

UNOFFICIAL COPY



\*2328922022\*

Doc# 2328922022 Fee \$121.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 10/16/2023 10:44 AM PG: 1 OF 14

Declaration of Withdrawal from the Provisions of the Condominium Property Act of Illinois

(The above space for Recorder's Use only)

THIS DECLARATION is made this 31<sup>st</sup> day of May, 2023 by CHICAGO TITLE LAND TRUST COMPANY, NOT PERSONALLY BUT AS TRUSTEE ON BEHALF OF CHICAGO TITLE TRUST COMPANY, SUCCESSOR IN TRUST TO COMMERCIAL NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 29, 1995 AND KNOWN AS TRUST NUMBER 1238 ("Declarant").

WITNESSETH:

WHEREAS, on February 25, 2002, recorded in the Office of the Recorder of Deeds of Cook County, Illinois a certain Declaration of Condominium pursuant to the Condominium Property Act of Illinois as Document No 22292260 ("Declaration"), to which Declaration was attached as an exhibit, a plat of survey of the following described real estate, and all the condominium units thereon, namely the following Condominium Units (the "Units"):

(See legal description attached hereto as Exhibit "A")

Permanent Index Numbers: 14-28-300-041-1001, 14-28-300-041-1002, 14-28-300-041-1003, 14-28-300-041-1004, 14-28-300-041-1005, 14-28-300-041-1006, 14-28-300-041-1007, 14-28-300-041-1008, 14-28-300-041-1009, and 14-28-300-041-1010

Also to which Declaration was attached as an exhibit a list of all the condominium units with the percentages of interest in the common elements:

WHEREAS, Declarant is presently the record owner of the Units, being all of said units in the condominium and 100% of the total of percentage interest in the common elements appertaining thereto; and

RECORDING FEE 121.00  
DATE 10/16/23 COPIES 2 X  
OK BY EK

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WHEREAS, the aforesaid record unit owner desires to withdraw said property from the provisions of the Illinois Condominium Property Act as provided therein, and to abrogate the aforesaid Declaration.

NOW, THEREFORE, the record unit owner, for the purposes above set forth and pursuant to the Illinois Condominium Property Act, declares as follows:

1. The above-described real estate is hereby removed and withdrawn from the provisions of the Declaration of Condominium made by First Bank of Oak Park, as Trustee under Trust Agreement dated October 4, 1967 and known as Trust Number 8122 and Recorded April 12, 1973 as Document No. 22287014 and Rerecorded April 17, 1973 as document 22291260, and from the provisions of the Condominium Property Act of the State of Illinois.
2. All of the rights, easements, privileges and restrictions granted, created, reserved or declared in said Declaration are hereby abrogated and forever held for naught.



CHICAGO TITLE LAND TRUST COMPANY,  
SUCCESSOR IN TRUST TO COMMERCIAL  
NATIONAL BANK OF CHICAGO, AS TRUSTEE  
UNDER TRUST AGREEMENT DATED MARCH 29,  
1995 AND KNOWN AS TRUST NUMBER 1238

By: Carrie M. Barth

Name: Carrie M. Barth

Title: Trust Officer

This instrument is executed by the undersigned Land Trustee, not persona" but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

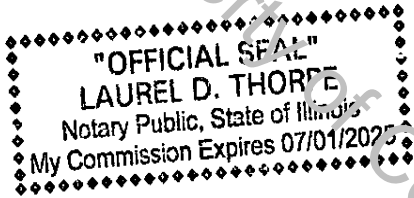
# UNOFFICIAL COPY

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for the county and State aforesaid, state that Carrie H. Barth, personally known to me to be the Trust Officer of Chicago Title Land Trust Co. and the same person whose name is subscribed to the foregoing instrument, appeared before me this day and acknowledged that as such officer signed and delivered the said instrument pursuant to authority given by the \_\_\_\_\_ of said company, as his free and voluntary act and as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

Given under my hand and official seal as Notary Public this 9th day of ~~February~~ October, 2023

*Laurel D. Thorpe*  
NOTARY PUBLIC



**Prepared by:** William S. Bazianos, Esq., Two N. Riverside Plz., Suite 1850, Chicago, IL 60606

**Return to:**

William S. Bazianos  
Bazianos Law, LLC  
Two North Riverside Plaza, Ste. 1850  
Chicago, Illinois 60606

**Send Subsequent Tax Bill To:**

Catherine Kay Markellos  
6656 N. Keating  
Lincolnwood, IL  
60712

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## Legal Description Before Deconversion

UNITS 1, 2, 3-10, 4-9, 5, 6, 7, 8, 11 AND 12 AS DELINEATED ON SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF LAND (HEREINAFTER REFERRED TO AS "PARCEL"):

LOTS 37 AND 38 IN BLOCK 1 IN THE SUBDIVISION OF OUT LOT "E" OF WRIGHTWOOD, BEING A SUBDIVISION OF THE SOUTH WEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO DECLARATION OF CONDOMINIUM MADE BY FIRST BANK OF OAK PARK, AS TRUSTEE UNDER TRUST AGREEMENT DATED OCTOBER 4, 1967 AND KNOWN AS TRUST NUMBER 8122 AND RECORDED APRIL 12, 1973 AS DOCUMENT NO. 22287014 AND RERECORDED APRIL 17, 1973 AS DOCUMENT 22292260 TOGETHER WITH THEIR UNDIVIDED PERCENTAGE INTEREST IN SAID PARCEL (EXCEPTING THEREFROM ALL THE UNITS AS DEFINED IN SAID DECLARATION) ALL IN COOK COUNTY, ILLINOIS.

The Real Property Address is commonly known as: 713-715 W. Diversey Parkway, Chicago, IL 60614.

Permanent Index Numbers: 14-28-300-041-1001, 14-28-300-041-1002, 14-28-300-041-1003, 14-28-300-041-1004, 14-28-300-041-1005, 14-28-300-041-1006, 14-28-300-041-1007, 14-28-300-041-1008; 14-28-300-041-1009; and 14-28-300-041-1010

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## Legal Description After Deconversion

LOTS 37 AND 38 IN BLOCK 1 IN THE SUBDIVISION OF OUT LOT "E" OF WRIGHTWOOD, BEING A SUBDIVISION OF THE SOUTH WEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO DECLARATION OF CONDOMINIUM MADE BY FIRST BANK OF OAK PARK, AS TRUSTEE UNDER TRUST AGREEMENT DATED OCTOBER 4, 1967 AND KNOWN AS TRUST NUMBER 8122 AND RECORDED APRIL 12, 1973 AS DOCUMENT NO. 22287014 AND RERECORDED APRIL 17, 1973 AS DOCUMENT 22292260 TOGETHER WITH THEIR UNDIVIDED PERCENTAGE INTEREST IN SAID PARCEL (EXCEPTING THEREFROM ALL THE UNITS AS DEFINED IN SAID DECLARATION) ALL IN COOK COUNTY, ILLINOIS.

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# UNOFFICIAL COPY

## CONSENT

THIS CONSENT (this "Consent") dated as of <sup>May 31</sup> ~~June~~ <sup>A</sup> 2023, is made by ITASCA BANK & TRUST CO. ("Itasca Bank") for the benefit of Cook County Assessor's Office ("Assessor").

## RECITALS:

A. CHICAGO TITLE LAND TRUST COMPANY, SUCCESSOR IN TRUST TO COMMERCIAL NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 29, 1995 AND KNOWN AS TRUST NUMBER 1238 ("Owner"), owns all the Units in a certain Condominium formed by a certain Declaration of Condominium made by First Bank of Oak Park, as Trustee under Trust Agreement dated October 4, 1967 and known as Trust Number 8122 and Recorded April 12, 1973 as Document no. 22287014 and Rerecorded April 17, 1973 as document 22292260, and 100% of the total of percentage interest in the common elements appertaining thereto, located at 713-715 Diversey Parkway, Chicago, Illinois 60614 (the "Property").

B. Owner has recorded the attached Declaration of Withdrawal from the Provisions of the Condominium Property Act of Illinois, a copy of which is attached hereto as Exhibit A (the "Declaration") in order to deconvert the Property.

C. Itasca Bank has recorded a certain Mortgage dated 5/31/23, and recorded against the Property on 6/16/23 as Document No. 2316734005.

D. Assessor requires the consent of Itasca Bank to the Declaration.

In consideration of the foregoing, Itasca Bank hereby consents to the deconversion of the Property as contemplated by the Declaration.

IN WITNESS WHEREOF, Itasca Bank has executed this Consent as of the date first hereinabove written.

## COMPANY:

ITASCA BANK & TRUST CO.

By: Nicole Marshall  
 Name: Nicole Marshall  
 Title: Vice President

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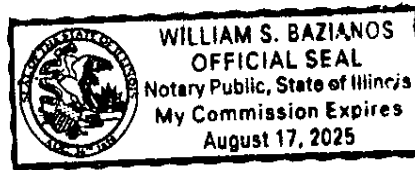
THE STATE OF ILLINOIS §  
§  
COUNTY OF Cook §

Before me, William S. Bazianos, a Notary Public in and for \_\_\_\_\_  
\_\_\_\_\_ in the State of Illinois, personally appeared Nicole Marshall,  
Authorized Officer, known to me to be the person whose name is subscribed to the foregoing  
instrument and acknowledged to me that he/she executed the same for the purposes and consideration  
therein expressed.

Given under my hand and seal of office this 31<sup>st</sup> day of May, 2023.

(SEAL)

Name:  
Notary Expires:



Property of Cook County Clerk's Office

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Exhibit A

Declaration

(A copy of Declaration attached hereto.)

Property of Cook County Clerk's Office

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387



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APR 17 2023

*Re-record*

22 287 014

22 292 260

JR

## DECLARATION OF CONDOMINIUM OWNERSHIP

OF

### THE PATIO CONDOMINIUM

THIS DECLARATION made and entered into by First Bank of Oak Park (formerly known as Oak Park National Bank) as Trustee under Trust No. 8122 said trust being established on October 5, 1967 (hereinafter referred to as the "Declarant").

#### WITNESSETH:

WHEREAS, the Declarant is the record owner of a certain parcel of real estate in the County of Cook, State of Illinois, legally described as follows:

Lots 37 and 38 in Block 1 in the Subdivision of out Lot 'E' of 'Briarwood', being a Subdivision of the South West 1/4 of Section 28, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

commonly known as 713-15 West Diversey Avenue, Chicago, Illinois; and

WHEREAS, Declarant intends to and does hereby submit the above-described real estate together with all buildings, improvements and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anywise pertaining thereto, to the provisions of the Condominium Property Act of the State of Illinois; and,

WHEREAS, Declarant is further desirous of establishing for its own benefit and for the mutual benefit of all future owners or occupants of the Property or any part thereof, certain easements and rights in, over and upon said Property and certain mutually beneficial restrictions and obligations with respect to the proper use, conduct and maintenance thereof; and,

WHEREAS, Declarant desires and intends that the several owners, mortgagees, occupants and any other persons hereafter acquiring any interest in said Property shall, at all times, enjoy the benefits of, and shall hold their interests subject to the rights, easements, privileges and restrictions hereinafter set forth, all of which are declared to be in furtherance of a plan to promote and protect the co-operative aspect of such property and are established for the purpose of enhancing and perfecting the value, desirability and attractiveness thereof.

NOW, THEREFORE, the Declarant, as the record owner of the above-described real estate and for the purposes above set forth, hereby declares as follows:

22 292 260

22 287 014

LEGAL FORMS  
GEORGE E. COLE

TRUST DEED BY CORPORATION  
SEE SET OF MORTGAGE

# UNOFFICIAL COPY

APR 17 1973

funds or trust property to apply in whole or in part against such lien or obligation. The amount of such lien or obligation shall continue to be a charge or lien upon the Unit Ownership and the beneficiaries of such trust notwithstanding any transfers of the beneficial interest of any such trust or any trust or any transfers of title to such Unit Ownership.

THIS DECLARATION is executed by FIRST BANK OF OAK PARK, as Trustee aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee (and FIRST BANK OF OAK PARK hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that the FIRST BANK OF OAK PARK, as Trustee as aforesaid, and not personally, has joined in the execution of this Declaration for the sole purpose of subjecting the title holding interest and the trust estate under said Trust No. 8122 to the terms of this Declaration; that any and all obligations, duties, covenants and agreements of every nature herein set forth by FIRST BANK OF OAK PARK, as Trustee aforesaid, to be kept and performed, are intended to be kept, performed and discharged by the beneficiaries under said Trust No. 8122, or their successors, and not by FIRST BANK OF OAK PARK; and further, that no duty shall rest upon FIRST BANK OF OAK PARK, either personally or as such Trustee, to sequester trust assets, rentals, avails or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied, arising under the terms of this Declaration, except where said Trustee is acting pursuant to direction as provided by the terms of said Trust No. 8122, and after the Trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and of the remainder of the Declaration on any question of apparent liability or obligation resting upon said Trustee, the exculpatory provision hereof shall be controlling.

IN WITNESS WHEREOF, the said FIRST BANK OF OAK PARK, as Trustee as aforesaid, and not individually, has caused its corporate seal to be affixed hereunto and has caused its name to be signed to these presents by its (Assistant) Vice President and attested by its (Assistant) Secretary, this 12<sup>th</sup> day of April, 1973.

FIRST BANK OF OAK PARK,  
National Banking Association, as  
Trustee, as aforesaid, and not  
individually

By [Signature]  
(Assistant) Vice President

ATTEST:

[Signature]  
(Assistant) Secretary



22 292 260 22 287 014

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APR 17 2023

<u>UNIT</u>	<u>PERCENTAGE INTEREST IN COMMON ELEMENTS</u>	<u>ADDRESS</u>
1	9.09	715 West Diversey
2	9.09	715 West Diversey
3-10	13.64	715 West Diversey
4-9	13.64	715 West Diversey
5	9.09	715 West Diversey
6	9.09	715 West Diversey
7	9.09	715 West Diversey
8	9.09	715 West Diversey
11	9.09	715 West Diversey
12	9.09	715 West Diversey

Property of Cook County Clerk's Office

"EXHIBIT B"

22 292 260

*Lillian Robinson*

RECORDS OF DEEDS  
COOK COUNTY ILLINOIS

1975 APR 12 PM 4 17  
APR-12-75 610114 • 22287014 • A - 12 5 0/10 2530

25.00 MAIL  
30

22287014

# UNOFFICIAL COPY

APR 17 1973

ST.

To

Sec  
int

PIAT  
ATTACHED -  
COMING FROM  
RO

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS.

AFFIDAVIT

I, ALLAN L. STANT, on oath state:

1. That I am re-recording with the Cook County Recorder of Deeds the original Declaration of Confominium Ownership of the Patio Condominium for the property commonly known as 713-15 West Diversey Avenue, Chicago, Illinois and legally described as:

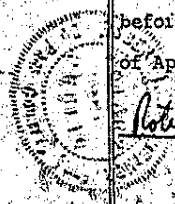
Lots 37 and 38 in Block 1 in the Subdivision of out Lot 'E' of Wrightwood, being a subdivision of the South West 1/4 of Section 28, Township 40 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

as a result of an improper recording of said Declaration with the Cook County Recorder of Deed on April 12, 1973, as document number 22287014.

Dated this 17th day of April, 1973.

*Allan L. Stant*

Subscribed and Sworn to before me this 17th day of April, 1973.



*Robert I. Westhaver*  
Notary Public

APR 17 1973 4 12 36 P 22292260

3830

MAIL

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## CONDOMINIUM DECONVERSION AFFIDAVIT

STATE OF ILLINOIS

COUNTY OF COOK

The undersigned Affiant, being first duly sworn, does hereby depose and says as follows:

1. That Affiant is the sole beneficiary of CHICAGO TITLE LAND TRUST COMPANY, SUCCESSOR IN TRUST TO COMMERCIAL NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 29, 1995 AND KNOWN AS TRUST NUMBER 1238 (the "Owner");
2. That a Declaration of Condominium pursuant to the Condominium Property Act of Illinois was recorded on April 12, 1973 as Document No. 22287014 and Rerecorded April 17, 1973 as Document No. 22292260 ("Declaration") in the Office of the Recorder of Deeds of Cook County, Illinois, to which Declaration was attached as an exhibit, a plat of survey of the following described real estate, and all the condominium units thereon, namely the following condominium Units (the "Units") that make up all of the condominium units in the Condominium: 1, 2, 3-10, 4-9, 5, 6, 7, 8, 11 and 12;
3. That Owner is presently the record owner of the Units, being all of said units in a certain Condominium formed by a certain Declaration of Condominium made by First Bank of Oak Park, as Trustee under Trust Agreement dated October 4, 1967 and known as Trust Number 8122 and Recorded April 12, 1973 as Document no. 22287014 and Rerecorded April 17, 1973 as document 22292260, and 100% of the total of percentage interest in the common elements appertaining thereto; and
4. That the Owner desires to withdraw said property from the provisions of the Illinois Condominium Property Act as provided therein, and to abrogate the aforesaid Declaration.

[Signatures to follow on next page.]



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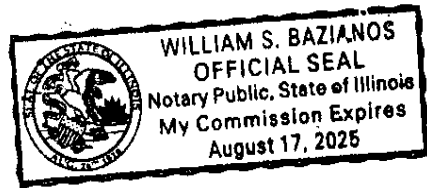
IN WITNESS WHEREOF, the undersigned Affiant has hereunto affixed his/her hand and seal this 31<sup>st</sup> day of May, 2023.

Catherine Kay Markellos  
Catherine Kay Markellos, the sole beneficiary of  
**CHICAGO TITLE LAND TRUST COMPANY,  
SUCCESSOR IN TRUST TO COMMERCIAL  
NATIONAL BANK OF CHICAGO, AS TRUSTEE  
UNDER TRUST AGREEMENT DATED  
MARCH 29, 1995 AND KNOWN AS TRUST  
NUMBER 1238**

Subscribed and sworn to before me this 31<sup>st</sup> day of May, 2023.

[Signature]  
SEAL NOTARY PUBLIC

My Commission expires: 8-17-25



Property of Cook County Clerk's Office