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PLAINT

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FIFTH SUPPLEMENT
TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
WAVERLY COMMONS CONDOMINIUMS

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THIS DECLARATION is made by FIRST ELGIN SERVICE CORPORATION, an Illinois corporation ("Developer").

R E C I T A L S:

A. By the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois on March 25, 1986, as Document No. 86114413, as amended by (a) Correcting Amendment to Declaration of Condominium Ownership recorded on June 10, 1986, as Document 86233450 and (b) First Supplement to Declaration of Condominium Ownership recorded on August 20, 1986, as Document 86366355, (c) Second Supplement to Declaration of Condominium Ownership recorded on October 10, 1986, as Document 86470242 (d) Third Supplement to Declaration of Condominium Ownership recorded on December 11, 1986, as Document 865930109 and (e) Fourth Supplement to Declaration of Condominium Ownership recorded on March 16, 1987 as Document 87139596 (the "Declaration"), the Developer submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said real estate being known as Waverly Commons Condominiums (the "Condominium");

B. Under the Declaration the right is reserved in the Developer to add portions of the Development Area, defined in the Declaration, to the Condominium Property and submit such portions to the Act, and thereby add to the Condominium;

C. The Developer is the legal title holder of and wishes to so annex and add to the Condominium Property and thereby submit to the Act as part of the Condominium the following real property (the "Added Property"):

Part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per document no. 25723114, recorded January 2, 1981, being a subdivision of part of the South half of Section 7, Township 41 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the most Northerly Northwest corner of said Lot 2; thence South 00 degrees 23 minutes 05 seconds East, along a West line of said Lot 2, a distance of 43.72 feet to a point that is 66.28 feet, as measured along said West line, Northerly of an angle in a Northerly line of said Lot 2; thence South 47 degrees 23 minutes 36 seconds East, parallel with the tangent line on the Southwesterly line of said Lot 2, a distance of 90.33 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel with the tangent line on the Southeasterly line of said Lot 2, a distance of 83.67 for the point of beginning; thence continuing along the last described course, a distance of 71.58 feet to the most Northerly line of said Lot 2; thence North 86 degrees 52 minutes 07 seconds East, along said most Northerly line, a distance of 105.77 feet to the Northeast corner of said Lot 2; thence Southerly, along the Easterly line of said Lot 2, being along a curve to the right having a radius of 313.58 feet, an arc distance of 167.76 feet to a point on said Easterly line that is on a line that is parallel with the tangent line on the Southwesterly of said Lot 2, that passes through the point of beginning, having a bearing of South 47 degrees 23 minutes 36 seconds East;

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thence North 47 degrees 23 minutes 36 seconds West, along said parallel line, a distance of 149.79 feet to the point of beginning. Being situated in the city of Elgin, Cook County, Illinois;

which property is a portion of the Development Area described in the Declaration that the Developer may add to the Condominium; and

D. The Added Property is now improved with one (1) building containing four (4) residential units, which units are commonly known as 660-A, 660-B, 660-C and 660-D Waverly Drive, Elgin, Illinois.

NOW, THEREFORE, the Developer as the legal title holder of the Added Property, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Added Property is hereby annexed to the Property as defined in Article One of 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 in all respects by the terms and provisions of the Declaration.

2. The legal description of the Dwelling Units is hereby amended to read as follows:

Units 620-A, 620-B, 620-C, 620-D, 630-A, 630-B, 630-C, and 630-D as delineated on a survey of that part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per Document No. 25723114 recorded January 2, 1981, being a Subdivision of part of the South half of Section 7, Township 41 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the Southeasterly corner of said Lot 2; thence North 42 degrees 36 minutes 24 seconds East, along the Southeasterly line of said Lot 2, a distance of 86.96 feet for the point of beginning; thence North 47 degrees 23 minutes 36 seconds West, perpendicular to the last described course, a distance of 101.34 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel to said Southeasterly line, a distance of 216.04 feet; thence South 47 degrees 23 minutes 36 seconds East, perpendicular to said Southeasterly line, a distance of 101.34 feet to said Southeasterly line; thence South 42 degrees 36 minutes 24 seconds West, along said Southeasterly line, a distance of 216.04 feet to the point of beginning;

Units 640-A, 640-B, 640-C, and 640-D as delineated on a survey of that part of Waverly Commons Condominiums, being that part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per Document No. 25723114 recorded January 2, 1981, being a subdivision of part of the south half of Section 7, Township 41 North, Range 9 East of the Third Principal Meridian, described as follows: commencing at the southeasterly corner of said Lot 2; thence north 42 degrees 36 minutes 24 seconds east, along the southeasterly line of said Lot 2, a distance of 86.96 feet; thence north 47 degrees 23 minutes 36 seconds west, parallel with a southwesterly line of said Lot 2, a distance of 101.34 feet for the point of beginning; thence continuing along said parallel line, a distance of 68.66 feet; thence north 42 degrees 36 minutes 24 seconds east, parallel with said southeasterly line of Lot 2, a distance of 82.14 feet; thence north 03

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degrees 10 minutes 38 seconds west, a distance of 69.25 feet to a northerly line of said Lot 2; thence north 86 degrees 49 minutes 22 seconds east, along said northerly line, a distance of 25.68 feet to an angle in said Lot 2; thence north 00 degrees 23 minutes 05 seconds west, along a west line in said Lot 2, a distance of 66.28 feet; thence south 47 degrees 23 minutes 36 seconds east, parallel with said southwesterly line of Lot 2, a distance of 90.33 feet; thence north 42 degrees 36 minutes 24 seconds east, parallel with said southeasterly line of Lot 2, a distance of 83.67 feet; thence south 47 degrees 23 minutes 36 seconds east, parallel with said southwesterly line of Lot 2, a distance of 149.79 feet to the southeasterly line of said Lot 2; thence southwesterly, along said southeasterly line, being along a curve having a radius of 313.58 feet, an arc distance of 65.42 feet; thence north 47 degrees 23 minutes 36 seconds west, parallel with said southwesterly line of Lot 2, a distance of 101.34 feet; thence south 42 degrees 36 minutes 24 seconds west, parallel with a southeasterly line of said Lot 2, a distance of 216.04 feet to the point of beginning.

Units 650-A, 650-B, 650-C and 650-D as delineated on a survey of that part of Waverly Commons Condominiums, being Lot 2 of Amended Plat of Highfield Place, as per Document No. 25723114, recorded January 2, 1981, being a subdivision of part of the South half of Section 7, Township 41 North, Range 9 East of the Third Principal Meridian, described as follows: Beginning at the most Northerly Northwest corner of said Lot 2; thence South 00 degrees 23 minutes 05 seconds East, along a West line of said Lot 2, a distance of 43.72 feet to a point that is 66.28 feet, as measured along said West line, Northerly of an angle in a Northerly line of said Lot 2; thence South 47 degrees 23 minutes 36 seconds East, parallel with the tangent line on the Southwesterly line of said Lot 2, a distance of 90.33 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel with the tangent line on the Southeasterly line of said Lot 2, a distance of 155.25 feet to the most Northerly line of said Lot 2; thence South 86 degrees 52 minutes 07 seconds West, along said most Northerly line, a distance of 172.13 feet to the point of beginning;

Units 660-A, 660-B, 660-C and 660-D as delineated on a survey of that Part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per Document No. 25723114, recorded January 2, 1981, being a subdivision of part of the South half of Section 7, Township 41 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the most Northerly Northwest corner of said Lot 2; thence South 00 degrees 23 minutes 05 seconds East, along a West line of said Lot 2, a distance of 43.72 feet to a point that is 66.28 feet, as measured along said West line, Northerly of an angle in a Northerly line of said Lot 2; thence South 47 degrees 23 minutes 36 seconds East, parallel with the tangent line on the Southwesterly line of said Lot 2, a distance of 90.33 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel with the tangent line on the Southeasterly line of said Lot 2, a distance of 83.67 for the point of beginning; thence continuing along the last described course, a distance of 71.58 feet to the most Northerly line of said Lot 2; thence North 86 degrees 52 minutes 07 seconds East, along said most Northerly line, a distance of 105.77 feet to the Northeast corner of said Lot 2; thence Southerly, along the Easterly line of

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said Lot 2, being along a curve to the right having a radius of 313.58 feet, an arc distance of 167.76 feet to a point on said Easterly line that is on a line that is parallel with the tangent line on the Southwesterly of said Lot 2, that passes through the point of beginning, having a bearing of South 47 degrees 23 minutes 36 seconds East; thence North 47 degrees 23 minutes 36 seconds West, along said parallel line, a distance of 149.79 feet to the point of beginning. Being situated in the city of Elgin, Cook County, Illinois; Units 938-A, 938-B, 938-C, and 938-D as delineated on a survey of that part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per Document No. 25723114 recorded January 2, 1981, being a subdivision of part of the south half of Section 7, Township 41 North, range 9 East of the third principal meridian, described as follows: Commencing at the Southeasterly corner of said Lot 2; thence North 47 degrees 23 minutes 36 seconds West, along the Southwesterly line of said Lot 2, a distance of 98.00 feet; thence Northwesterly, along said Southwesterly line of Lot 2 being along a curve to the left, tangent to the last described course, having a radius of 137.24 feet and a chord bearing of North 64 degrees 27 minutes 28 seconds West, an arc distance of 81.75 feet for the point of beginning; thence North 42 degrees 36 minutes 24 seconds East, parallel with the Southeasterly line of said Lot 2, a distance of 110.59 feet to a point on a line that is parallel with a Southwesterly line of said Lot 2 and 86.96 feet (measured along the Southeasterly line of said Lot 2) Northeasterly of the point of commencement; thence South 47 degrees 23 minutes 36 seconds East, along said line, a distance of 5.00 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel with the Southeasterly line of said Lot 2, a distance of 82.14 feet; thence North 03 degrees 10 minutes 38 seconds West, a distance of 69.25 feet to a Northerly line of said Lot 2; thence South 86 degrees 49 minutes 22 seconds West, along said North line, a distance of 156.25 feet to a Northwest corner of said Lot 2; thence South 00 degrees 23 minutes 31 seconds East, along a West line of said Lot 2, a distance of 197.52 feet to the Southwesterly line of said Lot 2; thence Southeasterly, along said Southwesterly line of Lot 2 being along a curve to the right having a radius of 137.24 feet and a chord bearing of South 86 degrees 36 minutes 40 seconds East, an arc distance of 24.38 feet to the point of beginning, in the City of Elgin, Cook County, Illinois; and Units 940-A, 940-B, 940-C, 940-D, 950-A, 950-B, 950-C, and 950-D as delineated on a survey of that part of Waverly Commons Condominiums, being Lot 2 of amended plat of Highfield Place, as per Document No. 25723114 recorded January 2, 1981, being a subdivision of part of the south half of Section 7, Township 41 North, range 9 East of the Third Principal Meridian, described as follows: beginning at the Southeasterly corner of said Lot 2; thence North 47 degrees 23 minutes 36 seconds West, along the Southwesterly line of said Lot 2, a distance of 98.00 feet; thence Northwesterly, along said Southwesterly line of Lot 2 being along a curve to the left, tangent to the last described course, having a radius of 137.24 feet and a chord bearing of North 64 degrees 27 minutes 28 seconds West, an arc distance of 81.75 feet; thence North 42 degrees 36 minutes 24 seconds East, parallel with the Southeasterly line of said Lot 2, a distance of 110.59 feet to a point on a line that is parallel with a

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Southwesterly line of said Lot 2, and 86.96 feet (measured along the Southeasterly line of said Lot 2) Northeasterly of the point of beginning thence South 47 degrees 23 minutes 36 seconds East, along said line, a distance of 175.00 feet to the Southeasterly line of said Lot 2; thence South 42 degrees 36 minutes 24 seconds West, along said Southeasterly line, a distance of 86.96 feet to the point of beginning; all in Cook County, Illinois, which surveys are attached as Exhibit "C" to Declaration of Condominium Ownership made by First Elgin Service Corporation, recorded in the Office of the Recorder of Cook County, Illinois, as Document No. 86114413

3. Attached hereto is Exhibit C, consisting of two (2) pages designated as sheets 1 and 10. Exhibit C of the Declaration is hereby amended by adding thereto, as sheets 1 and 10 thereof, sheets 1 and 10 of Exhibit C attached hereto, and any reference in the Declaration to Exhibit C shall be deemed to refer to Exhibit C as hereby amended.

4. Exhibit D attached to the Declaration is hereby amended and superseded in its entirety by Exhibit D attached hereto, and the respective percentages of ownership in the Common Elements appurtenant to each Dwelling Unit described in said Exhibit D prior to this Amendment is hereby reduced to the respective percentages set forth in Exhibit D as hereby amended.

5. The additional Common Elements are hereby granted and conveyed to the Grantees of Dwelling Units heretofore conveyed, all as set forth in the Declaration.

6. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the said FIRST ELGIN SERVICE CORPORATION, has caused its corporate seal to be affixed hereunto and has caused its name to be signed by these presents by its President and attested by its Secretary this 20th day of April, 1987.

FIRST ELGIN SERVICE CORPORATION

By Walter W. Cordin Pres.

ATTEST:

Theodore B. Warzynski

STATE OF ILLINOIS)
) ss
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for the County and State aforesaid, Do Hereby Certify that Walter W. Cordin, President of FIRST ELGIN SERVICE CORPORATION, and Theodore B. Warzynski, Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said Corporation, for the uses and purposes

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therein set forth; and the said Secretary did also then and there acknowledge that he as custodian of the corporate seal of said Corporation did affix the said corporate seal of said Corporation to said instrument as his own free and voluntary act of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 20th day of April, 1987.

Susan Felix (SEAL)
Notary Public

My Commission Expires:



MAIL TO:
This document prepared by:
Roger K. Frandsen
80 Fountain Square Plaza
Elgin, Illinois 60120

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EXHIBIT D TO
FOURTH SUPPLEMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
WAVERLY COMMONS CONDOMINIUMS

<u>Unit Number</u>	<u>Perpetual and Exclusive Use of:</u>			<u>Percentage Interest in the Common Elements</u>
	<u>Garage Space</u>	<u>Parking Space</u>	<u>Storage Area</u>	
620-A together with	620-A G	620-A P	620-A S	3.422130
620-B together with	620-B G	620-B P	620-B S	3.051762
620-C together with	620-C G	620-C P	620-C S	3.422130
620-D together with	620-D G	620-D P	620-D S	3.137325
630-A together with	630-A G	630-A P	630-A S	2.848039
630-B together with	630-B G	630-B P	630-B S	3.051762
630-C together with	630-C G	630-C P	630-C S	2.848039
630-D together with	630-D G	630-D P	630-D S	3.137325
640-A together with	640-A G	640-A P	640-A S	3.422130
640-B together with	640-B G	640-B P	640-B S	3.096580
640-C together with	640-C G	640-C P	640-C S	3.422130
640-D together with	640-D G	640-D P	640-D S	3.173995
650-A together with	650-A G	650-A P	650-A S	3.096580
650-B together with	650-B G	650-B P	650-B S	2.848039
650-C together with	650-C G	650-C P	650-C S	3.173995
650-D together with	650-D G	650-D P	650-D S	2.848039
660-A together with	660-A G	660-A P	660-A S	3.096580
660-B together with	660-B G	660-B P	660-B S	2.848039
660-C together with	660-C G	660-C P	660-C S	3.173995
660-D together with	660-D G	660-D P	660-D S	2.848039
938-A together with	938-A G	938-A P	938-A S	3.096580
938-B together with	938-B G	938-B P	938-B S	3.422130
938-C together with	938-C G	938-C P	938-C S	3.173995
938-D together with	938-D G	938-D P	938-D S	3.422130
940-A together with	940-A G	940-A P	940-A S	3.422130
940-B together with	940-B G	940-B P	940-B S	3.051762
940-C together with	940-C G	940-C P	940-C S	3.422130
940-D together with	940-D G	940-D P	940-D S	3.137325
950-A together with	950-A G	950-A P	950-A S	2.848039
950-B together with	950-B G	950-B P	950-B S	3.051762
950-C together with	950-C G	950-C P	950-C S	2.848039
950-D together with	950-D G	950-D P	950-D S	3.137325

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