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**FIRST AMENDMENT
TO THE DECLARATION OF
CONDOMINIUM OWNERSHIP
AND BY-LAWS, EASEMENTS,
RESTRICTIONS AND COVENANTS
FOR 394 ALLES STREET
CONDOMINIUM ASSOCIATION**



Doc# 1713155035 Fee \$50.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 05/11/2017 09:26 AM PG: 1 OF 7

This Amendment to Declaration is made and entered into the 24th day of March, 2017, and is the First Amendment to that certain Declaration of Condominium Ownership for 394 Alles Street Condominium Association recorded with the Cook County, Illinois Recorder of Deeds on as Document Number 24875166 (“Declaration”).

WITNESSETH:

WHEREAS, the 394 Alles Street Condominium Association (hereinafter referred to as “Association”) is the assignee of the developer’s rights as set forth and described in the Declaration; and

WHEREAS, pursuant to Article XIX, Section 6 of the Declaration, the Declaration may be amended, changed or modified by an instrument in writing setting forth such amendment, change or modification, signed and acknowledged by all of the members of the Board, at least three-fourths (3/4) of the Unit Owners and the approval of any mortgagees required under the provisions of the Condominium Instruments, and containing an affidavit by an officer of the Board certifying that 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 (10) days prior to the date of such affidavit; and

WHEREAS, said instrument has been signed and acknowledged by all members of the Board, said acknowledgement being attached hereto as Exhibit B; and

WHEREAS, said instrument has been approved by at least three-fourths (3/4) of the Unit Owners, as evidenced by a certificate by the Secretary of the Association attached hereto as Exhibit C; and

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as Exhibit D certifying that a complete copy of the amendment has been sent by certified to all mortgagees having bona fide liens of record against any Unit;

NOW THEREFORE, the undersigned, for the purposes set forth, hereby declares as follows:

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NOW THEREFORE, the undersigned, for the purposes set forth, hereby declares as follows:

That Article IX, Section 1 of the Declaration is hereby amended as follows (removed language is ~~STRIKEN~~, added language is **BOLDED**):

"1A. ~~Sale or Lease~~. Any Unit Owner other than the Declarant who wishes to sell ~~or lease~~ his Unit Ownership (~~or any lessee of any Unit wishing to assign or sublease such Unit~~) shall give to the Board not less than thirty (30) days prior written notice of his intent to sell ~~or lease~~ and subsequently, the terms of any contract to sell ~~or lease~~, entered into subject to the Board's option as set forth hereinafter, together with a copy of such contract, the name, address ~~and financial and character references of the proposed purchaser or lessee~~ and such other information concerning the proposed purchaser ~~or lessee~~ as the Board may reasonably require. The members of the Board acting on behalf of the other Unit Owners shall at all times have the first right and option to purchase ~~or lease~~ such Unit Ownership upon the same terms, following the date of receipt of such notice of the contract. If said option is not exercised by the Board within said thirty (30) days, the Unit Owner (~~or lessee~~) may, at the expiration of said thirty (30) day period and at any time within ninety (90) days after the expiration of said period, proceed to consummate the sale (~~or sublease or assignment~~) of such Unit Ownership to the proposed purchaser ~~or lessee~~ named in such note upon the terms specified therein. If the Unit Owners (~~or lessee~~) fails to close said proposed sale ~~or lease~~ transaction within said ninety (90) days, the Unit Ownership shall again become subject to the Board's right of first refusal as herein provided.

1B. Lease. It is the intent that each Unit at 394 Alles Street Condominium Association shall be occupied and used as a private dwelling for the Owner and his or her immediate family member(s) only. **Therefore, the leasing of units is prohibited.**

- Upon the sale or conveyance of any Unit, the purchaser must reside in the Unit and is prohibited from leasing it to any third party, for any reason, subject to the additional provisions of this Section 1B.
- Occupancy of a Unit a Unit Owner's immediate family member(s) without the Unit Owner being a resident shall not be subject to the restrictions set forth in this Section 1B.
- "Immediate family member" is defined as grandparent, parent, child (natural or adopted), grandchild or sibling of a Unit Owner.
- This Section 1B shall not apply to any Owner who requires a personal care-giver to reside in the Unit with the Owner.

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- Any Unit being leased out in violation of this Article 1B or any 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.
- In addition to the authority to levy fines against the Owner for violation of this Section 1B 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 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.
- Any action brought on behalf of the Association and/or the Board of Directors to enforce this Section 1B shall subject the Owner to the payment of all costs and attorneys' fees at the time they are incurred by the Association.
- 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.
- This Section 1B shall not prohibit the Board from leasing any Unit owned by the Association or any Unit which the Association has been issued an Order of Possession by the Circuit Court of Cook County."

Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

This First Amendment to the Declaration is executed by an instrument in writing, signed and acknowledged by the Board of Directors and approved by at least three-fourths (3/4) of the total vote of the Unit Owners. The signatories hereby warrant that they possess full power and authority to execute this instrument.

394 ALLES STREET CONDOMINIUM ASSOCIATION

By:

William J. Miller
Its President

ATTEST:

By:

Janet R. Lundblad
Its Secretary

THIS DOCUMENT IS PREPARED BY:

Erickson Law Office, Ltd.
716 Lee Street
Des Plaines, IL 60016

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EXHIBIT "A"

LEGAL DESCRIPTION

Lots 3, 4, and 5 in Block 2 of Matteson's Addition to Des Plaines in Sections 16 and 17, Township 41 North, Range 12 East of the Third Principal Meridian, together with the East 1/2 of vacated 12.0 foot public alley lying west of the adjoining Lots 3, 4 and 5 aforesaid, in Cook County, Illinois.

<u>UNIT NUMBER</u>	<u>PIN</u>
1	09-17-402-175-1001
2A	09-17-402-175-1002
2B	09-17-402-175-1003
2C	09-17-402-175-1004
2D	09-17-402-175-1005
3A	09-17-402-175-1006
3B	09-17-402-175-1007
3C	09-17-402-175-1008
3D	09-17-402-175-1009

<u>PARKING SPACE</u>	<u>PIN</u>
P-1	09-17-402-175-1010
P-2	09-17-402-175-1011
P-3	09-17-402-175-1012
P-4	09-17-402-175-1013
P-5	09-17-402-175-1014
P-6	09-17-402-175-1015

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EXHIBIT "B"

Acknowledgment by Board of Managers

We, the undersigned, are the members of the Board of the 394 Alles Street Condominium Association established by the aforesaid Declaration of Condominium Ownership. By our signatures below, we hereby acknowledge to this amendment to the Declaration for the 394 Alles Street Condominium Association. In witness whereof, we have signed this document and cast our votes in favor of this amendment at a duly called meeting of the Board of Managers on March 24, 2017.

Member of the Board of Directors

~~Member of the Board of Directors~~

Member of the Board of Directors

~~Member of the Board of Directors~~

Member of the Board of Directors

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EXHIBIT "C"

Certification as to Unit Owner Approval

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I, Janet R. Lundblad do hereby certify that I am the duly elected and qualified secretary for the 394 Alles Street Condominium Association, and as such Secretary, I am the keeper of the books and records for the Association.

I further certify that the attached Amendment to the Declaration of Condominium Ownership for 394 Alles Street Condominium Association was duly approved by 3/4 of the Unit Owners in accordance with the provisions of Article XIX, Section 6 of the Declaration.

Janet R Lundblad
Secretary

Dated at Des Plaines, Illinois this
24th day of March, 2017.

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EXHIBIT "D"

Affidavit of Mailing

I, Larry Zim, state that I am the Treasurer of the Board of Managers of the 394 Alles Street Condominium Association and hereby certify that the foregoing Amendment was mailed by certified mail to all mortgagees having bona fide liens of record against any Unit.

Dated: April 18, 2017

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By: Laurenna Zini

Title: TREASURER

Subscribed and sworn to
before me this 18 day of
April, 2017.



[Signature]
Notary

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