

AMENDMENT, ABROGATION OF COVENANTS
CONDITIONS AND RESTRICTIONS,
WAIVER & COVENANT NOT TO ENFORCE

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WHEREAS, BEVERLY BANK as Trustee under Trust Agreement dated December 6, 1968 and known as Trust No. 8-1652, and BREMENTOWNE ESTATES HOMEOWNERS ASSOCIATION, an Illinois Corporation, executed a certain Declaration of Covenants, Conditions and Restrictions dated February 7, 1969, and recorded by the Cook County Recorder's Office as Document Number 20751541, and amended by a certain document dated December 13, 1971 and recorded as document 21745425, all with respect to the following legally described real estate, to wit:

The North East Quarter of the South West Quarter and the North West Quarter of the South East Quarter of Section 24, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, consisting of 80 acres, more or less excepting that part of the above premises lying Northeasterly of the Northeasterly right of way line of Branch Ditch "A" of Union Drainage District No. 3 of Orland Township and No. 2 of Bremen Township.

ALSO.....

The North East Quarter (except the West 360 feet of the North 242 feet) of the North West Quarter of Section 24 and the West one-half of the South East Quarter of the North West Quarter of Section 24, Township 36 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois.

ALSO.....

The West 1/2 of the North East 1/4 of Section 24 (and the East 1/2 of the South East 1/4 of the North West 1/4) of Section 24, Township 36 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois (except that part of the North East 1/4 of Section 24, Township 36 North, Range 12 etc. described as follows: Commencing at the North East corner of said Section 24, then South along the East line of said Section 24 for a distance of 109.8 feet; thence Westerly along a line which forms an angle of 90 degrees 19 minutes to the right with a prolongation of the last described course for a distance of 1336.7 feet to a point of beginning. Thence Westerly along a continuation of the last described course for a distance of 1340.4 feet to a point; thence Northerly along a line which forms an angle of 89 degrees 15 minutes to the right with a prolongation of the last described course for a distance of 52.0 feet to a point; thence Easterly along a line which forms an angle of 90 degrees 16 minutes to the right with a prolongation of the last described course for a distance of 1340.0 feet to a point; thence Southerly along a line which forms an angle of 90 degrees 04 minutes to the right with a prolongation of the last described course for a distance of 63.4 feet more or less to the point of beginning, containing 1.806 acres, more or less.)

(LEGAL DESCRIPTION CONTINUED ON PAGE 1.1)

WHEREAS, the foregoing documents of covenants, conditions and restrictions were executed and placed of record in order to

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BREMENTOWNE ESTATES UNIT #6 PHASE 1 (EXCEPT LOTS 628, 630, 631, 635, 636, 638, 639, 640, 641, 642, 643, 646, 649, 650, 651, 652, 654, 655, 657, 659, 660, 664, 665, 666, 667, 669, 672, 673, 676, 677, 679, 681, 682, 683, 684, 685, 686, 688, 691, 694, 696, 697, 699, 700, 701, 702, 703, 704, 706, 707, 708, 709, 711, 712, 713, 714, 715, 717, 718, 719, 720, 721, 722, 723, 724) BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO.....

BREMENTOWNE ESTATES UNIT 6, PHASE 2, BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; OF PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; ALSO A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25; OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, ALL IN TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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implement the Brementowne Estates Homeowners Association ("Association"); and

WHEREAS, the hereinafter legally described parcels 1, 2 and 3 of real estate are vacant and have never been used for the benefit of any of the members of the Association or any of the lot owners covered by the above described restrictive covenants; and

WHEREAS, pursuant to notice and a duly convened meeting of the Board of Directors, the Association certifies that the Board of Directors approved the sale of Parcel 1, as hereinafter set forth, to C.M.S. Developers, Inc., an Illinois Corporation; and

WHEREAS, the Association certifies it is vested with the authority to convey Parcel 1 to C.M.S. Developers, Inc., and to execute this document, all in accordance with Article IX, Section 3 of the above restrictive covenants; and

WHEREAS, C.M.S. Developers, Inc. intends to subdivide the above parcel of real estate into six lots to be zoned and used for the construction of single family dwellings; and

WHEREAS, the undersigned party desires to abrogate, cancel and declare as null and void the Declaration of Covenants, Conditions and Restrictions dated February 7, 1969 and recorded February 7, 1969 as Document Number 20751541 and the amendment thereto recorded December 13, 1971 and recorded as Document Number 21745425, with respect only to certain below described real estate; and

WHEREAS, pursuant to Article IX of the Declaration of Covenants, Conditions and Restrictions, the Association desires to amend said Declaration of Covenants, Conditions and Restrictions to conform with the provisions of this Amendment, Abrogation of Covenants, Conditions and Restrictions, Waiver and Covenant Not to Enforce; and

WHEREAS, the undersigned party also desires to eliminate any rights of enforcement of the above Declaration of Covenants, Conditions and Restrictions dated February 7, 1969 and recorded February 7, 1969 as Document Number 20751541 and the related amendment thereto dated December 13, 1971 and recorded as Document Number 21745425, only with respect to the below undersigned real

estate; and

WHEREAS, the foregoing Declaration of Covenants, Conditions and Restrictions and amendment thereto serve no practical purpose other than to hinder the development of certain properties identified herein and affected thereby;

NOW THEREFORE, in consideration of the foregoing preambles made a part hereof, and Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, the undersigned party hereby:

1. Abrogates, cancels and declares as null and void the Declaration of Covenants, Conditions and Restrictions dated February 7, 1969 and recorded February 7, 1969 as Document Number 20751541 and the related amendment dated December 13, 1971 and recorded as Document Number 21745425, only with respect to the following real estate, to wit:

Parcel 1:

THAT PART OF LOT 9 IN BREMENTOWNE ESTATES UNIT 6, PHASE 2, BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; OF PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; ALSO OF PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25; OF PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25; ALL IN TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 9 FOR A DISTANCE OF 340.00 FEET TO A POINT; THENCE SOUTH AT RIGHT ANGLES TO SAID NORTH LINE OF LOT 9 FOR A DISTANCE OF 110.00 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A LINE MAKING AN ANGLE OF 15 DEGREES, 22 MINUTES 34 SECONDS WITH LAST DESCRIBED COURSE EXTENDED SOUTH FOR A DISTANCE OF 22.08 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9; THENCE EAST ALONG SAID SOUTH LINE TO THE WEST RIGHT OF WAY LINE OF PARKTON AVENUE; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

See attached tax page for Permanent Index Numbers.

Parcel 2:

The triangular portion of land lying North of the northerly line extended West of Lot 19 in Parkview Homes, Unit No. 2, being a Resubdivision of part of Lot 9, 10, 11, 12, 13 and 14 and part of vacated Princeton Avenue, in Bremen Towne Estates Unit 6, Phase 2 in the Southwest 1/4 of Section 24, Township 36 North, Range 12 East of the Third Principal Meridian, as recorded November 17, 1971 as Document Number 21715526 in Cook County, Illinois.

P.I.N.# 27-24-311-049

Parcel 3:

Lot 10 in Brementowne Estates Unit 6, Phase 2, a Subdivision of the South West 1/4 of Section 24 and part of the North 1/2 of the North West 1/4 of Section 25, Township 36 North, Range 12 East of the Third Principal Meridian, (except that part of said Lot 10 conveyed in Document 23744336 to the Presley Companies, a Corporation of California), in Cook County, Illinois.

P.I.N.# 27-24-311-051

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2. Waive any and all rights to enforce any and all provisions of the Declaration of Covenants, Conditions and Restrictions dated February 7, 1969 and recorded February 7, 1969 as Document No. 20751541 and the related amendment dated December 13, 1971 and recorded as Document Number 21745425 with respect only to above Parcels 1, 2 and 3.

3. Amends the Declaration of Covenants, Conditions and Restrictions as referred to in foregoing Paragraph 2 to conform with the intentions of the undersigned by reason of execution of this document, and if there is any conflict between this document and the document referred to in foregoing Paragraph 2, then the terms and provisions in this document shall supersede and govern in lieu of any such conflicting provisions, all with respect to Parcels 1, 2 and 3.

4. Enters into this document of waiver, abrogation, amendment and non-enforcement for the purpose of permitting C.M.S. Developers, Inc., or its grantees, to subdivide the subject real estate into six single family residential lots for the construction of single family dwellings thereon and for the use and enjoyment thereof by the parties occupying same.

IN WITNESS WHEREOF, the undersigned party on this 19 day of February, 1990, has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Marlene Gitting President and attested by its Margaret A. Petlovich Secretary, the day and year first above written.

BREMENTOWNE ESTATES HOMEOWNERS
ASSOCIATION, an Illinois
Corporation

BY: Marlene Gitting

ATTEST: Margaret A. Petlovich

STATE OF ILLINOIS)
COUNTY OF COOK)

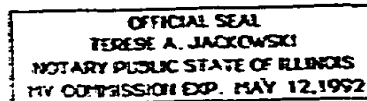
I, TERESE A. JACKOWSKI, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY, THAT DAVE GITTINGS President of BREMENTOWNE ESTATES HOMEOWNERS ASSOCIATION, an Illinois Corporation, and MARGARET A. PETLOVICH Secretary of said Corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument

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as such Donald H. [unclear] President and Margaret [unclear] Secretary respectively, 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 said Corporation, for the uses and purposes therein set forth; and the said Margaret [unclear] Secretary did also then and there acknowledge that said Margaret [unclear] Secretary, as custodian of the corporate seal of said Corporation, did affix the said corporate seal of said Corporation to said instrument as said Margaret [unclear] Secretary's own free and voluntary act, and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 19th day of February, 1990

Terese A. Jackowski
Notary Public



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