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PLAT

7-27-93

SEE PLAT BOOKS

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FIFTH AMENDMENT TO DECLARATION OF

CONDOMINIUM OWNERSHIP FOR GALENA AT LAKE ARLINGTON TOWNE

RECORDING FEE \$ 110⁰⁰
DATE 7-27-93 COPIES 6
OK S

JUL 27 1993

This Third Amendment to Declaration is made and entered into by the Lake Arlington Development Partnership, an Illinois general partnership, by its general partners, Kimball Hill, Inc., an Illinois corporation and Kimball Hill Development Company, an Illinois corporation ("Declarant").

DEPT-01 RECORDING \$110.00
T#3333 TRAN 9003 07/27/93 12:07:00
#6869 * -93-583015
9309015 DEPT-01 RECORDER

RECITALS

A. By the Declaration of Condominium Ownership for Galena at Lake Arlington Towne recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 92938309 ("Declaration"), certain real estate described in Exhibit A, attached hereto and made a part hereof was submitted to the Illinois Condominium Property Act ("Act"), said Condominium being known as the Galena of Lake Arlington Towne ("Condominium"); and

B. Declarant is the legal title holder of and wishes to so annex and add to said Parcel and Property, as those terms are redefined in the Declaration, and therefore submit to the Act as part of the Condominium the following real property ("Additional Property") as described on Exhibit "B", attached hereto and made a part hereof.

Now therefore, Declarant as legal title holder of the Property, and for the purposes 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 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.

2. It is understood that each Unit in the Property consists of the space enclosed or bound by the horizontal and vertical planes set forth in the delineation thereof in Exhibit C. The legal description of each such Unit shall consist of the identifying number for such Unit as shown in Exhibit C. Exhibit C of the Declaration is hereby amended by the addition of Exhibit C attached hereto.

3. Exhibit D attached to the Declaration is hereby amended and superseded in its entirety by Exhibit D attached hereto, and respective percentages of ownership in the Common Elements appurtenant to each unit described in the said Exhibit D prior to this amendment are hereby reduced to the respective percentages set forth in Exhibit D, as hereby amended.

4. The additional Common Elements are hereby granted and conveyed to the Grantees of the Units heretofore conveyed, all as set forth in the Declaration.

5. The maximum number of Dwelling Units which may be subject to this Declaration as set forth at Section 8.01(c) is hereby changed from "208" to "56".

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

In witness whereof, Declarant has caused its name to be signed on July 21, 1993.

LAKE ARLINGTON DEVELOPMENT PARTNERSHIP,
an Illinois general partnership,
by its general partners

Kimball Hill, Inc.

By:

David K. Hill, Jr.
David K. Hill, Jr., President

ATTEST:

Barbara G. Cooley
Barbara G. Cooley, Secretary

- and -

Kimball Hill Development Company

By:

David K. Hill, Jr.
David K. Hill, Jr. President

ATTEST:

Barbara G. Cooley
Barbara G. Cooley, Secretary

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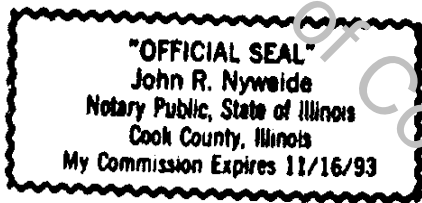
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STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

I, John R. Nyweide, a Notary Public in and for Cook County, Illinois, do hereby certify that David K. Hill, Jr., as President of Kimball Hill, Inc. and Barbara G. Cooley, as Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively, appeared before me this day in person and acknowledge that they signed and delivered the foregoing instrument as their own free and voluntary act, and as the free and voluntary act of said Company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 21st day of July, 1993.



John R. Nyweide
Notary Public

My commission expires 11/16/93.

SEAL

This instrument was prepared by and
MAIL TO AFTER RECORDING to:

John R. Nyweide
HILL, STEADMAN & SIMPSON, P.C.
8500 Sears Tower
Chicago, Illinois 60606
(312) 876-0200

PIN 03-16-411-004

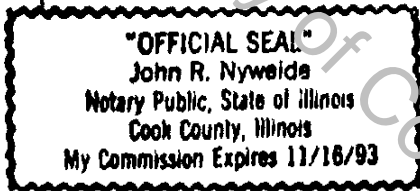
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, John R. Nyweide, a Notary Public in and for Cook County, Illinois, do hereby certify that David K. Hill, Jr., as President of Kimball Hill Development Company and Barbara G. Cooley, as Secretary thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively, appeared before me this day in person and acknowledge that they signed and delivered the foregoing instrument as their own free and voluntary act, and as the free and voluntary act of said Company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 21st day of July, 1993.





Notary Public

My commission expires 11/16/93.

SEAL

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EXHIBIT A
TO
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
GALENA OF LAKE ARLINGTON TOWNE

Legal Description for Additional Property

LOT 1 IN THE FINAL PLANNED UNIT DEVELOPMENT PLAT OF LAKE ARLINGTON TOWNE UNIT 7, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 27, 1992 AS DOCUMENT NO. 92798912, IN COOK COUNTY, ILLINOIS.

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(8 & 10)

EXHIBIT D TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR THE GALENA AT LAKE ARLINGTON TOWNE

<u>Unit</u>	<u>Undivided Interest</u>	<u>Unit</u>	<u>Undivided Interest</u>
			1.436%
1-1	1.436%	6-1	2.074
1-2	2.074	6-2	1.940
1-3	1.940	6-3	1.764
1-4	1.764	6-4	2.074
1-5	2.074	6-5	1.436
1-6	1.436	6-6	
			1.940
2-1	1.436	7-1	1.764
2-2	2.074	7-2	2.074
2-3	1.940	7-3	1.436
2-4	1.764	7-4	
2-5	2.074	8-1	1.436
2-6	1.436	8-2	2.074
		8-3	1.940
3-1	1.436	8-4	1.764
3-2	2.074	8-5	2.074
3-3	1.940	8-6	1.436
3-4	1.764		
3-5	2.074	9-1	1.436
3-6	1.436	9-2	2.074
		9-3	1.940
4-1	1.940	9-4	1.764
4-2	1.764	9-5	2.074
4-3	2.074	9-6	1.436
4-4	1.436		
			1.436
5-1	1.436	10-1	2.074
5-2	2.074	10-2	1.940
5-3	1.940	10-3	1.764
5-4	1.764	10-4	2.074
5-5	1.856	10-5	1.436
5-6	1.436	10-6	100.000%

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CONSENT OF MORTGAGEE

The undersigned, as holder of a mortgage on the Development Area hereby, consents to the execution and recording of the Fourth Amendment to the Declaration of Condominium Ownership for Galena at Lake Arlington Towne and agrees that said mortgage is subject to the provisions of said Declaration, as amended, and the Illinois Condominium Property Act.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed by its duly authorized officer on its behalf, at Joliet, Illinois on this 23rd day of June, 1993.

First Midwest Bank/Illinois, N.A.

By: [Signature]
James J. West, Assistant Vice President

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

I, the undersigned, a notary public in and for said county and state, do hereby certify that James J. West of First Midwest Bank/Illinois, N.A. personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, as the free and voluntary act of said corporation, for the uses and purposes set forth.

Given under my hand and notarial seal this 23 day of June, 1993.

[Signature]
Notary Public

My commission expires: 4-13-97

SEAL



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CONSENT OF MORTGAGEE

The undersigned, as holder of a mortgage on the Development Area hereby, consents to the execution and recording of the Fifth Amendment to the Declaration of Condominium Ownership for Galena at Lake Arlington Towne and agrees that said mortgage is subject to the provisions of said Declaration, as amended, and the Illinois Condominium Property Act.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed by its duly authorized officer on its behalf, at Joliet, Illinois on this 23rd day of July, 1993.

First Midwest Bank/Illinois, N.A.

By: [Signature]
James J. West, Assistant Vice President

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

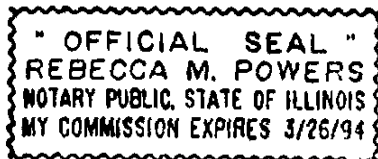
I, the undersigned, a notary public in and for said county and state, do hereby certify that James J. West of First Midwest Bank/Illinois, N.A. personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, as the free and voluntary act of said corporation, for the uses and purposes set forth.

Given under my hand and notarial seal this 23rd day of July, 1993

[Signature]
Notary Public

My commission expires: 3-26-94

SEAL



93583015