

PLAT DOCUMENT

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PAL04143F
11/02/89

**FOURTH AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
VILLAGE COMMONS CONDOMINIUM ASSOCIATION**

THIS FOURTH AMENDMENT TO DECLARATION made and entered into by FIRST ILLINOIS BANK OF WILMETTE, not individually, but as Trustee under Trust Agreement dated the 9th day of September, 1988 and known as Trust No. TWB-0728 (hereinafter referred to as "Trustee").

\$49.00

W I T N E S S E T H:

WHEREAS, by the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois on June 23, 1989 as Document No. 89288325 (the "Declaration"), certain real estate was submitted to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as Village Commons (the "Condominium");

WHEREAS, the Trustee is the legal title holder of and now wishes to annex and add to said Parcel and Property and submit to the provisions of Act as part of the Condominium the following real property (the "Additional Property") described on Schedule 1 attached hereto;

NOW, THEREFORE, FIRST ILLINOIS BANK OF WILMETTE, as Trustee aforesaid and not individually, as the legal title holder of the Additional property, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Additional Property is hereby annexed to the Parcel and Property as defined in Article I of the Declaration and, together with all improvements and structures erected, constructed or contained thereon, is hereby submitted to the provisions of the Act as 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. Exhibit "A" of the Declaration is hereby amended by deleting said Exhibit "A" and substituting Exhibit "A" attached hereto.

3. Exhibit "C" of the Declaration is hereby amended by deleting Sheet 1 of said Exhibit "C" and substituting therefor Sheet 1 of Exhibit "C" attached hereto, and by the addition of Sheets 2 and 3 attached hereto.

4. The percentage of ownership in Common Elements appurtenant to each Unit (as that term is defined in the Declaration) is hereby shifted to the respective percentages set forth in Exhibit "E" attached hereto, and Exhibit "E" of the Declaration is hereby amended by deleting said Exhibit "E" and substituting Exhibit "E" attached hereto.

**PREPARED BY AND AFTER
RECORDING MAIL TO:**

Michael S. Kurtzon
Miller, Shakman, Nathan & Hamilton
208 South LaSalle Street
Suite 1200
Chicago, Illinois 60604

08-12-110-018,021,024,029 & 030
08-12-115-002,003 & 004
08-12-116-002,003,005
08-12-196-001,002 to 013

72-10-086 AB

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7-23

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Proprietary

By: Mark A. Smith
Its: VICE PRESIDENT AND TRUST OFFICER

By: [Signature]
Its: VICE PRESIDENT

FIRST ILLINOIS BANK OF
WILMETTE, as Trustee aforesaid,
and not individually

ATTEST:

IN WITNESS WHEREOF, the said FIRST ILLINOIS BANK OF WILMETTE,
as Trustee aforesaid and not individually, has caused its
corporate seal to be affixed hereto and has caused its name to be
signed to the presence by its ~~Authorized~~ Vice President and
attested by its ~~Authorized~~ Vice President, this 15th day
of NOVEMBER, 1989. Vice President

controlling.
said Trustee, the exculpatory provision hereof shall be
any question of apparent liability or obligation resting upon
terms of this paragraph and the remainder of the Declaration on
required for the purpose. In the event of conflict between the
TMB-0728 and that the Trustee has first been supplied with funds
performed and discharged by the beneficiary under said Trust No.
aforesaid, to be kept and performed, are intended to be kept,
herein set forth by FIRST ILLINOIS BANK OF WILMETTE, as Trustee
obligations, duties, covenants, and agreements of every nature
No. TMB-0728 to the terms of this Declaration; that any and all
holding interest in the trust estate under said Trust Agreement
this Declaration for the sole purpose of subjecting the title
aforesaid, and not personally, has joined in the execution of
Declaration that FIRST ILLINOIS BANK OF WILMETTE, as Trustee
corporation now or hereafter claiming any interest under this
expressly understood and agreed by every person, firm, or
full power and authority to execute this instrument. It is
FIRST ILLINOIS BANK OF WILMETTE hereby warrants that it possesses
and authority conferred upon and vested in it as such Trustee,
7. This Declaration is executed by FIRST ILLINOIS BANK OF
WILMETTE, as Trustee as aforesaid, in the exercise of the power

5. The additional Common Elements annexed by this instrument are hereby granted and conveyed to the grantees of all Units, including the grantees of 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.
7. This Declaration is executed by FIRST ILLINOIS BANK OF WILMETTE, as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee, FIRST ILLINOIS BANK OF WILMETTE hereby warrants that it possesses full power and authority to execute this instrument. It is expressly understood and agreed by every person, firm, or corporation now or hereafter claiming any interest under this Declaration that FIRST ILLINOIS BANK OF WILMETTE, as Trustee aforesaid, and not personally, has joined in the execution of this Declaration for the sole purpose of subjecting the title holding interest in the trust estate under said Trust Agreement No. TMB-0728 to the terms of this Declaration; that any and all obligations, duties, covenants, and agreements of every nature herein set forth by FIRST ILLINOIS BANK OF WILMETTE, as Trustee aforesaid, to be kept and performed, are intended to be kept, performed and discharged by the beneficiary under said Trust No. TMB-0728 and that the Trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and the remainder of the Declaration on any question of apparent liability or obligation resting upon said Trustee, the exculpatory provision hereof shall be controlling.

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I, EDNA W. ROSS, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that the above-named Vice President and Vice President of FIRST ILLINOIS BANK OF WILMETTE, Grantor, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Vice President 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 Bank for the uses and purposes therein set forth; and the said Vice President did also then and there acknowledge that Vice President, as custodian of the Corporate Seal of said Bank, caused the Corporate Seal of said Bank to be affixed to said instrument as said Vice President's own free and voluntary act of said Bank for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 15th day of NOVEMBER, 1989.

(NOTARY SEAL)

Edna W. Ross
Notary Public

My Commission Expires: MAY 9, 1993

STATE OF ILLINOIS)
) SS.
) COUNTY OF COOK)

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VICE PRESIDENT & TRUST OFFICER

[Signature]
AND NOT PERSONALLY

AS TRUSTEE UNDER TRUST NO. TWB-0728

FIRST ILLINOIS BANK OF WILMETTE
WILMETTE, IL 60091

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16 2:24

Property of

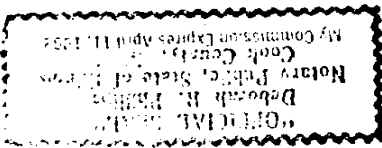
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It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the agreements herein made on the part of the Trustee while in form purporting to be warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against FIRST ILLINOIS BANK OF WILMETTE or any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee, whether or not in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

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Notary Public
Deborah H. Harris

My Commission Expires: *4-11-92*

Given under my hand and a notarial seal this *14th* day of *November*, 1989.

act of said company for the uses and purposes therein set forth. (or her) own free and voluntary act and as the free and voluntary said corporate seal of said company to the said instrument as his as custodian of the corporate seal of said company, did affix the Secretary did also then and there acknowledge that he (or she), purposes therein set forth and said as the free and voluntary act of said company for the uses and delivered said instrument as their own free and voluntary act and this day in person and acknowledged that they signed and Secretary respectively, appeared before me foregoing instrument as such Secretary of said company, personally known to me to be the same persons whose names are subscribed to the Secretary of said company and of The Northern Trust Company and that *Robert J. Harris*, a notary public in and for said county in the state aforesaid, do hereby certify

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

ATTEST: _____
BY: *Robert J. Harris* Vice President
BY: *Steven R. Harris* VICE PRESIDENT

THE NORTHERN TRUST COMPANY

of *November*, 1989.

its behalf; all done at Chicago, Illinois on this *14th* day

this instrument to be signed by its duly authorized officers on

IN WITNESS WHEREOF, The Northern Trust Company has caused

The undersigned, The Northern Trust Company, as mortgagee under mortgage dated October 1, 1988, and registered November 16, 1988, as Document No. 3753806, hereby consents to the execution and recording of the within Fourth Amendment to Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the Village Commons Condominium Association.

CONSENT OF MORTGAGEE

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Block 7 in Village Commons, a Planned Unit Development, being a resubdivision of Lots 2, 3, 4 and Out-Lot 1 in Tax Increment Finance Subdivision No. 1, being a subdivision in the Northwest 1/4 of Section 12, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

LEGAL DESCRIPTION

SCHEDULE 1

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Property of Cook County, Illinois

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Part of "Village Commons", A Planned Unit Development, being a subdivision of part of the Northwest 1/4 of Section 12, Township 41 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded April 4, 1989 as document No. 89146083 and registered in the Office of the Registrar of Titles of Cook County, Illinois on April 4, 1989 under Torrens Registration No. 3784147, bounded by a line described as follows: Beginning at the southerly Northeast corner of said subdivision, said corner being the intersection of the West line of School Street with the South line of Evergreen Avenue; thence South 00°-00'-00" West, along the most Easterly East line of said subdivision, 109.87 feet to its intersection with the North line of Block 7, extended Easterly; thence South 90°-00'-00" West along said North line extended and along said lines extended Westerly, 312.67 feet to a point in a curved Northwesterly line of Out Lot "3"; thence Northwesterly along said curved line, being the arc of a circle convex Southeasterly and having a radius of 25.00 feet, an arc distance of 15.72 feet (the chord of which arc bears North 17°-59'-23" East and measures 15.47 feet); thence North 01°-27'-54" East, tangent to the last described curved line, along a westerly line of said Out Lot "3" and along the Northwesterly extension thereof, 119.10 feet to its intersection with the curved Southwesterly line of Evergreen Avenue, aforesaid; thence Southeasterly, along said curved line, being the arc of a circle convex Southwesterly and having a radius of 66.00 feet, an arc distance of 58.27 feet (the chord of which arc bears South 64°-44'-10" East and measures 56.40 feet); thence North 89°-58'-14" East, tangent to the last described curved line and along that North line of said subdivision which is also the South line of said Evergreen Avenue, 313.85 feet to the place of beginning, together with Blocks 3, 5, 7 and 8 in said "Village Commons", in the Village of Mount Prospect, Cook County, Illinois.

LEGAL DESCRIPTION

EXHIBIT "A"

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Part of "VILLAGE COMMONS", A PLANNED UNIT DEVELOPMENT, being a subdivision of part of the Northwest 1/4 of Section 12, Township 41 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded April 4, 1989 as Document No. 89146083 and registered in the Office of the Registrar of Titles of Cook County, Illinois on April 4, 1989 under Torrens Registration No. 3784147, bounded by a line described as follows: Beginning at the most westerly southwest corner of said subdivision; thence North 40°-31'-55" East, along the west line thereof, 41.91 feet to an angle point in said line; thence North 00°-01'-35" West, along said west line, 147.84 feet to an angle point therein; thence North 82°-20'-33" East, 4.63 feet to an angle point; thence North 07°-21'-34" West, along said west line, 32.29 feet to its intersection with the South line of Block 2 extended westerly; thence North 89°-58'-25" East, along said South line of Block 2 and along said line extended westerly and Easterly, 150.78 feet to its intersection with the curved Southwesterly line of Elm Street; thence Southeast, along said curved line, being the arc of a circle convex Southwesterly and having a radius of 66.00 feet, an arc distance of 34.83 feet (the chord of which arc bears South 24°-19'-32" East and measures 34.43 feet), to its intersection with the Northerly extension of a West line of "Out-Lot 3" in said subdivision; thence South 01°-27'-54" West, along said West line and along the Northerly extension thereof, 119.10 feet to a point of curvature; thence Southeast, along a curved West line of said "Out-Lot 3", being the arc of a circle convex Southeast, tangent to the last described course and having a radius of 25.00 feet, an arc distance of 15.72 feet (the chord of which arc bears South 17°-59'-23" West and measures 15.47 feet), to its intersection with the North line of Block 7 extended westerly; thence North 90°-00'-00" East, along said westerly extension, 176.39 feet to the Northwest corner of said Block 7; thence South 00°-00'-00" West, along the West line thereof, 127.14 feet to the Northerly Southwest corner thereof; thence North 58°-38'-10" West, along a Southwesterly line of "VILLAGE COMMONS", as aforesaid, being also a Northerly line of Lot 1 in "The Increment Finance Subdivision, Unit 1", a distance of 60.90 feet to the Northwest corner of said Lot 1; thence South 31°-11'-50" West, along the Northwesterly line of said Lot 1, being also a Southwesterly line of said "VILLAGE COMMONS", 126.00 feet to a Southeast corner thereof; thence North 58°-38'-10" West, along the Northerly line of Northwest Highway, 77.22 feet to an angle point in said line; thence North 00°-00'-44" East, 9.26 feet to an angle point; thence North 58°-15'-01" West, 75.57 feet to an angle point; thence North 44°-47'-37" West, 27.46 feet to an angle point; thence North 53°-49'-28" West, 105.30 feet; thence Northwesterly, along the curved Northerly line of Northwest Highway, being the arc of a circle convex Southwesterly and having a radius of 955.14 feet, an arc distance of 12.79 feet (the chord of which arc bears North 45°-25'-48" West and measures 12.79 feet), to the place of beginning in the Village of Mount Prospect, Cook County, Illinois.

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UNIT	ADDRESS	SHARE OF OWNERSHIP
1	301 Evergreen Avenue	4.01%
2	303 Evergreen Avenue	2.85%
3	305 Evergreen Avenue	3.14%
4	307 Evergreen Avenue	4.01%
5	309 Evergreen Avenue	2.85%
6	202 School Street	2.85%
7	200 School Street	4.01%
8	319 Evergreen Avenue	3.14%
9	321 Evergreen Avenue	3.86%
10	117 Evergreen Avenue	2.85%
11	315 Evergreen Avenue	4.01%
12	215 University Drive	4.07%
13	217 University Drive	2.85%
14	219 University Drive	3.86%
15	221 University Drive	3.14%
16	225 University Drive	2.85%
17	223 University Drive	4.07%
18	219 College Drive	4.07%
19	221 College Drive	2.85%
20	217 College Drive	3.86%
21	215 College Drive	3.14%
22	213 College Drive	2.80%
23	211 College Drive	4.07%
24	211 Village Drive	4.07%
25	213 Village Drive	2.85%
26	215 Village Drive	3.14%
27	217 Village Drive	3.86%
28	221 Village Drive	2.80%
29	219 Village Drive	4.07%

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SHARE OF OWNERSHIP OF COMMON ELEMENTS

EXHIBIT "E"

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