

UNOFFICIAL COPY

**AMENDMENT TO THE
DECLARATION OF
CONDOMINIUM
OWNERSHIP
FOR THE CORTLAND
TOWERS
CONDOMINIUM
ASSOCIATION**



Doc# 1818734024 Fee \$54.00

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

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 07/06/2018 10:04 AM PG: 1 OF 9

For use by Recorder's Office only

This document is recorded for the purpose of amending the Declaration of Condominium Ownership (hereafter the "Declaration") for the Cortland Towers Condominium Association (hereafter the "Association"), which Declaration was recorded on November 5, 2003 as Document Number 0331019171 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 thereof.

This amendment is adopted pursuant to the provisions of Section 27(b) of the Illinois Condominium Property Act (the "Act"), 765 ILCS 605/27, concerning inconsistencies between the Act and the Declaration. The amendment may be adopted by a vote of two-thirds (2/3) of the members of the Board of Directors of the Association at a meeting called for this purpose, unless the Board of Directors' action is rejected by a majority of the votes of the unit owners at a meeting of the unit owners duly called for that purpose pursuant to a written petition of the unit owners having twenty percent (20%) of the votes of the Association filed within thirty (30) days after the action of the Board of Directors to approve the amendment.

RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of Cook County, Illinois, the Property has been submitted to the provisions of the Act; and

WHEREAS, parking spaces are defined as Limited Common Elements pursuant to various provisions of the Declaration; and

WHEREAS, Exhibit B of the Declaration assigns a percentage of

This document prepared by and after recording to be returned to:

RYAN H. SHPRITZ
Kovitz Shifrin Nesbit
175 North Archer Avenue
Mundelein, IL 60060 — (847) 537-0500

UNOFFICIAL COPY

ownership in the Common Elements to each parking space; and

WHEREAS, the Office of Recorder of Deeds of Cook County, Illinois has assigned Property Index Numbers (PINs) to each parking space and, therefore, the parking spaces are owned by individual Unit Owners of the Association; and

WHEREAS, Section 2(s) of the Act defines a Limited Common Element as "a portion of the common elements...reserved for the use of a certain unit or units to the exclusion of other units"; and

WHEREAS, Section 1(m) of the Declaration and Section 2(s) of the Act are inconsistent with respect to defining parking spaces as Limited Common Elements, insofar as parking spaces cannot be defined as a portion of the Common Elements when the parking spaces are individually owned by Unit Owners, and the Board desires to correct the error and inconsistency between the Declaration and the Act; and

WHEREAS, Section 27(b) of the Act provides that if there is an omission, error, or inconsistency in a condominium instrument, such that a provision of a condominium instrument does not conform to the Act, the Association may correct the omission, error, or inconsistency to conform the condominium instruments to the Act by an amendment adopted by vote of two thirds (2/3) of the Board of Directors, without Unit Owner approval; and

WHEREAS, this amendment to the Declaration was approved by at least two-thirds (2/3) of the members of the Board of Directors of the Association at a duly called meeting held June 5, 2018; and

WHEREAS, the requisite number of unit owners failed to submit a written petition to the Board of Directors within thirty (30) days of the Board of Directors' action, as provided by Section 27(b)(3) of the Act;

NOW, THEREFORE, the Association hereby declares that Section 1(m) of the Declaration, and certain other provisions delineated below, be and are hereby amended as follows (additions in text are indicated by underline and deletions are indicated by ~~strike-out~~):

1. Section 1(m) of the Declaration shall be amended as follows:

"(m) Limited Common Elements: Except as otherwise provided in this Declaration, the Limited Common Elements shall consist of all portions of the Common Elements set aside and allocated for the restricted use of particular Units, or which, by the terms of this Declaration or by its nature or location, are clearly intended to serve exclusively a certain Unit or Units (but less than all of the Units) or the Unit Owner(s) thereof. Without limiting the generality of the foregoing, the Limited Common Elements shall include, without limitation, the following: (a) the interior surfaces of the perimeter walls, floors and ceilings which define the boundary planes of a Unit; (b) perimeter

UNOFFICIAL COPY

doors and windows, including plate glass and skylights, if any, which serve exclusively a single Unit; (c) any system or component part thereof (including, without limitation and to the extent applicable, fireplace flues and chimneys, furnaces, fittings, pipes, ducts, flues, shafts, electrical wiring or conduits) which serve a Unit exclusively to the extent such system or component part is located outside the boundaries of a Unit; (d) ceilings and floors separating different levels in a multi-level Unit; and (e) portions of the Common Elements which have been designated by this Declaration or the Plat as Limited Common Elements, including, but not limited to, balconies and ~~Parking Spaces.~~

2. Section 1(r) of the Declaration shall be amended as follows:

~~“(r) Parking Spaces: Those Units That part of the Property consisting of those parking spaces which are Limited Common Elements appurtenant to the Units as which are designated in Exhibit B by the letter ‘P’ followed by a number, and used for the purpose of parking permitted vehicles (as defined in Paragraph 11 hereof).”~~

3. A new Section 3(d) shall be added as follows:

“(d) Parking Spaces: Notwithstanding anything to the contrary contained in this Declaration, Parking Spaces may only be owned by Owners of residential units in the Association. No Owners of Parking Spaces may convey Parking Spaces to a non-Unit Owner after the effective date of this Amendment.”

4. Section 4(b) of the Declaration shall be amended as follows:

“(b) Each Unit Owner shall own an undivided interest in the Common Elements, in the percentage set forth in Exhibit B attached hereto and made a part hereof, as a tenant in common with all the other Unit Owners. Except for the Limited Common Elements, each Unit Owner, his agents, permitted Occupants, family members and invitees shall have the right to use the Common Elements (except portions thereof subject to leases made by the Board or assigned to the Association) for all purposes incident to the use and occupancy of his Unit and such other incidental uses permitted by the Condominium Instruments, which right shall be appurtenant to, and run with, his Unit. Any conveyance, encumbrance, judicial sale or other transfer, whether voluntary or involuntary, of an interest in the Common Elements shall be void unless the Unit to which that interest is allocated is also so transferred. Each Unit Owner shall have the right to: (i) the exclusive use and possession of the Limited Common Elements contiguous to and serving only his Unit and the Limited Common Elements access to which is available only through his Unit; and (ii) the exclusive use and possession together with the Owners of other benefitted Units, of Limited Common Elements, if any, serving his Unit and one or more other Units (but less than all of the other Units). The right to the exclusive use and possession of the Limited Common Elements as aforesaid shall be appurtenant to and run with the Unit or Units of such Unit Owner(s) benefitted by the Limited Common Element. Except as set forth in the preceding sentence, Limited Common Elements may not be transferred between or among Unit Owners. ~~provided that Parking Spaces may be transferred in accordance with Section~~

UNOFFICIAL COPY

~~26 of the Act.~~ The Association shall have the authority to lease, grant concessions or grant easements over the Common Elements, subject to the provisions of this Declaration and the By-Laws. All income derived by the Association from leases, concessions or other sources shall be held and used for the benefit of the members of the Association pursuant to such rules, resolutions or regulations as the Board may adopt or prescribe."

5. Article VI, Section 3(c) of the By-Laws, attached to the Declaration as Exhibit C, shall be amended as follows:

~~"(c)~~ Landscaping, gardening, snow removal, paving, asphaltting, painting, cleaning, tuckpointing, maintenance, decorating, repair and replacement of the Common Elements [including, without limitation, the windows, window frames and plate glass which are Limited Common Elements appurtenant to the Units] and such furnishings and equipment for the Common Elements as the Association shall determine are necessary and proper, and the Association shall have the exclusive right and duty to acquire the same for the Common Elements. In addition, the Association shall be responsible to perform and pay for the maintenance, repair and replacement of the ~~Parking Spaces (and related driveways and other parking areas)~~ and the balconies and parking areas and related driveways, but not the Parking Spaces for which the maintenance, repairs and replacements shall be the responsibility of the Unit Owners, in the same manner as for any other Unit.

Except as expressly provided in this amendment, the remaining provisions of the Declaration are hereby confirmed and ratified and shall continue in full force and effect without change.

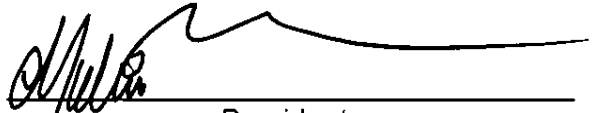
UNOFFICIAL COPY

PRESIDENT'S SIGNATURE PAGE

I Malinda J. Rosen, am the President of the Board of Directors of the Cortland Towers Condominium Association, an Illinois not-for-profit corporation and condominium established by the aforesaid Declaration, and by my signature below do hereby execute the foregoing amendment to the Declaration pursuant to Section 27 of the Illinois Condominium Property Act.

EXECUTED this 5th day of June, 2018.

BY:



President

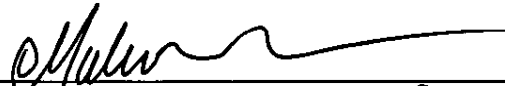
Property of Cook County Clerk's Office

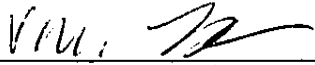
UNOFFICIAL COPY


BOARD MEMBER APPROVAL

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

We, the undersigned, constitute at least two-thirds (2/3) of the members of the Board of Directors of the Cortland Towers Condominium Association established by the aforesaid Declaration of Condominium Ownership. By our signatures below, we hereby approve of and consent to this Amendment to the Declaration pursuant to Section 27(b)(1) of the Illinois Condominium Property Act. In witness, whereof we have cast our votes and signed this document in favor of this Amendment at a duly called meeting of the Board of Directors of the Cortland Towers Condominium Association held on 6/5, 2018.


 Printed name: malinda J. Rosen

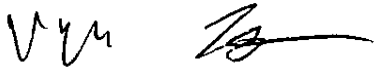

 Printed name: Valerie Fa'lad


 Printed name: NICK B. IA

Printed name: _____

Printed name: _____

Being the members of
 the Cortland Towers Condominium Association

ATTEST: 
 Secretary

UNOFFICIAL COPY

AFFIDAVIT OF SECRETARY

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

I, Valarie Falstad, being first duly sworn on oath, depose and state that I am the Secretary of the Board of Directors of the Cortland Towers Condominium Association and as such Secretary and keeper of the books and records of said condominium. I further state that the foregoing amendment was approved by at least two-thirds (2/3) of the members of the Board of Directors of said condominium, at a meeting of the Board of Directors duly noticed and convened and held for that purpose on June 5, 2018 at which a quorum was present throughout, and such approval has not been altered, modified, or rescinded in any manner but remains in full force and effect, and that a copy of the foregoing Amendment either was delivered personally to each unit owner at the Association or was sent 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 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 to the Declaration.

Valarie Falstad
 Secretary
 Cortland Towers Condominium Association

SUBSCRIBED AND SWORN to
 before me this 5 day of June, 2018

Anthony J Adams
 Notary Public



UNOFFICIAL COPY

EXHIBIT A LEGAL DESCRIPTION

Units 101 through 408 and P-1 through P-33 in Cortland Towers Condominium, as delineated on the plat of survey of part of Block 1 in Edgar M. Snow and Company's Subdivision in the West 1/2 of the Southeast 1/4 of Section 36, Township 40 North, Range 13, East of the Third Principal Meridian, which plat of survey is attached as Exhibit E to the Declaration recorded as Document No. 0331019171, in Cook County, Illinois.

Unit	Pin	Commonly known as (for informational purposes only)
101	13-36-401-032-1001	2720 W Cortland St Unit #101 Chicago, IL 60647
102	13-36-401-032-1002	2720 W Cortland St Unit #102 Chicago, IL 60647
103	13-36-401-032-1003	2720 W Cortland St Unit #103 Chicago, IL 60647
104	13-36-401-032-1004	2720 W Cortland St Unit #104 Chicago, IL 60647
105	13-36-401-032-1005	2720 W Cortland St Unit #105 Chicago, IL 60647
106	13-36-401-032-1006	2720 W Cortland St Unit #106 Chicago, IL 60647
107	13-36-401-032-1007	2720 W Cortland St Unit #107 Chicago, IL 60647
201	13-36-401-032-1008	2720 W Cortland St Unit #201 Chicago, IL 60647
202	13-36-401-032-1009	2720 W Cortland St Unit #202 Chicago, IL 60647
203	13-36-401-032-1010	2720 W Cortland St Unit #203 Chicago, IL 60647
204	13-36-401-032-1011	2720 W Cortland St Unit #204 Chicago, IL 60647
205	13-36-401-032-1012	2720 W Cortland St Unit #205 Chicago, IL 60647
206	13-36-401-032-1013	2720 W Cortland St Unit #206 Chicago, IL 60647
207	13-36-401-032-1014	2720 W Cortland St Unit #207 Chicago, IL 60647
208	13-36-401-032-1015	2720 W Cortland St Unit #208 Chicago, IL 60647
P-1	13-36-401-032-1016	2720 W Cortland St Unit #P-1 Chicago, IL 60647
P-2	13-36-401-032-1017	2720 W Cortland St Unit #P-2 Chicago, IL 60647
P-3	13-36-401-032-1018	2720 W Cortland St Unit #P-3 Chicago, IL 60647
P-4	13-36-401-032-1019	2720 W Cortland St Unit #P-4 Chicago, IL 60647
P-5	13-36-401-032-1020	2720 W Cortland St Unit #P-5 Chicago, IL 60647
P-6	13-36-401-032-1021	2720 W Cortland St Unit #P-6 Chicago, IL 60647
P-7	13-36-401-032-1022	2720 W Cortland St Unit #P-7 Chicago, IL 60647
P-8	13-36-401-032-1023	2720 W Cortland St Unit #P-8 Chicago, IL 60647
P-9	13-36-401-032-1024	2720 W Cortland St Unit #P-9 Chicago, IL 60647
P-10	13-36-401-032-1025	2720 W Cortland St Unit #P-10 Chicago, IL 60647
P-11	13-36-401-032-1026	2720 W Cortland St Unit #P-11 Chicago, IL 60647
P-12	13-36-401-032-1027	2720 W Cortland St Unit #P-12 Chicago, IL 60647
P-13	13-36-401-032-1028	2720 W Cortland St Unit #P-13 Chicago, IL 60647
P-14	13-36-401-032-1029	2720 W Cortland St Unit #P-14 Chicago, IL 60647
P-15	13-36-401-032-1030	2720 W Cortland St Unit #P-15 Chicago, IL 60647
P-16	13-36-401-032-1031	2720 W Cortland St Unit #P-16 Chicago, IL 60647
P-17	13-36-401-032-1032	2720 W Cortland St Unit #P-17 Chicago, IL 60647

UNOFFICIAL COPY

Unit	Pin	Commonly known as (for informational purposes only)
P-18	13-36-401-032-1033	2720 W Cortland St Unit #P-18 Chicago, IL 60647
P-19	13-36-401-032-1034	2720 W Cortland St Unit #P-19 Chicago, IL 60647
P-20	13-36-401-032-1035	2720 W Cortland St Unit #P-20 Chicago, IL 60647
P-21	13-36-401-032-1036	2720 W Cortland St Unit #P-21 Chicago, IL 60647
P-22	13-36-401-032-1037	2720 W Cortland St Unit #P-22 Chicago, IL 60647
P-23	13-36-401-032-1038	2720 W Cortland St Unit #P-23 Chicago, IL 60647
P-24	13-36-401-032-1039	2720 W Cortland St Unit #P-24 Chicago, IL 60647
P-25	13-36-401-032-1040	2720 W Cortland St Unit #P-25 Chicago, IL 60647
P-26	13-36-401-032-1041	2720 W Cortland St Unit #P-26 Chicago, IL 60647
P-27	13-36-401-032-1042	2720 W Cortland St Unit #P-27 Chicago, IL 60647
P-28	13-36-401-032-1043	2720 W Cortland St Unit #P-28 Chicago, IL 60647
P-29	13-36-401-032-1044	2720 W Cortland St Unit #P-29 Chicago, IL 60647
P-30	13-36-401-032-1045	2720 W Cortland St Unit #P-30 Chicago, IL 60647
P-31	13-36-401-032-1046	2720 W Cortland St Unit #P-31 Chicago, IL 60647
P-32	13-36-401-032-1047	2720 W Cortland St Unit #P-32 Chicago, IL 60647
P-33	13-36-401-032-1048	2720 W Cortland St Unit #P-33 Chicago, IL 60647
301	13-36-401-032-1049	2720 W Cortland St Unit #301 Chicago, IL 60647
302	13-36-401-032-1050	2720 W Cortland St Unit #302 Chicago, IL 60647
303	13-36-401-032-1051	2720 W Cortland St Unit #303 Chicago, IL 60647
304	13-36-401-032-1052	2720 W Cortland St Unit #304 Chicago, IL 60647
305	13-36-401-032-1053	2720 W Cortland St Unit #305 Chicago, IL 60647
306	13-36-401-032-1054	2720 W Cortland St Unit #306 Chicago, IL 60647
307	13-36-401-032-1055	2720 W Cortland St Unit #307 Chicago, IL 60647
308	13-36-401-032-1056	2720 W Cortland St Unit #308 Chicago, IL 60647
401	13-36-401-032-1057	2720 W Cortland St Unit #401 Chicago, IL 60647
402	13-36-401-032-1058	2720 W Cortland St Unit #402 Chicago, IL 60647
403	13-36-401-032-1059	2720 W Cortland St Unit #403 Chicago, IL 60647
404	13-36-401-032-1060	2720 W Cortland St Unit #404 Chicago, IL 60647
405	13-36-401-032-1061	2720 W Cortland St Unit #405 Chicago, IL 60647
406	13-36-401-032-1062	2720 W Cortland St Unit #406 Chicago, IL 60647
407	13-36-401-032-1063	2720 W Cortland St Unit #407 Chicago, IL 60647
408	13-36-401-032-1064	2720 W Cortland St Unit #408 Chicago, IL 60647