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KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 05/18/2023 10:38 AM PG: 1 OF 8

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FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE SISSILLA CONDOMINIUM ASSOCIATION

Street Address:

1210-22 Central Street, Evanston, Illinois

Permanent Index Numbers:

11-07-100-020-1001	11-07-100-020-1023
11-07-100-020-1002	11-07-100-020-1024
11-07-100-020-1003	11-07-100-020-1025
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11-07-100-020-1009	11-07-100-020-1031
11-07-100-020-1010	11-07-100-020-1032
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11-07-100-020-1012	11-07-100-020-1034
11-07-100-020-1013	11-07-100-020-1035
11-07-100-020-1014	11-07-100-020-1036
11-07-100-020-1015	11-07-100-020-1037
11-07-100-020-1016	11-07-100-020-1038
11-07-100-020-1017	11-07-100-020-1039
11-07-100-020-1018	11-07-100-020-1040
11-07-100-020-1019	11-07-100-020-1041
11-07-100-020-1020	11-07-100-020-1042
11-07-100-020-1021	11-07-100-020-1043
11-07-100-020-1022	

RECORDING FEE 65.00

DATE 5-18-23 COPIES 6X

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FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE SISSILLA CONDOMINIUM ASSOCIATION

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE SISSILLA CONDOMINIUM ASSOCIATION ("First Amendment") is made as of this 12 day of January, 2023, by the Board of Directors of the Sissilla Condominium Association (the "Board"):

WITNESSETH

WHEREAS, the Board administers certain real estate, hereinafter described, located in Evanston, Cook County, Illinois; and,

WHEREAS, the Property (as defined by the Declaration described below) which includes, but is not limited to said real estate together with all buildings, structures, improvements and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anywise pertaining thereto, have been submitted to the provisions of the Illinois Condominium Property Act (the "Act"); and,

WHEREAS, the Property hereby submitted to the provisions of the Act is legally described as in Exhibit A to the original Declaration; and,

WHEREAS, the Property is subject to that certain Amended and Restated Declaration of Condominium Ownership and of Easements, Restriction, and Covenants for the Sissilla Condominium Association recorded with the Recorder of Cook County, Illinois on January 21, 2009 as document number 0902129008, (the "Declaration");

WHEREAS, Article XX, Section 6 of the Declaration provides a procedure for amending the Declaration upon approval by Unit Owners having at least three-fourths (3/4ths) of the total votes at a meeting called for the purpose of passing such an amendment; and,

WHEREAS, Article IX of the Declaration presently permits owners to lease their Units; and,

WHEREAS, the members of the Association voting to approve this First Amendment have determined that it is in the best interest of the Association to remove the unrestricted right to lease Units, with certain exceptions as set forth below; and,

WHEREAS, the amended portions of the Declaration contained in this First Amendment have been approved by a vote of Unit Owners having at least three-fourths (3/4ths) of the total vote at a special meeting of owners held on January 12, 2023;

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NOW, THEREFORE, in furtherance of the foregoing Recitals, the Declaration is hereby amended in accordance with the following:

- I. Article IX is amended by adding a new section "13" immediately following the end of the existing Section 12 as follows:

"13. Leasing Prohibition and Exceptions. Notwithstanding anything stated to the contrary in this Article IX or elsewhere in the Declaration, on and after the date of this First Amendment, a maximum of five (5) Units may be leased at any given time. A Unit Owner may only lease his/her/its Unit after having resided in the Unit for a period of no less than 24 consecutive months.

Those Units under lease as of January 1, 2023, shall be grandfathered and excepted from the provisions of this Section, without further action by the Board, until such time as it: 1) is sold or transferred to another person or entity; 2) is foreclosed upon by a lender or creditor; 3) the Association is granted possession of the Unit pursuant to a forcible detainer lawsuit as provided for in this Declaration and/or pursuant to the Illinois Condominium Property Act; or 4) the Unit Owner and/or its tenant(s) have been cited for violations of the Association's Declaration, By-Laws, and/or rules three (3) times in a one-year period.

Notwithstanding the limitation on the number of leases provided for herein, a Unit Owner may apply to the Board, in writing, for a hardship exception to allow a temporary lease of his/her/its Unit for a period of one year, subject to all other provisions of the Declaration and the Rules and Regulations of the Association. The Board may, in its sole discretion, permit no more than two (2) such hardship exceptions (which may be renewed, if at all, one time upon further application to the Board) at any given time, allowing for a temporary lease and shall consider the following:

- (a) The length of time the Unit Owner has owned and resided in the Unit;
- (b) Whether it would create an undue hardship on the Unit Owner if he/she/it is not permitted to lease the Unit;
- (c) Whether the Unit Owner has previously leased the Unit or been permitted to lease the Unit pursuant to an exception under this Section; and,
- (d) Whether the Unit Owner is applying for a hardship exception due to the loss of employment, relocation of employment, or the illness or death of an immediate family member requiring the Unit Owner to relocate to an area outside of the Chicagoland area for a period of time greater than 6 months.

It shall be the Unit Owner's obligation to provide the Board with any and all documentation and data requested by the Board as part of a Unit Owner's application for an exception, all of which information shall be kept confidential by the Board.

In the event a lease is applied for under this section, the Board shall have the same rights and options as set forth above in this Article IX. The Board shall also implement such rules and

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regulations as are deemed necessary related to leasing and the administration of leasing.

The Board shall create and maintain a system by which Unit Owner's may be put on a waiting list to lease. A set of rules will be adopted by the Board for this purpose.

In the event a Unit is leased in accordance with this Article IX, including those subject to grandfathering set forth above, the Owner shall be required to furnish a copy of the written lease to the Board at least 30 days prior to commencement of such lease and which shall fully conform to all the Rules and Regulations of the Association. Any leases permitted under this section must be for a term of (1) year and shall not provide for any renewal. The lessee under every such lease shall be bound by and subject to all of the obligations under the Declaration and the Rules and Regulations of the Association and of the Unit Owner making such lease and the failure of the lessee to comply therewith shall constitute a default under the lease which shall be enforceable by the Board or the Association, and the lease shall be deemed to expressly so provide. The Unit Owner making such lease shall not be relieved from any of obligations set forth in the Declaration. In addition to any other remedies provided for in this Declaration, by filing an action jointly against the tenant and Unit Owner, the Association may seek to enjoin such tenant from occupying a Unit or seek to evict such tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the Unit Owner to comply with the leasing requirements prescribed by this Section or elsewhere in the Declaration, By-Laws and the Rules and Regulations of the Association. The Board may proceed directly against such tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by such tenant of the provisions of this Declaration or the Rules and Regulations of the Association.

The above-stated limitations and exceptions to leasing shall not apply to the Board in the event it gains possession of a Unit for purposes of collection in accordance with Declaration."

2. Article XII is amended by deleting the first sentence in its entirety and replacing it with the following:

"The Unit Owners through the affirmative vote of Voting Members having at least Eighty-Five Percent (85%) of the total votes, at a meeting duly called for such purpose, may elect to sell the Property as a whole."

3. All other provisions of the Declaration shall remain in full force and effect

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IN WITNESS WHEREOF, the Board has duly executed this First Amendment on the day and year first written above.

BOARD OF DIRECTORS OF THE SISSILLA
CONDOMINIUM ASSOCIATION

By: 
Denise DeLuca, President

ATTEST:

By: 
Andrew Lazar, Secretary

Property of Cook County Clerk's Office

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Legal Description

Lots A and B in Lott's Resubdivision of Lots 5 to 9 and 18 and of Alleys South and Adjoining said Lots 7 and 8 and the East 10 feet of Lot 6 and West and Adjoining Lot 9 vacated by Ordinance recorded as Document No. 7945771, in Central Street Addition to Evanston being that part of the North West Quarter of Fractional Section 7, Township 41 North, Range 14, East of the Third Principal Meridian lying South of the South line of Central Street and East of the East line of Asbury Avenue and West of the West line of right of way of Sanitary District in Cook County, Illinois.

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