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97453321

PLAT

06-23-97

SEE PLAT BOOKS

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**FOURTH AMENDMENT
TO DECLARATION
OF CONDOMINIUM
OWNERSHIP AND OF
EASEMENTS,
RESTRICTIONS,
COVENANTS AND
BY-LAWS
FOR
ELIZABETH STREET
LOFTS CONDOMINIUM
ASSOCIATION**

MTC 2003413
GR

DEPT-01 RECORDING \$71.00
T:7777 TRAN 5106 06/23/97 16:12:00
#3079 # DR *-97-453321
COOK COUNTY RECORDER

**PLAT WITH THIS
DOCUMENT**

This Fourth Amendment ("Amendment") to the Declaration of Condominium Ownership and of Easements, Restrictions, Covenants, and By-Laws is made this 31st day of May, 1997, by the Board of Directors of the Elizabeth Street Lofts Condominium Association ("Association") and American National Bank and Trust Company of Chicago as Trustee under Trust Agreement dated May 3, 1988 and known as Trust Number 105255-09 ("Trust").

WITNESSETH:

The Trust is the Declarant of the Declaration of Condominium Ownership and of Easements, Restrictions, Covenants, and By-Laws for the Elizabeth Street Lofts Condominium Association recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 95420168 and which created the Elizabeth Street Lofts Condominium Association and recorded with the Recorder of Deeds, Cook County, Illinois, on June 29, 1995 (said Declaration and any amendments thereto are hereinafter referred to as the "Declaration") as directed by the Elizabeth Street Lofts Limited Partnership, an Illinois limited partnership (the "Developer").

WHEREAS, the real estate described on Exhibit A of the Declaration and as the legal description rider attached hereto, located in the City of Chicago, County of Cook and State of Illinois (the "Parcel") has been submitted to the Condominium Property Act of the State of Illinois ("Act") pursuant to the Declaration; and

WHEREAS, the Declarant and the Developer, pursuant to Article XV, desire to record a special amendment to the Declaration to correct certain clerical errors or typographical errors in the Declaration and in Exhibit B of the Declaration; and

WHEREAS, under Section 5.13 of the Declaration, a power coupled with an interest is granted to the Developer and/or Declarant to make or consent to an Amendment as attorney-in-fact to correct typographical or clerical errors in the Declaration or any Exhibit thereto.

Office of the Recorder of Deeds
COOK COUNTY, ILLINOIS
97453321
MTC
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RECORDING FEE \$ 71.00
DATE 6/23/97 COPIES 6
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WHEREAS, the Declarant, pursuant to the Declaration and the Act, desires to record this Amendment to correct the Plat of Survey (the "Plat") attached to the Declaration as Exhibit B to accurately reflect the Legal Description and the Plat.

WHEREAS, the Association and the Declarant desire to amend the Declaration to allow for the future change in the boundaries of Unit 102 and Unit 104 in order to subdivide those Units, thereby creating two additional Units which shall be designated as Unit 102A, Unit 102B, Unit 104A, and Unit 104B

WHEREAS, Section 31 of the Act provides that a Unit Owner may make written application to the Board of Directors to amend the Declaration for the purpose of subdividing a Unit, reallocating the percentage of ownership in the common elements and assigning the Limited Common Elements, if applicable, to the new Unit; and following approval of a majority of the Board of Directors, the amendment shall be recorded and shall be effective upon recording.

NOW, THEREFORE, Declarant hereby declares that the Plat is corrected as stated below and the Board of Directors of the Association unanimously declares that the Declaration be and hereby is amended as follows:

Page 1 of
1. Exhibit B of the Declaration, "Plat of Survey", is deleted and an amended Exhibit B attached hereto is substituted therefor. *Page 1 of*

2. That the Board of Directors of the Association hereby approves the Trust's right to subdivide Units 102 and 104 at a future date and the Association will at that time cooperate with the Trust, its successors and/or its assigns, to record a further amendment to the Declaration to effect such subdivision or subdivisions. The cost to prepare and record the subdivision or subdivisions shall be borne by the Trust, its successors and/or its assigns.

3. 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.

Trustee Exculpation. This Amendment is executed by American National Bank and Trust Company of Chicago ("American"), as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee (and to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Amendment that American, as Trustee as aforesaid, and not personally has joined in the execution of this Amendment for the sole purpose of subjecting the title holding interest and the trust estate under said Trust Number 105255-09 to the terms of this Amendment; that any and all obligations, duties, covenants, indemnities and agreements of every nature herein set forth by American, as Trustee as aforesaid, to be kept or performed, are intended to be kept, performed, and discharged by the beneficiaries under said Trust Number 105255-09 or their successors, and not by

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American personally; and further, that no duty shall rest upon American either personally or as such Trustee to sequester trust assets, rentals, avail, or proceeds of any kind, or otherwise to see to the fulfillment or discharge of any obligation, express or implied, arising under the terms of this Amendment except where said Trustee is acting pursuant to direction as provided by the terms of said Trust Number 105255-09 after the Trustee has been supplied with funds required for the purpose. In the event of conflict between the terms of this paragraph and of the remainder of this Amendment on any questions or apparent liability or obligation resting upon said Trustee, the exculpatory provision hereof shall be controlling.

IN WITNESS WHEREOF, the Board of Directors of the Elizabeth Street Lofts Condominium Association and the American National Bank and Trust Company of Chicago, as Trustee as aforesaid and not individually, has caused its Corporate Seal to be affixed hereto and has caused its name to be signed to these presents by its _____ and attested by its _____, this 21st day of May 1997.

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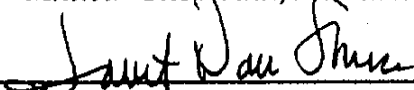
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ELIZABETH STREET LOFTS CONDOMINIUM ASSOCIATION

BY: 
WILLIAM C. MORAN, ITS PRESIDENT

BY: 
MARTIN GROSSMAN, ITS TREASURER

BY: 
JANET SHURE, ITS SECRETARY

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, ALISON CACKOWSKI a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that William C. Moran whose name is subscribed to the foregoing instrument as President of the Elizabeth Street Lofts Condominium Association appeared before me this day in person an acknowledge that he signed and delivered the said Fourth Amendment to the Declaration of Condominium Ownership for Elizabeth Street Lofts Condominium Association as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31st day of May, 1997.


Notary Public

OFFICIAL SEAL
ALISON CACKOWSKI
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. OCT. 23, 2000

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, ALISON CACKOWSKI a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Martin Grossman whose name is subscribed to the foregoing instrument as Treasurer of the Elizabeth Street Lofts Condominium Association appeared before me this day in person an acknowledge that he signed and delivered the said Fourth Amendment to the Declaration of Condominium Ownership for Elizabeth Street Lofts Condominium Association as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31st day of May, 1997.


Notary Public

OFFICIAL SEAL
ALISON CACKOWSKI
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. OCT. 23, 2000

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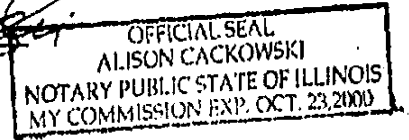
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Alison Cackowski, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Janet Shure whose name is subscribed to the foregoing instrument as Secretary of the Elizabeth Street Lofts Condominium Association appeared before me this day in person and acknowledged that he signed and delivered the said Fourth Amendment to the Declaration of Condominium Ownership for Elizabeth Street Lofts Condominium Association as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31st day of May, 1997.


Notary Public



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This instrument is executed by the undersigned Land Trust not personal, solely as Trustee in the exercise of the power and authority conferred upon and vested in the Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility shall be imposed by or shall at any time be asserted or enforced against the Trustee on account of any warranty, representation, covenant, undertaking or agreement of the Trustee in this instrument.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee under Trust Agreement dated May 3, 1988 and known as Trust Number 105255-09

Its: Trust Officer

Attest:

Attestation not required by American National Bank and Trust Company of Chicago by Law

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, CYNTHIA K. HARRIS, a Notary Public in and for said County, in the State aforesaid, do hereby certify that THOMAS E. NEARY and Trust Officer of American National Bank and Trust Company of Chicago as Trust Officer and Trust Officer thereof, respectively, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust Officer and Trust Officer, respectively, appeared before me this day in person and acknowledged that they signed and delivered the same instrument as their own free and voluntary act, and as the free and voluntary act of said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, as Trustee, for the uses and purposes therein set forth; and the said Trust Officer did also then and there acknowledge that he, as custodian of the Corporate Seal of said Bank, did affix the said 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, for the uses and purposes therein set forth.

Given under my hand and notarial seal this JUN 10 1997 day of April, 1997.



Cynthia K. Harris
Notary Public

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TOTAL P. 08

CONSENT OF MORTGAGEE

The Private Bank and Trust Company, holder of a Mortgage on the Property dated August 31, 1994 and recorded as Document Number 94776642 hereby consents to the execution and recording of the within Second Amendment to Declaration of Condominium Ownership and agrees that said Mortgage is subject thereto and to the provisions of the Condominium Property Act of the State of Illinois.


IN WITNESS WHEREOF, _____ has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, all done at Chicago, Illinois, on this 9th day of ~~November~~, June, ~~1996~~, 1997

THE PRIVATE BANK AND TRUST COMPANY

By: 

Its: MANAGING DIRECTOR

ATTEST:



Its: Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Cynthia R. Kiehl, a Notary Public in and for said County and State, do hereby certify that they and _____, _____ and _____, 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 Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 9th day of June, 1997.




Notary Public

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SCHEDULE A (CONTINUED)

COMMITMENT NO. 2003413

LEGAL DESCRIPTION

UNITS 101A, 101B, 102, 103, 104, 105A, AND 105B, 201/3, 202, 204 TO 209 BOTH INCLUSIVE, 301 TO 304, BOTH INCLUSIVE, P-1 TO P-17, BOTH INCLUSIVE IN ELIZABETH STREET LOFTS CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 20 TO 27, BOTH INCLUSIVE, ALL OF THE VACATED ALLEY LYING NORTH OF AND ADJOINING SAID LOT 27 VACATED BY DOCUMENT 89557997, AND THE 15 FOOT NORTH AND SOUTH VACATED ALLEY LYING EAST OF AND ADJOINING SAID LOT 20 TO 27 AND WEST OF LOT 19 AND CONTINUING NORTH ALONG THE EAST LINES OF LOTS 20 TO 27 AND THE WEST LINE OF LOT 19 TO THE SOUTH OF LOT 33, AS VACATED BY DOCUMENT 95181114, IN BLOCK 1 IN HAMBLETON'S SUBDIVISION OF LOT "E" OF THE CIRCUIT COURT PARTITION OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT 95420168, AS AMENDED FROM TIME TO TIME, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

CONDOMINIUM 17-88-141-022
ELIZABETH ST. CONDOMINIUM
As Am. 12, 1978 Doc. 95420168

UNIT	UNIT	UNIT
101 - 1001	208 - 1012	P.7 - 1024
102 - 1002	209 - 1013	P.8 - 1025
103 - 1003	301 - 1014	P.9 - 1026
104 - 1004	302 - 1015	P.10 - 1027
105 - 1005	303 - 1016	P.11 - 1028
201/3 - 1006	304 - 1017	P.12 - 1029
202 - 1007	P.1 - 1018	P.13 - 1030
204 - 1008	P.2 - 1019	P.14 - 1031
206 - 1009	P.3 - 1020	P.15 - 1032
206 - 1010	P.4 - 1021	P.16 - 1033
207 - 1011	P.5 - 1022	P.17 - 1034
	P.6 - 1023	

THIS INSTRUMENT PREPARED BY AND AFTER
RECORDING MAIL TO:

Susan Ghelerter
c/o Fuchs & Roselli, Ltd.
Six West Hubbard Street, Suite 800
Chicago, Illinois 60610-4695
(312) 245-0030

PROPERTY ADDRESS

407 North Elizabeth Street
Chicago, Illinois 60622

09452321

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