

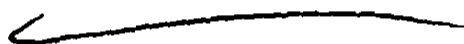
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DEPT-01 RECORDING \$57.00
T40012 TRAN 8456 12/29/95 14:47:00
48892 DT *-95-907967
COOK COUNTY RECORDER

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS
FOR
NEW BISCUIT LOFT CONDOMINIUM**

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PLAT WITH THIS DOCUMENT

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THIS INSTRUMENT WAS PREPARED BY
AND AFTER RECORDING RETURN TO:

Leon J. Teichner
LEON J. TEICHNER & ASSOCIATES
180 North LaSalle Street
Suite 1601
Chicago, Illinois 60601

11-19-95-012
601 Linden Place
Evanston, Ill.

Box-333

RECORDING FEE \$ 57.00
DATE 12/29/95 COPIES 6
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**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP
AND OF EASEMENTS, RESTRICTIONS AND COVENANTS
FOR
NEW BISCUIT LOFT CONDOMINIUM**

THIS SECOND AMENDMENT to the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for New Biscuit Loft Condominium (hereinafter referred to respectively as the "Second Amendment" and the "Declaration") is executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, an Illinois Corporation, as Trustee under that certain Trust Agreement dated November 11, 1993 and known as Trust No. RV-012281 (hereinafter referred to as the "Declarant" or "Trustee").

WITNESSETH:

WHEREAS, the Declaration submitted certain real estate to the provisions of the Condominium Property Act of the State of Illinois (hereinafter referred to as the "Act") described in Exhibit "A" attached hereto (hereinafter referred to as the "Submitted Parcel"); and

WHEREAS, there were certain clerical errors including but not limited to the description of the Submitted Parcels which were amended and clarified by Amended Exhibit "A" attached to the First Amendment previously recorded; and

WHEREAS, the Declarant submitted a First Amendment to Declaration of Condominium Ownership encompassing certain additional property reserved in the Declaration of Condominium Ownership to be submitted under Article 18 of the Declaration and described in Exhibit "A-1" attached hereto and made a part hereof; and

WHEREAS, pursuant to the Act, as amended, under Article 18 of the Declaration, Declarant reserved the rights and powers to annex, add, submit and subject to the provisions

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of the Act and the Declaration any part or all of the Remaining Development Parcel, as originally described in Exhibit 'D' of the Declaration;

WHEREAS, the Declarant desires to further submit the balance of the Remaining Development Parcel to the Act herein described in Exhibit "A-2" attached hereto and made a part hereof (hereinafter referred to as the "Balance Parcel"); and

WHEREAS, the Declarant desires to further amend the Declaration as it relates to the percentage of ownership interest in the Common Elements for the condominium Units (Exhibit "B" of the Declaration); and

WHEREAS, the Balance Parcel is to be improved with a total of one (1) residential unit to be added to the existing fifty-nine (59) residential units located on the Development Area set forth in Exhibits "A" and "A-1" of the Declaration; and

WHEREAS, according to Article 13, Declarant has the rights and power to unilaterally amend the Declaration to add the Balance Parcel; and

NOW THEREFORE, the Declarant does hereby declare that the Declaration is amended as follows:

1. All terms used herein shall have the meanings set forth in the Declaration.
2. The Balance Parcel as legally described herein as Exhibit "A-2" is hereby annexed to and made a part of the real estate originally described in the Declaration and in Exhibit "A" as attached thereto and, together with all improvements and structures now or hereafter erected, constructed or contained thereon or therein, is submitted to the Declaration and the Act.
3. Exhibit "B" of the Declaration, "Percentage of Ownership Interest in the Common Elements for Condominium Units" is hereby deleted and an Amended Exhibit "B", attached hereto as Amended Exhibit "B", is substituted therefor.

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4. The covenants, conditions, restrictions and easements contained in the Declaration, as amended by this instrument, shall run with and bind the Condominium Property, including the Second Submission Parcel.

5. As expressly hereby amended, the Declaration shall continue in full force and effect in accordance with its terms and except as herein specifically amended, the Declaration is ratified and confirmed. In the event of any inconsistency between this Amendment and the Declaration, this Amendment shall control.

6. Anything in this Amendment to the contrary notwithstanding, each and all of the representations, covenants, undertakings and agreements of the Trustee or Declarant, while in form purporting to be the representations, covenants, undertakings and agreements of the Trustee, are nevertheless, each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding the Trustee personally, but are made and intended for the purpose of binding only that portion of the trust property specifically described herein. This Amendment is executed and delivered by the Trustee, not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, either individually or as Trustee or on account of this Amendment or on account of any representation, covenant, undertaking or agreement of the Trustee contained in this Amendment, either expressed or implied, all such personal liability, if any, being expressly waived and released by all parties having an interest in the Premises and by all persons claiming by, through or under any such parties.

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IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed this

___ day of November, 1995.

ATTEST:

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, an Illinois Corporation, as Trustee under that certain Trust Agreement dated November 11, 1993 and known as Trust No. RV-012281

By: [Signature]
Its: SECRET

By: [Signature]
Its: 2ND V.P.

Property Address: 601 Linden Place, Evanston, Illinois
Permanent Index No.: 11-13-406-012-0000 •

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, ANNETTE G. FLOOD, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that [Signature] of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO and E. MICHAEL WHELAN, thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such SECOND VICE PRESIDENT and ASSISTANT SECRETARY, respectively, appeared before me this day 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 Bank, and said ASSISTANT SECRETARY also then and there acknowledge that he, as custodian of the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 26th day of November, 1995.

[Signature]
NOTARY PUBLIC

"OFFICIAL SEAL"
ANNETTE G. FLOOD
Notary Public, State of Illinois
My Commission Expires 10/20/98

My Commission Expires

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EXHIBIT A-2

BALANCE PARCEL

That part of Lot 6 in Block 7 in Keeney & Rinn's Addition to Evanston, in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of said Lot 6; thence Westerly along the North line of said Lot, 35.64 feet to a corner of a brick wall; thence Southerly along said brick wall, 1.02 feet to a corner of said wall; thence Easterly 0.50 feet to a corner of said brick wall; thence Southerly along said wall, 50.28 feet to the South face of a brick wall; thence Easterly 44.93 feet to the Easterly line of said Lot 6; thence Northwesterly along said Easterly line, 52.19 feet to the point of beginning, all in Cook County, Illinois.

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AMENDED EXHIBIT "B"

LIST OF UNITS AND PERCENTAGE INTERESTS IN THE COMMON ELEMENTS AS REVISED TO INCLUDE ADDITIONAL LAND

UNIT DESIGNATION	% OWNERSHIP INTEREST IN COMMON ELEMENTS
101	2.0076
102	1.2530
103	1.2530
104	1.2530
105	1.4012
106	1.4012
107	2.1558
108	1.6842
109	2.0076
110	1.7246
201	1.2800
202	1.2665
203	1.2125
204	1.2125
205	1.4417
206	1.4417
207	1.6842
208	1.4417
209	1.7246
210	2.0615
211	1.6842
301	1.2800
302	1.2665
303	1.2125
304	1.2125
305	1.4821
306	1.4821
307	1.7246
308	1.4821
309	1.7516
310	2.0076
311	1.0776
312	1.3473
400	2.2394

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UNIT DESIGNATION	% OWNERSHIP INTEREST IN COMMON ELEMENTS
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111	1.6842
112	2.5601
113	1.4147
114	1.5495
115	1.5495
116	1.5495
117	1.5495
118	2.5601
119	2.0211
120	2.1558
121	1.9537
122	1.9537
123	1.9537
124	2.9104
125	2.9104
212	1.5495
213	1.7516
214	1.8189
215	1.7516
216	1.5495
217	1.0778
218	1.2125
219	1.1452
220	1.1452
221	1.1452
222	<u>3.3667</u>
	100.0000

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