UNOFFICIAL COPY ---

87579148

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR KINGSPORT COMMONS CONDOMINIUM WHEELING, ILLINOIS

THIS FIFTH AMENDMENT is made and entered into by LaSALLE NATIONAL BANK, a national banking association, not individually, but as Trustee Under A Trust Agreement Dated January 29, 1986 And Known As Trust Number 110806 (hereinafter "Developer").

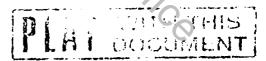
WITNESSETH:

WHERFAS, pursuant to the provisions of a certain Declaration of Condominium ownership for Kingsport Commons Condominium, Wheeling, Illinois, recorded in the Office of the Recorder of Deeds of Cook County, Illinois on May 15, 1987 as Document Number 87264610 and is amended by First Amendment thereto recorded on July 14, 1987 as Document Number 87388652 and as amended by Second Amendment thereto recorded on August 7, 1987 as Document Number 87437779 and as amended by Third Amendment thereto recorded on August 24, 1987 as Document Number 87466432 and as amended by Fourth Amendment there to recorded on September 17, 1987 as Document Number 87510569 ("Declaration"), the Developer submitted cortain Number 87510569 ("Declaration"), the Developer submitted certain real estate to the (onlominium Property Act of the State of Illinois ("Act"); and said real estate and the improvements situated thereon are commonly known as KINGSPORT COMMONS CONDOMINIUM in Wheeling, Illinois, as hereinafter for convenience collectively are referred to as "Condominium"; and

WHEREAS, according to the provisions of the Declaration, the Developer reserved the right from time to time and in any order, within seven (7) years of the inte of the recordation of the Declaration, to annex and add to the Condominium area created by the Declaration, all or any portion of the real property was thereinafter referred to as the "Parcel"; and

WHEREAS, the Developer now desires to so annex and add to the Parcel and Property, and submit to the provisions of the Act and the Declaration certain real estate (consisting of Parcel "A" and Parcel "B", hereinafter referred to as the "Fifth Additional Parcel") legally described in "Sheets 15 and 16" respectively of Exhibit "C" attached hereto and made a part hereof, which Fifth Additional Parcel is a portion of the Parcel. The Fifth Additional Parcel is presently improved with two townhouse buildings containing a total of nine (9) condominium Units with appertaining common elements as defined in the Declaration.

Box 15



Property of Coot County Clert's Office

NOW THEREFORE, the Developer, as the owner of said Fifth Additional Parcel and for the purposes hereinabove set forth, does hereby amend the Declaration as follows:

- 1. The Fifth Additional Parcel is hereby annexed and added to the Condominium Area as defined in the Declaration and is hereby submitted to the provisions of the Act as a part of the Condominium, in accordance with, and shall be deemed to be governed by, the terms and provisions of the Declaration, as hereby and from time to time amended.
- 2. Exhibit "C" of the Declaration is hereby amended by:
 (a) deleting Sheet No. 1 Amended of said Exhibit "C", dated
 September 15, 1987 and substituting therefor Sheet No. 1 Amended of
 said Exhibit "C", dated October 20, 1987, which is attached hereto
 and made a part hereof; and (b) adding "Sheets 15, 16, 17 and 18"
 of said Exhibit "C" which is attached hereto and made a part
 hereof.
- 3. Exhibit "D" Fourth Amendment of the Declaration is hereby amended by deleting said Exhibit in its entirety and substituting therefor Exhibit "D" Fifth Amendment, which is attached hereto and made a part hereof. The percentage of ownership in the Common Elements appurtenant to each Unit, described in said Exhibit "D" Fourth Amendment prior to this amendment, is hereby shifted and reduced to the percentages set forth in said Exhibit "D" Fifth Amendment attached hereto.
- 4. The Common Elements as defined in the Declaration situated in and upon the Fifth Additional Parcel are hereby granted and conveyed to the grantees of all Univs including the grantees of Units heretofore conveyed, all as set forth in the Declaration and as hereby amended, and all the Unit Owners as described in the Declaration are entitled to their respective amended percentages of ownership in Common Elements as set forth in Exhibit "D" Fifth Amendment attached hereto.
- 5. Exhibit "E" Fourth Amendment of the Declaration is hereby amended by deleting said Exhibit in its entirety and substituting therefor Exhibit "E" Fifth Amendment which is attached hereto and made a part hereof.
- 6. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.
- 7. This instrument is executed by LaSALLE NATIONAL BANK, not personally but solely as Trustee, as aforesaid, 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, a national banking association, not individually, but as Trustee Under A Trust Agreement Dated January 29, 1986 And Known As Trust Number 110806 has caused its corporate Seal to be affixed hereunto and has caused its name to be signed to these presents by its ASSOCIATION AND ASSOCIATION AND ASSOCIATION TO DESCRIPTION AND ASSOCIATION TO THE PROJUME AND ASSOCIATION TO DESCRIPTION TO THE PROJUME AND ASSOCIATION TO DESCRIPTION T

Attest

By: ts_n_

Lasalle NATIONAL BANK, as Trustee aforesaid,

By:

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STATE OF ILLINOIS

SS

COUNTY OF COOK

forth.

Given under my hand and official seal this 20th day of October, 1987.

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This Document Prepared By: Jerome Meister, Esq. Antonow & Fink Suite 3000 111 East Wacker Drive Chicago, Illinois 60601

EXHIBIT D - Fifth Amendment

DECLARATION OF CONDOMINIUM OWNERSHIP AND OF

EASEMENTS, RESTRICTIONS AND COVENANTS FOR KINGSPORT COMMONS CONDOMINIUM AND

DECLARATION OF BY-LAWS FOR KINGSPORT COMMONS CONDOMINIUM ASSOCIATION

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Property of Cook County Clerk's Office

EXHIBIT E - Fifth Amendment

TO

DECLARATION OF CONDOMINIUM OWNERSHIP AND OF

EASEMENTS, RESTRICTIONS AND COVENANTS FOR KINGSPORT COMMONS CONDOMINIUM AND

DECLARATION OF BY-LAWS FOR KINGSPORT COMMONS CONDOMINIUM ASSOCIATION

LEGAL DESCRIPTION OF REMAINING ADDITIONAL AREA TO BE SUBMITTED TO THE ACT

A part of Lots 5. 6 and 7 in Section 3 taken as a tract, in Owner's Division of Buffalo Creek Fara, being a Subdivision of part of Sections 2, 3, 4, 9 and 10, Township 42 North, Fange 11, East of the Third Principal Meridian in The Village of Wheeling, Cook County, Illinois, more particularly described as follows:

Beginning at a point in the Fast line of the North West 1/4 of said Section 3, 2.42 chains North of the center of said Section 3; thence Easterly forming an angle of 88 Degrees 17 Minutes 43 Seconds to the right of the prolongation of the last described line, North 88 Degrees 32 minutes 30 Seconds East, a distance of 66.74 feet to the point of beginning; thence South 48 Degrees 21 Minutes 27 Seconds West a distance of 186.18 feet to a point of tangency; thence along a curve to the left, tangent to the last described line having a radius of 13/.51 feet, a length of 97.27 feet to a point of tangency; thence tangent to the last described curve South 07 Degrees 49 Minutes 43 Seconds West, a distance of 39.72 feet; thence South 78 Degrees 26 Minutes 07 Seconds East, a distance of 305.89 feet; thence worth 16 Degrees 33 Minutes 16 Seconds West, a distance of 55.04 feet; thence North 68 Degrees 38 Minutes 02 Seconds East, a distance of 48.60 feet; thence North 19 Degrees 26 Minutes 27 Seconds East, a distance of 84.02 feet; thence North 73 Degrees 53 Mirutes 29 Seconds East, a distance of 31.80 feet; thence South 77 Degrees 28 Minutes 40 Seconds East, a distance of 16.26 feet; thence South 10 Degrees 59 Minutes 50 Seconds East a distance of 79.25 feet; thence South 79 Degrees 00 Minutes 54 Seconds Cast a distance of 170.77 feet; thence South 37 Degrees 19 Minutes 59 Seconds East a distance of 32.52 feet; thence South 09 Degrees 05 Minutes 19 Seconds West a distance of 164.92 feet; thence South 19 Degrees 15 Minutes 52 Seconds East a distance of 48.23 feet; thence North 88 Degrees 05 Minutes 29 Seconds East a distance of 152.12 feet; thence South 11 Degrees 06 Minutes 24 Seconds East a distance of 131.00 feet; thence South 31 Degrees 05 Minutes 20 Seconds West a distance of 44.77 feet; thence South 10 Degrees 26 Minutes 26 Seconds East a distance of 111.33 feet; thence South 47 Degrees 10 Minutes 35 Seconds West a distance of 19.76 feet; thence South 50 Degrees 40 Minutes 56 Seconds East a distance of 32.33 feet; thence North 68 Degrees 32 Minutes 09 Seconds East a distance of 138.35 feet; thence North 85 Degrees 36 Minutes 27 Seconds 3 East a distance of 112.19 feet; thence North 75 Degrees 14 Minutes 48 Seconds East along a line radial to a curve in the right of way of Denoyer Trail as dedicated January 31, 1973 as Document Number 22,205,369 a distance of 50.01 feet to a point on the Easterly right of way line of said Denoyer Trail; thence along the Easterly right of way line of said Denoyer Trail on a curve to the left having a radius of 495.00 feet a length of 50.41 feet to a point of tangency; thence tangent to the last

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described curve, North 20 Degrees 35 Minutes 21 Seconds West along said Easterly right of way line of Denoyer Trail a distance of 17.73 feet; thence South 81 Degrees 22 Minutes 26 Seconds East a distance of 220.00 feet; thence due East a distance of 165.00 feet to a point on the Westerly line of Commonwealth Edison Company right of way; thence along said Westerly line of Commonwealth Edison Company right of way North 18 Degrees 47 Minutes 21 Seconds West a distance of 764.24 feet; thence South 88 Degrees 32 Minutes 30 Seconds West a distance of 1003.16 feet to the point of beginning, in Cook County, Illinois; Except those parts thereof described as follows:

Commencing at a point in the East 1112 of the Northwest 1/4 of said Section 3, 2.42 chains North of the center of said Section 3; thence Easterly forming an angle of 88 Degrees 17 Minutes 43 Seconds to the right of the prolongation of the last described line North 88 Degrees 32 Minutes 30 Seconds East a distance of 66.74 feet to a point; thence South 48 Degrees 21 minutes 27 Second; best a distance of 186.18 feet to a point of curve; thence along a curve to the left tangent to the last described line having a radius of 137.51 feet a length of 97.27 feet to a point of tangency; thence tangent to the last described curve South 07 Degrees 49 Minutes 43 Seconds West a distance of 39.72 feet; thence South 78 Degrees 26 Minutes 07 Seconds East a distance of 235.89 feet; to the point of beginning; thence continuing South 78 Degrees 26 Minutes 07 Seconds East, a distance of 70.00 feet; thence North 16 Degrees 33 Minutes 16 Seconds West a distance of 20.00 feet; thence South 85 Degrees 19 Minutes 45 Seconds West, a distance of 63.09 feet to the point of beginning and elect, that part dedicated for Streets by Plat of Dedication recorded August 13, 1986 as Document 86,352,100; and

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THAT PART OF LOTS 5, 6, AND 7 IN SECTION 3, IN OWNERS DIVISION OF ROFFOLD CREEK FROM BEING A SUBDIVISION OF PART OF SECTIONS 2, 3, 4, 9 AND 10, TOWNSHIP 2 NORTH, RANGE IT FAST OF THE THIPD PRINCIPAL MERIDIAN, IN THE VILLAGE OF PREELING, COOK COUNTY, JULINOIS DESCRIBED AS FOILDWISE

COMMENCING AT THE SOUTHWEST CORNER OF THAT PORTION OF DENDYER TRAIL AS DEDICATED FOR HOADWAY AUGUST 13, 1986, AS DOCUMENT NO. 84-3421001 THENCE NORTH 16" 01 35 WEST, 115.80 FEET ALONG THE WEST LINE DE SAID DENOYER TRAIL TO THE SHUTHWEST CHRIST OF SUTTON CERCLES THENCE SOUTH 73" 58 73 WEST, 44.00 FEET ALONG THE SOLITH LINE DE SUTTON CIRCLE TO A POINT OF CURVEY THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SUTTON CIRCLE ON A CLRYF FONCOUT NORTHERLY HAVING A RADTUS OF 55.00 FEET, AN ARC DISTANCE OF 55.00 FEET THE CHORD THENCE BEARING NORTH 79 06" 25" WEST, 49.80 FEET) TO THE COUNT OF REGINATING THENCE CONTINUING ON A CURVE CONCAVE EAST, HAVING A RADIUS OF 55.00 FEFT, AN ARC DISTANCE OF DISTANCE OF 98.08 FEET) TO A POINT THENCE NORTH TT \$2" 27" FAST, A CHOPD FEET TO THE WEST LINE OF DENOYER TRAIL, THENCE NORTH THE 13" 14" WEST, ON THE SAID WEST LINE OF DENOYER TRAIL; 3.00 FEET TO A POINT OF CHAVE; THENCE NORTHERLY ALONG SAID WEST LINE OF C.NOTER TRAIL, ON A CHRAF-CORCAVE SCRITTHEST, HAVEN'S A REDILIS OF MALEY FEET, AN ARC DISTANCE OF TROUGH FEET LINE CHOPT THE REDE BEARING NORTH PRO 06' 00" WEST, A CHOPD DISTANCE DE 179,19 FEET LIO A POINT OF TANGEL CYL THENCE NORTH SHOWS OA" HEST, 30.01 FEET TO THE GOUTH LINE OF DORSET PAPELE; THENCE SOUTH 50: 12' 54" WEST, 30.00 FEFT ON THE SOUTH LINE OF SATO DOPSET CIPCLE TO A PUINT OF CURVE: THENCE WESTERLY ON THE SOUTH LINE VENEZALD DORSET CIRCLE ALDING A CURVE CONCAVE NORTH, HOVING A RODIUS OF 55.00 FEET, AN AHO DISTANCE OF 172.79 FEET (THE CHORD THEREOF BEARING NORTH 39" 47" 06" WEST, A CHURD DISTANCE OF 110.00 FEET) TO A POINT OF TANGENTY: THENCE NORTH 50" 12" 54" EAST, 30.00 FEET TO THE WIST LINE OF DESIVER THAIL; THENCE NORTH 39" 47" 06" WEST, 17.80 FEET ON SAID WEST LINE OF RENEYER TRAIL TO A POINT OF CURVET THENCE NORTHWESTERLY ALONG SAID HEST LINE IN DENOYER TRAIL ON A CURVE CONCAVE NORTHEAST, HAVING A HADING DE 4/1 47 FEET, AN ARC DISTANCE OF 141,66 FEET LITHE CHORD THEREDE BEARING MARCH 140 9' 21" HEST, A CHORD DISTANCE OF 141,00 FEET) TO THE SOUTH LINE OF BHANDON PLACE; THENCE SOUTH 71" 59" 35" MEST, AB. (1) FEET ON THE SOUTH LINE OF BRANDON PLACE, TO A POINT OF CURVE; THENCE MESTERLY ON SAID SIGNAL LINE OF BRANDON FLACE ALONG A CURVE CORRAVE MORTH HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 83.49 FEET (THE CHORD THEREOF PEARING SOUTH 85" 42" 33" WEST, A CHOPD DISTANCE OF 87.09 FLET) TO A POINT OF TANGENCY: THENCE NORTH BOY 33 PB" HEST, 54.05 FEET ON SAID SOUTH LINE ID A POINT OF CURVET THENCE HESTERLY ON A CURVE CONCAVE SOUTH HAVING A RADIUS OF 125.00 FEET, AN ARC DISTANCE OF 23.72 FEET (THE CHOHD THEREOF BEARING NORTH 85" 59" 37" WEST, A CHORD DISTANCE OF 23.48 FFET) TO A POINT OF TANCENCY, THENCE SOUTH BB: 34: 15" WEST, 139.89 FEFT DN THE SAID SOUTH LINE OF BRANDON PLACE TO A POINT OF CURVEL THENCE WESTERLY ON A CURVE CONCAVE SOUTH, HAVING A RADTUS OF 441.34 FEFT, AN ARC DISTANCE OF 45.31 FEET, LIME CHORD THEREOF BEARING SOUTH BRY 39' ROT HEST, A CHORD DISTANCE OF 95.14 FEET) TO A POINT OF REVERSE CURVE: THENCE HESTER! Y ON A CURVE CONCAVE MORTH, HAVING A RADIUS OF 273.15 FEET, AN ARC DISTANCE OF 47,40 FEET CTHE CHORD THEREOF BEARING SOUTH B3" 48' 32" WEST, A CHORD DISTANCE OF 47.83) ON THE SAID SOUTH LINE OF BRANDON PLACE TO A POINT; THENCE SOUTH 110 33' 53" MEST, 116.55 FEET; THENCE SOUTH 78" PET 07" EAST, 149.26 FEET; THENCE HORTH 16" 33' 16" MEST, 55.04 FFET; THENCE

Property of Cook County Clerk's Office

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LEGAL DESCRIPTION OF REMAINING ADDITIONAL AREA TO BE SUBMITTED TO THE ACT

NORTH EUR 38" OF LEAST, 48.60 FEET; THENCE NORTH 19" 76" 27" FOST, 8:00 FEET; THENCE SOUTH 73" 53 PR" FOST, 31.80 FEET; THENCE SOUTH 77" 28" 40" FAST, 16.26 PRET; THENCE SOUTH 10" 59" 50" EAST, 79.25 FFFT; THENCE SOUTH 19" OO 54" CAST, 170.77 FFET; THENCE SOUTH 37" 19" 59" FOST, 37.52 FFFT; THENCE SOUTH 69" OS 19" WEST 164.92 FEET; TINNCE SOUTH 19" 15" 52" FAST, 48.23 FEET; THENCE NORTH 88" OS 29" EAST, 152.12 PFFT; THENCE SOUTH 1)" OS 24" FAST, 181.30 FEET; THENCE SOUTH 31" OS 20" HAST A4.77 FEET; THENCE SOUTH 14" 28" 76" EAST, 61.33 FFFT; THENCE NORTH 89" OO' 17 EAST, 87.69 FEET; THENCE NORTH 89" OO' 17

AND

THAT PART OF LOTS 5, &, AND 7 TH SECTION 3, IN CHINERS DIVISION OF BUFFALD CREEK FARM, BEING A SUBDIVISION OF PART OF SECTIONS 2, 3, 4, 9 AND 10, TOWNSHIP 42 NORTH, RANGE IL EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF WHEELING, CODE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THAT PURTION OF DEMOYER TRAIL AS DEDICATED FOR ROADWAY AUGUST 13, 1986, AS DOCUMENT NO. 86-352100; THENCE SOUTHERLY ALONG THE WEST LINE OF DEROYER TRAIL ON A CURVE CONCAVE EAST HAVING A RADIUS OF 421.47 FEET, AN ARC DISTANCE OF 90.24 FEET THE THORD THEREOF BEARING SOUTH 07" 35" 29" FAST, A CHOR 11" TANCE OF 90.06 FEET) TO THE NORTH LINE OF BRANDON PLACE: THENCE LONG 71" 58: 35" HEST. 68.80 FEET ON THE NORTH LINE OF BRANDUN PLACE TO 4 POTAT OF CURVET THENCE WESTERLY ALONG THE NURTH LINE OF BRANDON PLACE THE A TANGENTIAL CURVE, CONCAVE NORTH, HAVING A HADIUS OF 185.00 FFET, AN ART DISTANCE OF 59.92 FEET LINE CHORD THEREOF BEADING SOUTH 85" 42" 33" MEGT, 54.35 FEFT) TO A POINT OF TANGENCY; THENCE NORTH 80" 33 BB" MEST, 54.05 FEET MI THE NORTH LINE OF BRANDON PLACE, TO A POINT OF CURVE; THENCE WESTER Y ALLING THE NORTH LINE OF BRANDON PLACE, ON A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 175.00 FFET, AN ARC DISTANCE OF 33.20 FEET THE CHORD THERE & BEARING NORTH 85" 59" 37" NEST, A CHORD DISTANCE OF 32.15 FFETT 10 # POINT OF TANGENCY: THENCE SOUTH 88" 34" 13" WEST, 120.53 FEET ON SAID NORTH LINE OF BRANDON PLACE TO THE POINT OF BEGINNING! THENCE CONTINUING SOUTH BHY 34" 15" WEST, 19.74 FEET TO A POINT OF CURVE; THENCE WESTERLY ON A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 511.58 FFET, AN AND DISTANCE OF 105.63 FEET LINE CHORD THEREOF BEARING SOUTH BET 39' 20" WEST, A CHURD DISTANCE OF 105.44 FEET) TO A POINT OF REVERSE CURVE: THENCE MESTERLY (ME A CURVE CONCAVE NORTH HOVING A RADIUS OF PROJECT, AN ARC DISTANCE OF 46.17 FEET ITHE CHORD THEREOF BEARING SOUTH BEY 40' OF" WEST, A CHORD DISTANCE OF 46.09 FEET) TO A POINT: THENCE ALONG A NON-TANGENTIAL CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 55.00 FEET, AN ARC DISTANCE OF 98.30 FEET (THE CHORD THEREOF BEARING NORTH 55" 12" 52" WEST, 95.86 FEET) TO A POINT; THENCE NORTH 48" 21" 27" EAST, 98.27 FEET; THENCE NORTH 88" 32' 30" EAST, 164.26 FEET: THENCE BOUTH OIT 27' 30" EAST, 48.45 FEET TO THE POINT OF BEGINNING.

(ALL CONTAINING 3.801 ACRES, MORE OR 1295)

PTN 21 03 Wen-053 Mars BRANDON Place Bost OF Prnsier Trail

E-4 (of 4)

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