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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/05/2017 04:20 PM PG: 1 OF 8

## CORRECTIVE

### **THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR LE JANET CONDOMINIUMS**

**WHEREAS**, the real property legally described on EXHIBIT A ("the Property") was submitted to the provisions of the Illinois Condominium Property Act ("the Act") pursuant to the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Le Janet Condominiums, which was recorded on May 23, 2007 in the Office of the Cook County Recorder of Deeds as Document No. 0714315060 (hereinafter "the Declaration");

**WHEREAS**, the Declaration was supplemented pursuant to the Supplemental Declaration to Condominium Declarations for Le Janet Condominiums - 1437-45 W. Greenleaf/7021-35 N. Greenview, Chicago, Illinois 60626, which was recorded on November 19, 2007 in the Office of the Cook County Recorder of Deeds as Document No. 0733303058;

**WHEREAS**, the Declaration was amended pursuant to the First Amendment to Condominium Declarations for Le Janet Condominiums - 1437-45 W. Greenleaf/7021-35 N. Greenview, Chicago, Illinois 60626, which was recorded on February 20, 2009 in the Office of the Cook County Recorder of Deeds as Document No. 0905145105;

**WHEREAS**, the Declaration was amended pursuant to the Second Amendment to Condominium Declarations for Le Janet Condominiums - 1437-45 W. Greenleaf/7021-35 N. Greenview, Chicago, Illinois 60626, which was recorded on May 20, 2009 in the Office of the Cook County Recorder of Deeds as Document No. 0914031131;

**WHEREAS**, the Declaration was supplemented pursuant to the Supplemental Declaration to Condominium Declarations for Le Janet Condominiums - 1437-45 W. Greenleaf/7021-35 N. Greenview, Chicago, Illinois 60626, which was recorded on July 2, 2009 in the Office of the Cook County Recorder of Deeds as Document No. 0918303084;

**WHEREAS**, the Declaration was supplemented pursuant to the Amended Supplemental Declaration to Condominium Declarations for Le Janet Condominiums - 1437-45 W. Greenleaf/7021-35 N. Greenview, Chicago, Illinois 60626, which was recorded on November

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23, 2009 in the Office of the Cook County Recorder of Deeds as Document No. 0932718014; and

**WHEREAS**, the Declaration was amended pursuant to the Amendment to Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Le Janet Condominiums, which was recorded on May 23, 2012 in the Office of the Cook County Recorder of Deeds as Document No. 1214434018;

**WHEREAS**, in order to, among other things, alleviate the difficulties in filling positions on the Board of Managers ("the Board") of the Le Janet Condominium Association ("the Association") and to facilitate management of the Association, the Board and the Unit Owners believe that it is in the best interests of the Association to amend Article XIII, Section 1(a), of the Declaration to reduce the number of Board members from five (5) to three (3);

**WHEREAS**, Article XIII, Section 1(a), of the Declaration violates Section 18(b)(2) of the Illinois Condominium Property Act, 765 ILCS 605/18(b)(2), in that it requires members of the Board to reside on the Property and the provision restricting the ability of non-resident Unit Owners to serve on the Board should be removed;

**WHEREAS**, from time to time, residents of the Le Janet Condominiums have complained to the Board that smoking by other residents have become an annoyance at the condominium property and has affected other Unit Owners or residents use and enjoyment of his or her Unit;

**WHEREAS**, the Board has also been made aware that, from time to time, smoke from a Unit has permeated other Units and the interior Common Elements, including the hallways, at the Le Janet Condominiums, which has been an annoyance and nuisance to Unit Owners and residents.

**WHEREAS**, the Board and the Unit Owners recognize the well-established scientific evidence concerning the health hazards of smoking and second-hand smoke;

**WHEREAS**, the Board and the Unit Owners believe that for the health, safety and welfare of the Unit Owners and occupants of the Units, it is in the best interests of the Unit Owners and other occupants of the Units to prohibit smoking within the Units and the interior Common Elements at the Property;

**WHEREAS**, for the reasons set forth in the preceding recitals, the Board and the Unit Owners are desirous of adopting this Third Amendment to the Declaration ("the Third Amendment");

**WHEREAS**, Article XVIII, Section 10, of the Declaration provides that the provisions of the Condominium Instruments may be amended, changed or modified or rescinded by an instrument in writing setting forth such amendment, change or modification signed and acknowledged by all members of the Board and approved by vote of at least sixty-seven (67%) percent of the Unit Owners (as calculated by percentage ownership interests);

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**WHEREAS**, pursuant to Article XIX of the Declaration, approval by at least sixty-seven (67%) percent of the mortgagees is not required for this Third Amendment; and

**WHEREAS**, this Third Amendment has been approved by at least sixty-seven (67%) percent of the Unit Owners.

**NOW, THEREFORE**, in consideration of the foregoing recitals, which are incorporated herein by reference, the Board and the Unit Owners declare as follows:

1. Article XIII, Section 1(a), of the Declaration is amended to read as follows:

Board of Managers (Board of Directors). (a) The direction and administration of Property shall be vested in a Board of Managers, consisting of three (3) persons who shall be appointed or elected in the manner herein provided. Each member of the Board shall be one of the Unit Owners; provided, however, that in the event a Unit Owner is a corporation, partnership, trust or other legal entity other than a natural person or persons, then any officer, director or other designated agent of such corporation, any partner of such partnership, any beneficiary or other designated agent of such trust or any manager of such other legal entity shall be eligible to serve as a member of the Board.

2. The following is added as new Article XVI-A:

## ARTICLE XVI-A SMOKING

1. **Smoking Prohibited Within the Units and the Interior Condominium Common Elements.** Smoking is prohibited within the Units, as well as the interior Common Elements, including but not limited to entryways, hallways and all other parts of the interior Common Elements at the Property.
2. **Smoking Permitted On Exterior Common Elements Only.** Unit Owners, residents and guests may smoke on the exterior Limited Common Elements adjacent to the Unit (*i.e.*, the outside terrace area adjacent to the rear Unit door) and may smoke on the exterior Common Elements which includes the courtyard area.
3. **Unit Owner Responsible for the Conduct of Occupants of Unit and Any Tenants, Guests or Invitees.** Each Unit Owner is responsible for the conduct of the Unit Owner, the occupants of his or her Unit and any tenants, guests or invitees. Accordingly, it is the duty and obligation of the Unit Owner to ensure compliance with these provisions relating to smoking.
4. **Smoking Defined.** As used herein, smoking is to be construed in the broadest possible manner and includes but is not limited cigarette, cigar and pipe smoking, as well as the smoking of any tobacco or other product or substance,

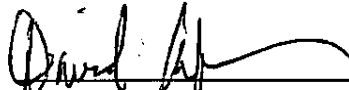
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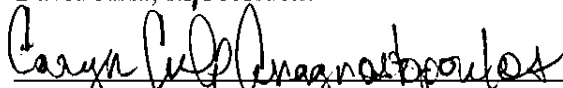
whether legal or illegal, through any other mechanism or device, including but not limited to such mechanisms or devices as vaporizers, hookahs or water pipes. Smoking also includes the use e-cigarettes or similar products.


5. **Rules and Regulations.** The Board may adopt such Rules and Regulations and may provide for the assessment of fines for violations of this Article XVI-A. Any fine that the Board may assess for a violation of these provisions relating to smoking shall be charged to and assessed against the Unit Owner.

The undersigned, being all members of the Board of the Association, have signed and acknowledged this Third Amendment in accordance with Article XVIII, Section 10, of the Declaration.

Date: August 16, 2017

  
\_\_\_\_\_  
David Arfa, Its President

  
\_\_\_\_\_  
Caryn Culp-Anagnostopoulos, Its Secretary

  
\_\_\_\_\_  
Asaleyrae Katzbeck, Its Treasurer

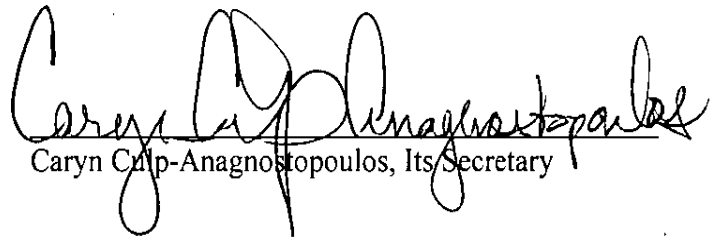
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## CERTIFICATION

As required by Article XVIII, Section 10, of the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Le Janet Condominiums, which was recorded on May 23, 2007 in the Office of the Cook County Recorder of Deeds as Document No. 0714315060, the undersigned, being the Secretary of the Le Janet Condominium Association, an Illinois not-for-profit corporation, certifies that the foregoing Third Amendment was approved by vote of at least sixty-seven (67%) percent of the Unit Owners

Date: August 16, 2017

  
Caryn Calp-Anagnostopoulos, Its Secretary

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## CERTIFICATE OF ACKNOWLEDGMENT

STATE OF ILLINOIS        )  
   ) SS  
 COUNTY OF COOK         )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that David Arfa, personally known to me to be the President of Le Janet Condominium Association, an Illinois not-for-profit corporation, Caryn Culp-Anagnostopoulos, personally known to me to be the Secretary of said corporation, and Ashleyrae Katzbeck, personally known to me to be the Treasurer of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President, Secretary and Treasurer, they signed and delivered the said instrument, as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal on this 16th day of August, 2017.



*Suzanne Hawley*  
 \_\_\_\_\_  
 Notary Public

My Commission expires on 2-14, 2021.

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## AFFIDAVIT

STATE OF ILLINOIS     )  
   ) SS  
 COUNTY OF COOK        )

The undersigned, being the Secretary of Le Janet Condominium Association, an Illinois not-for-profit corporation, certifies that on September 13, 2017, she caused a copy of the foregoing Third Amendment to the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Le Janet Condominiums to be sent to all mortgagees of record by certified mail, return receipt requested.

*Caryn Culp-Anagnostopoulos*  
 Caryn Culp-Anagnostopoulos  
 Secretary

Subscribed and sworn before me  
 this 2nd day of October, 2017.

*Karin Sandman*  
 Notary Public



My Commission expires on  
5-4, 2018.

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## EXHIBIT A

### LEGAL DESCRIPTION

Unit Nos. 1437-1N, 1437-2N, 1437-3N, 1437-G, 1437-1S, 1437-2S, 1437-3S, 1441-1N, 1441-2N, 1441-3N, 1441-1S, 1441-2S, 1441-3S, 1445-G, 1445-1N, 1445-2N, 1445-3N, 1445-1S, 1445-2S, 1445-3S, 7035-1N, 7035-2N, 7035-3N, 7035-1S, 7035-2S, 7035-3S, together with their respective undivided percentage interest in the Common Elements in Le Janet Condominiums, as delineated and defined in the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Le Janet Condominiums, which was recorded on May 23, 2007 in the Office of the Cook County Recorder of Deeds as Document No. 0714315060, as amended from time to time in part of sections 30, 31 and 32, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Property Index Nos.: 11-32-109-018-1001 through 11-32-109-018-1026, inclusive

Property Address: 1437-45 W. Greenleaf Avenue  
7021-35 N. Greenvew Avenue  
Chicago, Illinois 60626