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DECLARATION
REGARDING FENCE
MAINTENANCE,
REPAIR & REPLACEMENT

96471079

DECLARATION, made
June 1, 1996 by South Holland Trust &
Savings Bank, as Trustee under Trust
Agreement dated October 19, 1992 and
known as Trust No. 10650 ("Trustee").

2007003 KT DTC
1 of 3

DEPT-01 RECORDING \$27.50
T40014 TRAN 6240 06/19/96 14:55:00
#2397 # JW *--96-471079
COOK COUNTY RECORDER

RECITALS:

- (i) Trustee holds title to the five (5) adjoining parcels of real property commonly described as 505, 511, 517, 521, and 525 Columbia Avenue, Hinsdale, Illinois, legally described in the "Legal Description Rider" attached hereto (collectively, "Parcels" and, separately, "Parcel");
- (ii) Along the Easterly line of the Parcels, a fence (the "Fence") has heretofore been constructed; and,
- (iii) Trustee, by this written "Declaration Regarding Fence Maintenance, Repair & Replacement" (this "Declaration"), wishes to provide for the continuing obligations of maintenance, repair and replacement of the Fence by the owner(s) of each of the Parcels, and for those obligations to run with the land and be binding on and inure to the benefit of all subsequent owners of the Parcels, their respective successors, legal representatives and assigns.

NOW, THEREFORE, in consideration of the foregoing "Recitals," the covenants and benefits to be derived hereunder by owners of the Parcels from time-to-time, and reliance by such owners on this Declaration,

IT IS HEREBY DECLARED:

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1. Owners of each Parcel shall be liable for and promptly contribute twenty percent (20%) of all reasonable costs and expenses of maintenance and repair of the Fence in good condition and repair and, when reasonably required, replacement of all or any portion of the Fence requiring replacement, including all costs reasonably associated therewith (such as landscaping repair incident thereto). For purposes of replacement, the same or similar material of equivalent quality shall be utilized as in the Fence, and the location, height and density shall be maintained.

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2. Notwithstanding the provisions of foregoing paragraph 1, any damages to the fence caused by any owner(s) of any Parcel, members of their families or their invitees, shall be borne entirely by such owner(s).

3. Each Parcel is and shall remain subject to a continuing access license for purposes of maintenance, repair and replacement as provided for herein, said license being in favor of any and all owners of each other Parcel, and any contractor(s) retained for such purposes.

4. All maintenance, repair and replacement shall be done in good and workmanlike manner and in accordance with all applicable governmental laws, ordinances, rules and/or regulations pertaining thereto.

5. In the event any owner fails to contribute his or her share in accordance with this Declaration, such non-contributing owner shall be liable to any party who advances his, her or their share, with interest thereon at the rate of eight percent (8%) per annum, and shall also be liable for all reasonable collection costs associated therewith (including reasonable attorneys' fees).

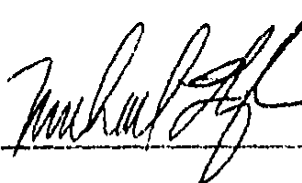
6. For purposes hereof, where any Parcel is owned by more than one(1) person, each owner of each parcel shall be jointly and severally liable for the obligations under this Declaration.

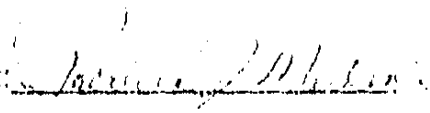
7. This Declaration shall run with the land and remain in full force and effect for a term of forty (40) years from the date hereof, or until it is modified or rescinded by then owners of not less than four (4) of the five(5) Parcels by means of an instrument recorded with the Recorder of Deeds of Cook County, Illinois.

8. This Declaration and the rights and duties hereunder, shall bind and inure to the benefit of Trustee, and the owners from time-to-time of the Parcels, their successors, legal representatives and assigns.

SOUTH HOLLAND TRUST & SAVINGS BANK
as Trustee under Trust Agreement
dated October 19, 1992
and known as Trust No. 10650

Notwithstanding to whom the same may be assigned, the terms and conditions of this Declaration shall apply to the owners of the Parcels and their heirs, assigns, personal representatives and successors in interest, and shall be binding on all owners of any Parcel, and shall be a part of any instrument, hereby or hereafter recorded with the Recorder of Deeds of Cook County, Illinois, relating to the trust property above referred to.

By:  Vice President
and Trust Officer

Attest: 

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[NOTARY]

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named Vice President and Secretary of SOUTH HOLLAND TRUST & SAVINGS BANK (the "Company"), personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and 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 Company for the uses and purposes therein set forth; and the said Secretary then and there acknowledged that said Secretary, as custodian of the corporate seal of said Company, caused the corporate seal of said Company to be affixed to said instrument as said Secretary's 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

Date: June 1, 1996

"OFFICIAL SEAL"
Joyce Granowaki
Notary Public, State of Illinois
My Commission Expires 12/28/98
Notarial Seal

Joyce Granowaki
Notary Public

made to:
DOCUMENT PREPARED BY:

Karl L. Felbinger
Felbinger & Felbinger
1314 Sherman Road, Suite 100
Northbrook, Illinois 60062
Ph: 847-272-8880
Fax: 847-272-9623

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LEGAL DESCRIPTION RIDER

LOTS 2,3,4,5, AND 6 IN HEATHERWOOD UNIT 4, BEING A RESUBDIVISION OF LOTS 5 THROUGH 10 (EXCEPT TOLL ROAD), AND 1/2 VACATED STREET NORTH AND ADJOINING SAID LOT 10, ALL IN BLOCK 15 IN HIGHLANDS, A SUBDIVISION OF THE NORTHWEST 1/4 AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBERS:

18-07-117-013
18-07-117-014
18-07-117-015
18-07-117-016
18-07-117-017

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