

AMENDMENT TO DECLARATION OF BUILDING RESTRICTIONS

WHEREAS, on December 19, 1979 Exchange National Bank of Chicago, not individually but as trustee under the provisions of a trust agreement dated August 19, 1971 and known as Trust No. 25578 ("Exchange") was the owner of the following described parcel of real estate:

Lot 190 (except the East 1,007 feet thereof and except the South 17 feet thereof) in Frederick H. Bartlett's first addition to Frederick H. Bartlett's 79th Street acres, being a subdivision of the West 1/2 of the Southeast 1/4 of Section 31; the West 1/2 of the Northwest 1/4 of said Section 31; and the West 1/2 of the Southwest 1/4 of said Section 31, all in Township 38 North, Range 13, East of the Third Principal Meridian, also the East 1/2 of the Southeast 1/4 of Section 16, Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

WHEREAS, on December 19, 1979 Exchange executed an instrument entitled "Declaration of Building Restrictions" which was recorded in the office of the Recorder of Deeds of Cook County as Document No. 25300026;

WHEREAS, said Declaration of Building Restrictions was executed pursuant to the provisions of a Real Estate Sale and Purchase Agreement dated November 5, 1979 and entered into by and between Exchange National Bank of Chicago, not individually but as trustee under the provisions of a trust agreement dated November 26, 1968 and known as Trust No. 22187, as seller, and Frank's Nursery Sales, Inc. ("Frank's"), as purchaser (whose name has since been changed to Frank's Nursery & Crafts, Inc.);

WHEREAS, LaSalle National Bank ("LaSalle"), has become the successor trustee of said Trust No. 22578 which is now known as Trust No. 10-25578-09;

NOW, THEREFORE, with the approval and consent of Frank's and in consideration of the payment of \$1.00 to LaSalle by Frank's, the receipt and sufficiency of which are hereby acknowledged, LaSalle does hereby amend said Declaration of Building Restrictions in the following respects:

1. Paragraph 2 is amended to read as follows:

"2. Building Location: No building shall be constructed on Parcel 2 in such a manner that the roof height would exceed 18 feet including any signs on top of the building nor shall the building be constructed to contain more than 6,500 square feet."

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2. The legal description at the end of paragraph 3 is amended to read as follows:

"The south 30 feet of the west 30 feet of the east 60 feet of Parcel 2."

Said Declaration of Building Restrictions shall continue in full force and effect as herein amended.

This instrument is executed by LaSalle National Bank, not individually but solely as successor trustee under the provisions of a trust agreement dated August 19, 1971 and known as Trust No. 10-25578-09 in the exercise of the power and authority conferred upon and vested in it as such trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by LaSalle National Bank are undertaken by it solely as trustee, as aforesaid, and not individually and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against LaSalle National Bank by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

IN WITNESS WHEREOF, LaSalle National Bank, not individually but as successor to Exchange National Bank of Chicago as trustee under trust agreement known as Trust No. 10-25578-09 has caused its corporate seal to be hereto affixed and has caused its name to be signed to this instrument by its <sup>Assistant</sup> Vice President and attested by its Assistant Secretary this 24th day of December, 1986.

LA SALLE NATIONAL BANK, not individually but as successor to Exchange National Bank of Chicago as trustee under trust agreement known as Trust No. 10-25578-09

By:   
Its Assistant Vice President

ATTEST:

  
Its Assistant Secretary

LaSALLE NATIONAL BANK as trustee as aforesaid, and not personally, has executed the foregoing document at the direction of authorized parties for the sole purpose of binding the trust estate under said trust. No personal liability is assumed by or may be asserted hereunder against said Bank personally.

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This company approves and consents to the foregoing amendment.

FRANK'S NURSERY & CRAFTS, INC.

By: *Tabules Augusto*  
Its Vice President



ATTEST:

*Jim K. ...*  
Its Assistant Secretary

State of Illinois )  
County of Cook ) ss.

APHRODITE PAPAJOHN

I, APHRODITE PAPAJOHN, a notary public in and for said county, in the state aforesaid, do hereby certify that James A. Clark, Assistant Vice President of LaSalle National Bank, and Rita Ellen Wolter, Assistant Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Assistant Vice President and Assistant Secretary respectively, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act, and as the free and voluntary act of said bank, for the use and purposes therein set forth; and said Assistant Secretary did also then and there acknowledge that he as custodian of the corporate seal of said bank did affix said corporate seal of said bank to said instrument as his own free and voluntary act, and as the free and voluntary act of said bank for the uses and purposes therein set forth.

Given under my hand and notarial seal this 30th day of December, 1986.

*Aphrodite Papajohn*  
Notary Public

Commission expires 2-30-87  
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