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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 07/13/2017 04:11 PM PG: 1 OF 6

**This Instrument was prepared by:**

Law Offices of Cambi L. Cann, P.C.  
22 W. Washington, Suite 1500  
Chicago, Illinois 60602

*Above Space for Recorder's Use Only*

**SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND  
BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS  
FOR DIVISION LOFTS CONDOMINIUM  
2037 WEST DIVISION  
CHICAGO, ILLINOIS 60622**

THIS SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR DIVISION LOFTS CONDOMINIUM (this "Second Amendment"), pursuant to Section 3.6 of the Declaration (defined below) and pursuant to Section 26 of the Act (defined below) is made and entered into by the parties having an interest in the Transaction described herein:

**RECITALS:**

**WHEREAS**, on July 2, 2014 the Division Lofts Condominium Association was formed as a not-for-profit corporation under the laws of the State of Illinois;

**WHEREAS**, on September 12, 2014, 2037 West Division LLC, an Illinois limited liability company ("Declarant") recorded the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants (the "Original Declaration") for the Division Lofts Condominium, located at 2037 West Division, Chicago, Illinois 60622 (the "Property"), and legally described on Exhibit A attached hereto, with the Cook County Recorder of Deeds as Document No.:1425529065, submitting the Property to the Condominium Property Act of the State of Illinois (the "Act");

**WHEREAS**, on February 17, 2015, Declarant recorded the First Amendment to the Declaration for the Division Lofts Condominium (the "First Amendment") with the Cook County Recorder of Deeds

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as Documents No.1504845092, amending the Declaration (the Original Declaration and the First Amendment shall collectively be referred to as the "Declaration");

**WHEREAS**, at all time relevant hereto, the Property is subject to the authority of the Act;

**WHEREAS**, as of the date hereof, Phillip M. Palella ("Palella") is the fee simple owner of Unit 400 (penthouse) of the Property ("Penthouse Unit");

**WHEREAS**, as of the date hereof, The Phillip Michael Group LLC, an Illinois limited liability company ("PMG"), is the fee simple owner of the Unit 100 of the Property ("Commercial Unit");

**WHEREAS**, the Declaration designates parking space P-6 to the Commercial Unit as a limited common element;

**WHEREAS**, Article 3.6 of the Declaration grants the Unit Owners (as such term is defined in the Declaration) the right to sell their designated parking space to another Unit Owner, subject to the requirements set forth in Section 26 of the Act;

**WHEREAS**, on or about September 1, 2015, PMG sold all of its right, title and interest in parking space P-6 ("the "Parking Space") to Palella with the express intent to allocate the Parking Space to the Penthouse Unit as a limited common element in accordance with Article 3.6 of the Declaration (the "Transaction");

**NOW, THEREFORE**, PMG and Palella, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledges, and in accordance with Article 3.6 of the Declaration and Section 26 of the Act, declare and state as follows:

1. **Recitals**. The foregoing recitals are true and correct and incorporated herein. All capitalized terms shall have the same meanings ascribed to such terms in the Declaration unless expressly defined as otherwise herein.

2. **Statement of Interest**. PMG and Palella are the only parties with an interest in the Transaction. No other Unit Owner has any right, title or interest in the Transaction or the Parking Space, and no mortgagee or lienholder has any right, title or interest in the Parking Space that would require their consent to the Transaction.

3. **Changes in Proportionate Shares of Unit Owners Percentage Interest**. PMG and Palella agree and acknowledge that no changes in the Unit Owners Percentage Interest shall be made to the Commercial Unit or the Penthouse Unit as a result of the transaction.

4. **Parking Space Reallocation to Penthouse Unit**. Exhibit C of the Declaration is deleted in its entirety and the following inserted in lieu thereof:

## EXHIBIT C

### UNIT OWNER'S PERCENTAGE INTEREST

Unit 100 (Commercial Unit)	22%
Unit 201	11.25%

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Unit 202	13.50%
Unit 301	11.25%
Unit 302	13.50%
Unit 400 (Penthouse)	28.50%

## LIMITED COMMON ELEMENTS – PARKING SPACES

Unit 100 (Commercial Unit)	NONE
Unit 201	P-2
Unit 202	P-1
Unit 301	P-4
Unit 302	P-3
Unit 400 (Penthouse)	P-5 AND P-6

5. This Second Amendment shall be effective upon recording.


*(Signature Pages Follow)*

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IN WITNESS WHEREOF, all parties having an interest in the Transaction and are required to sign this Second Amendment pursuant to Article 3.6 of the Declaration and Section 26 of the Act have approved this Second Amendment and has caused this Second Amendment to be executed as of this 13<sup>th</sup> day of July, 2017.

THE PHILLIP MICHAEL GROUP, LLC,  
an Illinois limited liability company


By:   
Phillip M. Palella, Manager

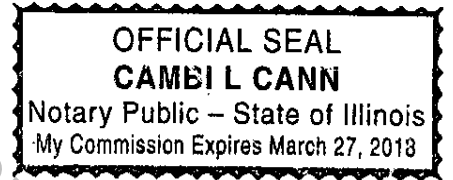
  
Phillip M. Palella

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF COOK            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT PHILLIP M. PALELLA, the Manager of The Phillip Michael Group, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered in the instrument as his free and voluntary act, and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth herein.

Given under my hand and notarial seal, this 13<sup>th</sup> day of July, 2017.

  
Notary Public  
My Commission Expires: 3/27/18

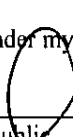


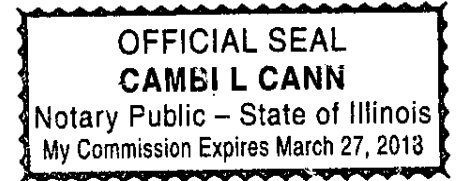
(seal)

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF COOK            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT PHILLIP M. PALELLA, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered in the instrument as his free and voluntary act, for the uses and purposes therein set forth herein.

Given under my hand and notarial seal, this 13<sup>th</sup> day of July, 2017.

  
Notary Public  
My Commission Expires: 3/27/18

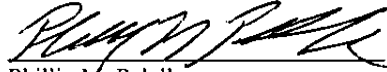


(seal)

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## CERTIFICATE OF DELIVERY OF SECOND AMENDMENT TO THE BOARD OF MANAGERS

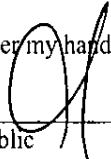
I, Phillip M. Palella, individually and as the Manager of The Phillip Michael Group LLC, an Illinois limited liability company, being all of the parties having an interest in the Transaction, hereby certify that a true and correct copy of this Second Amendment was delivered to the Board of Managers of the DIVISION LOFTS CONDOMINIUM.

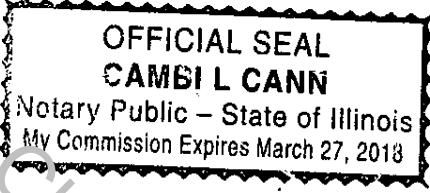
  
Phillip M. Palella

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF COOK            )

I, the undersigned a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT PHILLIP M. PALELLA, individually and as the Manager of The Phillip Michael Group, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered in the instrument as his free and voluntary act, and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth herein.

Given under my hand and notarial seal, this 13<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 3/27/18



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## EXHIBIT A

### Legal Description

UNITS 100 (COMMERICAL UNIT), 201, 202, 301, 302, 400 (PENTHOUSE UNIT), P-1, P-2, P-3, P-4, P-5 AND P-6 IN THE DIVISION LOFTS CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: LOTS 16 AND 17 IN THE SUBDIVISION OF THE NORTH PART OF BLOCK 1 IN SUFFERN SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 17-06-303-007-0000 (underlying PIN) and PINS 17-06-303-068-1001 through 1006.

Commonly known as: 2037 W. Division, Units 100 (commercial unit), 201, 202, 301, 302, 400 (penthouse unit), P-1, P-2, P-3, P-4, P-5 and P-6, Chicago, Illinois 60622.

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