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. COOK COUNTY RECORDER

213

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
APPLICABLE TO
FOREST VIEW ESTATES, ORLAND PARK, COOK COUNTY, ILLINOIS

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BOX 333-CTI

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THIS DECLARATION of Covenants, Conditions and Restrictions applicable to Forest View Estates, Orland Park, Cook County, Illinois, is made this _____ day of November, 1996, (hereinafter "Declaration") by Standard Bank and Trust Company not personally but as Trustee under Trust Agreement dated June 29, 1989, and known as Trust Number 12252, (hereinafter "Declarant"). Declarant is the owner in fee simple title of certain real property located in Cook County, Illinois, and described in Exhibit "A" attached hereto and made a part hereof.

For the purpose of enhancing and protecting the value, attractiveness and desirability of the lots constituting Forest View Estates Subdivision, Declarant hereby declares that all of the real property described in Exhibit "A" and each part thereof, shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions, which shall run with the land and shall be binding on all parties having, or acquiring, any right, title or interest in the real property described in Exhibit "A", or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I - DEFINITIONS

Section 1. "BUILDABLE AREA". That portion of a Lot which meets at least the minimum requirements and setback lines of the municipality within which it is located.

Section 2. "BUILDING". Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any person, animal or chattel.

Section 3. "ACCESSORY BUILDING". A subordinate Building or portion of a principal Building, the use of which is incidental to that of the principal Building and customary in connection with that use.

Section 4. "ARCHITECTURAL REVIEW COMMITTEE". Shall mean the committee formed to review and approve or disapprove all improvements whether originally constructed or added after initial construction of a residence.

Section 5. "COUNTY". The County of Cook.

Section 6. "DEVELOPER". Shall mean Forest View Estates, an Illinois General Partnership, of Orland Park, Illinois, its successors and assigns.

Section 7. "DWELLING". A residential Building or portion thereof.

Section 8. "FAMILY". One or more persons, each related to the other by blood, marriage or legal adoption, or a group of not more than three persons not all related, together with his or their domestic servants, maintaining a common household in a Dwelling.

Section 9. "FRONT BUILDING LINE". A line on a lot as delineated in a recorded Plat of Subdivision which denotes the required depth of a front yard.

Section 10. "LOT". Each parcel of land designated as a Lot and shown on the recorded subdivision map (Plat of Subdivision) of Forest View Estates Subdivision and all improvements made thereto occupied by or intended for occupancy by one Dwelling, with the exception of roadway areas or other areas dedicated to the Village of Orland Park for public use.

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Section 11. "LOT AREA". The area of a horizontal plane, bounded by the vertical plane through front, side or rear lot lines.

Section 12. "MAINTENANCE". Shall mean the exercise of reasonable care to keep buildings, roads, landscaping, lighting or other related improvements and fixtures in a condition comparable to their original developed condition, normal wear and tear excepted. Maintenance of landscaping shall further mean the exercise of generally accepted lawn and garden management practices necessary to promote a healthy, weed free environment for optimum plant growth.

Section 13. "MORTGAGE". Shall mean a conventional mortgage or deed of trust.

Section 14. "MORTGAGEE". Shall mean a holder of a conventional mortgage or beneficiary under a holder of a deed of trust.

Section 15. "INITIAL OWNER". Shall mean Standard Bank and Trust Company as Trustee of Trust Number 12252 dated June 29, 1989.

Section 16. "OWNER". Shall mean the record owner, whether one or more persons or entities, of a simple title to any lot which is a part of the subdivision, and shall include contract purchasers under articles of agreement for deed, and the beneficiaries of trusts in title, but shall not include those holding title merely as security for performance of an obligation.

Section 17. "PARKWAY". Grassy and/or landscaped area extending from the property line adjoining any curb or pavement to the building line.

Section 18. "RECREATIONAL VEHICLE". Every vehicle originally designed or permanently converted and primarily used for living quarters or for human habitation and not used as a commercial vehicle, including any house car, house trailer, camper or private living coach.

Section 19. "STRUCTURE". Anything erected or constructed, the use of which requires more or less permanent location on or in the ground, or attached to something having a permanent location on or in the ground. A sign or other advertising device, detached or projecting, shall be construed to be a separate structure.

Section 20. "SUBDIVISION". The subdivided real property described in the Forest View Estates Plat of Subdivision recorded in the Office of the Recorder of Cook County, Illinois on November 15, 1996, as document number 96872262.

ARTICLE II - DEVELOPER'S RESPONSIBILITY FOR COMPLETION OF SUBDIVISION

Section 1. **OVERALL DEVELOPMENT.** Completion of the development of the Subdivision, shall be undertaken by Developer, its' successor or assigns, and all subsequent transferees. The completion of that work is essential to the establishment and welfare of the Subdivision as an on-going residential community. In order that such work may be completed and the Subdivision established as a fully occupied residential community as soon as possible, nothing in this Declaration shall be understood or construed to prevent Developer or its transferees, or the employees, contractors or subcontractors of them from:

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(a) Doing whatever they determine may be reasonably necessary or advisable in connection with the completion of such work;

(b) Conducting on part or parts of the Subdivision the business of completing such work of establishing the Subdivision as a residential community, and of disposing of Lots by sale, lease or otherwise; or

(c) Maintaining such sign or signs on any of the Lots or property owned or controlled by Developer as may be necessary in connection with the sale, lease, or other disposition of Subdivision Lots. As used in this Section, the words "its' transferees" specifically excludes purchasers of vacant Lots or Lots improved with completed residences.

ARTICLE III - GENERAL RESTRICTIONS

Section 1. **LAND USE AND BUILDING TYPE.** All Lots in the Forest View Estates Subdivision shall be used for private residence purposes only, except as specifically authorized elsewhere in this Declaration. No Building, except as specifically authorized elsewhere in this Declaration, shall be erected, re-erected, altered, placed or permitted to remain on any Lot other than one detached single-family Dwelling, and used as a single-family one or two story Dwelling, and may include an attached garage for not less than two cars nor more than three cars for the sole use of the Owners or occupants of the Dwelling. Other Accessory Buildings, including but not limited to, detached garages where permitted by local building ordinances and Structures may be erected in such manner and on such locations approved by the Architectural Review Committee. All one-story Dwellings shall contain not less than 2,500 square feet of living space on the first floor and all two-story Dwellings shall contain not less than 3,000 square feet of living space on both stories combined. Basements below grade are excluded from square foot computations. No attached or detached above ground Structures or Accessory Buildings of any type shall be erected or permitted upon any Lot without written approval of the Architectural Review Committee. No Building, Accessory Building or Structure in excess of two stories shall be permitted on any Lot.

Section 2. **LOCATION ON LOT.** No in-ground swimming pool, tennis court, satellite dish with a diameter of 36 inches or more or other equipment shall be purchased, erected or located on any Lot without approval of the Architectural Review Committee. Such uses, where permitted, shall be, when feasible, screened from any street by a visual barrier that shall not be purchased or constructed without written approval by the Architectural Review Committee and provided further that the same are otherwise in conformance with the ordinances, rules and regulations of the Village of Orland Park.

Section 3. **EASEMENTS AND STREET RIGHTS OF WAY.** Easements for installation and maintenance of utilities and drainage facilities are shown on the recorded Subdivision Plat. Within these easements, no structure, plantings or other object or material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may damage, interfere with or change the direction of flow of drainage facilities in the easements. The elevations and grading plans for easement areas may not be altered from the approved engineering plans for the subdivision approved by the Village of Orland Park without the expressed consent of the Village of Orland Park. The easement areas shall be continuously maintained by the owner of such lot, except for improvements for maintenance of which a public authority or utility company is responsible.

No Building, Accessory Building or other Structure of any kind shall be built, erected or maintained on any such easement, reservation, or right-of-way, and such easements, reservations, and rights of way at all times be open and accessible to public and quasi-public utility corporations, their employees and contractors, and shall also be

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accessible to Developer, its successors and assigns, all of whom shall have the right and privilege to carry out any of the purposes for which such easement, reservations and rights-of-way are reserved.

Section 4. LANDSCAPING. It shall be the responsibility of each Lot Owner who constructs a Dwelling thereon to properly landscape and maintain said Lot, including the parkway thereof. Each Lot Owner shall have the duty to landscape the ground area comprising said Lot, including the parkway, as soon as reasonably possible after an occupancy permit has been issued as respects the Dwelling constructed thereto, but in no event later than six (6) months after issuance of said occupancy permit unless a shorter period is required by the governing Municipal authority.

If lot owner does not proceed with construction during a seasonal growing period, it shall be a Lot Owner's responsibility to cut weeds if such weed attain a height of over 12 inches during all growing periods.

Section 5. UNDERGROUND WIRING. No lines or wires for communication or the transmission of electric current or power shall be constructed, placed or permitted to be placed anywhere, except as designated by the utility company in Forest View Estates Subdivision, other than within Buildings or Structures or attached to their walls unless the same shall be contained in conduits or cables and provided said conduits or cables are constructed, placed and maintained underground.

Section 6. DRIVEWAYS AND SIDEWALKS. Paved driveways and other paved areas for vehicular and pedestrian use on a lot shall have a base of compacted gravel, crushed stone or other approved base material. Location of driveways and sidewalks shall be in conformance with the ordinances, rules and regulations of the Village of Orland Park and approved by the Architectural Review Committee. Approved surfaces of driveways and parking areas are poured concrete, asphalt with concrete borders 12 inches wide and 8 inches deep, brick or stone pavers. Approved surfaces for sidewalks and patios are poured concrete, brick or stone pavers. The Owner is responsible for all costs of installing the sidewalks required by the Village of Orland Park between the Front Building Line and Parkway.

Section 7. RESTRICTIONS ON VEHICLES. The parking of any trailers, trucks, recreational vehicles, over 22 feet, snowmobiles, aircraft, commercial vehicle or boat with trailer over 22 feet outside a garage on a Lot is not permitted. No extensive repair of any motor vehicle shall be conducted upon any Lot.

Section 8. NOXIOUS OR OFFENSIVE ACTIVITIES. No noxious or offensive activity shall be carried on, in or upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Without in any way limiting the effect of the foregoing, the following activities are specifically prohibited.

(a) The storage of any garbage outside the Dwelling, except in sanitary containers located in appropriate areas screened from public view.

(b) No animals, livestock or poultry of any kind, other than house pets shall be kept or maintained on any lot. No dogs or other house pets shall be allowed to run at large. Dogs and cats shall be allowed per Dwelling, as governing municipal ordinance allows, with no breeding or raising for commercial purposes allowed.

Section 9. FENCES. No fence, hedge or other dividing instrumentality separating any Lot or Lots shall be constructed or maintained between the Front Building Line and the Parkway. Fences shall be no higher than 4 feet, shall be constructed of wood and be split rail, post and rail or open picket design.

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Section 10. ANTENNAS. No radio or television antennas or satellite or receiving dishes in excess of 36 inches in diameter, shall be erected on a Building, Accessory Building, Structure or on a Lot unless totally screened from public view and view from any adjoining Lots and approved by the Architectural Review Committee. Ham or amateur radio stations are not permitted on any Lot.

Section 11. Free standing basketball hoops are permitted on a Lot.

ARTICLE IV - ARCHITECTURAL CONTROLS

Section 1. INDIVIDUAL LOT DEVELOPMENT. Developer, its' successor and assigns, shall have a continuing interest in the development so long as Declarant shall own any Lot within the Subdivision and each Lot therein shall be subject to the provisions of the Declaration, the purpose hereof being to establish and maintain a residential community of the highest possible quality, and to maintain and protect the aesthetic and functional integrity of each Lot, and of the Subdivision as a whole.

Section 2. ARCHITECTURAL REVIEW. Prior to construction, all Building plans shall be submitted for approval to the Architectural Review Committee, which shall not unreasonably withhold such approval. Until Declarant has conveyed the last Lot in the Subdivision, Developer shall act solely as the Architectural Review Committee. The Architectural Review Committee shall review submitted plans and reply to the submitting party no later than thirty (30) days after submitted. Upon the conveyance of the last Lot by the Declarant, the legal titleholder of all Lots shall, every two (2) years, elect a Committee of three (3) owners to serve as the Architectural Review Committee and adopt By-laws for the Architectural Review Committee. The Architectural Review Committee shall retain as needed the services of a licensed architect as an advisor. All residential or other major construction, if any, must be undertaken and completed only by licensed qualified builders so that the quality of workmanship on said Buildings so constructed conforms to professional standards.

No construction or installation of any sort, including but not limited to residential construction, fences, walls or hedges, shall be commenced, erected or maintained, nor shall any addition or alteration thereto be made, except interior alterations until the construction plans and specifications, showing the nature, kind, shape, heights, materials, color scheme, location on Lot, approximate cost of such improvements, the grading plan, and the landscape plan of the Lot shall have been submitted to and approved in writing by the Architectural Review Committee and, if required by law, has been properly approved for permit by the Village of Orland Park. The Architectural Review Committee shall have the right to refuse to approve any such construction plans which are not suitable or desirable in the sole opinion of the Architectural Review Committee for aesthetic or other reasons. Any plans submitted to the Architectural Review Committee must be accompanied by a review fee to be set by the Architectural Review Committee.

To protect Declarant and Developer's interests, and the interest of all transferees of Declarant and Developer, development of each Lot shall be subject to the following conditions and restrictions:

- A. Aluminum siding is not permitted; Aluminum soffit and fascia is permitted;
- B. Brick or stone must be used at least on the first floor elevations; horizontal cedar wood siding or maintenance free siding may be used on the second story of a two story Dwelling, if specifically approved by the Architectural Review Committee, in its sole discretion.

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- C. Roof shingles must be heavy duty with a weight in excess of 240# weight or cedar shakes.
- D. No brick or roofing material (unless cedar shake roofing is used) of the same color is allowed on immediately adjacent Lots. Preference will be given to the first to apply for Construction Permit.
- E. Exterior walls may incorporate any of the following: brick, glass, dryvit, stone or cedar. Any and all materials used are subject to the review and approval of the Architectural Review Committee. Brick textures should not have contrived surfaces. Mortar color should be complimentary to the brick or stone color, and weeping mortar is not permitted.
- F. Windows and doors may be wood, vinyl clad or aluminum clad wood, and glazing should be clear or gray tinted only. No reflective glass will be permitted.
- G. Horizontal siding may be constructed from cedar. Sheet goods of cedar are unacceptable. Aluminum, masonite or composition board are not allowed.
- H. Above-ground pools are not permitted on any Lot.
- I. Chain link, wire and stockade fences are not permitted on any Lot.
- J. Mailboxes location and materials used for construction on a Lot are subject to the sole discretion of the Architectural Review Committee.
- K. Permanent signs are not permitted on any Lot.

Section 2. THE EXTERIOR. Each home and garage shall be constructed of brick, stone or dryvit or a combination thereof of, except two-story homes, which can be constructed of brick, stone or dryvit or a combination of for the first story and can be stained horizontal cedar wood for the subsequent stories.

Section 3. THE ROOF. The main roof should be a minimum 5 vertical to 12 horizontal pitched roof, either gabled, hipped or a combination of the two. The scale, proportions and detailing of all roof surfaces are to be consistent with the overall design style of the home. Particular attention will be paid to the height and width of gables. Brick detail should extend to the top of the gable. Roof designs that are not appropriate for the home design shall not be permitted.

Section 4. FIREPLACES, BRICK CHIMNEYS, FLUE PIPES AND ROOF VENTS. Fireplaces and brick chimneys should be properly located and substantial in mass. Brick chimneys should be designed with appropriate breaks for character. Chimney flue pipes are required to be encased within a masonry enclosure of masonry and be supported by a foundation at grade when located at an exterior wall. Roof vents should be located on the rear side of the main roof ridge and painted to match the building surface. Low profile ridge vent system is preferred.

Section 5. SOLAR ENERGY SYSTEMS. Great care must be exercised by Owners wishing to incorporate solar energy systems into a home design. Any and all devices employed to capture or reflect sunlight must be either totally screened from view or completely integrated into the home design. Solar collector panels should be carefully designed to relate to the architectural mass by which they are attached. Panels should be raked at the same pitch as the roof and detailed to be as unobstructive as possible. The Architectural Review Committee

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will discourage or reject any collector of any size, shape or color that is insensitively designed or located. All solar equipment must be screened from adjacent views in some fashion acceptable to the Architectural Review Committee in its sole discretion. Reflective devices producing a glare that is visible from the street, adjacent homes/homesites, common areas in not allowable.

ARTICLE V - OWNER'S OBLIGATIONS AFTER OCCUPANCY

Section 1. MAINTENANCE. Each owner shall, at his sole cost and expense, repair his Dwelling, keeping the same in a condition comparable to the condition of such residence at the time of its initial construction, excepting only normal wear and tear. Landscaping shall be maintained to generally accepted standards.

Section 2. REPAIRS. If all or any portion of a Building, Accessory Building or Structure is damaged or destroyed by fire or other casualty, it shall be the duty of the owner thereof, with all due diligence, to rebuild, repair or reconstruct such Building, Accessory Building or Structure in a manner which will substantially restore it to its' appearance and condition immediately prior to the casualty. Reconstruction shall be undertaken within three (3) months after the damage occurs, and shall be completed within twelve (12) months after the damage occurs, unless prevented by causes beyond the control of the Owner or Owners. These requirements are subordinate to any mortgage lender requirements.

All easements indicated as detention easements on the Plat of Subdivision are reserved for and granted to the Village of Orland Park and its successors and assigns.

ARTICLE VI - GENERAL PROVISIONS

Section 1. CONSTRUCTION REGULATIONS. It shall be the responsibility of the Owner of a Lot to assure his builder's compliance with all construction regulations.

1. **ROADWAY AND PARKING RESTRICTIONS.** Only rubber-tired vehicles are allowed on the roads, "tracked" equipment will not be permitted to run on the roads.

The driveways of homes under construction and any area available for parking are to be kept stoned for access by suppliers and parking for contractors vehicles. All vehicles shall be parked within the homesite boundaries whenever possible.

If the homesite driveway is filled up, parking on one side of the road will be allowed.

2. **DELIVERY AND STORAGE OF MATERIALS.** Supplies and equipment shall be unloaded in an orderly manner within the homesite boundaries, and whenever possible, located in the rear of the Building.

3. **LOT MAINTENANCE.** The Builder shall be required to keep the entire Lot clean at all times. The Builder is required to provide a dumpster at the Lot.

Debris or materials which drift or are windblown onto the roadway or adjacent Lot shall be collected by the Builder and removed from the Lot.

All excess earth removed from excavations must be removed after backfilling has been completed.

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Section 8. GENERAL PROVISIONS.

1. The covenants, conditions and restrictions contained herein, and all amendments thereto, shall run with the land and be binding upon Declarant and upon all persons claiming by, under and through Declarant until the date which is twenty-five (25) years from the date of execution of this Declaration.

2. Upon the date referenced in subparagraph 1, this Declaration and all amendments thereto, shall be automatically extended for successive ten (10) year periods.

3. In the event that the Owner of any Lot in the Subdivision shall violate to attempt to violate any of the covenants, conditions and restrictions, controls and limitations contained herein, any Owner of any other Lot in the Subdivision shall have the right to institute and carry through any proceeding at law or in equity in order to prevent, restrain, enjoin or remove such violation and recover attorney fees, expenses and damages based on such violation or attempted violation.

4. This Declaration shall be effective upon the filing of record of same in the office of the Recorder of Deeds of Cook County, Illinois.

Section 9. SUBORDINATION. No breach of any of the conditions herein contained shall defeat or render invalid the lien of any mortgage made in good faith and the value as to the subdivision or any lot therein; provided, however, that such conditions shall be binding on any owner whose title is acquired by foreclosure, trustee's sale, or otherwise.

Section 10. This document is executed by Standard Bank and Trust Company, not personally but as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee, and it expressly understood and agreed by the grantee herein and by every person now or hereafter claiming any right hereunder that nothing contained herein shall be construed as creating any liability on the Standard Bank and Trust Company. The exculpation of Declarant attached hereto is incorporated herein by reference.

EXECUTED at Cook County, Illinois, this 21st day of November, 1996.

Standard Bank and Trust Company, AS TRUSTEE UNDER TRUST AGREEMENT DATED 6/29/89 AS TRUST NUMBER 12252

Attest:

S. J. Smith
TO

By:

Steph H. W. [Signature]
AVP & T.D.

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CONSENT OF MORTGAGE

Worth Bank and Trust, holder of a mortgage on the real property described in Exhibit "A" dated July 10, 1996, and recorded August 23, 1996, as Document No. 96650444 hereby consents to the execution and recording of the within Declaration of Covenants, Conditions and Restrictions for Forest View Estates Subdivision, and agrees that said mortgage is subject to the provisions of said Declaration.

IN WITNESS WHEREOF, the said Worth Bank and Trust has caused this instrument to be signed by its duly authorized Officers on its behalf, all done at Worth, Illinois on this 21st day of November, 1996.

By: James A. P. [Signature] - V.P.

Attest: Mary G. Sauer

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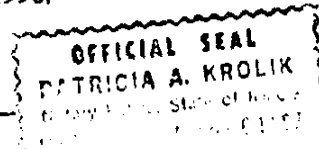
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STATE OF ILLINOIS)
)SS.
COUNTY OF COOK)

The undersigned, a notary public in and for said County and State, DO HEREBY CERTIFY that BRIDGETTE SCAMM personally known to me to be the AUP TU of Standard Bank and Trust Company, an Illinois Banking Corporation and BRIAN GRANATO, personally known to me to be the T.O. of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such officers of said corporation, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said Corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation AS TRUSTEE, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 21 day of November, 1996.

Patricia A. Krolik
NOTARY PUBLIC



My Commission Expires: _____

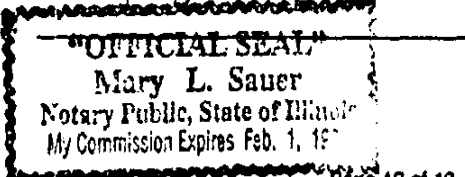
STATE OF ILLINOIS)
)SS.
COUNTY OF Cook)

The undersigned, a notary public in and for said County and State, DO HEREBY CERTIFY that Mary L. Sauer, personally known to me to be the Pres President of Worth Bank and Trust, an Illinois Banking Corporation and _____ personally known to me to be the _____ Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary of the corporation, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said Corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, AS MORTGAGEE, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 21st day of November, 1996.

Mary L. Sauer
NOTARY PUBLIC

My Commission Expires: _____



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EXHIBIT "A"
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
APPLICABLE TO
FOREST VIEW ESTATES, ORLAND PARK, COOK COUNTY, ILLINOIS

LOTS 1 THROUGH 24 INCLUSIVE IN FOREST VIEW ESTATES, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 27-29-203-003 (Part)
27-29-203-006 (All)
27-29-203-009 (Part)
27-29-203-010 (Part)

COMMONLY KNOWN AS: VACANT WEST OF 104TH AVENUE AND 170TH STREET, ORLAND PARK,
IL 60462

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