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**FIRST
AMENDMENT TO
THE DECLARATION
OF THE
5101 N. CLARK
CONDOMINIUM
ASSOCIATION a/k/a
CLARK CARMEN
CONDOMINIUM
ASSOCIATION**



Doc# 2103419063 Fee \$75.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/03/2021 03:20 PM PG: 1 OF 13

Prepared by and mail to:
James R. Stevers
Chuhak & Tesson, P.C.
30 S. Wacker Drive, 26th Floor
Chicago, Illinois 60606

This Amendment to the Declaration of Covenants and Easements of 5101 North Clark Condominium Clark a/k/a Carmen Condominium Association is made and entered into this December 30, 2020 by Clark Carmen Condominium Association, with the approval of sixty-seven percent (67%) of the Units of the Association, with due notice to the Mortgagees obtained per Section 27 of the Illinois Condominium Property Act and Article 13, Section 13.7 of the Declaration;

WHEREAS the Board of Directors has called a meeting of the Board to execute the amendment after approval by the Members, and has obtained the consent or approval of sixty-seven percent (67%) of members and/or Unit Owners at a special meeting of the Members duly called for the purpose to approve an amendment to the Declaration to restrict certain activities in units causing nuisance to other units and the Common Elements, such meeting of the Board and of the Members called per the terms of the Declaration and Bylaws, with due notice, and notice to the First Mortgagees made, per the terms of the Declaration and Bylaws;

WHEREAS the Unit Owners and/or Members, consenting in favor of this Amendment, having sixty-seven percent (67%) of the Units consenting in favor per Article 13, Section 13.7 of the Declaration, and per same, notice required to all Mortgagees, with no formal Mortgagee consent needed.

Clark Carmen Condominium Association hereby amends its Declaration, recorded as Document 0513339013 on May 13, 2005 with the Cook County Recorder of Deeds, as follows, to change its name to **Clark Carmen Condominium Association** as it has been known and incorporated, and with the following additional amendment to the terms of the covenants, with existing text in regular typeface, **new text in bold**, and ~~any text removed shall be shown as stricken through~~:

ARTICLE 7, Section 7.1 shall have the following added as 7.1(m):

(m) Unit Owners, occupants, their guests and invitees shall not smoke any lighted or burning tobacco, cannabis, or other similar smoking substances within the Units and/or the Common Elements of the Association. This provision shall be construed broadly to

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prohibit all forms of smoking tobacco and/or cannabis, including lit, warmed or similar uses that emit smoke, odor, or airborne particles from combustion at the Property. Nothing herein shall prohibit any non-lighted or non-burning use of such substances. This restriction does not limit or prohibit vaporized substances that do not rely upon combustion.

The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration.


The language of this Amendment shall govern any conflicts between this document and the prior Declaration and its amendments.

Except as to the extent expressly set forth herein above, and as amended, the Declaration, By-Laws and Rules and Regulations shall continue in full force and effect without change.

This Amendment shall become effective upon recording.

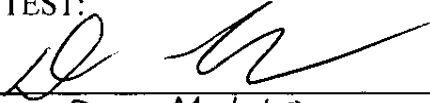
IN WITNESS WHEREOF, the undersigned hereby executed this First Amendment to the Declaration this December 30, 2020

**THE BOARD OF DIRECTORS OF
CLARK CARMEN CONDOMINIUM
ASSOCIATION**

By: 
Name: Abigail Mulgrew
Its: President

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ATTEST:



Name: DAN MALATO

Its: Secretary

Property of Cook County Clerk's Office
COOK COUNTY
RECORDER OF DEEDS

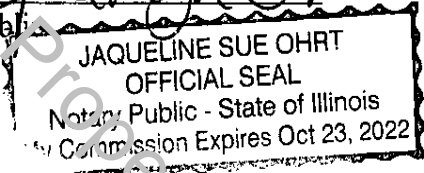
COOK COUNTY
RECORDER OF DEEDS

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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

Subscribed and Sworn to before me by Abigail Mulgrew, using allowable electronic means for a video notarization, with due records kept, identified to me using state-issued photo identification, as a Notary Public in Cook County, Illinois, this 30th day of December, 2020.

Jaqueline Sue Ohrt
 Notary Public



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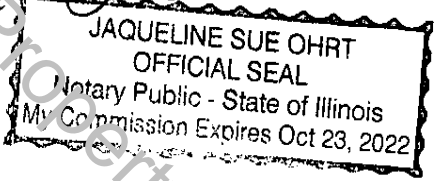
COOK COUNTY
 RECORDER OF DEEDS

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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

Subscribed and Sworn to before me by Daniel Malato, using allowable electronic means for a video notarization, with due records kept, identified to me using state-issued photo identification, as a Notary Public in Cook County, Illinois, this 30th day of December, 2020.

Jaqueline Sue Ohrt
 Notary Public



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EXHIBIT A

Property Subject to the Condominium Declaration

Parcel 1:

Units 5101-1, 5101-2, 5101-3, 5103-2, 5103-3, 1474-1, 1474-2, 1474-3, 1476-1, 1476-2, and 1476-3 in

LOT 1 IN THE RESUBDIVISION OF LOTS 1 AND 2 OF THE SUBDIVISION OF LOTS 12 TO 18 INCLUSIVE IN THE SUBDIVISION OF BLOCK 6 IN CHYTRAUS ADDITION TO ARGYLE AND OF LOT 44 IN BROWNS SECOND ADDITION TO ARGYLE IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED MAY 13, 2005 AS DOCUMENT 0513339013 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

Parcel 2:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS TO AND FROM LOT 1 AND ALSO TO INSTALL AND MAINTAIN DOOR, PORCHES AND STAIRS ATTACHED TO THE NORTH SIDE OF LOT 1 AS STATED IN THE GRANT OF EASEMENT DATED MAY 2, 2005 AND RECORDED MAY 4, 2005 AS DOCUMENT 0512435365 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHERLY 53.38 FEET AS MEASURED ON THE EASTERLY AND WESTERLY LINES OF LOT 2 AS TAKEN AS A TRACT IN THE RESUBDIVISION OF LOTS 1 AND 2 OF THE SUBDIVISION OF LOTS 12 TO 18 INCLUSIVE IN THE SUBDIVISION OF BLOCK 6 IN CHYTRAUS ADDITION TO ARGYLE AND LOT 44 IN BROWNS SECOND ADDITION TO ARGYLE IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 56 MINUTES 18 SECONDS WEST 84.31 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 45 SECONDS WEST 3.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 18 SECONDS EAST 84.11 FEET TO THE EAST LINE OF SAID LOT 2; THENCE SOUTH 03 DEGREES 53 MINUTES 52 SECONDS EAST 3.01 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 5101-03 N. CLARK & 1474-76 W. CARMEN, CHICAGO, ILLINOIS

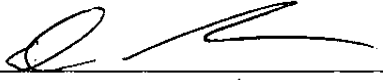
PINs: 14-08-304-058-1001, 14-08-304-058-1002, 14-08-304-058-1003, 14-08-304-058-1004, 14-08-304-058-1005, 14-08-304-058-1006, 14-08-304-058-1007, 14-08-304-058-1008, 14-08-304-058-1009, 14-08-304-058-1010, 14-08-304-058-1011

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EXHIBIT B CERTIFICATION AS TO UNIT OWNER APPROVAL

I, Dan Malachuk, do hereby certify that I am the duly elected and qualified Secretary for Clark Carmen Condominium Association, and as such Secretary, I am keeper of the books and records of the Association.

I further certify that the attached First Amendment to the Declaration for Clark Carmen Condominium Association was duly approved by sixty-seven percent (67%) of the Unit Owners, in accordance with the provisions of Article 13, Section 13.7 of the Declaration as conformed by Section 27 of the Illinois Condominium Property Act.



Dan Malachuk, Secretary

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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

Subscribed and Sworn to before me by Daniel Malato, using allowable electronic means for a video notarization, with due records kept, identified to me using state-issued photo identification, as a Notary Public in Cook County, Illinois, this 30th day of December, 2020.

Jacqueline S. Ohrt
 Notary Public
 JACQUELINE SUE OHRT
 OFFICIAL SEAL
 Notary Public - State of Illinois
 My Commission Expires Oct 23, 2022

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EXHIBIT C

AFFIDAVIT AS TO MORTGAGEE NOTIFICATION

I, Dan Malato, do hereby certify that I am the duly elected and qualified Secretary for Clark Carmen Condominium Association, and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached First Amendment to the Declaration for Clark Carmen Condominium Association does require Mortgagee notification, which was done prior to its recording, but does not require Mortgagee approval per the Declaration.



Dan Malato, Secretary

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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

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Jaqueline S. Ohrt
 Notary Public
 JAQUELINE SUE OHRT
 OFFICIAL SEAL
 Notary Public - State of Illinois
 My Commission Expires Oct 23, 2022

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COOK COUNTY
 RECORDER OF DEEDS

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EXHIBIT D

CERTIFICATION AS TO UNIT OWNER APPROVAL

I, Dan Malata, do hereby certify that I am the duly elected and qualified Secretary for Clark Carmen Condominium Association, and as such officer, I am familiar with the books and records of the Association. I circulated this consent form to Unit Owners to that they may state their consent to the First Amendment to the Declaration.

I further certify that the names and addresses above are owners and units at the Association and that the signatures were made before me personally and appear to be the signatures of the owner listed beside them.


Dan Malata, Secretary

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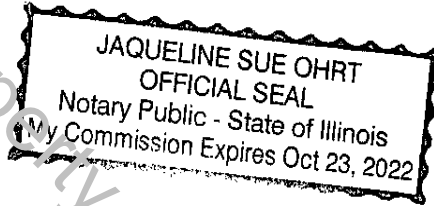
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STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

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Jaqueline Sue Ohrt

 Notary Public



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UNIT OWNER CONSENT AND AGREEMENT

I/We, as listed and signed below as the voting member of a unit, hereby consent to, ratify, approve of and agree to abide by the **FIRST AMENDMENT TO THE DECLARATION prohibiting smoking** and I/We affirm we have read said Amendment and have had an opportunity to accord ourselves of the benefit of independent legal counsel regarding same if we so desire, and we freely and voluntarily signed this approval of said Amendment and agree to be bound by and abide by same.

<u>Name</u>	<u>Address and Unit</u>	<u>Signature</u>
Abby: Des. McGrow	1474 W Carmen Unit 1	
Elizabeth & Tyler Stollenberg	1474 W Carmen #3	
Mary Nely	1476 W Carmen	
Courtney/Matt Aviles	5101 N Clark #2	
Kate Boucher / Dan Malato	5103 N Clark #3	
Alexander Lambert / Danielle Jacobs	5101 N Clark #3	
Julia Zh / Bar Ronia	5010 N Clark #1	

CERTIFICATION AS TO UNIT OWNER APPROVAL

I, Dan Malato, do hereby certify that I am the duly elected and qualified Secretary for Clark Carmen Condominium Association, and as such officer, I am familiar with the books and records of the Association. I circulated this consent form to Unit Owners so that they may state their consent to the First Amendment to the Declaration.

I further certify that the names and addresses above are owners and units at the Association and that the signatures were made before me personally and appear to be the signatures of the owner listed beside them.

Subscribed and Sworn to before me
This 30 day of December, 2020

Notary Public