

AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE NAVAHO CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BY-LAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE NAVAHO CONDOMINIUM (the "Amendment") is dated as of this 27th day of June, 1990 by RICK E. SMITH and JULIE L.P. SMITH, DAVID BENEFF, JOSEPH A. CARI, JR., DAVID CARLINS and REBECCA CARLINS (collectively "Successor Declarants").

DEPT. OF RECORDS 117.29  
RECORDS TRAC DIVISION 151-2100  
63574 G 151-2100-316799  
COOK COUNTY RECORDS

RECITALS:

WHEREAS, THE EXCHANGE NATIONAL BANK OF CHICAGO, not personally but as Trustee under Trust No. 36011 ("Declarant") was the original title holder of the real estate located in the City of Chicago, Cook County, Illinois, legally described on Exhibit "A" attached hereto (the "Property") at the time a certain Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for the Navaho Condominium was recorded in the Office of the Recorder of Deeds, Cook County, Illinois ("Recorder's Office") as Document No. 25867330 (the "Declaration").

WHEREAS, Successor Declarants in the aggregate hold fee simple title to all of the units comprising the condominium building located on the Property and have succeeded to all of Declarant's right, title and interest in and to the Declaration;

WHEREAS, Successor Declarants desire to amend the Declaration as more fully set forth herein

NOW, THEREFORE, Successor Declarants, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby state as follows:

1. Garages. The two (2) garage structures (sometimes collectively the "Garages" and individually a "Garage") designated on the Survey attached hereto as Exhibit B and made a part hereof (the "Survey") as "Frame Garage" are hereby deemed to constitute Limited Common Elements as set forth in the Survey and as such term is defined in the Declaration.

2. Maintenance of Garages. Notwithstanding anything to the contrary contained in the Declaration, (i) the owners of Unit 644 N and Unit 644 S shall be jointly responsible for the maintenance and repair of the Garage located on the east side of the Property ("Garage 1") and (ii) the owners of Unit 648 N and Unit 648 S shall be jointly responsible for the maintenance and repair of the Garage located on the West Side of the Property ("Garage 2"). The owners of Unit 644 N and Unit 644 S shall in no way be responsible in any manner for the maintenance and repair of Garage 2 and (iii) the owners of Unit 648 N and Unit 648 S shall in no way be responsible in any manner for the maintenance and repair of Garage 1.

3. Percentage Interests. Exhibit B attached to the Declaration shall be deleted in its entirety and the following shall constitute the percentage of ownership in the Common Elements for each Unit in accordance with paragraph 2 of Article III of the Declaration:



# UNOFFICIAL COPY

9 0 3 1 5 7 9 9

<u>Unit Number</u>	<u>Percentage of Ownership In the Common Elements</u>
644 S	25%
648 S	25%
644 N	25%
648 N	25%

4. Right of First Refusal to a Sale or Lease. Paragraph 1 of Articles IX of the Declaration is deleted in its entirety. The Association shall have no right of first refusal of a sale or lease of any Unit.

5. Exhibits. All Exhibits attached to this Amendment are hereby incorporated herein by reference and also made a part of the Declaration.

6. Governing Law. This Amendment shall be governed by, and construed in accordance with, the laws of the State of Illinois.

7. Incorporation of Amendment. Any reference in the Declaration to the "Declaration" shall mean and include this Amendment.

8. Partial Invalidity. If any term or provision of this Amendment or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Amendment, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Second Amendment shall be valid and be enforced to the fullest extent permitted by law.

9. Conflict. In the event of a conflict between the terms of the Declaration and the terms of this Amendment, this Amendment shall control.

10. Definitions. Any capitalized terms or phrases used in this Amendment without definition shall have the same meaning and definition as set forth in the Declaration.


IN WITNESS WHEREOF, Successor Declarants hereby execute this Amendment as of the day and year first above written.

Unit 644 N:

  
RICK E. SMITH

  
JULIE L. SMITH

Unit 644 S:

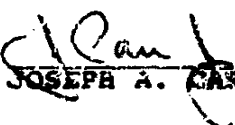
  
DAVID SANETA

Unit 648 N:

  
DAVID CARLINS

  
REBECCA CARLINS

Unit 648 S:

  
JOSEPH A. CARI, JR.

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7 0 3 1 5 7 9 9

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

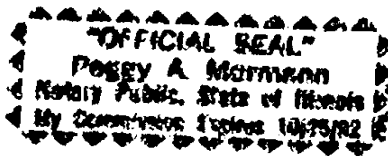
I, Peggy A. Mormann, Notary Public in and for said County in the State aforesaid, do hereby certify that Rick E. Smith and Julie L.P. Smith, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 24th day of July, 1990.

Peggy A. Mormann  
Notary Public

MY COMMISSION EXPIRES:

10/25/92



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STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

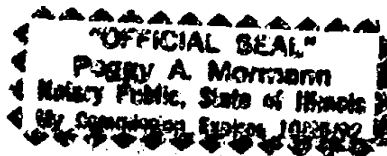
I, Peggy A. Mormann, Notary Public in and for said County in the State aforesaid, do hereby certify that David Carlins and Rebecca Carlins, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 24th day of July, 1990.

Peggy A. Mormann  
Notary Public

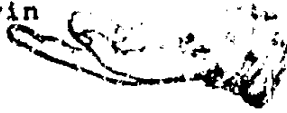
MY COMMISSION EXPIRES:

10/25/92



THIS INSTRUMENT WAS PREPARED by and after recording should be returned to:

Rick E. Smith, Esq.  
Coffield Ungaretti Harris & Slavin  
3500 Three First National Plaza  
Chicago, Illinois 60602



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SEAL OF THE CLERK OF THE  
COURT OF COOK COUNTY  
JAN 18 1894

SEAL OF THE CLERK OF THE  
COURT OF COOK COUNTY  
JAN 18 1894

EXHIBIT A

Legal Description

UNITS 644 N, 644 S, 648 N, 648 S IN THE NAVAHO CONDOMINIUM, AS DELINEATED ON SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

PARCEL 1: THE EAST 25 FEET OF THE WEST 125 FEET OF LOT 16 IN BLOCK 2 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTH WEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE WEST 24 FEET OF LOT 6 IN THE SUBDIVISION BY FREDERICK BOETTSCHEK OF LOT 16 IN BLOCK 2 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTH WEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT 25857330 TOGETHER WITH HIS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

P.I.N.: 14-33-302-136-1001  
14-33-302-136-1002  
14-33-302-136-1003  
14-33-302-136-1004

Common Address: 644-648 West Willow  
Chicago, Illinois 60614

60315486

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STATE OF ILLINOIS )  
COUNTY OF COOK )

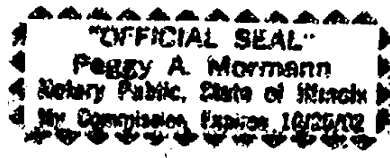
I, Peggy A. Mormann, Notary Public in and for said County of the State aforesaid, do hereby certify that David Sametz, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 2<sup>nd</sup> day of April, 1990.

Peggy A. Mormann  
Notary Public

MY COMMISSION EXPIRES:

10/25/92



STATE OF ILLINOIS )  
COUNTY OF COOK )

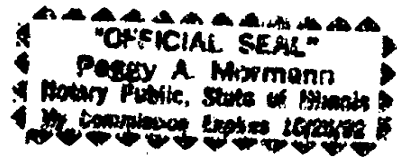
I, Peggy A. Mormann, Notary Public in and for said County of the State aforesaid, do hereby certify that Joseph A. Clark, Jr., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 1<sup>st</sup> day of April, 1990.

Peggy A. Mormann  
Notary Public

MY COMMISSION EXPIRES:

10/25/92



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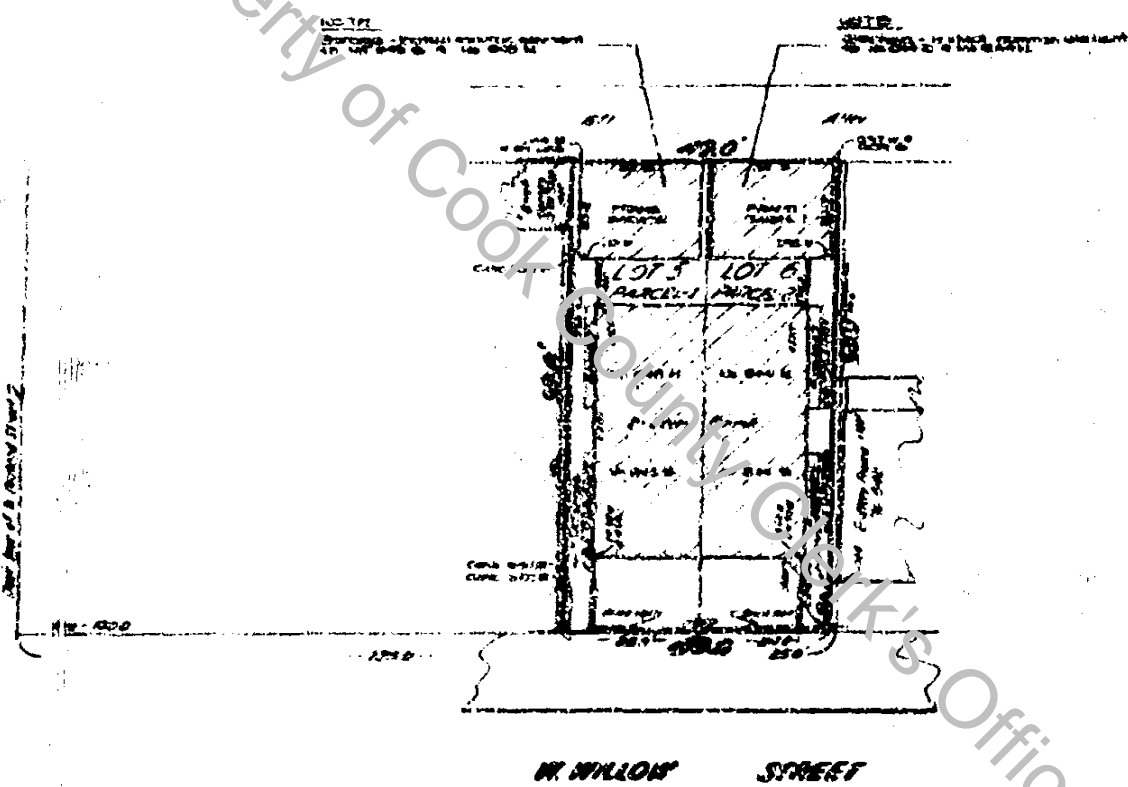
EXHIBIT B

# PLAT OF SURVEY

**JOHN B. McCLURE**  
REGISTERED LAND SURVEYOR  
2478 N. CROZIER AVE. CHICAGO, ILL. 60641  
PHONE 1-312-738-1544

PARCEL 1, EAST 25' PORT OF ROAD 181' PORT OF LOT 14 IN BLOCK 2 OF UNIVERSITY AVENUE IN CHICAGO, ILL. APPROXIMATELY  
OF SECTION 22, TOWNSHIP 40S, RANGE 24E, CITY OF THE THIRD PLATONAL SUBDIVISION, COOK COUNTY, ILLINOIS.

PARCEL 2, WEST 100' PORT OF LOT 6 REFERENCED IN PARCEL 1 OF LOT 10, IN BLOCK 2 OF UNIVERSITY AVENUE  
APPROXIMATELY OF NORTH PORT OF THE SOUTH PORT OF SECTION 22, TOWNSHIP 40S, RANGE 24E, CITY OF THE THIRD  
PLATONAL SUBDIVISION, COOK COUNTY, ILLINOIS.



90316799

**LEGEND**  
--- FENCE  
--- ROAD - E.C. - CROSSING  
--- ROAD - E.C. - CROSSING  
--- ROAD - E.C. - CROSSING



STATE OF ILLINOIS )  
COUNTY OF COOK )  
I, JOHN B. McCLURE, AN ILLINOIS REGISTERED LAND SURVEYOR, DO  
HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED  
PLAT AND THAT THE PLAT IS A CORRECT REPRESENTATION OF MY SURVEY  
CHICAGO, ILLINOIS, THIS 17th DAY OF JANUARY, A.D. 1988

APPROVED BY: \_\_\_\_\_  
RECORDED BY: \_\_\_\_\_  
INDEXED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
17 JAN 1988

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