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**THIS INSTRUMENT
PREPARED BY AND AFTER
RECORDING RETURN TO:**

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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/25/2017 11:21 AM PG: 1 OF 8

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FIFTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR WRIGHTWOOD COMMONS CONDOMINIUM

THIS FIFTH AMENDMENT ("Amendment") TO THE DECLARATION OF CONDOMINIUM FOR WRIGHTWOOD COMMONS CONDOMINIUM is made and entered into this 9th day of October, 2017 by the Board of Managers of the Wrightwood Commons Condominium Association (the "Board").

RECITALS

A. WHEREAS, the Board administers the Condominium property located in the City of Chicago, County of Cook, State of Illinois, legally described on Exhibit A attached hereto and made a part hereof (the "Property").

B. WHEREAS, the Property was submitted to the provisions of the Illinois Condominium Property Act (the "Act") pursuant to that certain Declaration of Condominium for Wrightwood Commons Condominium dated September 1, 1995, which Declaration was recorded with the Recorder of Deeds for Cook County, Illinois, as Document Number 96293146 (the "Original Declaration"); which document was subsequently amended by that First Amendment to Declaration of Condominium for Wrightwood Commons Condominium dated August 15, 1996, which Amendment was recorded with the Recorder of Deeds for Cook County, Illinois, as Document Number 96686910 (the "First Amendment"); which document was subsequently amended by that Second Amendment to Declaration of Condominium for Wrightwood Commons Condominium dated August 15, 1996, which Amendment was recorded with the Recorder of Deeds for Cook County, Illinois, as Document Number 97055742 (the "Second Amendment"); which document was subsequently amended by that Third Amendment to Declaration of Condominium for Wrightwood Commons Condominium dated July 15, 1997, which Amendment was recorded with the Recorder of Deeds for Cook County, Illinois, as Document Number 97509952 (the "Third Amendment"); which document was subsequently amended by that Fourth Amendment to Declaration of Condominium for Wrightwood Commons

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Condominium Association, which Amendment was recorded with the Recorder of Deeds for Cook County Illinois, on or about February 3, 2004, as Document Number 0403439058 (the "Fourth Amendment"). Collectively the Original Declaration, First Amendment, Second Amendment, Third Amendment and Fourth Amendment is referred to as the "Declaration".

C. WHEREAS, the Board and the Unit Owners desire to amend the Declaration to clarify and recategorize all unit windows, doors and hardware associated therewith as limited common elements and that each unit owner shall be responsible for any maintenance, repair or replacement costs associated therewith.

D. WHEREAS, Section 13.7 of the Declaration provides that "provisions of this Declaration may be changed, modified or rescinded as provided in Section 13.12 hereof or by an instrument in writing setting forth such change, modification or rescission signed and acknowledged by the President or a Vice President of the Board, and approved by the Unit Owners Voting Members having, in the aggregate, 2/3 of the total vote, at a meeting called for that purpose; provided however, that [i] all First Mortgagees have been notified by certified mail of any change, modification or rescission, [ii] an affidavit by the Secretary of the Board certifying to such mailing is made a part of such instrument and [iii] any provisions herein which specifically grant rights to First Mortgagees may be amended only with the written consent of all such First Mortgagees, except in those instances in which the approval of less than all First Mortgagees is required."

E. WHEREAS, Article XII of the By-Laws provides that the provisions of the By-Laws may be altered, amended or repealed and new By-Laws may be adopted upon the affirmative vote of 66-2/3% of all members at a regular meeting or special meeting called for such purpose, by Recording an instrument in writing setting forth such alteration, amendment or repeal which is signed and acknowledged by the President or Vice President and the Secretary or Assistant Secretary of the Association and which contains an affidavit by an officer of the Board certifying that the necessary affirmative vote of the members of the Association has been obtained.

F. WHEREAS, a meeting of unit owners was called pursuant to Article III, Section 4 of the Declaration.

G. WHEREAS, the Amendment set forth below has been approved signed and acknowledged by the President of the Board, and approved by the Unit Owners Voting Members having, in the aggregate, 2/3 of the total vote, and a copy of the Amendment has been sent by certified mail to all first mortgagees of record pursuant to the Secretarial Certification, Exhibit B, attached hereto and made a part hereof.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. **Incorporation of Recitals.** The foregoing Recitals are true and correct, and are hereby incorporated into this Amendment as though fully set forth herein.
2. **Amendments to Declaration:** The below provisions of the Declaration are

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amended as follows:

Section 1.13 of the Declaration is hereby deleted and amended to read in full:

“Limited Common Elements’ means a portion of the Common Elements which shall be reserved for the use of a certain Unit or Units to the exclusion of others including all windows, window frames and hardware associated therewith, including but not limited to standard windows, glass block windows and sky lights, as well as doors, door frames and all hardware associated therewith, including direct unit entry doors, unit sliding glass doors and unit French doors, as well as pass throughs described herein which are assigned to the Units to which they are an inseparable appurtenance. All Balconies attached to any Unit shall be considered a Limited Common Element. Parking spaces are ‘Limited Common Elements’ and are assigned by deed.”

Section 3.1 of the Declaration is hereby deleted and amended to read in full:

“The Common Elements shall consist of all portions of the Property, except the Units, and including the Limited Common Elements, unless otherwise expressly specified herein. The Common Elements include, without limitation and if applicable, any of the following items located at the Property: the walls, roof, hallways, stairways, common entrances and exits, management office, laundry room and related facilities, bicycle room, the Recreational Area and Recreational Facilities, security system, mechanical equipment areas, storage areas, elevators, mail boxes, master television antenna system (whether leased or owned), if any, fire escapes, pipes, ducts, flues, shafts, electrical wiring and conduits (except pipes, ducts, flues , shafts, electrical wiring and conduits situated entirely within a Unit and serving only such Unit), central heating, cooling and ventilating systems (including fan coil units), public utility lines, structural parts of the Building. Any references to "Common Elements" appearing on the Plat (except references to "Limited Common Elements") shall be deemed solely for purposes of general information and shall not be limiting in any way, nor shall any such reference define the Common Elements in any way. A parking garage is a common element and the parking spaces, which are assigned by deed, are designated herein as ‘Limited Common Elements’.”

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Section 3.3 of the Declaration is hereby amended by deleting everything after “(h) balconies,” and replacing it with “(i) designated storage areas, and (j) all windows, window frames and hardware associated therewith, including but not limited to standard windows, glass block windows and sky lights, as well as doors, door frames and all hardware associated therewith, including direct unit entry doors, unit sliding glass doors and unit French doors.”

Section 4.5(b)(3) of the Declaration is hereby amended by inserting after the words “in part” in the first sentence, “all windows, window frames and hardware associated therewith, including but not limited to standard windows, glass block windows and sky lights, as well as doors, door frames and all hardware associated therewith, including direct unit entry doors, unit sliding glass doors and unit French doors”. Additionally, the following sentence shall be added at the end of the paragraph: “The Board shall at all times maintain sole decision making authority as to specifications and aesthetic characteristics of any Limited Common Elements visible from the outside of the building.”

3. **Amendments to By-Laws:** The By-Laws are hereby amended as follows:

Art. VI, Section 3(c) of the By-Laws is hereby amended by deleting the final sentence beginning with “Anything in the foregoing to the contrary....” in its entirety.

4. **Terms.** Capitalized terms used in this Amendment shall have the same meanings as ascribed to them in the Declaration, except to the extent they are amended or otherwise defined in this Amendment.

5. **Continuation.** All terms, conditions and provisions of the Declaration, as expressly amended and supplemented by this Amendment, are hereby ratified, confirmed and shall continue to apply with full force and effect. In the event of any inconsistency between this Amendment and the Declaration, this Amendment shall control.

5. **Survival.** In the event that any clause or provision or other portion of this Amendment shall be determined to be unenforceable or void based on any applicable law, the remainder of this Amendment shall remain in force and continue in full force and effect.

[Signatures contained on the following page]

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IN WITNESS WHEREOF, the Board and Unit Owners have caused this Amendment to be signed as of the date aforesaid.

**BOARD OF DIRECTORS FOR THE
WRIGHTWOOD COMMONS
CONDOMINIUM ASSOCIATION**

By: *K. Nyquist*
Print Name: KATHRYN NYQUIST
10/9/17 Its: President

**BOARD OF DIRECTORS FOR THE
WRIGHTWOOD COMMONS
CONDOMINIUM ASSOCIATION**

By: *Kim Applegate*
Print Name: Kim Applegate
Its: Secretary

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

(attached)

COOK COUNTY
ORDER OF DEEDS

COOK COUNTY
ORDER OF DEEDS

COOK COUNTY
ORDER OF DEEDS

COOK COUNTY
ORDER OF DEEDS

Property of Cook County Clerk's Office

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EXHIBIT "A"

LEGAL DESCRIPTION

UNIT 632-1E, UNIT 632-2E, UNIT 632-3E, UNIT 632-4E, UNIT 632-5E,
UNIT 632-1W, UNIT 632-2W, UNIT 632-3W, UNIT 632-4W, UNIT 632-5W,
UNIT 630-1E, UNIT 630-2E, UNIT 630-3E, UNIT 630-4E, UNIT 630-5E,
UNIT 630-1W, UNIT 630-2W, UNIT 630-3W, UNIT 630-4W, UNIT 630-5W,
UNIT 628-1E, UNIT 628-2E, UNIT 628-3E, UNIT 628-4E, UNIT 628-5E,
UNIT 628-1W, UNIT 628-2W, UNIT 628-3W, UNIT 628-4W, UNIT 628-5W,
UNIT 626-1E, UNIT 626-2E, UNIT 626-3E, UNIT 626-4E, UNIT 626-5E,
UNIT 626-1W, UNIT 626-2W, UNIT 626-3W, UNIT 626-4W, UNIT 626-5W,
P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14,
P-15, P-16, P-17, P-18, P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27,
P-28, P-29, P-30, P-31, P-32, P-33, P-34, P-35, P-36, P-37, P-38, P-39, P-40,
P-41, P-42, P-43, P-44, P-45, P-46, P-47, P-48, P-49, P-50, P-51, P-52, P-53,
P-54, P-55, P-56, P-57 and P-58 IN THE WRIGHTWOOD COMMONS
CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING
DESCRIBED REAL ESTATE:

PARTS OF CERTAIN LOTS IN THE SUBDIVISION OF LOT 8 IN THE COUNTY
CLERK'S DIVISION OF OUTLOT "D" IN WRIGHTWOOD, A SUBDIVISION OF THE
SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF
THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH IS
ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED
AS DOCUMENT #96293146 TOGETHER WITH ITS UNDIVIDED PERCENTAGE
INTEREST IN THE COMMON ELEMENTS.

P.I.N. 14-28-305-029
P.I.N. 14-28-305-030
P.I.N. 14-28-305-031
P.I.N. 14-28-305-032
P.I.N. 14-28-305-033

Commonly known as:

626-632 W. Wrightwood Ave., Chicago, Illinois

Cook County Clerk's Office

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EXHIBIT B

SECRETARIAL CERTIFICATION

STATE OF ILLINOIS)
) SS.
 COUNT OF COOK)

I, *Kin Lippiatt*, being duly sworn on oath, do hereby state that:

1. I am the duly elected, qualified and acting Secretary of Wrightwood Commons Condominium Association ("Association").
2. I am the keeper of the corporate records of the Association.
3. A meeting of unit owners was called and notice was sent to all unit owners pursuant to Article III, Section 4 of the Declaration.
4. This Fifth Amendment ("Amendment") to the Declaration of Condominium for Wrightwood Commons Condominium has been signed and acknowledged by the President of the Board and was approved by the Unit Owners having in the aggregate at least two-thirds (2/3) of the aggregate vote of all unit owners by percentage of interest in the common elements at a meeting called for that purpose held on _____, 20__.
5. A copy of the Amendment has been mailed by certified mail to all First Mortgagees of record against any unit in the Association prior to the date hereof.

FURTHER AFFIANT SAYETH NAUGHT.

Kin Lippiatt
Kin Lippiatt, Secretary
 Wrightwood Commons Condominium Association