

RECORDING FEE \$ 4.00
DATE 8-22-91
COPIES 6

91430480

(2) Plat of Survey. The plat of survey attached hereto as Exhibit "A" hereby supplements and amends the plat of survey recorded as Document Number 91225733 and is

(1) Incorporation. All of the capitalized terms used herein shall be ascribed the meanings and definitions set forth in the Declaration with respect to said terms.

as follows:
heretofore described and for the purposes above set forth, declares NOW THEREFORE, the Declarant, as the legal titleholder
WHEREAS, there is a typographical error in the legal description attached to the Declaration as Exhibit "A" and Declarant desires to correct same.

WHEREAS, the roof deck has been completed and the Declarant wishes to record a supplement and amendment to the plat of survey attached to the Declaration, in order to properly reflect the roof deck; and

WHEREAS, Article XIX, Paragraph 11 of the Declaration provides that the Declarant may amend the Declaration in order to assign the roof deck on the Building, if and when built, to the owner of Unit Number 3; and

WHEREAS, the Declarant has recorded that certain Declaration of Condominium Ownership and Bylaws, Easements, Restrictions and Covenants for the 438 West Oakdale Condominiums dated May 10, 1991 in the Office of the Recorder of Deeds of Cook County on May 13, 1991, recorded as Document Number 91225733 (the "Declaration"); and

WHEREAS, the Declarant, is the record titleholder of that certain property located at 438 West Oakdale, Chicago, Illinois; and

WITNESSETH THAT:

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE 438 WEST OAKDALE CONDOMINIUMS is dated as of the 22nd day of August, 1991 and is made and entered into by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but solely as Trustee under Trust Agreement dated JULY 8, 1990 and known as Trust Number 112341-01 (hereinafter referred to as the "Trustee" or the "Declarant").

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE 438 WEST OAKDALE CONDOMINIUMS

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12-68-914
D2

8/22/91

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(1) Incorporation. All of the capitalized terms used herein shall be ascribed the meanings and definitions set forth in the Declaration with respect to said terms.

as follows: NOW THEREFORE, the Declarant, as the legal titleholder heretofore described and for the purposes above set forth, declares

WHEREAS, there is a typographical error in the legal description attached to the Declaration as Exhibit "A" and Declarant desires to correct same.

WHEREAS, the roof deck has been completed and the Declarant wishes to record a supplement and amendment to the plat of survey attached to the Declaration, in order to properly reflect the roof deck; and

WHEREAS, Article XIX, Paragraph 11 of the Declaration provides that the Declarant may amend the Declaration in order to assign the roof deck on the Building, if and when built, to the owner of Unit Number 3; and

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WHEREAS, the Declarant, is the record titleholder of that certain property located at 438 West Oakdale, Chicago, Illinois; and

WITNESSETH THAT:

This FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE 438 WEST OAKDALE CONDOMINIUMS is dated as of the 22nd day of August, 1991 and is made and entered into by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but solely as Trustee under Trust Agreement dated JULY 8, 1990 and known as Trust Number 112341-01 (hereinafter referred to as the "Trustee" or the "Declarant").

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND BYLAWS, EASEMENTS, RESTRICTIONS AND COVENANTS FOR THE 438 WEST OAKDALE CONDOMINIUMS

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PLEASE READ WITH THIS DOCUMENT

12-68-914 D2

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incorporated therein by reference.

- (3) Roof Deck. The roof deck is hereby designated as a Limited Common Element specifically reserved for the exclusive use of the Owner of Unit Number 3.
- (4) Legal Description. The legal description set forth on Exhibit "A" of the Declaration is hereby deleted and shall be replaced by Exhibit "B" attached hereto.
- (5) Full Force and Effect. Except as amended hereby, all terms and provisions of the Declaration are hereby ratified and shall continue in full and force.

IN WITNESS WHEREOF, AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but solely as Trustee under Trust Agreement dated July 18, 1990 and known as Trust Number 112341-01 has executed this First Amendment as of the date first above written.

This instrument is executed by the undersigned Trustee not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in the said Trustee. It is expressly understood and agreed that all of the warranties, covenants, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No liability or personal responsibility is assumed by or on behalf of any time by the Trustee or its agents against the Trustee on account of any negligence, inadvertence, representation, covenant, undertaking or agreement of the Trustee in the instrument.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee as aforesaid

 MICHAEL WHELAN

ITS: _____

ATTEST: _____

ITS: _____

 Gregory S. Kasprzyk

TRUST OFFICER

r:438woakd.hsd

COOK COUNTY, ILLINOIS
FILED AUG 22 1991

1991 AUG 22 PM 2:47

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EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

THE WEST 1/2 OF LOT 18 IN BAKER'S SUBDIVISION OF 5 ACRES IN THE EAST 1/2 OF THE NORTH WEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 1868 AS DOCUMENT 175390

PARCEL 2:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 OVER THE WEST 4 FEET 3 3/8 INCHES OF THE EAST 1/2 OF THE AFORESAID LOT 18 CREATED BY INSTRUMENT OF RECORD IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, ON MAY 21, 1909 AS DOCUMENT 4378923 IN COOK COUNTY, ILLINOIS

Permanent Index No. 14-28-113-013

This instrument prepared by
and should be returned to:

Harold S. Dembo, Esq.
Of Counsel
LEVENSTEIN & RESNICK
350 West Hubbard Street
3rd Floor
Chicago, Illinois 60610-4011

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

L. M. SOVIENSKI

I, _____, a Notary Public in and for the County of _____ and State aforesaid, DO HEREBY CERTIFY that J. MICHAEL WIELAN, personally known to me to be VICE President of American National Bank as Trust Company of Chicago, as trustee under Trust Agreement dated July 18, 1990 and known as Trust No. 112341-01, and Gregory S. Kasprzyk, personally known to me to be the ASSISTANT Secretary of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such VICE President and ASSISTANT Secretary, 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, as Trustee, for the uses and purposes therein set forth; and the said ASSISTANT SECRETARY did also then and there acknowledged that as custodian of the corporate seal of said Bank he did affix the said corporate seal of said Bank to said instrument as his own free and voluntary act, and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this day of

_____ 1991
AUG 22 1991

L. M. Soviencki

Notary Public

My Commission Expires:



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