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**PLAT**

3-County 94

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SECOND AMENDMENT TO DECLARATION OF

PROPERTY DOCUMENT WITH THIS

CONDOMINIUM OWNERSHIP FOR

COUNTRY HOMES AT MILLERS STATION

94205884

This Second Amendment to Declaration is made and entered into by the Millers Station Mt. Prospect Limited Partnership, an Illinois limited partnership, by Kimball Hill, Inc., an Illinois corporation, its sole general partner ("Declarant").

RECITALS

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A. By the Declaration of Condominium Ownership for the Country Homes at Millers Station recorded in the Office of the Recorder of Deeds of Cook County, Illinois as document no. 93989311 ("Declaration"), certain real estate was submitted to the Illinois Condominium Property Act ("Act"), said Condominium being known as the Country Homes at Millers Station ("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 "A", attached hereto and made a part hereof.

C. Declarant desires to make various changes to the Declaration and By-Laws to reflect changes in the Illinois Condominium Property Act.

Now therefore, Declarant as legal title holder of the Property, and for the purposes above set forth, hereby declares that the Declaration is 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.

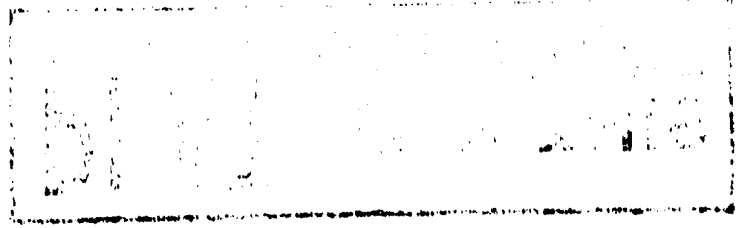
3. Exhibit D attached to the Declaration is hereby amended and superseded in its entirety by Exhibit D attached hereto, and respective percentages of ownership in the Common Elements appurtenant to each unit described in the said Exhibit D prior to this amendment are hereby reduced to the respective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

Box 362

RECORDING FEE \$ 126.00  
DATE 3-4-94 COPIES 6  
OK [Signature]

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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 words "or by the Owners" shall be added after the word "Developer" in the first sentence of Section 4.06 the Article Four.

6. The following words shall be added after the words "herein provided," in the second sentence of Section 6.01 of Article Six:

including, but not limited to, reasonable attorney fees incurred enforcing the covenants of this Declaration, rules and regulations of the Board, or any applicable statute or ordinance

7. The following Section 6.06 of Article Six is hereby substituted in lieu of Section 6.06 of Article Six:

6.06 **SPECIAL ASSESSMENT:** The Board may levy a special assessment (i) to pay (or build up reserves to pay) extraordinary expenses incurred (or to be incurred) by the Association for a specific purpose including, without limitation, to make additions, alterations or improvements to the Common Elements or Association-owned property not included in the adopted budget, (ii) to cover an unanticipated deficit under the current or prior year's budget, (iii) to pay for expenditures relating to emergencies or mandated by law, or (iv) adopt multi-year assessments not governed by (i) or (iii). Any special assessment for additions and alterations to the Common Elements or the Association-owned property not included in the adopted annual budget shall be separately assessed and shall be subject to approval by the affirmative vote of the Voting Members representing at least two-thirds (2/3) of the votes cast at a meeting of the Owners duly called for the purpose of approving the assessment. As used herein, "emergency" means an immediate danger to the structural integrity of the Common Elements or to the life, health, safety or property of the Owners. With respect to multi-year assessments not governed by Items (i) and (iii), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved.

Each Owner shall be responsible for the payment of the amount of the special assessment multiplied by his Dwelling Unit's Undivided Interest. The Board shall serve notice of a special assessment on all Owners by a statement in writing giving the amount and reasons therefore, and the special assessment shall be payable in such manner and on such terms as shall be fixed by the Board. Any assessments collected pursuant to this section (other than those to cover an unanticipated deficit under the current or prior year's budget) shall be segregated in a special account and used only for the specific purpose set forth in the notice of assessment.

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8. The following phrase is hereby substituted in lieu of the words "of any such action" in subparagraph (l) of Section 6.10 of Article Six:

incurred enforcing the covenants of this Declaration, rules and regulations of the Board, or any applicable statute or ordinance,

9. The words, "and shall reside on the Condominium Property." are hereby deleted from the fourth sentence of Section 5.03 of the By-Laws and a period is hereby added after the word "both" in that sentence.

10. The word "and" is hereby deleted from subsection (o) of Section 5.14 of the By-Laws and a semi-colon is hereby added in lieu of the period at subsection (p) of Section 5.14 of the By-Laws. The following subsections (q), (r) and (s) are hereby added after subparagraph (n) of Section 5.14 of the By-Laws:

(q) To seek relief on behalf of all Unit Owners when authorized pursuant to the Act from or in connection with the assessment or levying of real property taxes, special assessments, and any other special taxes or changes of the State of Illinois or of any political subdivision thereof or of any lawful taxing or assessing body;

(r) To reasonably accommodate the needs of a handicapped Unit Owner as required by the federal Civil Rights Act of 1968, the Human Rights Act and any applicable local ordinances in the exercise of its powers with respect to the use of Common Elements or approval of modifications in an individual Unit; and

(s) To establish and maintain a system of master metering of public utility services, if any, and to collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

11. The last word, "officers" in Section 6.04 of the By-Laws is hereby deleted and the word "Members" is substituted in lieu thereof.

12. The following two paragraphs are substituted in lieu of the second paragraph of Section 9.03 of the By-Laws:

If an adopted budget or any special assessment adopted by the Board would result in the sum of all regular and special assessments payable in the current year exceeding 115% of the sum of all regular and special assessments payable during the preceding year, the Board upon written petition by Unit Owners with 20 percent of the votes of the Association delivered to the Board within 14 days of the Board action, shall call a meeting of the Unit Owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the Unit Owners are cast at the meeting to reject the budget or separate assessment it is ratified.

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Any common expense not set forth in the budget or any increase in Assessments over the amount adopted in the budget shall be considered a special assessment against all Unit Owners provided, however, that special assessments for expenditures relating to emergencies or mandated by law may be adopted by the Board without being subject to Unit Owner approval or the provisions of the previous paragraph or the next sentence. As used herein, "emergency" means an immediate danger to the structural integrity of the Common Elements or to the life, health, safety or property of the Unit Owners. Assessments for additions and alterations to the Common Elements or to Association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all Unit Owners. The Board may adopt special assessments payable over more than one year. With respect to multi-year assessments not governed by the previous two sentences the entire amount of the multi-year assessment shall be deemed considered and authorized in the first year in which the assessment is approved.

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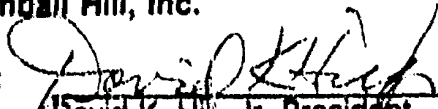
Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

In witness whereof, Declarant has caused its name to be signed by its President and attested by its Secretary on March 1, 1994.

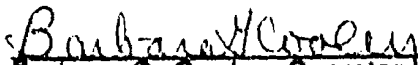
**MILLERS STATION MT. PROSPECT LIMITED PARTNERSHIP**, an Illinois limited partnership,  
by its sole general partner

Kimball Hill, Inc.

By:

  
David K. Hill, Jr. President

ATTEST:

  
Barbara G. Cooley, Secretary

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"OFFICIAL SEAL"  
John R. Madala  
History Building, 2nd Floor  
Cook County Clerk's Office  
111 Community College Plaza  
Chicago, IL 60607

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EXHIBIT A  
TO  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE COUNTRY HOMES AT MILLERS STATION

Legal Description for Additional Property

LOTS 10, 11 AND 12 IN MILLERS STATION SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 2, 1993 AS DOCUMENT NO. 93887618, IN COOK COUNTY, ILLINOIS.

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(3 & 4)

EXHIBIT D  
TO  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE COUNTRY HOMES AT MILLERS STATION

Undivided Interests in the Units are as follows:

Unit	Undivided Interest	Unit	Undivided Interest
1-1	2.227%	6-1	1.573%
1-2	1.822	6-2	1.700
1-3	2.089	6-3	2.058
1-4	2.058	6-4	2.089
1-5	1.706	6-5	1.822
1-6	1.573	6-6	2.227
		6-7	1.700
2-1	1.573	6-8	1.573
2-2	1.706		
2-3	2.058	7-1	1.573
2-4	2.089	7-2	1.706
2-5	1.822	7-3	2.058
2-6	2.227	7-4	2.089
2-7	1.706	7-5	1.822
2-8	1.573	7-6	2.227
		7-7	1.706
3-1	1.573	7-8	1.573
3-2	1.706		100.000%
3-3	2.058		
3-4	2.089		
3-5	1.822		
3-6	2.227		
3-7	1.706		
3-8	1.573		
4-1	1.573		
4-2	1.706		
4-3	2.058		
4-4	2.089		
4-5	1.822		
4-6	2.227		
4-7	1.706		
4-8	1.573		
5-1	1.573		
5-2	1.706		
5-3	2.058		
5-4	2.089		
5-5	1.822		
5-6	2.227		
5-7	1.706		
5-8	1.573		

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