3/8/94

73-79-054 DBR/ed

FIRST AMENDMENT TO DECLARATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS FOR FREMONT PLACE ROWHOUSES

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2/-

THIS AMENDMENT TO DECLARATION is made and entered into as of the ____ day of February, 1994 by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but as Trustee under Trust Number 116057-06 dated September 9, 1992, (the "Trustee") and OGDEN PARTNERS - FREMONT PLACE, INC., an Illinois corporation (the "Developer").

WHEREAS, the parties have executed a Declaration of Easements, Restrictions and Covenants for Fremont Place Rowhouses dated May 5, 1993 ("Declaration") which Declaration was recorded with the Recorder of Deeds of Cook County on or about July 23, 1993 as Document 93572792, a Declaration of Easements, Restrictions and Covenants for Fremont Place Rowhouses affecting the real estate described in Exhibits A, B, C, D and E;

WHEREAS, the Declaration states that the Developer intends to record an Amendment to this Declaration which will specifically designate the location of parking spaces;

WHEREAS, the Developer desires to clarify the maintenance requirements of the Tunnel as described in Article II, Section 2.1 and attach Exhibit F pursuant to said section, legally describing the land underlying the Tunnel;

WHEREAS, the legal description for the common area described in Exhibit B of the Declaration is incorrect and must be corrected to properly describe the Common Area;

WHEREAS, the scrivenor's error in Article VI, Section 6.2(b) referring to an address at which the association shall have the right to access and use of the outside water spigot, must be corrected; and

WHEREAS, the Trustee and Developer now desire to: a) designate the location of parking spaces in the Common Area by attaching Amended Exhibit C-1 hereto depicting the property and parking spaces thereon; b) revise Section 2.1 of Article II of the Declaration by restating said Section in its entirety in order to clarify maintenance requirements of the Tunnel; c) legally describe the land over which the easement referred to as the Tunnel described in Article II, Section 2.1 of the Declaration by attaching Exhibit F hereto; d) correct the Legal Description of the Common Area by attaching Amended Exhibit B hereto; and e) correct the address identified in Article VI, Section 6.2(b) of the Declaration referring to the right to access and use of the outside water spigot at said address.

NOW, THEREFORE, the Trustee and Developer do hereby amend the Declaration as follows:

1. Exhibit C-1 of the Declaration is hereby amended by substituting therefore Amended Exhibit C-1, which is attached hereto.

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2. Section 2.1 of Article II of the Declaration is deleted in its entirety and the following Section 2.1 is substituted therefore:

2.1 The Parcel Owners, their guests and invitees, but not the public generally, are hereby granted easements for use and enjoyment and ingress and egress from any portions of the Property over, upon, and across the Common Area, or portions thereof, and the Association shall have the power to grant such easements or licenses for such other purposes as may be appropriate to such Persons, and upon such terms and conditions, at such costs, if any, and for such duration as the Association deems appropriate.

Included as a part of the Common Area shall be an easement for use and enjoyment and ingress and egress, in the unenclosed portion of the building erected over the land to be legally described on Exhibit F which shall be attached to an Amendment to this Declaration. Said easement shall be referred to as the "Tunnel", and shall consist of a passage way at ground level through a building which shall consist of dwelling units above the Tunnel and to the east and west of the Tunnel. The Association may place and maintain items of common use such as mailboxes, parcel boxes and bulletin boards within the Tunnel. The Association shall be responsible for all additional maintenance necessitated by the existence and use of the Tunnel and shall maintain all portions of the building and fixtures specifically designed for use of the Tunnel or common use including, but not limited to, the inside surfaces of the Tunnel, the trim and frame around the entrances to the Tunnel, lighting in and around the Tunnel, mailboxes and parcel boxes, signage, ATC.

3. Exhibit F is attached to this Amendment legally describing the land over which the easement referred to as the Tunnel is contained, as described in Article II, Section 2.1 of this Declaration, as amended.

4. Exhibit B of the Declaration (Common Area) is hereby amended by substituting therefore Amended Exhibit B, which is attached hereto.

5. Section 6.2(b) of Article VI is corrected to read as follows:

6.2(b) grass cutting, watering and maintenance of landscaping of the Common Areas and Rowhouse Lots. The Association shall have the right to access and use of the outside water spigot which is metered by the water meter for the parcel commonly known as 3900-J North Fremont, for the purpose of landscaping maintenance and watering hereunder, and any other such uses which benefit the common area. If the Association uses water from the spigot at any time during the year at the aforementioned unit, the Association shall pay the entire water bill for unit 3900-J for the months of April through November for that year;

6. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms and in all other respects, the Declaration is hereby confirmed.

Trustee's Exculpation. This Declaration is executed by Trustee, not individually or personally, but solely as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee (and said Trustee in its personal and individual capacity, hereby warrants that it as Trustee possesses full power and authority to execute this instrument) and it is expressly understood and agreed by Developer hereunder that nothing herein contained shall be construed as creating any liability on Trustee in its individual capacity personally to perform any covenant, either expressed or implied, herein contained, all such liability, if any, being expressly waived.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed on the day and year first above written.

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

By: _____
Its: _____

ATTEST:

_____
Secretary

COOK COUNTY, ILLINOIS
FILED FOR RECORD

94 MAR -8 AM 9:24

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OGDEN PARTNERS-FREMONT PLACE, INC., Developers

By: _____
Its: Vice-President

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, LAURA KUMINGO, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that J. MICHAEL WIDELAN Vice President, of American National Bank and Trust Company of Chicago, and E. JOHANSEN, 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 date 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; and the said ASSISTANT SECRETARY did also then and there acknowledge that he as custodian of the corporate seal of said corporation did affix the said corporate seal of said corporation to said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this ____ day of FEB 25 1994, 1994.

Laura Kumingo
NOTARY PUBLIC

My Commission Expires:_____

"OFFICIAL SEAL"
Laura Kumingo
Notary Public, State of Illinois
My Commission Expires 11/24/96

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Georgette Phillos, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark Ordower, of Ogden Partners - Fremont Place, Inc. Vice President thereof, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Vice President appeared before me this date in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 14th day of February, 1994.

Georgette Phillos
NOTARY PUBLIC

"OFFICIAL SEAL"
GEORGETTE PHILLOS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10/23/97

My Commission Expires: _____

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AMENDED EXHIBIT B

LEGAL DESCRIPTION

COMMON AREA

THAT PART OF LOT 24 (EXCEPT THE WEST 20 FEET) AND LOTS 25 THROUGH 28 INCLUSIVE, TAKEN TOGETHER AS A SINGLE TRACT WHICH LIES NORTH OF THE SOUTH 100.34 FEET THEREOF; TOGETHER WITH THE WEST 5.42 FEET OF THE EAST 97.34 FEET OF THE NORTH 50.04 FEET OF THE SOUTH 100.34 FEET (EXCEPTING THEREFROM THE SOUTH 21.0 FEET OF THE NORTH 33.54 FEET); ALSO THE NORTH 7.0 FEET OF THE SOUTH 50.30 FEET OF THE EAST 178.25 FEET; ALSO THE SOUTH 49.84 FEET (EXCEPTING THEREFROM THE EAST 178.25 FEET OF THE NORTH 17.54 FEET AND ALSO EXCEPTING THE EAST 183.25 FEET OF THE SOUTH 32.30 FEET THEREOF), ALL IN ALEX CHYTROUS SUBDIVISION OF THE EAST 1/2 OF BLOCK 2 OF LAFLIN, SMITH AND DYER'S SUBDIVISION IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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AMENDED EXHIBIT F

LEGAL DESCRIPTION

LAND UNDER TUNNEL

THE WEST 5.75 FEET OF THE EAST 97.67 FEET OF THE NORTH 21.0 FEET OF THE SOUTH 87.80 FEET OF LOT 24 (EXCEPT THE WEST 20 FEET) AND LOTS 25 THROUGH 28 INCLUSIVE, TAKEN TOGETHER AS A SINGLE TRACT IN ALEX CHYTROUS' SUBDIVISION OF THE EAST 1/2 OF BLOCK 2 OF LAFLIN, SMITH AND DYER'S SUBDIVISION IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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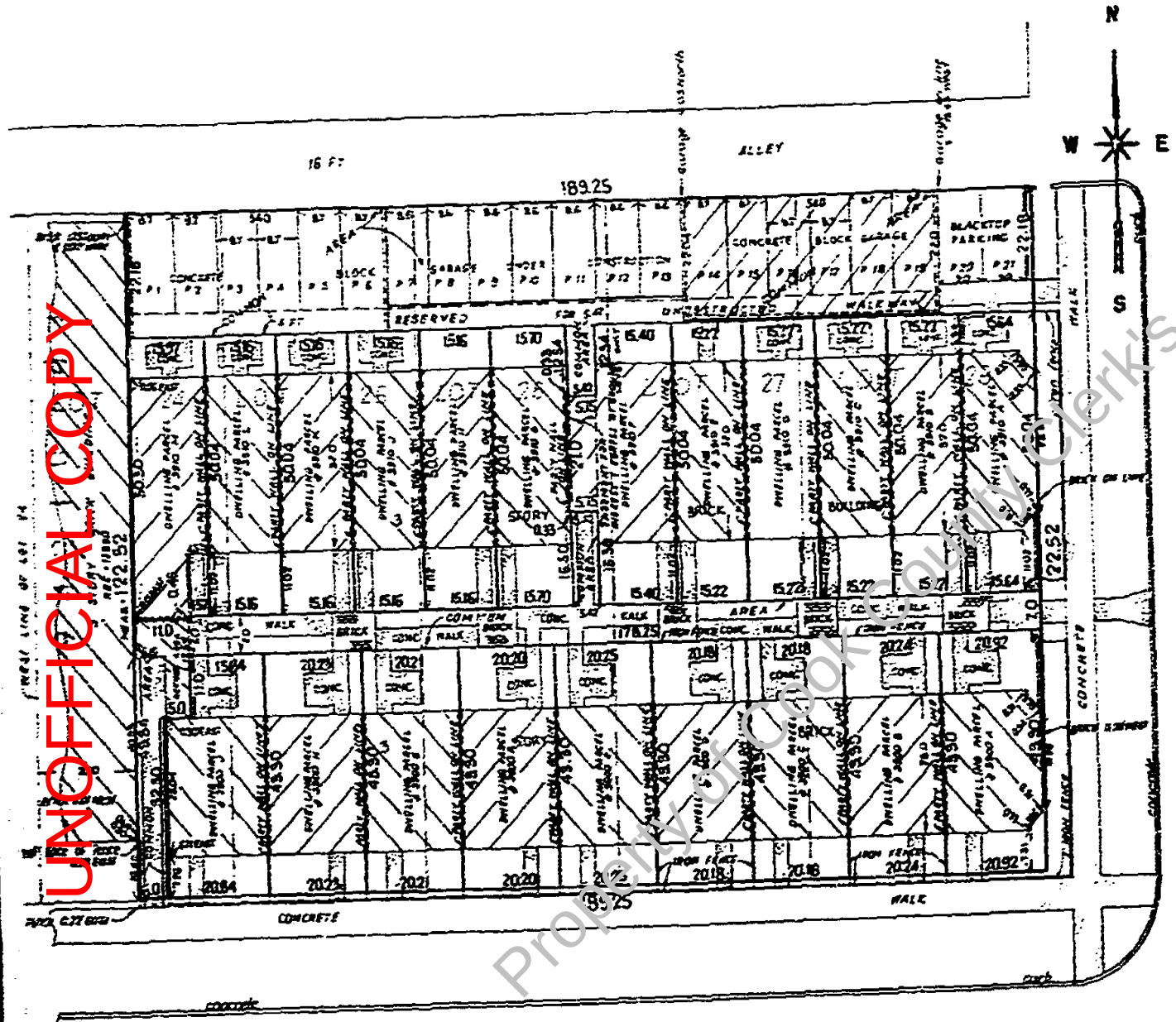
Certified Survey Co.

Phone 775-7755 5740 N. Elston Ave. Chicago, Illinois 60646 Fax 775-285

Plat of Survey

FREMONT PLACE ROWHOUSES

LOT 24 (EXCEPT THE WEST 20 FEET) AND LOTS 25 THROUGH 28, INCLUSIVE, IN ALEX CHYTROUS' SUBDIVISION OF THE EAST 1/2 OF BLOCK 2 OF LAFLIN, SMITH AND DYER'S SUBDIVISION IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



AMENDED EXHIBIT C-1

REVISED: JULY 27, 1993
REVISED: JULY 21, 1993
DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING

Order No. 93-1197(X)
Scale 0 16 32 feet
Date JULY 15, 1993
Ordered by BEDEN PARTNERS

IMPROVEMENTS SHOWN: JANUARY 4, 1994

PAGE 1 OF 2

STATE OF ILLINOIS
COUNTY OF COOK } SS

We, CERTIFIED SURVEY CO. do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Paul F. Westrick
REGISTERED ILLINOIS LAND SURVEYOR

EXHIBIT