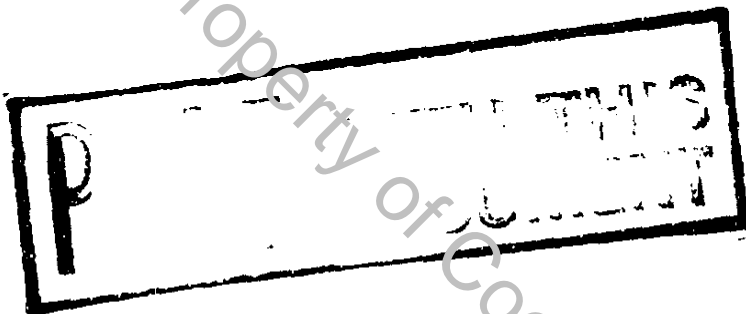


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96136671

**SEVENTEENTH AMENDMENT TO DECLARATION OF
CONDOMINIUM OWNERSHIP
FOR
BRIAR POINTE CONDOMINIUMS**

DEPT-01 RECORDING \$145.00
T#0003 TRAN 3563 02/22/96 12:47:00
#4168 # RB #-96-136671
COOK COUNTY RECORDER



THIS INSTRUMENT WAS PREPARED BY AND WHEN RECORDED SHOULD BE MAILED TO:

96136671

Irwin E. Leiter, Esq.
LAW OFFICES OF IRWIN E. LEITER
1301 W. 22nd Street
Suite 210
Oak Brook, Illinois 60521
(708) 571-7767

ADDRESS OF PROPERTY COVERED BY AMENDMENT:

1939 A, B, C and D Heron Avenue; 1943 A, B, C and D Heron Avenue, Schaumburg, IL. 60193
1626, 1628, 1630, 1632, 1634, and 1636 Orchard Avenue, Schaumburg, IL. 60193

PERMANENT REAL ESTATE INDEX NO.:

07-32-300-004

F	A
P	P
V	V

MLD

1/96

Box 15

RECORDING FEE \$ 145.00
DATE 2-22-96 COPIES 2
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SEVENTEENTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR BRIAR POINTE CONDOMINIUMS

THIS AMENDMENT to the Declaration of Condominium Ownership for Briar Pointe Condominiums (hereinafter referred to as the "Amendment") is executed by Parkway Bank and Trust Company, not individually, but as Trustee under Trust Agreement dated May 31, 1991, and known as Trust No. 10041, and not personally, and First Midwest Trust Company, not individually, but as Trustee under Trust Agreement dated March 21, 1995 and known as Trust NO. 5975, and not personally, (collectively hereinafter referred to as the "Declarant").

W I T N E S S E T H:

WHEREAS; Declarant recorded the Declaration of Condominium Ownership for Briar Pointe Condominiums (hereinafter referred to as the "Declaration") on January 11, 1995 in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 95020876; and

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

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WHEREAS; First Midwest Trust Company, not individually, but as Trustee under Trust Agreement dated March, 21, 1995, and known as Trust No. 5975, and not personally, received title to certain portions of the Property described in the Submitted Parcel subsequent to the recording of the Declaration and its signature is therefore required as to this Amendment; and

WHEREAS; pursuant to the Act, as amended, under Article Nine of the Declaration, Declarant reserved the rights and powers to annex, add, submit and subject to the provisions of the Act and the Declaration any part or all of the Development Parcel, as described in Exhibit "E" of the Declaration, to the Submitted Parcel and thereby add to the plan of condominium ownership created by the Declaration; and

WHEREAS; Declarant, pursuant to Article Nine of the Declaration, desires to annex, add, submit and subject a portion of the Development Parcel described in Exhibit "B" attached hereto (hereinafter referred to as the "Additional Parcel") to the Declaration and the Act and add to the plan of condominium ownership; and

WHEREAS; the Additional Parcel is now improved with two (2) buildings for a total of fourteen (14) residential units; and

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WHEREAS; Declarant desires to amend the Declaration as it relates to the Plat of Condominium Survey (Exhibit "B" of the Declaration) and to the percentage of ownership interest in the Common Elements for the condominium Units (Exhibit "C" of the Declaration), by changing the percentage ownership due to the addition of the Development Area described in Exhibit "B".

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

1. The Additional Parcel is hereby annexed to and made a part of the real estate described in the Declaration and in Exhibit "A" as attached hereto, 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.

2. Exhibit "B" of the Declaration, the "Plat of Condominium Survey", is hereby amended by adding the Additional Parcel as described and delineated in the Plat of Survey attached hereto as Exhibit "B", together with the Units depicted thereon.

3. Exhibit "C" of the Declaration, "Schedule of Percentage of Interests in Common Elements", is hereby deleted and an amended Exhibit "C" attached hereto as Exhibit "C" is substituted therefor.

4. The Common Elements contained in the Additional Parcel are hereby granted and conveyed to the Unit Owners subject to the provisions of the Act and the Declaration.

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5. 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 Additional Parcel.

6. 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.

IN WITNESS WHEREOF, the Declarant as aforesaid has caused its seal to be affixed hereunder and has caused its name to be signed by these presents by its Vice President and attested by its Trust Officer this 12th day of February, 1996.

Parkway Bank and Trust Company
as Trustee as aforesaid and not
individually

SEAL

BY: [Signature]
Vice President

ATTEST:

[Signature]
Trust Officer

First Midwest Trust Company
as Trustee as aforesaid and
not individually

By: [Signature] 2-1-96
Vice President

SEAL

ATTEST:

[Signature]
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.

This Agreement is signed by Parkway Bank & Trust Co. not individually but solely as Trustee under a certain Trust Agreement known as Trust No. 1111111111. Said Trust Agreement is hereby made a part hereof and any claims against said Trustee which may result from the signing of this Agreement shall be payable only out of any trust property which may be held thereunder, and said Trustee shall not be personally liable for the performance of any of the terms and conditions of this agreement or for the validity or condition of the title of said property or for any agreement with respect thereto. Any and all personal liability of Parkway Bank and Trust Co., is hereby expressly waived by the parties hereto and their respective successors and assigns.

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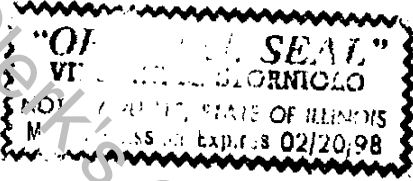
STATE OF ILLINOIS)
)SS
COUNTY OF)

I, John J. Stornio, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Diane Pessunski, Vice President of Parkway Bank and Trust Company, an Illinois Corporation, and John J. Stornio, Trust Officer thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer, 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, for the uses and purposes therein set forth; and the said Trust Officer did also then and there acknowledge that (s)he, as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as (his) (her) 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 15th day of February, A.D. 1996.

John J. Stornio
NOTARY PUBLIC

My Commission expires:
2/20/98



Notary Office

98138671

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CONSENT OF MORTGAGEE

FIRST MIDWEST BANK, N.A., an Illinois corporation, holder of a mortgage encumbering the Property dated 4/26/95, and recorded 512195 as Document Number 95290818, hereby consents to the execution and recording of the within Declaration and agrees that its lien shall be subject to the provisions of the Declaration as amended by this Amendment.

IN WITNESS WHEREOF, FIRST MIDWEST ~~TRUST COMPANY~~^{BANK} has caused this instrument to be signed by its duly authorized officers on its behalf.

DATED this 26th day of January, 1996.

(S E A L)

FIRST MIDWEST BANK, N.A.,
an Illinois corporation

By: *Kenneth J. Kallek*
Its: Vice President

ATTEST:

By: *Robin Martin*
Its Assistant Secretary

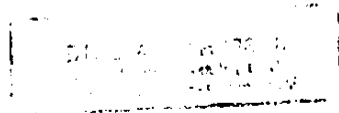
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EXHIBIT "A"

Property Subject to the Condominium Declaration

"Submitted Parcel".

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 50, 75, 76 and Lots 77, 78 and 79 in Briar Pointe Unit 1 and Lots 22, 23, 24, 25, 26, 45, 46, 51, 64 and 65 in Briar Pointe Unit 2, being Subdivisions of part of the Northwest Quarter and the Southwest Quarter of Section 32, Township 41 North, Range 10 East of the Third Principal Meridian, recorded August 25, 1994 as Document No. 94752669, in Cook County, Illinois.

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94752669

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EXHIBIT "C"

List of Units and Percentages Interest in the Common Elements

20-C-1870	.455368
20-A-1868	.368073
20-B-1864	.410092
20-B-1866	.410092
20-B-1862	.410092
20-C-1860	.455368

19-C-1858	.455368
19-B-1856	.410092
19-B-1854	.410092
19-B-1852	.410092
19-B-1850	.410092
19-C-1848	.455368

12-A-1735-A	.349832
12-D-1735-B	.401949
12-A-1735-C	.349832
12-D-1735-D	.401949

13-A-1750-A	.349832
13-B-1750-B	.334849
13-C-1750-C	.413675
13-D-1750-D	.401949
13-A-1740-A	.349832
13-B-1740-B	.334849
13-C-1740-C	.413675
13-D-1740-D	.401949

77-C-1799	.455368
77-B-1801	.410092
77-B-1803	.410092
77-B-1805	.410092
77-B-1807	.410092
77-C-1809	.455368

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21-C-1886	.455368
21-A-1884	.368073
21-B-1882	.410092
21-A-1880	.368073
21-B-1878	.410092
21-B-1876	.410092
21-B-1874	.410092
21-C-1872	.455368

9-A-1709-A	.349832
9-B-1709-B	.334849
9-C-1709-C	.413675
9-D-1709-D	.401949
9-A-1719-A	.349832
9-B-1719-B	.334849
9-C-1719-C	.413675
9-D-1719-D	.401949

18-C-1846	.455368
18-A-1844	.368073
18-B-1842	.410092
18-B-1840	.410092
18-B-1838	.410092
18-C-1836	.455368

8-A-1730-A	.349832
8-B-1730-B	.334849
8-C-1730-C	.413675
8-D-1730-D	.401949
8-A-1720-A	.349832
8-B-1720-B	.334849
8-C-1720-C	.413675
8-D-1720-D	.401949

17-C-1834	.455368
17-A-1832	.368073
17-B-1830	.410092
17-B-1828	.410092
17-B-1826	.410092
17-C-1824	.455368

11-A-1720-A	.349832
11-B-1720-B	.334849
11-C-1720-C	.413675
11-D-1720-D	.401949
11-A-1710-A	.349832
11-B-1710-B	.334849
11-C-1710-C	.413675
11-D-1710-D	.401949

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75-C-1841	.455368
75-A-1843	.368073
75-B-1845	.410092
75-B-1847	.410092
75-B-1849	.410092
75-C-1851	.455368

76-C-1823	.455368
76-A-1825	.368073
76-F-1827	.410092
76-I-1829	.368073
76-B-1831	.410092
76-C-1833	.455368

16-C-1822	.455368
16-B-1820	.410092
16-B-1818	.410092
16-A-1816	.368073
16-B-1814	.410092
16-C-1812	.455368

15-C-1810	.455368
15-B-1808	.410092
15-B-1806	.410092
15-B-1804	.410092
15-B-1802	.410092
15-C-1800	.455368

7-A-1710-A	.349832
7-B-1710-B	.334849
7-C-1710-C	.413675
7-D-1710-D	.401949
7-A-1700-A	.349832
7-B-1700-B	.334849
7-C-1700-C	.413675
7-D-1700-D	.401949

6-A-1690-A	.349832
6-B-1690-B	.334849
6-C-1690-C	.413675
6-D-1690-D	.401949
6-A-1680-A	.349832
6-B-1680-B	.334849
6-C-1680-C	.413675
6-D-1680-D	.401949

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10-A-1669-A	.349832
10-B-1669-B	.334849
10-C-1669-C	.413675
10-D-1669-D	.401949
10-A-1679-A	.349832
10-B-1679-B	.334849
10-C-1679-C	.413675
10-D-1679-D	.401949

14-C-1798	.455368
14-P-1796	.410092
14-F-1794	.410092
14-B-1792	.410092
14-B-1790	.410092
14-B-1788	.410092
14-B-1786	.410092

78-C-1787	.455368
78-B-1789	.410092
78-B-1791	.410092
78-A-1793	.368073
78-B-1795	.410092
78-C-1797	.455368

5-A-1670-A	.349832
5-D-1670-B	.401949
5-A-1670-C	.349832
5-D-1670-D	.401949

79-C-1775	.455368
79-B-1777	.410092
79-B-1779	.410092
79-B-1781	.410092
79-B-1783	.410092
79-C-1785	.455368

4-A-1660-A	.349832
4-B-1660-B	.334849
4-C-1660-C	.413675
4-D-1660-D	.401949
4-A-1650-A	.349832
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3-C-1630-C	.413675
3-D-1630-D	.401949
50-C-1709	.455368
50-B-1711	.410092
50-B-1713	.410092
50-A-1715	.368073
50-B-1717	.410092
50-C-1719	.455368
24-C-1601	.455368
24-B-1603	.410092
24-B-1605	.410092
24-A-1607	.368073
24-B-1609	.410092
24-C-1611	.455368
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22-B-1627	.410092
22-B-1629	.410092
22-B-1631	.410092
22-A-1633	.368073
22-C-1635	.455368
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46-D-1947-D	.401949
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46-D-1951-D	.401949
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25-B-1610	.410092
25-B-1608	.410092
25-B-1606	.410092
25-A-1604	.368073
25-B-1602	.410092
25-B-1600	.410092
26-C-1624	.455368
26-B-1622	.410092
26-B-1620	.410092
26-B-1618	.410092
26-B-1616	.410092
26-C-1614	.455368
64-A-1938-A	.349832
64-B-1938-B	.334849
64-C-1938-C	.413675
64-D-1938-D	.401949
64-A-1934-A	.349832
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64-C-1934-C	.413675
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.410092	27-B-1630
.410092	27-B-1632
.410092	27-B-1634
.455368	27-C-1636

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