CHICAGO, IL 60614
503	14-33-109-056-1018	2230 N LINCOLN AVE 503 CHICAGO, IL 60614
504	14-33-109-056-1019	2230 N LINCOLN AVE 504 CHICAGO, IL 60614
P1	14-33-109-056-1020	2230 N LINCOLN AVE P1 CHICAGO, IL 60614
P2	14-33-109-056-1021	2230 N LINCOLN AVE P2 CHICAGO, IL 60614
P3	14-33-109-056-1022	2230 N LINCOLN AVE P3 CHICAGO, IL 60614
P4	14-33-109-056-1023	2230 N LINCOLN AVE P4 CHICAGO, IL 60614
P5	14-33-109-056-1024	2230 N LINCOLN AVE P5 CHICAGO, IL 60614
P6	14-33-109-056-1025	2230 N LINCOLN AVE P6 CHICAGO, IL 60614
P7A	14-33-109-056-1026	2230 N LINCOLN AVE P7A CHICAGO, IL 60614
P8	14-33-109-056-1027	2230 N LINCOLN AVE P8 CHICAGO, IL 60614
P9	14-33-109-056-1028	2230 N LINCOLN AVE P9 CHICAGO, IL 60614
P10	14-33-109-056-1029	2230 N LINCOLN AVE P10 CHICAGO, IL 60614
P11	14-33-109-056-1030	2230 N LINCOLN AVE P11 CHICAGO, IL 60614
P12	14-33-109-056-1031	2230 N LINCOLN AVE P12 CHICAGO, IL 60614
P13	14-33-109-056-1032	2230 N LINCOLN AVE P13 CHICAGO, IL 60614

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Unit	Pin	Commonly known as (for informational purposes only)
P14	14-33-109-056-1033	2230 N LINCOLN AVE P14 CHICAGO, IL 60614
P15	14-33-109-056-1034	2230 N LINCOLN AVE P15 CHICAGO, IL 60614
P16	14-33-109-056-1035	2230 N LINCOLN AVE P16 CHICAGO, IL 60614
P17	14-33-109-056-1036	2230 N LINCOLN AVE P17 CHICAGO, IL 60614
P18	14-33-109-056-1037	2230 N LINCOLN AVE P18 CHICAGO, IL 60614
P19	14-33-109-056-1038	2230 N LINCOLN AVE P19 CHICAGO, IL 60614

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## EXHIBIT B

### AFFIDAVIT OF MORTGAGEE SERVICE

I, MACKENZIE MURRAY, being first duly sworn on oath, depose and state that I am the Secretary of the Board of Directors of the Emerald City 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.

Mackenzie Murray  
Secretary of the Emerald City Condominium Association

Subscribed and sworn to before me  
this 5th day of July, 2011

Doree Bruno  
Notary Public





**UNOFFICIAL COPY****CERTIFICATION AS TO UNIT OWNER APPROVAL**

I, MACKENZIE MURNANE, do hereby certify that I am the duly elected and qualified Secretary for the Emerald City Condominium Association, and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached Amendment to the Declaration for the Emerald City Condominium Association, was duly approved by 66 2/3% of the Owners in accordance with the provisions of Article XV, Section 15.08 of the Declaration.

Mackenzie Murnane  
Secretary

Dated at 2238 N. Lincoln, Illinois this

8<sup>th</sup> day of July, 20 11.



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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint Scott Gilbert, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

- I Agree the Amendment regarding leasing restrictions should be passed.
- I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): Chris Sautman

Property Address: Unit #202

NAME AND ADDRESS OF MORTGAGEE, IF ANY: Chris Sautman  
2230 N Lincoln #202  
Chicago IL 60614

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint \_\_\_\_\_, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:



I Agree the Amendment regarding leasing restrictions should be passed.



I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S):

[Signature]

Property Address:

2230 N. Lincoln Ave 204

NAME AND ADDRESS OF MORTGAGEE, IF ANY:

N/A

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Mayer Brown LLP

3/9/2010 5:39

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint Scott Gilbert, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

I Agree the Amendment regarding leasing restrictions should be passed.

I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S):

BRADFORD STALEY

[Signature]

Property Address:

2270 N Lincoln #303

NAME AND ADDRESS OF MORTGAGEE, IF ANY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint \_\_\_\_\_, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

I Agree the Amendment regarding leasing restrictions should be passed.

I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): PATRICIA LAUER \_\_\_\_\_

Property Address: 2230 N LINCOLN #401 \_\_\_\_\_

NAME AND ADDRESS OF MORTGAGEE, IF ANY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint \_\_\_\_\_, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

I Agree the Amendment regarding leasing restrictions should be passed.

I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): Michael & Emily Kaplan Unit 402

Property Address: 2230 N. Lincoln Ave, Unit 402, Chicago, IL

NAME AND ADDRESS OF MORTGAGEE, IF ANY: Citi mortgage

\_\_\_\_\_  
\_\_\_\_\_

Property of Cook County Clerk's Office

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint \_\_\_\_\_, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:



I Agree the Amendment regarding leasing restrictions should be passed.



I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): Ed Waitershek Lauren Waitershek

Property Address: 2230 W. Lincoln Ave, Apt 404

NAME AND ADDRESS OF MORTGAGEE, IF ANY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint Michelle Lowe, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

- I Agree the Amendment regarding leasing restrictions should be passed.
- I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): Mark + Tiffany Jzwialk

Property Address: 2230 N. Lincoln, # 501

NAME AND ADDRESS OF MORTGAGEE, IF ANY: \_\_\_\_\_

*[Handwritten Signature]*

*[Handwritten Signature]*

*[Handwritten Signature]*

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073617

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## EMERALD CITY CONDOMINIUM ASSOCIATION PROXY/BALLOT

Regarding the proposed Amendment to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for the Emerald City Condominium Association, specifically regarding leasing, I hereby appoint Michelle Lowe, or if no name is specified, the Board of Directors, to vote as I have at any special meeting of the Association called for the purpose of voting on the issues below:

As to the Amendment regarding leasing restrictions:

Agree the Amendment regarding leasing restrictions should be passed.

I Do Not Agree the Amendment regarding leasing restrictions should be passed.

OWNER(S): Mark + Tiffany Izwialk

Property Address: 2230 N. Lincoln, #502

NAME AND ADDRESS OF MORTGAGEE, IF ANY: \_\_\_\_\_

*Tiffany Izwialk*  
*Mark Izwialk*

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