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**AMENDMENT TO
DECLARATION
OF CONDOMINIUM
OWNERSHIP AND OF
EASEMENTS,
RESTRICTIONS, COVENANTS
AND BY-LAWS FOR
823 NORTH HERMITAGE
CONDOMINIUM ASSOCIATION**

Doc#: 1203833043 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 02/07/2012 09:47 AM Pg: 1 of 6

THIS INSTRUMENT PREPARED BY
Constantine Kalamatianos
Attorney At Law
2045 W. Grand Ave., Suite 203
Chicago, IL 60612

The undersigned, all of the unit owners of the 823 Hermitage Condominium Association, having waived notice, hereby agree to amend the declaration and bylaws of the condominium association, recorded in the Office of the Recorder of Deeds of Cook County of Illinois on December 14, 2004 as document number 0434919066 for the purpose of updating and conforming those documents to the use and expectations of all of the owners now and in the future.

The full legal description of the property involved is:

PARCEL ONE:

UNIT NOS. 1, 2 AND 3 IN THE 823 NORTH HERMITAGE CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE NORTH 1/2 OF LOT 14 IN BLOCK 22 IN JOHNSTON'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0434919066 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE (EXCLUSIVE) RIGHT TO THE USE OF P-1, P-2 AND P-3, A LIMITED COMMON ELEMENT AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 0434919066.

PINs: 17-06-438-042-1001 to 1003

1. Article 3, Section 3.03 is amended by adding the following language:

3.03(A)Garage Roof Deck: Any Roof Deck(s) or other roof structure(s) such as a balcony or terrace, together with the right to use the area above and from a point immediately adjacent to the structural and physical components of the roof over

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the garage and to a point ten (10) feet above the physical components of the roof, shall be a Limited Common Element reserved for the exclusive use of Unit 2 as a balcony, terrace and/or deck contiguous to a Unit ("Roof Deck"), as delineated on Exhibit "A" attached hereto and made a part hereof. The Unit Owner of Unit 2, its successors and/or assigns, hereby agrees that any construction, maintenance or repair of any said Roof Deck or of any other structure on or to be on the garage roof ("Work") shall be performed according to the following conditions and stipulations:

- (1) Any such Work shall be completed in accord with all applicable building, zoning or other codes and regulations issued by the City of Chicago or other governmental entities with jurisdiction over the Work.
- (2) Unit 2 shall be solely responsible for the cost of all such Work for their respective Garage Roof Decks and shall hold harmless and indemnify 823 North Hermitage Condominium Association, the Declarant, the Developer, Unit Owner 1 and Unit Owner 3, and its successors and/or assigns from any claim for loss or damage based on bodily injury or property damage associated with the construction, repair or use of any Garage Roof Deck or other roof structure such as a balcony or terrace as to the garage roof or any portion of the Common Elements of the Property. Removal and replacement of the garage roof deck for roof repair, maintenance, and or replacement shall be at the sole cost and expense of Unit Owner 2.
- (3) Any structures to be placed on the garage roof shall be of the "floating" variety and shall not permanently affix any Roof Deck or other structure to the garage roof.
- (4) At all times the garage roof at the Property shall remain a Common Element maintained by the 823 North Hermitage Condominium Association and in accord with Articles III of the Declaration, but subject to the provisions of Section 3.03(A)(2) above.

Nothing in the foregoing shall be deemed or construed to prevent the Board from establishing rules concerning the use of Limited Common Elements by Unit Owners, and such rules established by the Board in accordance with this Declaration shall be binding upon Unit Owners.

2. Exhibit "A" hereto contains a diagram of the Garage located on the Property and depicts the area "Garage Roof" which is a Limited Common Element reserved for the exclusive use of Unit 2 as a balcony, terrace and/or deck.
3. Exhibit "A" attached hereto shall be deemed to amend the "Garage" portions of the plat of survey recorded December 14, 2004 as document number 0434919066. To the extent that anything contained in this Amendment or Exhibit "A" attached hereto is inconsistent with document number 0434919066 or the plat of survey attached hereto, this Amendment, together with Exhibit "A" shall control.

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Wherefore, the undersigned, all of the owners of units in the 823 N. Hermitage Condominium Association approve and execute the foregoing, the 20th day of January, 2012.

Kathleen Frain
Kathleen Frain

Jeffrey M. Heddles
Jeffrey M. Heddles

Andrew J. Riescher
Andrew J. Riescher

State of Illinois

County of Cook

I, Constantine Kalamatianos a Notary Public, certify that the following person Jeffrey M. Heddles

who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and who constitutes one of the owners of the 823 N. Hermitage Condominium Association, appeared before me today in person and acknowledged that he signed and delivered the instrument as his free and voluntary act for the uses and purposes set forth in the instrument.

Dated: January 20, 2012

Constantine Kalamatianos
Notary Public

my commission expires:

I, Constantine Kalamatianos a Notary Public, certify that the following person Kathleen Frain

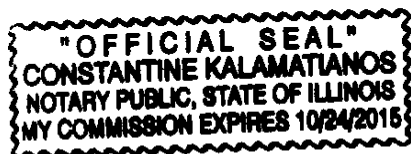


who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and who constitutes one of the owners of the 823 N. Hermitage Condominium Association, appeared before me today in person and acknowledged that she signed and delivered the instrument as her free and voluntary act for the uses and purposes set forth in the instrument.

Dated: January 20, 2012

Constantine Kalamatianos
Notary Public

my commission expires:



UNOFFICIAL COPY

Wherefore, the undersigned, all of the owners of units in the 823 N. Hermitage Condominium Association approve and execute the foregoing, the 20th day of January, 2012.

Kathleen Frain

Jeffrey M. Heddles



Andrew J. Buescher

State of Illinois

SS.

County of Cook

I, _____ a Notary Public, certify that the following person Jeffrey M. Heddles

who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and who constitutes one of the owners of the 823 N. Hermitage Condominium Association, appeared before me today in person and acknowledged that he signed and delivered the instrument as his free and voluntary act for the uses and purposes set forth in the instrument.

Dated: January _____, 2012

Notary Public

my commission expires:

I, _____ a Notary Public, certify that the following person Kathleen Frain

who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and who constitutes one of the owners of the 823 N. Hermitage Condominium Association, appeared before me today in person and acknowledged that she signed and delivered the instrument as her free and voluntary act for the uses and purposes set forth in the instrument.

Dated: January _____, 2012

Notary Public

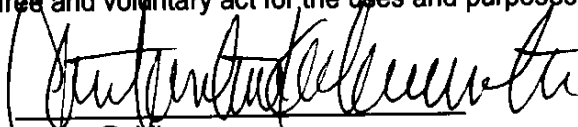
my commission expires:

UNOFFICIAL COPY

Constantine
I, ~~Kalamatianos~~ a Notary Public, certify that the following person Andrew J. Buescher

who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and who constitutes one of the owners of the 823 N. Hermitage Condominium Association, appeared before me today in person and acknowledged that he signed and delivered the instrument as his free and voluntary act for the uses and purposes set forth in the instrument.

Dated: January 20, 2012


Notary Public

my commission expires:



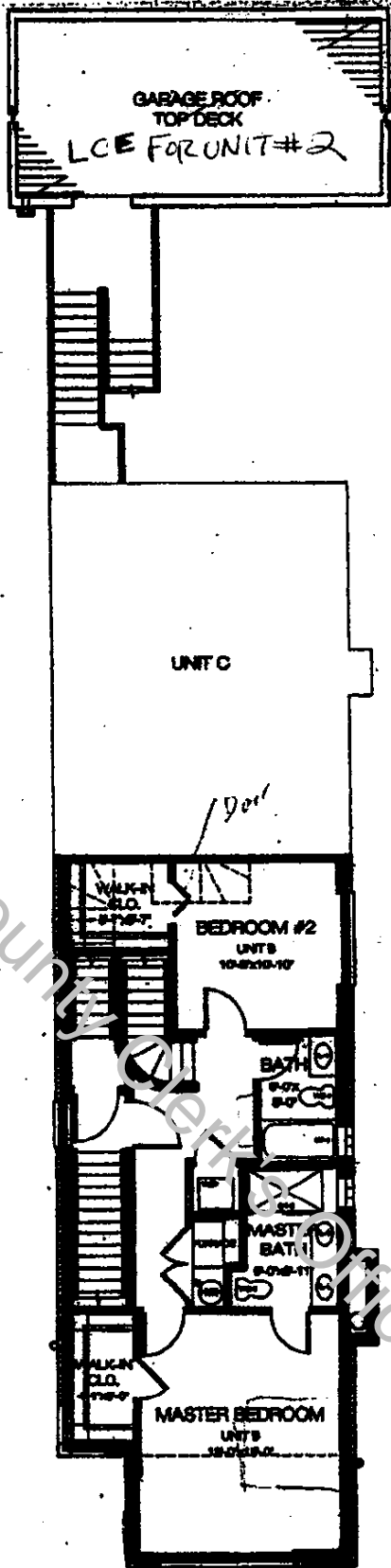
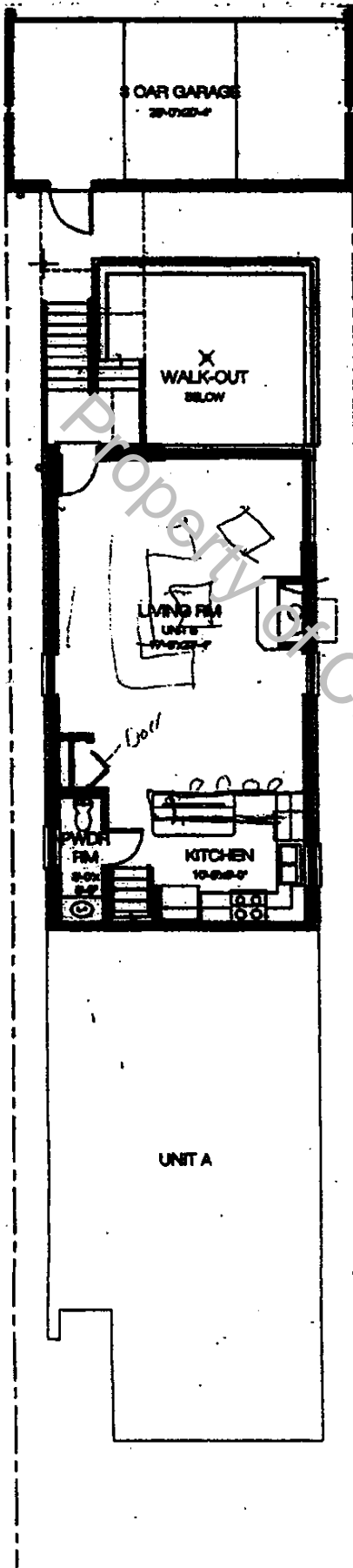
Address: 823 N. Hermitage
Chicago, Illinois 60622

PINs: 17-06-438-042-1001 to 1003

After Recording Mail to:

Constantine Kalamatianos
Attorney At Law
2045 W. Grand Ave., Suite 203
Chicago, IL 60612

EXHIBIT A UNOFFICIAL COPY



⊕ SECOND FLOOR PLAN UNIT B