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10/13/92

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COOK COUNTY, ILLINOIS

92759614

OCT 13 1992

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR THE WESTBERRY VILLAGE WEST CONDOMINIUMS

THIS DECLARATION is made by FIRST NATIONAL BANK OF EVERGREEN PARK, as Trustee under Trust Number 10896, dated October 10, 1989, hereinafter known as "Declarant" and HARTZ CONSTRUCTION COMPANY, INC., hereinafter known as "Developer".

WITNESSETH

WHEREAS, by the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. R92-572191 on August 4, 1992. FIRST NATIONAL BANK OF EVERGREEN PARK as Trustee, under Trust Number 10896, dated October 10, 1989, and not individually, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as WESTBERRY VILLAGE WEST CONDOMINIUMS; and

WHEREAS, under Paragraph 1 of ARTICLE XIX of the Declaration, the right is reserved in the Developer, HARTZ CONSTRUCTION COMPANY, to annex and add certain real property to the Parcel and Property described in the Declaration, and thereby add to the Condominium; and

WHEREAS, FIRST NATIONAL BANK OF EVERGREEN PARK, as trustee under Trust Agreement dated October 10, 1989, and known as Trust No. 10896 in the legal title holder of the property to be annexed and HARTZ CONSTRUCTION COMPANY is the Developer and beneficial owner of said Trust and wishes to so annex and add to said Parcel and Property, and thereby submit to the Act as a part of the Condominium the following real property (the "Additional Property"):

LOT 6, 7, 8, and 9 IN WESTBERRY WEST SUBDIVISION OF
PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION
23, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

163rd Street + Laurel Drive

2723-104-012

92759614

Mail To

Hartz Construction Co.

9400 S. Cicero

Chicago, Illinois

10/13/92 259⁰⁰

10/15/92 260⁰⁰

OK [Signature]

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COMMON ADDRESSES:

16160 CREEKMONT COURT	16150 CREEKMONT COURT
16162 CREEKMONT COURT	16152 CREEKMONT COURT
16164 CREEKMONT COURT	16154 CREEKMONT COURT
16166 CREEKMONT COURT	16156 CREEKMONT COURT
16140 CREEKMONT COURT	16130 CREEKMONT COURT
16142 CREEKMONT COURT	16132 CREEKMONT COURT
16144 CREEKMONT COURT	16134 CREEKMONT COURT
16146 CREEKMONT COURT	16136 CREEKMONT COURT

which property is a portion of the Development Area described in said Declaration; and

WHEREAS, the Additional Property is now improved with four buildings containing four (4) units, making a total of sixteen (16) additional units, as defined in the Declaration.

NOW THEREFORE, FIRST NATIONAL BANK OF EVERGREEN PARK, as Trustee under Trust Agreement dated October 10, 1989, and known as Trust No. 10986, and not individually, as the legal title holder of the Additional Property and HARTZ CONSTRUCTION COMPANY as the beneficial owner of said Trust, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

1. The Additional Property is hereby annexed to the Parcel and Property as defined in Article I of the Declaration and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with, and shall be deemed to be governed in all respects by the terms and provisions of the Declaration. The Additional Land as now described is set forth herein as Exhibit "C".

2. The Plat attached to the Declaration as Exhibit "A" showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by Exhibit "A" attached hereto showing the boundaries of the annexed Property and Describing the additional units contained in said annexed Property.

3. Exhibit "B" attached to the Declaration setting forth the percentages of the undivided interest in the common elements corresponding to each Unit described in Exhibit "A" prior to this Amendment are hereby reduced to the respective percentage interest in the common elements as set forth in Exhibit "b" attached hereto. Exhibit "B" attached to the Declaration is amended by the substitution of Exhibit "B" attached hereto.

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4. The additional common elements added to the Declaration by this Amendment, are hereby granted and conveyed, all as set forth in the Declaration.

5. It is expressly understood and agreed by and between the parties hereto the contrary notwithstanding, that each and all of the representations, covenants, undertakings, and agreements herein made on the part of the Trustee while in form purporting to be representations, covenants, undertakings, and agreements herein made on the part of the Trustee are nevertheless each and every one of them made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally, but are made and intended for the purpose of binding only that portion of the trust property specifically described herein and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability of personal responsibility is assumed by nor shall at any time be asserted or enforceable against the FIRST NATIONAL BANK OF EVERGREEN PARK or and of the beneficiaries under said Trust representation, covenant, undertaking, or agreement of the said Trustee in this instrument contained, either expressed or implied, ass such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto, anything to the contrary notwithstanding, that the Trustee will act on the direction of the beneficiaries.

6. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Declarant has caused its corporate seal to be affixed hereunto and caused its name to be signed hereto by its duly authorized officers, this 21th day of October, 1992.

First National Bank of Evergreen Park
as Trustee, under Trust Agreement
Number 10896 dated October 10, 1989

BY: Franklin [Signature]
Vice President and Trust Officer

ATTEST:

[Signature]
MANAGER Trust Officer

SEE ATTACHED RIDER FOR
EXECUTION BY TRUSTEE

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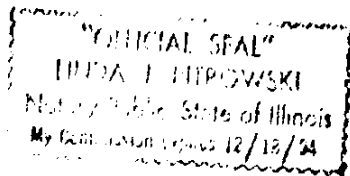
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Franklin Sellers who is Vice President and Trust Officer of First National Bank of Evergreen Park, as Trustee under Trust Number 10896 dated October 10, 1989 and Robert J. Mayo, who is ~~Assistant~~ Trust Officer, of the same corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, 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 corporation, for the uses and purposes therein set forth, they acknowledge that he, as custodian of the Corporate Seal of said corporation, affixed the corporate seal to the foregoing instrument as his free and voluntary act and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 11th day of October, 1992.

Linda P. Hovick
NOTARY PUBLIC

My Commission Expires:



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RIDER ATTACHED TO THE FIRST AMENDMENT TO THE DECLARATION OF
CONDOMINIUM OWNERSHIP

DATED OCTOBER 10, 1989 UNDER TRUST NO. 10896

Executed and delivered by First National Bank of Evergreen Park not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property, and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding that each and all of the undertakings and agreements herein made, are made and intended not as personal undertakings and agreements of the Trustee, or for the purpose of binding the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon it as such Trustee, and no personal liability or personal responsibility is assumed by, or shall at any time be asserted or enforced against said trustee on account hereof or on account of any undertaking or agreement herein contained, either expressed or implied. All such personal liability, if any being hereby expressly waived and released by all other parties hereto, and those claiming by, through or under them.

First National Bank of Evergreen Park
not individually, but as
Trustee under Trust Number 10896

BY: Franklin S. Allen
Vice President & Trust Officer

ATTEST:

Robert J. Shays
Assistant Trust Officer

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EXHIBIT "B"

PERCENTAGE INTERESTS IN COMMON ELEMENTS

WESTBERRY WEST CONDOMINIUMS

<u>UNITS</u>	<u>% INTEREST</u>
16131	3.125%
16133	3.125%
16135	3.125%
16137	3.125%
16141	3.125%
16143	3.125%
16145	3.125%
16147	3.125%
16151	3.125%
16153	3.125%
16155	3.125%
16157	3.125%
16161	3.125%
16163	3.125%
16165	3.125%
16167	3.125%
16160	3.125%
16162	3.125%
16164	3.125%
16166	3.125%
16150	3.125%
16152	3.125%
16154	3.125%
16156	3.125%
16140	3.125%
16142	3.125%
16144	3.125%
16146	3.125%
16130	3.125%
16132	3.125%
16134	3.125%
16136	3.125%

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EXHIBIT "C"

ADDITIONAL LAND

LOTS 1 and 10 - 11 IN WESTBERRY WEST SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTH WEST 1/4 OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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