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**PLAT**

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96488535  
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SEE PLAT BOOKS

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JR DEPT-01 RECORDING \$296.00  
T#0012 TRAM 1069 06/25/96 11:02:00  
#3393 TD \*-96-488535  
COOK COUNTY RECORDER

76 006367

## SPECIAL AMENDMENT TO DECLARATION OF CONDOMINIUM FORCREEKSIDE AT OLD ORCHARD CONDOMINIUMS

This agreement made and entered into this 13<sup>th</sup> Day of May, 1996,  
by PARKWAY BANK AND TRUST COMPANY, a corporation of Illinois as Trustee under Trust  
Agreement dated July 8, 1994 and known as Trust No. 10871 and not individually (the "Trustee");

### WITNESSETH:

**WHEREAS**, By a Declaration of Condominium (the "Declaration") recorded in the office of the  
Recorder of Cook County, Illinois, as Document No. 96261584, the Trustee submitted certain real  
estate to the provisions of the Illinois Condominium Property Act (the "ACT"); and

**WHEREAS**, Article III, Paragraph 8 of the Declaration reserves to the Developer (as defined in the  
Declaration) the right to change or modify the Condominium Instruments prior to the first annual  
meeting of Unit Owners to correct clerical or typographical errors; and

**WHEREAS**, the Trustee at the direction of the Developer now desires to so amend the Declaration  
of Condominium to correct a scrivener's error in the Plat of Condominium;

**NOW THEREFORE**, the Trustee does hereby amend the Declaration as follows:

1. Deleting Exhibit "A" (the Plat of Condominium consisting of 7 sheets) and in its  
place inserting the attached seven sheet Amended Exhibit "A". This Amendment is necessary to  
correct the legal description set forth on Exhibit "A" and to correct inaccurate Unit numerical  
designations on sheets 3 through 7 of Exhibit "A".

2. Except as expressly set forth herein, the Declaration shall remain in full force and  
effect in accordance with its terms.

3. **TRUSTEE EXCULPATION**. This Declaration is executed by PARKWAY BANK  
AND TRUST COMPANY as Trustee aforesaid, in the exercise of power and authority conferred  
upon and vested in it as such Trustee (and said Trustee hereby warrants that it possesses full power

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and authority to execute this person, firm or corporation hereafter claiming any interest under this Declaration that said Trustee as aforesaid, and not personally has joined in the execution of this Declaration for the sole purpose of subjecting the title holding interest and the Trust estate under said Trust No. 10871 to the terms of this Declaration; that any and all obligations, duties, covenants and agreements of every nature herein set forth by said Trustee, as aforesaid, to be kept or performed, are intended to be kept, performed said discharged by the beneficiaries under said trust or their successor, and not the said Trustee personally, and further, that no duty shall rest upon PARKWAY BANK AND TRUST COMPANY, 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 obligations, express or implied, arising under the terms of this Declaration, except where said Trustee is acting pursuant to direction as provided by the terms of said trust, and after the Trustee has first been supplied with funds required for the purpose. In the event of a conflict between the terms of this paragraph and of the remainder of the Declaration on any question of apparent liability or obligations resting upon said Trustee, the exculpatory provisions hereof shall be controlling.

IN WITNESS WHEREOF, the said PARKWAY BANK AND TRUST COMPANY, as Trustee as aforesaid and not individually, has caused its corporate seal to be affixed hereunto and name to be signed in these presents by its Vice President - Trust Officer and attested by its ASSISTANT TRUST OFFICER this 13<sup>th</sup> Day of May, 1996.

PARKWAY BANK AND TRUST COMPANY  
As Trustee aforesaid, and not individually,

BY: [Signature]  
~~ASSISTANT~~ Vice President - Trust Officer

ATTEST:

[Signature]  
~~ASSISTANT~~ ASSISTANT TRUST OFFICER

THE SIGNATURE OF PARKWAY BANK & TRUST CO. IS BASED SOLELY UPON INFORMATION FURNISHED BY THE BENEFICIARY OR BENEFICIARIES OF THE AFORESAID TRUST. THE UNDERSIGNED HAS NO PERSONAL KNOWLEDGE OF ANY OF THE FACTS OR STATEMENTS HEREIN CONTAINED.

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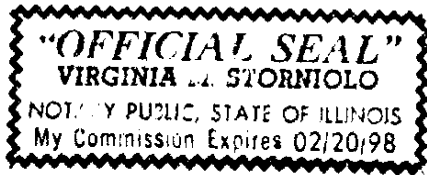
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STATE OF ILLINOIS     )  
  )     SS  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for said County in the State aforesaid do hereby certify that PARKWAY BANK AND TRUST COMPANY and Diane Y. Poczynski & Jo Ann Kubinski of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President - Trust Officer and Assistant Trust Officer, signed and delivered the said instrument as their own free and voluntary act and the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth; and that said \_\_\_\_\_ then and there acknowledged that he, as custodian of the corporate seal of said Bank, did affix 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, as Trustee aforesaid, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 13<sup>th</sup> Day of May, 1996.



*Virginia L. Storniole*  
NOTARY PUBLIC

My commission expires:

\_\_\_\_\_

P.I.N. 03-27-100-011 and 03-27-100-019

This document prepared by and after recording to be returned to:

Patrick W. Pontarelli  
4353 W. Lawrence Ave.  
Chicago, IL 60630

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## CONSENT OF MORTGAGEE

**PARKWAY BANK AND TRUST COMPANY**, holder of the Mortgages and Assignments of Rents dated and recorded and identified as follows:

December 16, 1994, February 6, 1995, April 27, 1995, December 19, 1995 recorded 95070269 and 95070270, 95130505 and 95130506, 95326243 and 95326244, 96102895 and 96102896

on the premises described in the Declaration of Condominium Ownership, hereby consents to the execution and recording of the above and foregoing Amendment to Declaration of Condominium and hereby submits said Trust Deeds and Assignments of Rents, to the provisions of the above and foregoing Amendment to Declaration of Condominium, and the Condominium Property Act.

IN WITNESS WHEREOF, the said **PARKWAY BANK AND TRUST COMPANY** has caused this instrument to be signed by its duly authorized officers on its behalf; all done at Harwood Heights, Illinois on this 16 day of May, 1996.

**PARKWAY BANK AND TRUST COMPANY**

BY: Marianne J. Wagner AUP

ATTEST:

Paul Hernandez, MLC

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STATE OF ILLINOIS )  
                              ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public, in and for the said County and State do hereby certify that Marianne L. Wagner and Paul Aembara respectively, of PARKWAY BANK AND TRUST COMPANY, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Asst. Vice President and Loan Officer appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 16 day of May, 1994.

Caterina Fricano  
NOTARY PUBLIC



My commission expires: 09-06-99

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## EXHIBIT B

### CREEKSIDE AT OLD ORCHARD CONDOMINIUMS SCHEDULE OF THE PERCENTAGE OWNERSHIP INTEREST IN THE COMMON ELEMENTS

<u>Unit Number</u>	<u>% INTEREST</u>
101A	1.7935
102A	1.7935
103A	1.8755
104A	2.0530
105A	2.3180
106A	2.3180
107A	1.8755
108A	2.0060
109A	1.7935
110A	1.7935
201A	1.7935
202A	1.7935
203A	1.8755
204A	2.2322
205A	2.3180
206A	2.3180
207A	1.8755
208A	2.3018
209A	1.7935
210A	1.7935
301A	1.7935
302A	1.7935
303A	1.8755
304A	2.2322
305A	2.3180
306A	2.3180
307A	1.8755
308A	2.3018
309A	1.7935
310A	1.7935

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EXHIBIT B  
(continued)

<u>Unit Number</u>	<u>% INTEREST</u>
401A	1.7935
402A	1.7935
403A	1.8755
404A	2.2322
405A	2.3180
406A	2.3180
407A	1.8755
408A	2.3018
409A	1.7935
410A	1.7935
501A	1.7935
502A	1.7935
503A	1.8755
504A	2.2322
505A	2.3180
506A	2.3180
507A	1.8755
508A	2.3018
509A	1.7935
510A	1.7935

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