

AGREEMENT

This Agreement is entered into this 16 day of March, 1990, by and among the 719 W. Melrose Condominium Association (the "Association") and all of the individual members of the Association, such members being Heather Booth and her husband Paul R. Booth, Marlys G. Allen, divorced and not since remarried, and Margaret Schmid, divorced and not since remarried.

1990-03-16 RECORDED  
1990-03-16 11:10 AM  
45585 4 \* - 90 - 170998  
COOK COUNTY RECORDER

BACKGROUND

The members of the Association, in the aggregate, own all of the property commonly known as 719 W. Melrose, Chicago, Illinois (the "Property"). The Property is divided into three (3) condominium units, Units A, B, and C.

The Property is legally described as follows:

Lot 53 in Elisha E. Hundely's Resubdivision of Block 40 in Pine Grove, said Pine Grove being a Subdivision by said Hundely of Fractional Section 21, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois which survey is attached as Exhibit "A" to Declaration made by Central National Bank in Chicago as Trustee under Trust No. 21787, Recorded in the Office of the Recorder of Cook County, Illinois as Document 23737777.

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The Association and the members thereof desire to convey to Marlys G. Allen, the owner of Unit B, her successors and assigns, a perpetual easement with respect to the property adjoining the south wall of such Unit B comprised of wooden floor with surrounding railing (the "Sun Deck") upon the terms and conditions hereinafter set forth. The owner of Unit B, for herself, her successors and assigns, desires to obtain such easement and is willing to be bound by such terms and conditions.

AGREEMENTS

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NOW, THEREFORE, the Parties hereto hereby agree as follows:

1. Association and the individual members thereof, for itself and themselves, their successors and assigns, hereby grant unto the owner of Unit B, her successors and assigns, a perpetual easement in, upon, through and over the Sun Deck for exclusive possession and use thereof to the exclusion of the other members of the Association on the terms and conditions hereinafter set forth.

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2. It is understood and agreed that any and all costs of replacement of part or all of the Sun Deck, including roof under Sun Deck, as shall become necessary by reason of act of God, fire, explosion, wind, snow, rain, other damages caused by the elements suddenly, or other causes beyond the reasonable control of the owner of Unit B shall be borne by the Association. Also, any costs or expenses that may be insured by the Association (even though not resulting from the causes enumerated in the preceding sentence) shall be paid for by the insurer.

Any and all other such costs and expenses for improvements, care, and maintenance shall be borne by the owner of Unit B, with the approval of the Association.

It is further understood that if the roof under Sun Deck is in need of repair or replacement, the expenses shall be borne by the Association and the replacement of the Sun Deck shall be borne by Unit B.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date and year first hereinabove written.

719 W. Melrose Condominium  
Association

By: Margaret Schmid

Title: President

Paul R. Booth  
Paul R. Booth

Heather Booth  
Heather Booth

Margaret Schmid  
Margaret Schmid

Mariys G. Allen  
Mariys G. Allen

(Being all of the owners of the  
719 W. Melrose Concominium Association)

SUBSCRIBED AND SWORN TO  
before me this 19<sup>th</sup> day of  
March, 1990.

Diane A. Riker  
Notary Public

My commission expires: June 14, 1991

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P.I.N. 14-21-313-056-1001  
14-21-313-056-1002  
14-21-313-056-1003

Prepared by and mail to:

Mauck & Baker  
7 South Dearborn, Suite 1207  
Chicago, Illinois 60603

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