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

DEPT-01 RECORDING 1103.00
157777 TRAN 8788 04/11/94 15:09:00
14843 : DW *--94--324381
COOK COUNTY RECORDER

THIS NINTH AMENDMENT ("Ninth 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 the 17th day of March, 1994 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").

CF 7464

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

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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

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Box 198

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PRINT WITH THIS
MEMORANDUM
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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:

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 Ninth 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 Ninth Amendment, are hereby ratified and confirmed and shall continue to apply with full force and effect. In the event of any inconsistency between this Ninth Amendment and the Declaration, this Ninth 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 Ninth 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 Ninth 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 after the Declarant has been supplied with funds required for the purpose.

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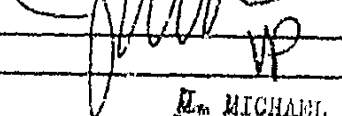
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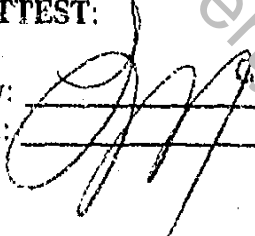
IN WITNESS WHEREOF, Declarant has caused this Ninth Amendment to be executed as of the day and year first above written.

DECLARANT:

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

By: 
Its: _____
MICHAEL WEIGLAN

ATTEST:

By:  Gregory S. Kasprzyk
Its: _____
ASSISTANT SECRETARY

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 Ninth 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.

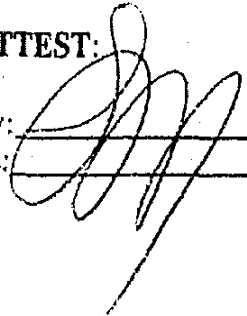
This Joinder is executed by the undersigned, not personally but solely as Trustee under Trust Agreement dated October 1, 1986 and known as Trust No. 100200-06, in the exercise of the power and authority conferred upon and vested in it as such trustee, and for the sole purpose of subjecting the Additional Parcel to the terms of the Declaration, as amended, in accordance with the terms of the Ninth Amendment. All obligations, duties, covenants, indemnities and agreements of every nature set forth in the Ninth 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 17th day of March, 1994.

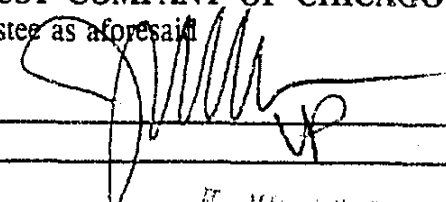
AMERICAN NATIONAL BANK AND
TRUST COMPANY OF CHICAGO, as
Trustee as aforesaid

ATTEST:

By:
Its:


Gregory E. Kasprzyk
ASSISTANT SECRETARY

By:
Its:


W. J. SULLIVAN, WILLIAM J.

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STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

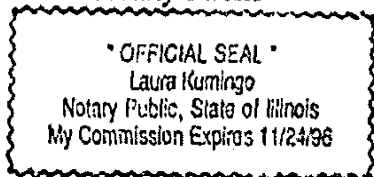
I, LAURA KUMINGO, a Notary Public in and for the County and State aforesaid, do hereby certify that J. MICHAEL WHEELAN as Vice President of American National Bank and Trust Company of Chicago, and Gregory S. Kasprzyk as ASSISTANT SECRETARY thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such VICE PRESIDENT and ASSISTANT SECRETARY, respectively, appeared before me this day in persona and 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.

MAR 17 1994

GIVEN UNDER MY HAND AND NOTARY SEAL this ___ day of 1994.

Laura Kumingo
Notary Public

My Commission Expires: _____



STATE OF ILLINOIS)

) SS

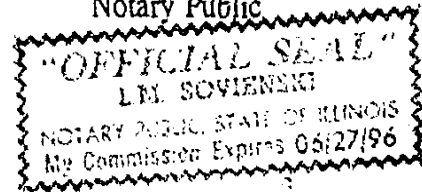
COUNTY OF COOK)

I, L.M. SOVIENSKI, a Notary Public in and for the County and State aforesaid, do hereby certify that J. MICHAEL WHEELAN as Vice President of American National Bank and Trust Company of Chicago, and Gregory S. Kasprzyk 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 and 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 ___ day of MAR 18 1994 1994.

L.M. Sovieniski
Notary Public

My Commission Expires: _____



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EXHIBIT A-1

TO

NINTH 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

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 617.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°56'58" WEST, 74.03 FEET; THENCE NORTH 00°40'43" EAST, 204.49 FEET; THENCE NORTH 00°18'14" EAST, 33.25 FEET; THENCE SOUTH 89°41'46" EAST, 23.14 FEET; THENCE NORTH 00°18'14" EAST, 34.74 FEET; THENCE NORTH 89°41'46" WEST, 158.26 FEET; THENCE NORTH 00°18'14" EAST, 122.78 FEET TO THE NORTH LINE OF LOT 5; THENCE NORTH 89°56'28" EAST, (NORTH 89°59'06" EAST RECORD), 98.26 FEET ON THE NORTH LINE OF LOT 5; THENCE SOUTH 00°18'14" WEST, 121.40 FEET; THENCE SOUTH 89°41'46" EAST, 84.00 FEET; THENCE SOUTH 00°18'14" WEST, 22.85 FEET; THENCE NORTH 89°41'46" WEST, 13.12 FEET; THENCE SOUTH 00°03'02" EAST, 223.56 FEET; THENCE NORTH 89°56'58" EAST, 67.11 FEET TO THE EAST LINE OF LOT 5; THENCE SOUTH 00°03'02" EAST, ON THE EAST LINE OF SAID LOT, A DISTANCE OF 27.83 FEET TO THE POINT OF BEGINNING.

84336581

address: 15705 Peggy Ln
Oak Forest, Ill

[SURVEY ATTACHED]

PIN: 28-17-402-021

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EXHIBIT B

TO

NINTH 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	.76704	.703
1-2	.76704	.703
1-3	.76704	.703
1-4	.65291	.598
1-5	.76704	.703
1-6	.76704	.703
1-7	.76704	.703
1-8	.76704	.703
1-9	.76704	.703
1-10	.76704	.703
1-11	.76704	.703
1-12	.76704	.703
2-1	.76704	.703
2-2	.76704	.703
2-3	.76704	.703
2-4	.65291	.598
2-5	.76704	.703
2-6	.76704	.703
2-7	.76704	.703
2-8	.76704	.703
2-9	.76704	.703
2-10	.76704	.703
2-11	.76704	.703
2-12	.76704	.703
3-1	.76704	.703
3-2	.76704	.703
3-3	.76704	.703

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3-4	.65291	
3-5	.76704	.598
3-6	.76704	.703
3-7	.76704	.703
3-8	.76704	.703
3-9	.76704	.703
3-10	.76704	.703
3-11	.76704	.703
3-12	.76704	.703
4-1	.76704	.703
4-2	.76704	.703
4-3	.76704	.703
4-4	.76704	.703
4-5	.65291	.598
4-6	.76704	.703
4-7	.76704	.703
4-8	.76704	.703
4-9	.76704	.703
4-10	.76704	.703
4-11	.76704	.703
4-12	.76704	.703
5-1	.76704	.703
5-2	.76704	.703
5-3	.76704	.703
5-4	.76704	.703
5-5	.65291	.598
5-6	.76704	.703
5-7	.76704	.703
5-8	.76704	.703
5-9	.76704	.703
5-10	.76704	.703
5-11	.76704	.703
5-12	.76704	.703
6-1	.76704	.703
6-2	.76704	.703
6-3	.76704	.703
6-4	.76704	.703
6-5	.65291	.703
6-6	.76704	.598
6-7	.76704	.703
6-8	.76704	.703
6-9	.76704	.703
6-10	.76704	.703

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6-11		
6-12	.76704	
7-1	.76704	.703
7-2	.76704	.703
7-3	.76704	.703
7-4	.76704	.703
7-5	.65291	.703
7-6	.76704	.598
7-7	.76704	.703
7-8	.76704	.703
7-9	.76704	.703
7-10	.76704	.703
7-11	.76704	.703
7-12	.76704	.703
8-1	.76704	.703
8-2	.76704	.703
8-3	.76704	.703
8-4	.76704	.703
8-5	.65291	.703
8-6	.76704	.598
8-7	.76704	.703
8-8	.76704	.703
8-9	.76704	.703
8-10	.76704	.703
8-11	.76704	.703
8-12	.76704	.703
9-1	.76704	.703
9-2	.76704	.703
9-3	.76704	.703
9-4	.76704	.703
9-5	.65291	.703
9-6	.76704	.598
9-7	.76704	.703
9-8	.76704	.703
9-9	.76704	.703
9-10	.76704	.703
9-11	.76704	.703
9-12	.76704	.703
10-1	.76704	.703
10-2	.76704	.703
10-3	.76704	.703
10-4	.76704	.703
10-5	.65291	.703
	.76704	.598
		.703

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10-6	.76704	.703
10-7	.76704	.703
10-8	.76704	.703
10-9	.76704	.703
10-10	.76704	.703
10-11	.76704	.703
10-12	.76704	.703
11-1	.76704	.703
11-2	.76704	.703
11-3	.76704	.703
11-4	.65291	.598
11-5	.76704	.703
11-6	.76704	.703
11-7	.76704	.703
11-8	.76704	.703
11-9	.76704	.703
11-10	.76704	.703
11-11	.76704	.703
11-12	.77319	.703

* This column shows the approximate percentage of ownership interest each Unit would have if 12 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

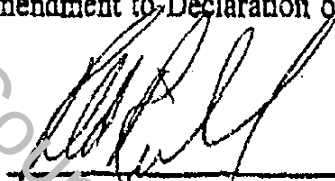
STATE OF ILLINOIS)
)
COUNTY OF COOK)

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 Condominiums.

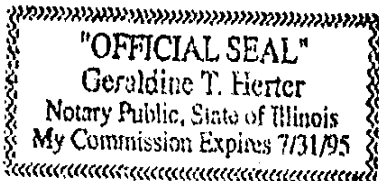
2. On October 2, 1992, a Notice of Intent ("Notice") in the form and substance required by Section 36 of the Illinois Condominium Property Act was given to all persons who were tenants of the property described in Exhibit A-1 of the Amendment to Declaration of Condominium to which this Certificate is attached.

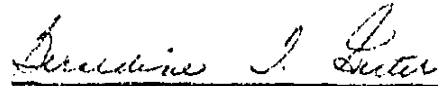
3. Said Notice was given to the tenants prior to the execution by the undersigned, or any agent of the undersigned, of any agreement for the sale of a unit at the building added to Shibui South Condominium pursuant to said Amendment to Declaration of Condominium.



I, Geraldine T. Herter, 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 1st day of March, 1994





Notary Public

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