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FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP
AND EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS
FOR THE STUART ON MAGNOLIA CONDOMINIUM
(4635-37 NORTH MAGNOLIA, CHICAGO, ILLINOIS)

by and between the Stuart On Magnolia Condominium Association, ("Association"); Brian Boden, ("Boden"), Rocco Lawladio, ("Laudadio"); Christopher M. Nicklo, ("Nicklo"); and Independent Trust Corporation as Trustee under Trust Agreement dated July 21, 1986, and known as Trust No. 477, ("Independent Trust").

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WITNESSETH:

WHEREAS, by certain Declaration of Condominium Ownership and Easements, Restrictions, Covenants, and By-Laws, for The Stuart On Magnolia Condominium Association dated June 24, 1994 and recorded June 27, 1994, as Decument Number 94559339 (hereinafter the "Declaration"), the property legally described on Exhibit A attached hereto, and by this reference incorporated herein (hereinafter "property"), was submitted to the provisions of the Condominium Property Act of the State of Illinois, as amended from time to time; and

WHEREAS, Boden, Laudadio, Nicklo, and Independent Trust are all of the fee simple owners, ("Owners") of the property; and

WHEREAS, the Owners desire to amend the governing documents to prohibit the installation of any rooftop decks or decking without an amendment to the Declaration which has been unanimously approved by all unit owners.

NOW, THEREFORE, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and adequacy of which is acknowledged to the Association and the Owners, it is agreed as follows:

- 1. That Article XVIII (General Provisions), Paragraph 6 (Amendment) is hereby deleted from the Declaration and the following revised Paragraph 6 is inserted in its place:
 - "6. Amendment. Except as otherwise provided in the Act, this Declaration and By-Laws, the provisions of the condominium instruments may be amended, changed, or modified by an instrument in writing setting forth such amendment, change, or modification, signed and acknowledged by all of the members of the Board and all unit owners and further approved by any

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mortgagees required under the provisions of the condominium instruments, and containing an affidavit by an officer of the board certifying that a copy of the amendment, change, or modification has been mailed by certified mail to all mortgagees having bona fide liens of record against any unit, not less than ten (10) days prior to the date of such affidavit. Any amendment, change, or modification shall conform to the provisions of the Condominium Property Act and shall be effective upon recordation thereof unless the effective date is stated therein to be another date than the date of recording. No change, modification, or amendment which affects the rights, privileges, or obligations of the trustee or the developer shall be effective without the prior written consent of the trustee or the developer. Except to the extent authorized by provisions of the Act, no amendment to the condominium instruments shall change the boundaries of any unit or the undivided interest in the common elements, the number of votes in the Unit Owner's Association, or the liability for common expenses appertaining to a unit. Nor shall any unit owner or the Association itself be authorized to install a rooftop deck or rooftop decking on the roof of the subject premises, (hereinafter "rooftop deck(s)") unless such rooftop deck(s) have been authorized for installation by an amendment to the Declaration and Bylaws which has been unanimously approved by all unit owners."

2014 day of _	IN WITNESS WHER	EOF, the Association a	and the Owners have set	their hands this
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THE STUART ON MAGNOLIA CONDOMINIUM ASSOCIATION

Title:

MAIL

THE DOCUMENT PREPARED BY:

Gary S. Benson Attorney At Law 2615 N. Sheffield Chicago, IL 60614 (312) 327-7120

DEPT-01 RECORDING \$39.50 7#0011 TRAN 5650 02/09/95 11:07:00

48770 + RV *-95-096578 COOK COUNTY RECORDER

EXHIBIT "A" LEGAL DESCRIPTION

UNIT NUMBERS 4635-1, 4635-2, 4635-3, 4637-1, 4637-2, 4637-3, P-1, P-2, P-3, P-4, and P-5 in The Stuart On Magnolia Condominium, as delineated on a survey of the following described real estate:

Lot 56 (except the North 10 feet thereof) and the North 20 feet of Lot 55 in Sheridan Drive Subdivision in the Northwest 1/4 of Section 17, Township 40 North, Range 14, East of the Third Principal Merician, in Cook County, Illinois.

PERMANENT INDEX MANIBER: 14-17-111-005

Gary S. Benson Attorney At Law 2615 N. Sheffield Chicago, IL 60614 (312) 327-7120

STATE OF ILLINOIS)
COUNTY OF COOK)

UNUL 4635-1

THE STUART ON MAGNOLIA CONDOMINIUM

Independent Trust Corporation a/t/u
Trust dated July 21, 1986, a/t/a

Trust No. 477, and not individually LINUA A. ROON, TRUST OFFICER

ATTEST:

Dawn J. Jurewicz, Trust Officer

STATE OF ILLISOIS
COUNTY OF COOK ***

I, the undersigned, a Notary Public, in the State aforesaid, DO HERESY CERTIFY, that INDA AROUN of the INDEPENDENT TRUST CORPORATION and Disk Wife Tule Build of said Trust Company, who are personally known to me to be the same persons whose names are subscribed to the foregoin, instrument as such DIST OFFICE, and DIST OFFICE, respectively, appeared before me this day in person and acknowledged that how signed and delivered the said instrument as their own free and coluntary act and as the free and voluntary act of said Trust Company, to Trustee as aforesaid, for the uses and purposes therein set forth; and the said Trust Company to said Trust Company to said instrument as his own free and voluntary act and as the free and voluntary act of said Trust Company as Trustee as aforesaid, for the uses and voluntary act of said Trust Company as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notanial seal, this DAOUALU A.D. 19 5

20.74 day of

Xararu Zualde

Attorney At Law 2615 N. Sheffield Chicago, IL 60614 (312) 327-7120

Gary S. Benson

"OFFICIAL SEAL"

KATHERIUS CAUTION

Notary Public, Eleteration reis

My Commission Element 8/11/18

*SUBJECT TO EXONERATION PROVISIONS HEREIN

MOTIVOURLY BUT SOLEY AS TRUSTED UNCER A CERTAIN TRUST AGREEMENT KNOWN AS TRUST NO. 47) SAID TRUST AGREEMENT IN HERE A PART MERIC FAND MAY CLAIM AGAINST SAID TRUSTED MINCH MAY RESULT MERETACIN, SHALL BE PAYABLE ONLY OUT OF ANY TRUST PROPERTY WHICH MAY BE HELD THEREUNDER, MIT AND ALL PERGONAL LIBRARY OF SIDEPENDENT IRUST CORPORATION, IS MEREBY EXPRESSLY WAYED BY THE PARTIES HERE OF AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. ALL REPRESENTATIONS AND UNCERTAKINGS ARE OF SITEPENDENT TRUST CORPORATION AS TRUSTEE AS APPRESAID AND NOT MONIBULLY AND NO LIBRARY OF ASSUMED BY OR SHALL BE ASSERTED AGAINST THE INCEPENDENT TRUST CORPORATION PERSONALLY MARKEDLY OF THE SIGNING OF THE MISTRUSENT.

" THE AGREEMENT IS SIGNED BY STEPPINENT THUST CORPORATION NOT

STATE OF ILLINOIS)

COUNTY OF COOK)

UNIT 4635-2 and P-3

THE STUART ON MAGNOLIA CONDOMINIUM

By

Independent Trust Corporation a//u
Trust dated July 21, 1986, a/k/a
Trust No. 477, and not individually
LIMMA ROOM, TRUST UPFILER

ATTEST:

Dawn Jurewicz, Trust Officer

STATE OF TALLVOIS
COUNTY OF COCK. 85.

I, the under foned, a Notary Jublic, in the State aforesaid, DO HEREBY CERTIFY, the LINDA A CONTROL of the INDEPENDENT TRUST CORPORATION and Din NAT TRUST CORPORATION and Din NAT TRUST CORPORATION and Din NAT TRUST CORPORATION and Din NATIONAL TO BE the same persons whose names are subscribed to the foregoing instrument as such TRUST OFFICEL., respectively, appeared before me this day in person and acknowledged the they signed and delivered the said instrument as their own free and pluntary act and as the free and voluntary act of said Trust Company as Trustee as aforesaid, for the uses and purposes therein set forth; and the said TRUST OFFICEL seal of said Trust Company, did affix the surporate seal of said Trust Company to said instrument as his own free sol voluntary act and as the free and voluntary act of said Trust Company a Trustee as aforesaid, for the uses and purposes therein set forth.

Gary S. Benson Attorney At Law 2615 N. Sheffield Chicago, IL 6061 (312) 327-7120

GIVEN under my hand and notarial seal, this SANUARY A.D. 19 95

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"THIS AGREEMENT IS SIGNED BY INCOPENDENT TRUST CORPORATION NO! PROMODULLY BUT SOLEY AS TRUSTEE UNDER A CERTAIN TRUST AGREEMENT KNOWN AS TRUST NO. 47.7. SAID TRUST AGREEMENT SHEREBY MADE A PART HEREOF AND MIN CLAUS AGAINST SAID TRUSTEE MACH MAY RETURN EREFORM, SHALL BE PAYABLE CROY OUT OF ANY TRUST PROPERTY MICH MAY BE HELD THERECHOER, ANY AND ALL PERSONAL LUBBUTY OF EXOPPRIORIT TRUST CORPORATION, IS HEREBY EXPRESSLY WAIVEL BY THE PARTIES HERETO AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS. ALL REPRESENTATIONS AND UNDERTAKINGS ARE OF INDEPENDENT TRUST CORPORATION AS TRUSTEE AS AFORESAID AND NOT INDIVIDUALLY AND NO LUBBUTY IS ASSUMED BY OR SHALL BE ASSERTED AGAINST THE INDEPENDENT TRUST CORPORATION PERSONALLY AS A RESIDED OF THE SIGNING OF THES INSTRUMENT.

*SUBJECT TO EXONERATION PROVISIONS HEREIN

- 5 -

STATE OF ILLINOIS SS **COUNTY OF COOK**

UNIT 4635-3 and P-5

THE SHUART ON MAGNOLIA CONDOMINIUM

Independent Trust Corporation a/t/n Trust dated July 21, 1986, a/k/a Trust No. 477, and not individually LINDA A. ROON, TRUST OFFICER

Jurewicz, Trust Officers

STATE OF ALLIYOIS COUNTY OF CASO

I, the under ened, a Notary Public, in the State aforesaid, DO HEREBY CERTIFY, this LINDA A KOON of the INDEPENDENT TRUST COMPARATION and NAME TO THE COMPARATION and NAME TO THE COMPARATION AND NAME OF SAID TRUST COMPARATION A TRUST CORPORATION and DAWL JULEUICZ of said Trust Company. who are personally know, to me to be the same persons whose mames are subscribed to the foregoing instrument as such TRUGT OFFICER and TRUST NETTUEL . respectively, appeared before me this day in person and acknowledged that they signed and delivered the said inscrument as their own free and woluntary act and as the free and voluntary set of said Trust Company, as Trustee as aforesaid, for the uses and purposes therein ser forth; and the said TOUST then and there acknowledged that he, as custodian of the corporate seal of said Trust Company, did affix the comporate seal of said Trust Company to said instrument as his own free and voluntary act and as the free and voluntary act of said Trust Company as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN upder my hand and notartal seal, this SANUAOU A.D. 19 55

"OFFICIAL SEAL" KATHETIME CAYTON May Construction Expired 8/27/00

THE AGREEMENT IS SIGNED BY INCOFEMBLIF IT OF CORPORATION NO. RICHMOUNTLY BUT SOLEY AS TRUSTED UNDER A CERTAR TRUST MORSEMENT MOMENT AS TRUST NO. 47 SAME TRUST ASPERIENT IS MERSEN MASS A PART HEMBERS AND MAY SCALUS AGAINST SAME PROSTEE WHICH MAY RESULT MEREFROM, SHALL BE PAYABLE DIE ? OUT OF ANY TRUST PROPERTY MAICH LLS BE HELD THEREUNCEH ANY AND ALL PERSONAL LIABILITY OF INDEPENDENT TRUST CORPORATION IS HEREBY EXPRESSLY WAVED BY THE PARTIES HERETO AND THEIR RESPECTIVE SUCCESSORS AND ASSICHS. ALL REPRESENTATIONS AND UNCERTAKINGS ARE OF INSEPENDENT TRUST CORPORTION AS TRUSTEE AS AFORESAID 38 LIANE RO VE CHILDRAN OR CHARLE OR ONE SHALL BE ASSERTED AGAINST THE INDEPENDENT TRUST CORPORATION PERSONALLY 46 A RESULT OF THE SIGNING OF THIS INSTRUMENT

Gary S. Bergsa

Attorney At Law

2615 N. Sheffield

(312) 327-7120

Chicago, IL 60614

*SUBJECT TO EXONERATION PROVISIONS HEREIN

- 6 -

STATE OF ILLINOIS)	re
COUNTY OF COOK)	SS
	UNIT 4637-1 and P-2
	THE STUART ON MAGNOLIA CONDOMINIUM
	By: Shan Bodt
6.	BRIAN BODEN
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same persons whose names are	subscribed to the foregoing instrument, appeared before me this day in
person and acknowledged that t	hey signed and delivered the said instrument as their free and voluntary
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GIVEN under r	ny hand and notarial scal this at day of Docember. 1974.
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NOTARY PUBLIC	· · · · · · · · · · · · · · · · · · ·
Gary S. Benson	C/2
Attorney At Law	CHERE' D. REIMER HOTARY PUBLIC, STATE OF ILLINOIS
2615 N. Sheffield Chicago, IL 60614	NY COUMISSION EXPIRES 12-22-97
(312) 327-7120	3,
	$O_{\mathcal{K}_{\mathbf{A}}}$
	OFFICIAL SEAL CHERE' D. REIMER HOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 12-22-97

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STATE OF ILLINOIS) SS
COUNTY OF COOK)
UNIT 4637-2 THE STUART ON MAGNOLIA CONDOMINIUM By: had guddalia ROCCO LAUDADIO
State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certify this <u>State</u> , a Notary Public in and for said County and State, do hereby certified to the foregoing instrument, appeared before me this day in person and acknowledged that usey signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.
GIVEN under my hand and notarial scal this zett day of Down ber. 1974.
NOTARY PUBLIC
Gary S. Benson Attorney At Law 2615 N. Sheffield Chicago, IL 60614 (312) 327-7120

STATE OF ILLINOIS)) SS COUNTY OF COOK)	
	UNIT 4637-3 THE STUART ON MAGNOLIA CONDOMINIUM By: CHRISTOPHER M. NICKLO
State, do hereby certify that Christor same persons whose names are subscribe person and acknowledged that they signs act for the uses and purposes therein set	a Notary Public in and for said County and the M. Nicklo, personally known to me to be the add to the foregoing instrument, appeared before me this day in add delivered the said instrument as their free and voluntary forth.
GIVEN under my hand of the Color of the Colo	hav notarial scal this 30th tay of December, 1994.
Cary S. Benson Attorney At Law 2615 N. Sheffield Chicago, 1L 60614 (312) 327-7120	DEFICIAL SEAL HERE' D. REIMER DIBLIC. STATE OF ILLINOIS MISSION EXPIRES 12:22-07

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CERTIFICATE

ROLLIN M. GIRULAT and SHARON L. GIRULAT, (hereinafter referred to as the "Developer"), as developers of The Stuart On Magnolia Condominium Association, (hereinafter referred to as the "Condominium"), hereby certify that a copy of this Amendment has been mailed by certified mail to all mortgagees having bonafide liens of record against any unit in the Condominium, located at 4635-37 North Magnolia, Chicago, Illinois, and legally described in the First Amendment to the Declaration of Condominium Ownership, Covenants, Conditions, Restrictions, and By-Laws for The Stuart On Magnolia Condominium, Chicago, Illinois, to which this Certificate is attached.

It WITNESS WHEREOF, the undersigned have executed this Certificate dated <u>Docember 20, 1994</u>.

ROLLIN M. GIRULAT

SHARON L. GIRULAT

Subscribed and swom to before me this 20th day of December, 1914.

OFFICIAL SEAL
CHERE' D. REIMER
NOTARY PUBLIC, STATE OF ILLINOIS
NY COMMISSION EXPIRES 12-22-97

Notary Public

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