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COOK COUNTY, ILLINOIS  
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## DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS is made as of this 14 day of September, 1988 by LaSalle National Bank, not individually but as Trustee under Trust Agreement dated April 10, 1987 and known as Trust No. 112170 (hereinafter referred to as "Grantor") in favor of LaSalle National Bank, not individually but as Trustee under Trust Agreement dated May 10, 1965, as amended December 20, 1984, and known as Trust No. 33644 (hereinafter referred to as "Grantee").

\$18.00

### WITNESSETH:

WHEREAS, Grantor is the owner of the improved real property commonly known as 480 West Deming Street, Chicago, Illinois (the "480 Property") and more particularly described on Exhibit A attached hereto; and

WHEREAS, Grantee is the owner of the property commonly known as 466 West Deming Street, Chicago, Illinois (the "466 Property") and more particularly described on Exhibit B attached hereto; and

THIS INSTRUMENT WAS PREPARED BY,  
AND UPON RECORDING SHOULD BE  
RETURNED TO:

Martin F. McDermott  
JENNER & BLOCK  
One IBM Plaza  
Chicago, Illinois 60611  
(312) 222-9350

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WHEREAS, Grantor and Grantee have agreed that it will inure to their mutual benefit if the 480 Property is hereafter utilized as a single-family residence or as a two-unit or three-unit residential building; and

WHEREAS, Grantor and Grantee have further agreed that the values of both the 480 Property and the 466 Property will be enhanced by the provisions of this Declaration; and

WHEREAS, it is the intention of Grantor that Grantor and its beneficiaries, grantees, devisees, heirs, successors and assigns shall be bound by the terms of this Declaration; and

WHEREAS, Grantee has paid Grantor the sum of ten dollars (\$10.00) as additional consideration for Grantor's agreement to abide by the terms hereof.

NOW, THEREFORE, Grantor hereby covenants for itself and for its beneficiaries, grantees, devisees, heirs, successors and assigns as follows:

1. Grantor agrees that it will not, for a period of twenty (20) years from the date hereof, utilize the 480 Property for (a) a transitional shelter, (b) a tourist home, (c) an apartment hotel or (d) a lodging house as those terms are defined hereinbelow:

a. **Transitional Shelter.** A "transitional shelter" is a building, or portion thereof, in which temporary residential accommodations are provided for three or more persons who are not related to the owner, operator, manager or other occupants thereof by blood or by marriage.

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b. **Tourist Home.** A "tourist home" is a dwelling in which meals or lodging or both are provided or offered to transient guests for compensation.

c. **Hotel, Apartment.** An "apartment hotel" is a residential building in which no less than 90 per cent of the units are dwelling units designed for use by permanent guests, and in which no more than 10 per cent of the total occupancy shall consist of transient guests for which ordinary hotel services are provided.

d. **Lodging House.** A "lodging house" is a residential building, or portion thereof, containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

2. Grantor will not permit the existing structure (the "Building") located upon the 480 Property to be used for purposes other than as a single-family residence or as a two-unit or three-unit residential building.
3. Grantor will maintain the tree presently located on the tree lawn in front of the 480 Property (the "Tree") and will not cause the Tree to be cut down, unless it becomes diseased or becomes a hazard to persons or property, for so long as the Building is located upon the 480 Property. In case the Tree must be cut down for any of the reasons set forth in the preceding sentence, Grantor agrees to promptly replace the Tree with another tree and thereafter to maintain and replace same according to the provisions of the preceding sentence.

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4. The reservation, covenants, and conditions contained in this Declaration shall attach to and run with the land and shall be binding upon Grantor, its beneficiaries, grantees, devisees, heirs, successors, and assigns, and all parties claiming by, through, or under Grantor or any of them. Breach of the reservation, covenants, or conditions contained herein, or continuation of such breach, may be enjoined or abated by appropriate proceedings initiated by Grantee and its beneficiaries, grantees, devisees, heirs, successors and assigns.

This Declaration is executed by LASALLE NATIONAL BANK, not personally but as Trustee under Trust No. 112170 as aforesaid, in the exercise of the power and authority conferred upon and vested in said Trustee as such, and it is expressly understood and agreed that nothing in said Declaration contained shall be construed as creating any liability on said Trustee personally to pay any indebtedness accruing thereunder nor to collect any payments or to perform any covenants, either expressed or implied, in said Declaration (all such liability, if any, being expressly waived by every person now or hereafter claiming any right or security thereunder) and that so far as said Trustee is concerned, the owner of any indebtedness or right accruing under said Declaration shall look solely to the premises described therein for the payment or enforcement thereof, it being understood that said Trustee merely holds legal title to the

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premises described therein and has no control over the management thereof or the income therefrom, and has no knowledge respecting rentals, leases or other factual matter with respect to said premises, except as represented to it by the beneficiary of beneficiaries of said trust.

IN WITNESS WHEREOF, Grantor has executed and acknowledged this Declaration as of the day and year first above written.

GRANTOR

LASALLE NATIONAL BANK,  
not individually but as  
Trustee under Trust No. 112170

By: *William H. Puller*

Its: ASSISTANT SECRETARY

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## EXHIBIT A

Lot 5 (except the Southwesterly 46.75 feet thereof) in Johnson's Subdivision in the Subdivision of Lot 3 and the South 1/2 of Lot 2 (except the East 50 feet thereof) in Demings Subdivision of part of Out-Lot 'B' in Wrightwood, a subdivision of the Southwest 1/4 of Section 28, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index No. 14-28-318-012

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## EXHIBIT B

The Easterly 50 feet of Lots 1, 2 and 3 of the subdivision of part of Out Lot "B" (except the South 320 feet) in Wrightwood a subdivision of the South West quarter of Section 28, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index No. 14-28-318-010

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