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**PLAT**

95475153

7-21-95

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**FIFTH AMENDMENT  
TO  
DECLARATION  
OF  
CONDOMINIUM OWNERSHIP  
FOR GALENA  
AT BLACKBERRY CREEK**

(FOR RECORDER'S USE ONLY)

This Fifth Amendment to Declaration is made and entered into by Kimball Hill Construction Company, an Illinois corporation ("Declarant").

## RECITALS

A. By the Declaration of Condominium Ownership for Galena at Blackberry Creek recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 95194293 on March 23, 1995 ("Declaration"), certain real estate described in Exhibit A attached thereto was submitted to the Illinois Condominium Property Act ("Act"), said condominium being known as Galena at Blackberry Creek ("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.

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 Exhibit D attached to the Declaration is hereby amended and superseded in its entirety by Exhibit D attached hereto, and respective percentages of ownership in the Common Elements appurtenant to each unit described in the said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.

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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.

RECORDING FEE \$ 88.00  
DATE 7-21-95 COPIES 6  
OK \_\_\_\_\_

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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 15, 1995.

KIMBALL HILL CONSTRUCTION COMPANY

By:   
David K. Hill, Jr., President

ATTEST:

  
Barbara G. Cooley, Secretary

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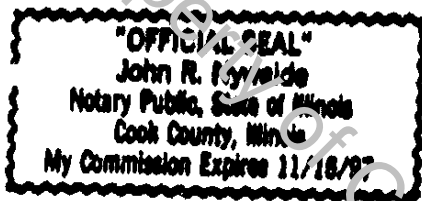


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STATE OF ILLINOIS     )  
                                  )  
COUNTY OF COOK     )     88

I, John R. Nyweide, a Notary Public in and for Cook County, Illinois, do hereby certify that David K. Hill, Jr., and Barbara G. Cooley, as President and Secretary, respectively of Kimball Hill Construction Company, 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 15<sup>th</sup> day of July, 1995.



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

My commission expires 11/16/97.

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) 878-0200

UPON RECORDATION RETURN TO:

**BOX 362**

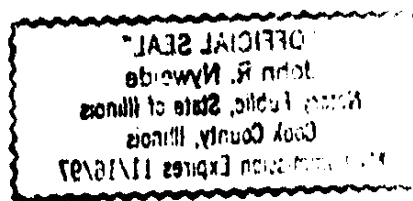
PIN No. 07-07-200-223

Address of Property:     Lots 1 to 3, inclusive in Blackberry Creek Subdivision  
                                  Hoffman Estates, Illinois

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10/11/93

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## EXHIBIT A TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR GALENA AT BLACKBERRY CREEK

### Legal description for Additional Property:

#### LEGAL DESCRIPTIONS:

THAT PART OF LOT 1 IN BLACKBERRY CREEK, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1994 AS DOCUMENT NO. 04870140, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 08 DEGREES 26 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, 273.84 FEET; THENCE SOUTH 03 DEGREES 49 MINUTES 30 SECONDS EAST, 70.83 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF NON-EASEMENT AREA 8 IN SAID BLACKBERRY CREEK; THENCE NORTH 80 DEGREES 20 MINUTES 34 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID NON-EASEMENT AREA 8 AND ALONG SAID NORTHWESTERLY LINE EXTENDED, 124.78 FEET TO THE SOUTHWESTERLY LINE OF BRIAR COURT; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF BRIAR COURT, BEING A CURVED LINE CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 310.00 FEET, AN ARC DISTANCE OF 95.26 FEET TO A POINT OF TANGENCY IN SAID LINE; THENCE SOUTH 83 DEGREES 08 MINUTES 30 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID BRIAR COURT, 80.61 FEET TO THE NORTHWESTERLY LINE OF BLACKBERRY LANE; THE FOLLOWING 8 COURSES ARE ALONG THE NORTHWESTERLY OR NORTHERLY LINE OF SAID BLACKBERRY LANE; THENCE SOUTH 36 DEGREES 10 MINUTES 20 SECONDS WEST, 176.87 FEET TO A POINT OF CURVATURE IN SAID LINE; THENCE SOUTHWESTERLY ALONG A CURVED LINE CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 270.00 FEET, AN ARC DISTANCE OF 86.78 FEET; THENCE WESTERLY ALONG A CURVED LINE CONVEX NORTHERLY AND HAVING A RADIUS OF 80.00 FEET, AN ARC DISTANCE OF 39.73 FEET; THENCE WESTERLY ALONG A CURVED LINE CONVEX SOUTHERLY AND HAVING A RADIUS OF 170.00 FEET, AN ARC DISTANCE OF 6.02 FEET; THENCE SOUTH 24 DEGREES 34 MINUTES 20 SECONDS WEST, 17.86 FEET TO THE POINT OF BEGINNING.

ALSO

THAT PART OF LOT 1 IN BLACKBERRY CREEK, AFORESAID, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 04 DEGREES 34 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, 88.00 FEET TO A POINT FOR A PLACE OF BEGINNING; THENCE CONTINUING NORTH 04 DEGREES 34 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, 233.87 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 40 SECONDS WEST, 125.84 FEET TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF NON-EASEMENT AREA 1 IN SAID BLACKBERRY CREEK; THENCE SOUTH 00 DEGREES 31 MINUTES 13 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID NON-EASEMENT AREA 1 AND SAID LINE EXTENDED, 102.86 FEET TO THE WESTERLY LINE OF BLACKBERRY LANE; THE FOLLOWING 3 COURSES ARE ALONG THE WESTERLY OR NORTHWESTERLY LINE OF SAID BLACKBERRY LANE; THENCE SOUTH 06 DEGREES 01 MINUTE, 23 SECONDS WEST, 34.48 FEET TO A POINT OF CURVATURE IN SAID LINE; THENCE SOUTHWESTERLY ALONG A CURVED LINE CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 126.82 FEET TO A POINT OF TANGENCY IN SAID LINE; THENCE SOUTH 36 DEGREES 10 MINUTES 30 SECONDS WEST, 28.08 FEET TO THE NORTHEASTERLY LINE OF BRIAR COURT; THENCE NORTH 83 DEGREES 19 MINUTES 30 SECONDS WEST ALONG SAID NORTHEASTERLY LINE OF BRIAR COURT, 80.61 FEET TO A POINT OF CURVATURE IN SAID LINE; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF BRIAR COURT, BEING A CURVED LINE CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 180.00 FEET, AN ARC DISTANCE OF 80.18 FEET TO AN ANGLE POINT IN SAID LINE; THENCE NORTHERLY AND WESTERLY ALONG THE NORTHEASTERLY LINE OF SAID BRIAR COURT, BEING A CURVED LINE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 80.00 FEET, AN ARC DISTANCE OF 128.88 FEET; THENCE NORTH 27 DEGREES 02 MINUTES 07 SECONDS WEST, 137.49 FEET TO THE POINT OF BEGINNING.

ALSO

LOT 2 IN BLACKBERRY CREEK, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1994 AS DOCUMENT NO. 04870140, ALL IN COOK COUNTY, ILLINOIS.

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EXHIBIT D  
TO  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
GALENA AT BLACKBERRY CREEK

(2&3)

<u>Unit</u>	<u>Undivided Interest</u>
2-1	3.177%
2-2	3.944
2-3	3.284
2-4	3.288
3-1	3.084
3-2	3.744
3-3	3.724
3-4	3.288
6-1	3.084
6-2	3.944
6-3	3.284
6-4	3.284
6-5	3.177
6-6	3.288
7-1	3.288
7-2	3.177
7-3	3.284
7-4	3.180
8-1	3.084
8-2	3.944
8-3	3.284
8-4	3.177
8-5	3.177
8-6	3.288
9-1	3.084
9-2	3.944
9-3	3.284
9-4	3.177
9-5	3.284
9-6	3.288
	100.000%

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