FIRST A ENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE KYLEHORE GREENS HOMEOWNERS ASSOCIATION

THIS FIRST AMENDMENT TO DECLARATION is made and entered into this 3/4 day of January, 1991, by HARRIS TRUST AND SAVINGS BANK, not individually, but as Trustee under Agreement dated December 28, 1989 and known as Trust Number 94646 (hereinafter referred to as the "Declarant").

WITNESSETH:

whereas, by a Declaration of Covenants, Conditions, Easements and Restrictions for the Kylemore Greens Homeowners Association dated the 8th day of August, 1990 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois on the 16th day of August, 1990 as Document No. 90400310 (hereinafter referred to as the "Declaration"), certain real estate (hereinafter referred to as the "Real Estate"), which is legally described on Exhibit A which is attached hereto and made a part hereof, was submitted to the terms and conditions of the Declaration;

WHEREAS, a Plat of Subdivision for the Kylemore Greens Subdivision was recorded with the Office of the Recorder of Deeds of Cook County, Illinois on the 9th day of March, 1990, as Document No. 90107361 (hereinafter inferred to as the "Plat of Subdivision") and corrected by Certificates of Correction recorded March 14, 1990 as Document No. 90113902 and June 13, 1990 as Document No. 90280431;

WHEREAS, the Plat of Subdivision was incorporated into the Declaration as Exhibit B attached thereto;

WHEREAS, a Resubdivision to the Plat of Subdivision has been recorded in the Office of the Recorder of Deeds of Cook County, Illinois on the 23rd day of January, 1991 as Document Number 91034312 relating to Lot 16 in Block 1, Lot 19 in Block 3, Lot 15 in Block 4 and Lot 44 in Block 2 in the Kylemore Greens Subdivision (hereinafter referred to as the "Plat of Resubdivision"), a copy of said Plat of Resubdivision is attached hereto and made a part hereof as Exhibit B;

WHEREAS, Article 12.5 of the Declaration reserves for the Declarant the right and power to record a Special Amendment to the Declaration at any time to amend the Declaration or any exhibit thereto. In addition, Article 12.5 of the Declaration provides that Declarant shall have the right to amend the Declaration for any purpose, provided said amendment will not materially impair the rights of the owners under the Declaration or materially increase the expenses to be borne by said Owners; and

WHEREAS, the Declarant desires to amend the Declaration pursuant to Article 12.5.

NOW, THEREFORE, the Declarant pursuant to the authority contained in Article 12.5 of the Declaration, and for the purposes set forth hereinabove, hereby declares that the Declaration be, and the same is hereby, amended as follows:

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1. Exhibit B of the Declaration is hereby amended and modified to include the Plat of Resubdivision attached hereto as Exhibit B.

Article 7 of the Declaration is hereby amended and 2. modified by adding the following as Section (d):

- Cul De Sac Areas and Islands. Association shall maintain any and all Cul De Sac areas, if any, and Islands, if any, located upon Carlow Drive, Kylemore Drive, Waterford Court, Waterford Lane, Wexford Circle, Ardmore Court and Lismore Court.
- Article 7 of the Declaration is hereby amended and modified by adding the following as Section (e):
 - Fence Along Wolf Road. The Association shall maintain that certain fence along the boundary line of the Property which is adjacent to Wolf Road, if any.
- All other terms and conditions of the Declaration and the First Amendment to Declaration shall remain the same as if restated herein in their entirety.

IN WITNESS WHEREOF, HARRIS TRUST AND SAVINGS BANK, as Trustee as aforesaid has caused its name to be signed to these presents by as of the date and year first abovementioned.

> HARRIS TRUST AND SAVINGS BANK, as Trustse aforesaid under Trust No. 94646 and not individual

BY: Vice Fresident Its:

ATTEST:

BY: Its:

Assistant

THIS DOCUMENT WAS PREPARED BY: Schain, Firsel & Burney, Ltd. 222 North LaSalle Street, Suite 1910 Chicago, Illinois 60602-1102 GLP/1ADECKYL.REM

Execution: 01/30/91 GLP

RETURN RECORDED DOCUMENTS TO:

Mary Juskiewicz-Smith Kennedy Group Limited Partnership 3721 Ventura Drive, Suite 100 Arlington Heights, Illinois 60004 708/394-4800

P.I.N. 03-36-100-027

UNOFFICIAL COPY

Stoppenty Ox Cook Col It is expressly understood and agreed by and between the portion hereto. anything herein to the contrary notwithstanding that each and all of the warrantles, representations, covenants, indemnities, undertaking and agreements herein made on the part of the Harris Trust and Savings Bank while in form purporting to be the warranties, representations, covenants, indemnities, undertakings and agreements of said Harris Trust and Savings Bank are nevertheless each and every one of them made and intended not as personal warranties, representations, covenants, indemnétics, undertakings and agreements by the Harris Trust and Savings Bank or for the purpose or with the intention of binding said Harris Trust and Saving. Bank personally but are made and intended soley for the purpose of bind . That portion of the trust property specifically described herein; and this instrument is executed and delivered by said Harris Trust and Savings Bard not in its own right, but soley in the exercise of the powers conferred upon it by virtue of the land trust agreement; and that no personal hours you personal responsibility is assumed by, nor shall at any time be assert if or entorceable against the Harris Trust and Savings Bank on account of the Austrument or on account of any warranties, representations, indentiones coverants, undertakings or agreements in this instrument contained, efficie expressed or implied; all such personal flability, if any, being expressly waived and released by the other parties to this instrument and by an persons claiming by, through, or under said parties. The parties to this instrument hereby acknowledge that under the terms of the land trust agreement the Harris Trust and Savings Bank has no obligations or duffes in regard to the operation, management and control of the trust premises, nor does it have any possessory interest therein; and that said bank has no right to any of the rents, avails and proceeds from said trust premises. Notwithstanding anything in this instrument contained the Harns Trust and Savings Bank is not the agent for the Beneficiary of its trust and in the event of any conflict between the provisions of this exculpatory paragraph and the body of this instrument, the provisions of this paragraph shall control.

16/4's Office

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STATE OF ILLINOIS)) SS
I, MARIA S. RUYALCABA, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY THAT HERMAN A KULE, personally known to me to be the of Harris Trust and Savings Bank and Carlot State of Sta
personally known to me to be the (icc of LASS) Screen of said Corporation, and personally known to be the same persons whose names appear before me this day in person and severally acknowledge as such Vice President and Assistant Secretary, they signed and delivered the said instrument pursuant to the authority given by the Board of Directors of said Corporation as their own free and voluntary act and as the free and voluntary act and deed of such Corporation, for the uses and
purposes therein set forth. GIVEN under my hand and Notarial Seal this 5th day of February A.D. 1991. Morio 5. Reported to Notary Public
My Commission expires:
"OFFICIAL SEAL" Maria S. Ruvalcaba Notary Public, State of Illinois Cook County My Commission Expires 9/19/94

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EXHIBIT A

LEGAL DESCRIPTION

Lots 1 through 16 of Block 1, Lots 1 through 51 of Block 2, Lots 1 through 9 and 19 through 35 of Block 3, Lots 1 through 25 of Block 4 of Kylemore Greens Subdivision, being a Subdivision of Lot 2 in the Northwest Water Commission Resubdivision of the Northwest Water Commission Subdivision, Document Number 26578747 of part of the West half (1/2) of Section 38, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois. Index N.

Clarks Office

Permanent Index Number: 03-36-100-027

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EXHIBIT B

PLAT OF RESUBDIVISION

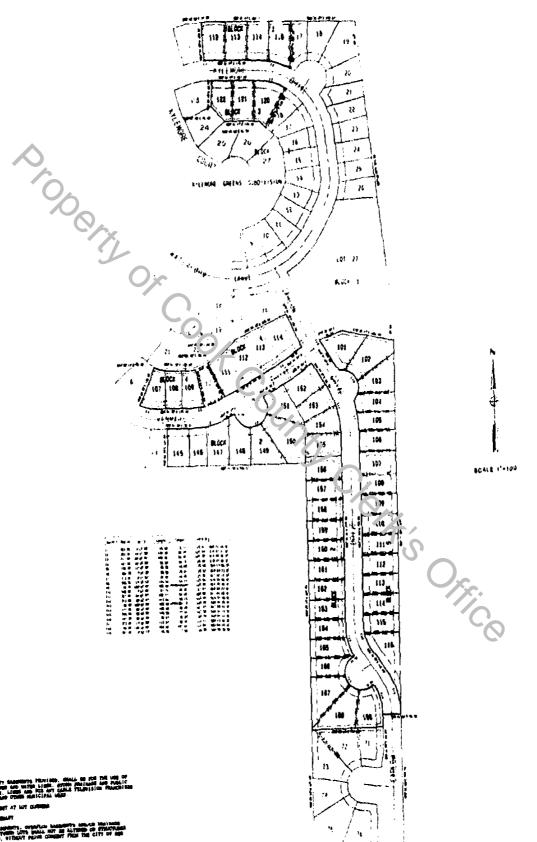
RECORDED WITH THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER: 91034312

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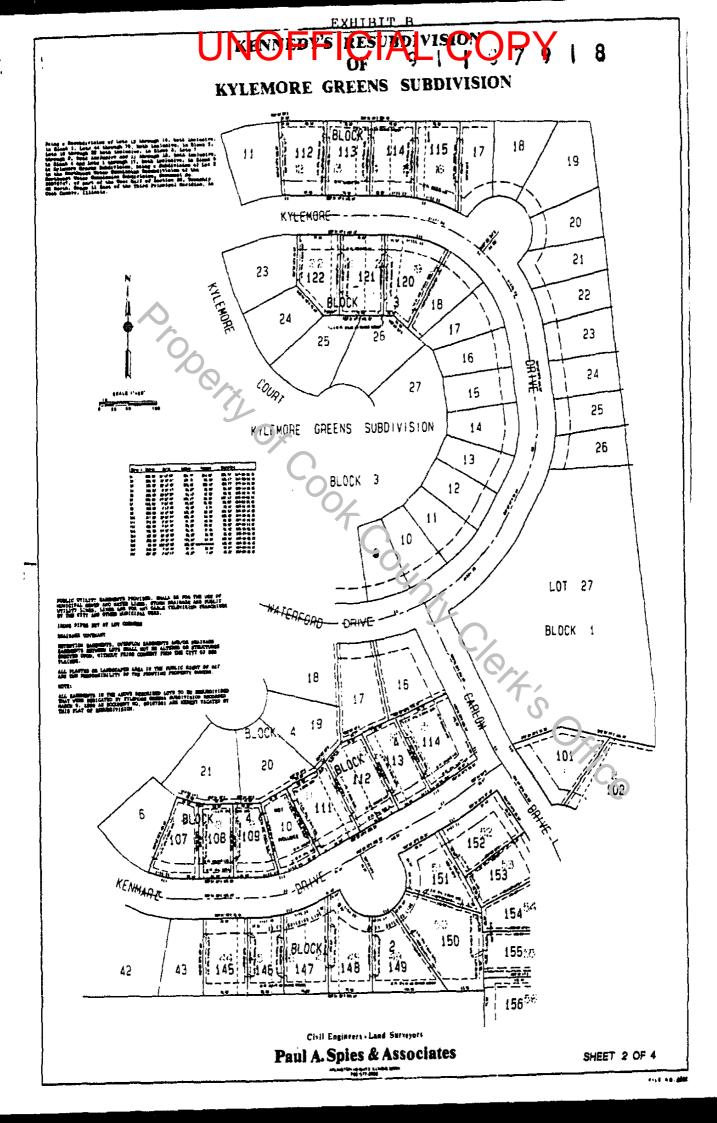
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Paul A. Spies & Associates

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