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Karen A. Yarbrough RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 01/28/2013 03:34 PM Pg: 1 of 6

## AMENDMENT TO THE DECLARATION FOR THE VAIL AVENUE CONDOMINIUMS

For Use By Recorder's Office Only

This document is recorded for the purpose of amending the Declaration for the Vail Avenue Condominium (hereafter the "Declaration") for the Vail Avenue Condominium (hereafter the "Association"), which Declaration was recorded on August 15, 2000 as Document Number 00625338 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 Section 27(b) of the Illinois Condominium Property Act. Said Section provides that "[i]f there is an omission or error in the Declaration, bylaws or other condominium instrument, the association may correct the error or omission by an amendment to the declaration, bylaws, or other condominium instrument in such respects as may be required to conform to this Act, and any other applicable statute or to the declaration by vote of two-thirds of the members of the Board of Managers." No amendment shall become effective until recorded.

### 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 easements, restrictions and covenants contained therein; and

WHEREAS, the Board desires to amend the Declaration in order to provide for the orderly operation of the Property; and

**This document prepared by and after recording to be returned to:**  
MATTHEW M. MOODHE  
Kovitz Shifrin Nesbit  
750 Lake Cook Road, Suite 350  
Buffalo Grove, IL 60089  
(847) 537-0500

WHEREAS, the following amendment has been approved by two-thirds of the Board of Directors, as evidenced by the signatures on page 3; and

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NOW, THEREFORE, the Declaration is hereby amended as follows (additions in text are indicated by underline and deletions in text are indicated by ~~strike-out~~):

1. Article V, Section 5.01 of the Declaration is amended to read as follows:

**5.01 FIRE INSURANCE:** The Board shall have the authority to and shall obtain insurance for the Condominium Property against loss or damage by fire and such other hazards as may be required under the Act, as the Board may deem desirable, or as reasonably required by First Mortgages, for the full insurable replacement cost of the Common Elements and the Dwelling Units, ~~provided, that, unless specifically obtained by the Board, the insurance shall not be required to insure any "Betterments and Improvements" to a Dwelling Unit, which are hereby defined to be any real and personal property located within the walls of the Dwelling Unit beyond the first coat of paint thereon. Without limiting the foregoing, for purposes hereof, Betterments and Improvements shall include all decorating within a Dwelling Unit beyond the first coat of paint, wall coverings, built-ins, cabinets, appliances, fixtures and any other real or personal property within the Dwelling Unit, regardless of whether such property was installed or placed in the Dwelling Unit by the Declarant, any prior Unit Owner or Dwelling Unit Resident or the current Unit Owner or Dwelling Unit Resident.~~ The insurance maintained hereunder must include the units, the limited common elements (except as otherwise determined by the board of managers) and the common elements. The insurance covers improvements and betterments originally installed by the developer, but need not cover improvements and betterments to the units installed by unit owners, but if unit owner installed improvements and betterments are covered, any increased cost may be assessed by the Association against the units affected.

Common elements include fixtures located within the unfinished interior surfaces of the perimeter walls, floors, and ceilings of the individual units initially installed by the developer. Common elements exclude floor, wall and ceiling coverings. "Improvements and betterments" means all decorating, fixtures and furnishings installed or added to and located within the boundaries of the unit, including electrical fixtures, appliances, air conditioning and heating equipment, water heaters, or built-in cabinets installed by unit owners.

Premiums for insurance obtained by the Association under this Section shall be allocated between Common Expenses and Garage Expenses, as determined by the Board in its reasonable ~~judgement~~ judgment. Such insurance coverage shall be written in the name of, losses under such policies shall be adjusted by, and the proceeds of such insurance shall be

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payable to, the Board as trustee for each of the Unit Owners in accordance with their Undivided Interests. All such policies of insurance (i) shall contain standard mortgage clause endorsements in favor of the First Mortgagees as their respective interests may appear, (ii) shall provide that the insurance, as to the interests of the Board, shall not be invalidated by any act or neglect of any Unit Owner, (iii) shall provide that notwithstanding any provision thereof which gives the insurer an election to restore damage in lieu of making a cash settlement thereof, such option shall not be exercisable if the Unit Owners elect to sell the Condominium Property or remove the Condominium Property from the provisions of the Act, (iv) to the extent possible, shall provide that such policy shall not be cancelled or substantially modified (including cancellation for nonpayment of premium) without at least thirty (30) days' written notice to the First Mortgagee of each Unit Ownership, and (v) shall contain waivers of subrogation with respect to the Condominium Association and its directors, officers, employees and agents (including the managing agent), Unit Owners, occupants of the Dwelling Unit, First Mortgagees, the Declarant and shall name all such parties as additional insured parties as their interests may appear.

**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 16<sup>th</sup> DAY OF January, 2013 BY THE BOARD OF DIRECTORS OF VAIL AVENUE CONDOMINIUM:

*Patricia Drend*

*W. H. H. H. H.*

*Chris Drend*

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*John Drend*

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*John Drend*

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## EXHIBIT A

### LEGAL DESCRIPTION

Units 201 through 708, together with its undivided percentage interest in the Common Elements in the Vail Avenue Condominium, as delineated and defined in the Declaration recorded as Document No. 00-625338, as amended from time to time, in the Southwest ¼ of Section 29, Township 42 North, Range 11, East of the Third Principal Meridian in Cook County, Illinois.

Property Address: 44 N. Vail Avenue, Arlington Heights, Illinois

<u>PIN Number</u>	<u>Unit Number</u>	<u>Percentage Ownership</u>
03-29-340-026-0000		
03-29-340-027-1001	201	1.39%
03-29-340-027-1002	202	1.33%
03-29-340-027-1003	203	1.41%
03-29-340-027-1004	204	0.80%
03-29-340-027-1005	205	0.80%
03-29-340-027-1006	206	1.47%
03-29-340-027-1007	207	1.12%
03-29-340-027-1008	208	0.80%
03-29-340-027-1009	209	0.94%
03-29-340-027-1010	210	1.44%
03-29-340-027-1011	211	1.47%
03-29-340-027-1012	212	0.80%
03-29-340-027-1013	213	0.80%
03-29-340-027-1014	214	1.41%
03-29-340-027-1015	215	1.47%
03-29-340-027-1016	301	1.39%
03-29-340-027-1017	302	1.33%
03-29-340-027-1018	303	1.41%
03-29-340-027-1019	304	0.80%
03-29-340-027-1020	305	0.80%
03-29-340-027-1021	306	1.47%
03-29-340-027-1022	307	1.31%
03-29-340-027-1023	308	0.82%
03-29-340-027-1024	309	0.94%
03-29-340-027-1025	310	1.22%
03-29-340-027-1026	311	1.47%
03-29-340-027-1027	312	0.80%
03-29-340-027-1028	313	0.80%
03-29-340-027-1029	314	1.41%
03-29-340-027-1030	315	1.47%
03-29-340-027-1031	401	1.39%
03-29-340-027-1032	402	1.33%
03-29-340-027-1033	403	1.41%

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03-29-340-027-1034	404	0.80%
03-29-340-027-1035	405	0.80%
03-29-340-027-1036	406	1.47%
03-29-340-027-1037	407	1.31%
03-29-340-027-1038	408	0.82%
03-29-340-027-1039	409	0.94%
03-29-340-027-1040	410	1.22%
03-29-340-027-1041	411	1.47%
03-29-340-027-1042	412	0.80%
03-29-340-027-1043	413	0.80%
03-29-340-027-1044	414	1.41%
03-29-340-027-1045	415	1.47%
03-29-340-027-1046	501	1.39%
03-29-340-027-1047	502	1.33%
03-29-340-027-1048	503	2.21%
03-29-340-027-1081	505	0.80%
03-29-340-027-1082	506	1.47%
03-29-340-027-1051	507	1.31%
03-29-340-027-1052	508	0.82%
03-29-340-027-1053	509	0.94%
03-29-340-027-1054	510	1.22%
03-29-340-027-1055	511	1.47%
03-29-340-027-1056	512	0.80%
03-29-340-027-1060	513	0.80%
03-29-340-027-1057	514	1.41%
03-29-340-027-1058	515	1.47%
03-29-340-027-1061	601	1.39%
03-29-340-027-1062	602	1.21%
03-29-340-027-1063	603	1.68%
03-29-340-027-1064	605	2.43%
03-29-340-027-1065	606	1.17%
03-29-340-027-1066	607	0.82%
03-29-340-027-1067	608	0.94%
03-29-340-027-1068	609	1.19%
03-29-340-027-1069	610	1.62%
03-29-340-027-1070	611	0.81%
03-29-340-027-1071	612	1.68%
03-29-340-027-1072	613	1.47%
03-29-340-027-1073	701	1.20%
03-29-340-027-1074	702	1.45%
03-29-340-027-1075	703	1.96%
03-29-340-027-1076	704	1.48%
03-29-340-027-1077	705	3.21%
03-29-340-027-1078	706	1.11%
03-29-340-027-1079	707	1.97%
03-29-340-027-1080	708	1.44%
Total		100%

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STATE OF ILLINOIS     )  
  ) SS.  
COUNTY OF COOK     )

I, Patricia Grund, state that I am the President of the Board of Directors of the Vail Avenue Condominium, and that a copy of the foregoing Amendment was either delivered personally to each Unit Owner at the Association or was sent by regular U. S. Mail, postage prepaid, to each Unit Owner in the Association at the address of the unit or such other address as the Owner has provided to the Board of Directors for purposes of mailing notices. I further state that the Unit Owners did not file a petition with the Board, pursuant to the requirements of Section 27(b)(3) of the Illinois Condominium Property Act, objecting to the adoption of this Amendment.

Patricia Grund

Subscribed and Sworn to before me  
this 17<sup>th</sup> day of January, 2012.

Shatia  
Notary Public

My Commission Expires: 6-10-16

