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FIFTH AMENDMENT TO DECLARATION AND BY-LAWS
ESTABLISHING A PLAN FOR CONDOMINIUM
OWNERSHIP OF PREMISES AT 161 CHICAGO
AVENUE EAST, CHICAGO, ILLINOIS

\$19.00

THIS "FIFTH AMENDMENT" is entered into this 22nd day of September, 1987, by LA SALLE NATIONAL BANK, not personally but as Trustee under Trust Agreement dated August 15, 1979 and known as Trust No. 101565 (herein called "Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the legal title holder of the real estate located in the City of Chicago, County of Cook and State of Illinois and legally described in Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS Declarant submitted the Property to the provisions of the Condominium Property Act of the State of Illinois and recorded the Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for 161 Chicago Avenue East Condominium on June 27, 1985 in the Cook County Recorder of Deeds Office ("Recorder's Office") as Document No. 85 080 173, as clarified by First Clarification of Condominium Declaration recorded on November 19, 1985 in the Recorder's Office as Document No. 85 287 302, and as further clarified by Declaration recorded on May 30, 1986 in the Recorder's Office as Document 86 270 853 ("Condominium Declaration"); and

WHEREAS, Declarant recorded amendments to the Condominium Declaration on May 1, 1986, or or about October 31, 1986, on January 7, 1987 and on June 8, 1987 in the Recorder of Deeds' Office, the First Amendment being recorded as Document 86171559, the Second Amendment being recorded as Document 86512469, the Third Amendment being recorded as Document 87009092 and the Fourth Amendment being recorded as Document 87321329 (hereinafter, the Condominium Declaration as amended by these three amendments shall be referred to as the "Condominium Declaration"); and

WHEREAS, Declarant recorded as Exhibit B to the Condominium Declaration, a survey for the "Units", as defined in the Condominium Declaration, boundaries for the 55th floor of the Property showing locations and dimensions of the boundaries of those Units ("Old 55th Floor Survey"); and

WHEREAS, since the date the Condominium Declaration was recorded, the Units' boundaries for the 55th floor have been changed; and

This instrument was prepared by and after recording should be mailed to:

Julie Ann Salzman
Katten Muchin & Zavis
525 W. Monroe Street, Suite 1600
Chicago, Illinois 60606-3693

PLAT WITH THIS DOCUMENT

17-10-200-005 thru 011

Box 333

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ISSUANCE

10/10/00

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Cook, Illinois, this 10th day of October, 2000.

CLERK OF THE COUNTY OF COOK, ILLINOIS

CLERK OF THE COUNTY OF COOK, ILLINOIS

CLERK OF THE COUNTY OF COOK, ILLINOIS

PLAT DOCUMENT WITH THIS

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WHEREAS, Declarant has caused the Unit boundaries for the 55th floor to be resurveyed showing the present locations and dimensions of the boundaries of those Units ("New 55th Floor Survey") attached hereto as Exhibit B; and

WHEREAS, Declarant desires to amend Exhibit B to the Condominium Declaration by substituting the New 55th Floor Survey in place of the Old 55th Floor Survey; and

WHEREAS, Declarant recorded, as Exhibit C to the Condominium Declaration, a schedule showing the percentages of the Common Elements that each "Owner", as defined in the Condominium Declaration, has an undivided interest in as a tenant in common with all other Owners of the Property (the percentage of the Common Elements owned by each Owner is referred to as "Percentage Interest in Common Elements" as shown in Exhibit C to the Condominium Declaration; and

WHEREAS, since the date the Condominium Declaration was recorded, the Units' boundaries for the 55th floor have been changed; and

WHEREAS, Declarant desires to amend Exhibit C to the Condominium Declaration to accurately reflect the Percentage Interest in Common Elements associated with the Units taking into account the change to the Unit's boundaries, as of the date hereof.

NOW THEREFORE, in consideration of the recitals, promises, covenants and conditions herein contained and other good and valuable consideration, the Declarant does hereby modify and amend the Condominium Declaration as follows:

a) All recitals contained herein shall be and are hereby incorporated into this Fifth Amendment.

b) The Old 55th Floor Survey found on page 34 of Exhibit B of the Condominium Declaration is hereby deleted in its entirety and the New 55th Floor Survey shall be substituted in its place, as shown in Exhibit B hereto.

c) The Percentage Interest in Common Elements shown in Exhibit C to the Condominium Declaration for Units 55B and 55C shall be deleted and replaced with the following: 0.5122 percentage interest in common elements for Unit 55B and 0.2743 percentage interest in common elements for Unit 55C, corresponding to those modified units as shown in Exhibit B hereto.

d) Except as may be modified herein, all terms, covenants and conditions of the Condominium Declaration and all Exhibits thereto are hereby ratified and confirmed and shall remain in full force and effect.

This Fifth Amendment is executed by Declarant as Trustee aforesaid and not individually, in the exercise of the power and authority conferred upon and vested in it as such Trustee (and Declarant hereby warrants that it possesses full power and authority to execute this instrument). It is expressly understood and agreed by every person hereafter claiming any interest under this Fifth Amendment that Declarant, as Trustee as aforesaid and not personally, has joined in the execution of this Fifth Amendment for the sole purpose of subjecting the title holding interest and the trust estate described herein to the terms of this Fifth

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and the undersigned Clerk of Cook County, Illinois, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk's Office.

Witness my hand and the seal of said County at Chicago, Illinois, this _____ day of _____, 19__.

Clerk of Cook County, Illinois

Notary Public for Cook County, Illinois

Notary Public for Cook County, Illinois

Notary Public for Cook County, Illinois

Notary Public for Cook County, Illinois

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Notary Public for Cook County, Illinois

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Amendment; that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the Declarant or any of the beneficiaries under such Trust Agreement on account of this Fifth Amendment or on account of any representation, obligation, duty, covenant or agreement of Declarant in this instrument contained either express or implied, all such personal liability, if any, being expressly waived and released; and further, that no duty shall rest upon Declarant, either personally or as such Trustee, to sequester trust assets, rentals, avails or proceeds of any kind, or otherwise to see the fulfillment or discharge of any obligation, express or implied, arising under the terms of this Fifth Amendment, except where Declarant is acting pursuant to direction as provided by the terms of such Trust Agreement, and after the Declarant has first been supplied with funds required for this purpose.

IN WITNESS WHEREOF, the Declarant has caused this Fifth Amendment to be executed as of the day and year first above written.

ATTEST:


Assistant Secretary

LA SALLE NATIONAL BANK, not personally, but as Trustee aforesaid

By: 
Vice President

COOK COUNTY, ILLINOIS
FILED FOR RECORD
1987 OCT -6 PM 2:55

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STATE OF ILLINOIS)
)
COUNTY OF C O O K) SS.

I, Wicki Smoljan, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT William H. Dillo and William W. LANG personally known to me to be the Vice President and Assistant Secretary respectively of LA SALLE NATIONAL BANK, a national banking association, in whose name, as Trustee, the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of LA SALLE NATIONAL BANK, as Trustee as aforesaid, for the uses and purposes therein set forth, and the said Assistant Secretary then acknowledged that he, as custodian of the corporate seal of LA SALLE NATIONAL BANK did affix the said corporate seal to said instrument as his free and voluntary act and as the free and voluntary act of said LA SALLE NATIONAL BANK as Trustee as aforesaid for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 22nd day of September, 1987.

Wicki Smoljan
Notary Public

My Commission expires:
5-22-88

CONSENT OF MORTGAGED

The Chase Manhattan Bank N.A., holder of those certain Mortgages dated January 31, 1984, and recorded as Document Number 26954662, as modified by Document Number 86223210, and the other dated May 30, 1986, and recorded as Document Number 86223208, as modified by Document Number 86223210, hereby consents to the execution and recording of the within Fifth Amendment to Declaration and By-Laws Establishing a Plan for Condominium Ownership of Premises at 161 Chicago Avenue East, Chicago, Illinois.

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IN WITNESS WHEREOF, The Chase Manhattan Bank, N.A. has caused this instrument to be signed by its duly authorized officers on its behalf, all done in New York, New York, on this 22nd day of September, 1987.

By: Dorothy Rodnite
Its: Vice President

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NEW YORK STATE OF NEW YORK
1941-1942
PRINTED IN COOK COUNTY
COMMISSIONERS OF SUPERVISORS, 1922

EXHIBIT A

Legal Description

Lots 4-A, 4-B and 4-C all in Olympia Centre Subdivision, being a resubdivision of various lots and parts of vacated alleys in Block 54 in Kinzie's addition to Chicago, being a subdivision of Section 10, Township 39, North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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A. 2011-12

2011-12-12

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EXHIBIT B

New 55th Floor Survey

See attached Survey

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6 Copies
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GENERAL ASSEMBLY

LEGISLATIVE

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10/23/2011

