

FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND HOMEOWNERS' ASSOCIATION

TIMBERLAKE COUNTRYHOMES HOMEOWNERS' ASSOCIATION

This Fifth Amendment to Declaration of Covenants, Conditions, Restrictions, Easements and Homeowners' Association (the "Fourth Amendment") is made this 13 day of SEPTEMBER, 1991 by FIRST ILLINOIS BANK AND TRUST, not individually but solely as trustee under a certain Trust Agreement dated the 3rd day of January, 1990 and known as trust number 9681 (hereinafter referred to as the "Developer".

91485790

WITNESSETH

WHEREAS on May 2, 1990 that certain Declaration of Covenants, Conditions, Restrictions, Easements and Homeowners' Association dated April 30, 1990 was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 90208697 (the "Declaration"); and

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COOK COUNTY RECORDER

WHEREAS, the legal description of the property is as follows:

Lots 1, 2, 12 and 13, and Outlot A, B and C in The Townhomes of Timberlake Estates, being a Subdivision on the Northwest quarter of Section 15, Township 42 North, Range 10 East of the Third Principal Meridian in the Village of Palatine in Cook County, Illinois, and any additional properties to be added thereto.

P.I.N. 02-15-112-001 and 002

NOW, THEREFORE ARTICLE 5, SECTION 9 of the Declaration, as amended, is hereby further amended as follows:

"Section 9. Encroachments. If any portion of the common elements encroaches upon any Unit, or if any Unit encroaches upon any portion of the Common Elements or any other Unit as a result of construction, repair, reconstruction, settlement or shifting of any building, or by reason of the design thereof, a valid mutual easement shall exist in favor of the owners of the Common Elements and the respective Unit Owners involved to the extent of the encroachment, so long as all or part of the building shall remain standing. A valid easement shall not exist in favor of any Unit Owner who creates an encroachment by his intentional, willful or negligent conduct or that of his agent."

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IN WITNESS WHEREOF, Developer has caused this FIFTH AMENDMENT to be executed the day and year first above written.

FIRST ILLINOIS BANK AND TRUST, not individually, but as trustee under that certain trust agreement dated the 3rd day of January, 1990 and known as trust number 9681.

By: \_\_\_\_\_

Its \_\_\_\_\_

Attest: *Leona* \_\_\_\_\_

Commercial Loan Officer

FIRST ILLINOIS BANK AND TRUST

By: *Patrick A. Carnie* \_\_\_\_\_

PATRICK A. CARNIE  
VICE PRESIDENT & TRUST OFFICER

Its \_\_\_\_\_

PREPARED BY AND MAIL TO:

**EGILS H. KROLLS**  
ATTORNEY AT LAW  
807 E. PALATINE RD.  
PALATINE, IL 60067

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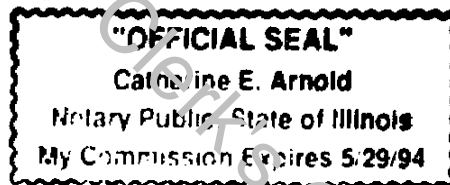
Proprietor of Cook County Clerk's Office

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )

I, the undersigned, Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Patrick A. Carrie, \_\_\_\_\_ of FIRST ILLINOIS BANK AND TRUST and Leigh DeVol, \_\_\_\_\_, of said Trust Company, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument held the offices as stated following their names, and 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 Trust Company as Trustee as aforesaid for the uses and purposes therein set forth; and the said officers then and there acknowledged that ~~they~~ as custodian of the corporate seal of said Trust Company did affix the corporate seal of said Trust Company to the said instrument as ~~their~~ own free and voluntary act and as the free and voluntary act of said Trust Company as Trustee aforesaid, for the uses and purposes therein set forth.

Given under my hand and seal this 13th day of September, 1991.

Catherine E. Arnold  
Notary Public



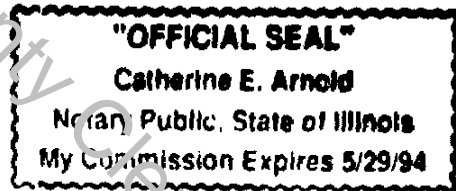
91485790

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, THE UNDERSIGNED, Notary Public, in and for the County and State aforesaid, do hereby certify that Patrick A. Carrie, personally known to me to be the V.P. & Trust Officer of FIRST ILLINOIS BANK AND TRUST, and 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 as such V.P. & Trust Officer, he signed and delivered the said instrument pursuant to the authority given by the Board of Directors of said FIRST ILLINOIS BANK AND TRUST as his free and voluntary act, and as the free and voluntary act of said FIRST ILLINOIS BANK AND TRUST for the uses and purposes therein set forth.

Given under my hand and official seal this 13th day of September, 1991.

Catherine E. Arnold  
Notary Public

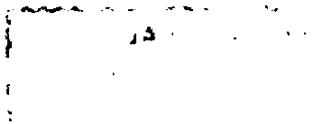


COOK COUNTY CLERK'S OFFICE

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PREPARED BY AND MAIL TO:

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PALATINE, IL 60067