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93626496

PLAT

8-10-93

SEE PLAT BOOKS

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FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR SHIBUI SOUTH CONDOMINIUM

93626496

THIS FIFTH AMENDMENT ("Fifth Amendment") amends that certain Declaration of Condominium Ownership for Shibui South Condominium dated March 5, 1993 and recorded with the Cook County Recorder's Office as Document No. 93168945, as amended (said Declaration and any amendments thereto is herein referred to as the "Declaration"), and is executed as of this 2nd day of August, 1993 by American National Bank and Trust Company of Chicago, not personally but solely as Trustee under Trust Agreement dated January 1, 1984 and known as Trust No. 61991 (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, the real estate described in Exhibit A of the Declaration situated in the City of Oak Forest, Cook County, Illinois (hereinafter referred to as the "Submitted Parcel") has heretofore been submitted to the provisions of the Condominium Property Act of the State of Illinois, as amended (the "Act"), pursuant to the Declaration; and

WHEREAS, pursuant to the Act and pursuant to Article 12 of the Declaration, the Declarant reserved the right from time to time to annex and add to the Submitted Parcel and thereby add to the plan of condominium ownership created by the Declaration; and

WHEREAS, the Declarant, pursuant to Article 12 of the Declaration, desires to annex and add the real estate described on Exhibit "A-1" attached hereto ("Additional Parcel"), to the Submitted Parcel and thereby add to the plan of condominium ownership created by the Declaration; and

WHEREAS, the Additional Parcel is a portion of the Future Development Parcel under the Declaration as described in Exhibit "C" therein; and

WHEREAS, the Declarant desires to amend the Declaration as it relates to the Plat of Survey (Exhibit "A" thereto) and to the percentage of ownership interest in the common elements for condominium units (Exhibit "B" thereto) based upon the annexation of the Additional Parcel; and

WHEREAS, under Article 12 of the Declaration a power coupled with an interest is granted to the Declarant acting by and through its duly authorized officers as attorney-in-fact to shift the percentage of ownership in the common elements appurtenant to each condominium unit to the percentages set forth in each Amendment to Declaration.

NOW, THEREFORE, Declarant, for the purposes above set forth, declares that the Declaration is amended as follows:

DEPT-01 RECORDING \$105.00  
T#0000 TRAN 3106 08/10/93 15:47:00  
#0578 \* -73-626496  
COOK COUNTY RECORDER

RECORDING FEE \$ 103.00  
DATE 8-10-93 COPIES 6  
OK [Signature]

ESG1585 07/26/93 1204

PLAT WITH THIS DOCUMENT

AMERICAN TITLE INSURANCE CO. 93626496

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1. The Additional Parcel is hereby annexed to the Submitted Parcel and, together with all improvements and structures now or hereafter erected, constructed or contained thereon or therein, is submitted to the Act.

2. Exhibit "A" of the Declaration, "Plat of Survey", is hereby amended by adding the Additional Parcel Plat of Survey attached hereto as Exhibit "A-1".

3. Exhibit "B" of the Declaration, "Percentage of Ownership Interest in the Common Elements", is deleted and the amended Exhibit "B" attached hereto is substituted therefor.

4. All of the Unit Owners and mortgage holders, by the Declarant, hereby consent to this Fifth Amendment pursuant to the power set forth in Article 12 of the Declaration.

5. All terms, conditions and provisions of the Declaration, as amended by this Fifth Amendment, are hereby ratified and confirmed and shall continue to apply with full force and effect. In the event of any inconsistency between this Fifth Amendment and the Declaration, this Fifth Amendment shall control. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Declaration.

6. This Fifth Amendment is executed by Declarant, as trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such trustee. It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under the Declaration, as amended by this Fifth Amendment, that Declarant as trustee as aforesaid, and not personally, has executed the Declaration, as amended, for the sole purpose of subjecting the title holding interest and the trust estate under said Trust No. 61991 to the terms of the Declaration, as amended; that any and all obligations, duties, covenants, indemnities and agreements of every nature herein set forth, or set forth in said Declaration, as amended, to be kept or performed by Declarant, are not intended to be kept, performed and discharged by Declarant personally; and further, that no duties shall rest upon Declarant, either personally or as such trustee, to sequester trust assets, rentals, avails, or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied, arising under the terms of the Declaration, as amended, except where said Declarant is acting pursuant to direction as provided by the terms of said Trust No. 61991 and the Declarant has been supplied with funds required for the purpose.

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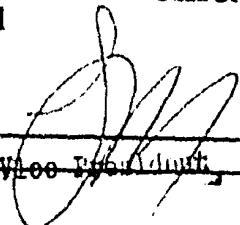
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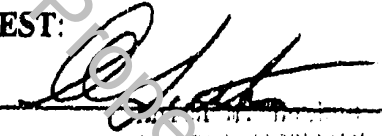
IN WITNESS WHEREOF, Declarant has caused this Fifth Amendment to be executed as of the day and year first above written.

**DECLARANT:**

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

By:   
Its: V. Lee E. Adams

**ATTEST:**

By:   
Its: Assistant Clerk

Property of Cook County Clerk's Office

93525496



**THIS INSTRUMENT WAS PREPARED BY, AND  
AFTER RECORDING SHOULD BE RETURNED TO:**

Edward S. Goldman, Esq.  
RUDNICK & WOLFE  
203 North LaSalle Street  
Chicago, Illinois 60601  
312/368-4000

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## JOINDER

American National Bank and Trust Company of Chicago, not personally but solely as Trustee under Trust Agreement dated October 1, 1986 and known as Trust No. 100200-06, hereby joins in the execution of the attached Fifth Amendment, as the fee owner of the Additional Parcel, for the purposes of (i) consenting to all of the terms and provisions therein set forth (including, without limitation, the annexation of the Additional Parcel to the Submitted Parcel), (ii) subjecting the Additional Parcel to the terms of the Declaration, and (iii) submitting the Additional Parcel to the provisions of the Act, pursuant to the Declaration, thereby adding to the plan of condominium ownership created by the Declaration.

This Joinder is executed by the undersigned, not personally but solely as Trustee under Trust Agreement dated October 1, 1986 and known as Trust No. 100200-06, in the exercise of the power and authority conferred upon and vested in it as such trustee, and for the sole purpose of subjecting the Additional Parcel to the terms of the Declaration, as amended, in accordance with the terms of the Fifth Amendment. All obligations, duties, covenants, indemnities and agreements of every nature set forth in the Fifth Amendment or in the Declaration, as amended, to be kept or performed by the undersigned, whether express or implied, are not intended to be kept, performed or discharged by the undersigned personally; and, further, any claim against the undersigned pursuant to the terms of the Declaration, as amended, shall be asserted against, and limited to, the undersigned's interest in and to any property subjected to the terms of the Declaration; and, further, no duties shall rest upon the undersigned, either personally or as such trustee, to sequester trust assets, rentals, avails or proceeds of any kind or otherwise to see to the fulfillment or discharge of any obligation, express or implied, arising under the terms of the Declaration, as amended, except where the undersigned is acting pursuant to direction as provided by the terms of said Trust No. 100200-06 after the undersigned has been supplied with funds required for the purpose.

IN WITNESS WHEREOF, the undersigned has caused this Joinder to be executed as of this 2nd day of AUGUST, 1993.

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

ATTEST:

By: [Signature]  
Its: Anita M. [Signature]  
ASSISTANT TRUSTEE

By: \_\_\_\_\_  
Its: [Signature]

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STATE OF ILLINOIS )

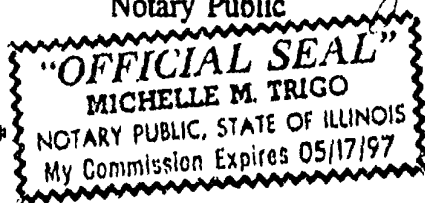
COUNTY OF COOK )

I, MICHELLE M. TRIGO, a Notary Public in and for the County and State aforesaid, do hereby certify that ~~Gregory S. Kasprick~~ as VICE PRESIDENT of American National Bank and Trust Company of Chicago, and Anita M. Lutkus as ASSISTANT SECRETARY thereof, 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 persona dna acknowledged that they signed and delivered this said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, as trustee under Trust No. 61991, and the said ASSISTANT SECRETARY, as custodian of the seal of said trustee, affixed the same to the foregoing instrument as his free and voluntary act and as the free and voluntary act of said Bank, as trustee, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND NOTARY SEAL this AUG 2 1993 day of 1993.

*Michelle M. Trigo*  
Notary Public

My Commission Expires: \_\_\_\_\_



\*\*\*\*\*

STATE OF ILLINOIS )

COUNTY OF COOK )

I, MICHELLE M. TRIGO, a Notary Public in and for the County and State aforesaid, do hereby certify that ~~Gregory S. Kasprick~~ as VICE PRESIDENT of American National Bank and Trust Company of Chicago, and Anita M. Lutkus as ASSISTANT SECRETARY thereof, 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 persona dna acknowledged that they signed and delivered this said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, as trustee under Trust No. 100200-06, and the said ASSISTANT SECRETARY, as custodian of the seal of said trustee, affixed the same to the foregoing instrument as his free and voluntary act and as the free and voluntary act of said Bank, as trustee, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND NOTARY SEAL this AUG 2 1993 day of 1993.

*Michelle M. Trigo*  
Notary Public

My Commission Expires: \_\_\_\_\_



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## EXHIBIT A-1

TO

**FIFTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
AND OF  
EASEMENTS, RESTRICTIONS, COVENANTS  
AND BY-LAWS FOR  
SHIBUI SOUTH CONDOMINIUM**

**LEGAL DESCRIPTION OF ADDITIONAL  
PARCEL HEREBY SUBMITTED**

Property Clerk's Office

THAT PART OF LOT 5 IN OAK VIEW SUBDIVISION, A SUBDIVISION OF THE WEST THREE-QUARTERS OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MARCH 21, 1978 AS DOCUMENT NO. 24371221, IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF LOT 5; THENCE NORTH 00°03'02" WEST, ON THE EAST LINE OF SAID LOT, A DISTANCE OF 250.98 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°03'02" WEST, ON THE EAST LINE OF SAID LOT, A DISTANCE OF 197.63 FEET; THENCE SOUTH 89°56'58" WEST, 37.32 FEET; THENCE NORTH 00°03'02" WEST, 15.27 FEET; THENCE SOUTH 60°04'59" WEST, 82.64 FEET; THENCE SOUTH 29°55'01" EAST, 34.01 FEET; THENCE SOUTH 60°04'59" WEST, 121.04 FEET; THENCE SOUTH 29°55'01" EAST, 106.02 FEET; THENCE NORTH 89°56'58" EAST, 126.88 FEET TO THE POINT OF BEGINNING.

03628195

15805 Peggy Lane  
Oak Forest, Ill

[SURVEY ATTACHED]

PIN: 28-17-402-021

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## EXHIBIT B

TO

### FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR SHIBUI SOUTH CONDOMINIUM

#### PERCENTAGE OF OWNERSHIP INTEREST IN THE COMMON ELEMENTS

<u>Unit</u>	<u>Percentage of Ownership</u>	<u>Minimum Percentage*</u>
1-1	1.4063	.703
1-2	1.4063	.703
1-3	1.4063	.703
1-4	1.1970	.598
1-5	1.4063	.703
1-6	1.4063	.703
1-7	1.4063	.703
1-8	1.4063	.703
1-9	1.4063	.703
1-10	1.4063	.703
1-11	1.4063	.703
1-12	1.4063	.703
2-1	1.4063	.703
2-2	1.4063	.703
2-3	1.4063	.703
2-4	1.1970	.598
2-5	1.4063	.703
2-6	1.4063	.703
2-7	1.4063	.703
2-8	1.4063	.703
2-9	1.4063	.703
2-10	1.4063	.703
2-11	1.4063	.703
2-12	1.4063	.703
3-1	1.4063	.703
3-2	1.4063	.703
3-3	1.4063	.703
3-4	1.1970	.598
3-5	1.4063	.703
3-6	1.4063	.703
3-7	1.4063	.703
3-8	1.4063	.703
3-9	1.4063	.703
3-10	1.4063	.703

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3-11	1.4063	.703
3-12	1.4063	.703
4-1	1.4063	.703
4-2	1.4063	.703
4-3	1.4063	.703
4-4	1.1970	.598
4-5	1.4063	.703
4-6	1.4063	.703
4-7	1.4063	.703
4-8	1.4063	.703
4-9	1.4063	.703
4-10	1.4063	.703
4-11	1.4063	.703
4-12	1.4063	.703
5-1	1.4063	.703
5-2	1.4063	.703
5-3	1.4063	.703
5-4	1.1970	.598
5-5	1.4063	.703
5-6	1.4063	.703
5-7	1.4063	.703
5-8	1.4063	.703
5-9	1.4063	.703
5-10	1.4063	.703
5-11	1.4063	.703
5-12	1.4063	.703
6-1	1.4063	.703
6-2	1.4063	.703
6-3	1.4063	.703
6-4	1.4063	.703
6-5	1.1970	.598
6-6	1.4063	.703
6-7	1.4063	.703
6-8	1.4063	.703
6-9	1.4063	.703
6-10	1.4063	.703
6-11	1.4063	.703
6-12	1.4085	.703

\* This column shows the approximate percentage of ownership interest each Unit would have if 72 additional Units were built on the Future Development Parcel, each having been assigned the highest relative value as contained in the presently contemplated mix of Unit types. Nothing herein shall be construed to limit the right of the Declarant to reduce any Unit Owner's percentage of ownership interest in the Common Elements below the "Minimum Percentage" shown, so long as such reduction is in accordance with the Declaration and with the Act.

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## CERTIFICATE OF COMPLIANCE

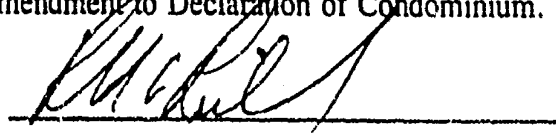
STATE OF ILLINOIS    )  
                                  )  
COUNTY OF COOK     )

Ronald A. Richmond hereby certifies that:

1. He is a general partner of Shibui South Venture Phase I, an Illinois partnership, the Developer specified under the Declaration of Condominium Ownership for Shibui South Condominium.

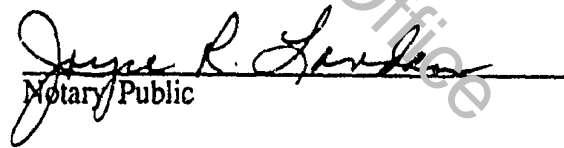
2. On October 5, 1992, a Notice of Intent ("Notice") in the form and substance required by Section 30 of the Illinois Condominium Property Act was given to all persons who were tenants of the property described in Exhibit A-1 of the Amendment to Declaration of Condominium to which this Certificate is attached.

3. Said Notice was given to the tenants prior to the execution by the undersigned, or any agent of the undersigned, of any agreement for the sale of a unit at the building added to Shibui South Condominium pursuant to said Amendment to Declaration of Condominium.

  
\_\_\_\_\_

I, Joyce R. Landau a Notary Public in and for said County and State, do hereby certify that Ronald A. Richmond, personally known to me to be the same person whose name is subscribed to the foregoing Certificate as a general partner of Shibui South Venture Phase I, an Illinois partnership, appeared before me this day in person and acknowledged that he signed and delivered said Certificate as his free and voluntary act, and as the free and voluntary act of said partnership, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28th day of July, 1993.

  
\_\_\_\_\_  
Notary Public



93625433

