

# UNOFFICIAL COPY

## SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR HARMONY TERRACE CONDOMINIUM ASSOCIATION

This Second Amendment is made and entered into the 4th day of June, 1997 and is an amendment to that certain Declaration of Condominium Ownership for the Harmony Terrace Condominium Association (hereinafter referred to as "Declaration"), recorded in the Office of the Recorder of Deeds of Cook County, Illinois on August 27, 1990 as Document Number 25563146.

WITNESSETH:

WHEREAS, Board of Managers of the Harmony Terrace Condominium Association (hereinafter referred to as "Association") has the responsibility to administer the affairs of the Association on behalf of all Owners; and

WHEREAS, the Board of Managers ("Board") and the Owners desire to amend the Declaration to provide for the orderly operation of the property; and

WHEREAS, pursuant to Section 23 of the Declaration, the Declaration may be amended by an instrument signed by unit owners having at least 75% of the vote and certified by the Secretary of the Board, provided, however, that all lien holders of record have been notified by certified mail of such change and an affidavit of said Secretary certifying to such mailing is a part of such instrument.

WHEREAS, said instrument has been approved by at least 75% of the Unit Owners and the ballots and/or petitions are attached hereto and made a part of this amendment; and

WHEREAS, an affidavit of the Secretary of the Board certifying that at least 75% the Unit Owners have approved this amendment is attached hereto as Exhibit B; and

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

Jordan I. Shifrin  
Kovitz Shifrin & Waltzman  
750 Lake Cook Road, Suite 350  
Buffalo Grove, IL 60089 — (847) 537-0500

WHEREAS, a copy of this Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit ownership and an affidavit is attached hereto certifying same as Exhibit C.

97466484

DEPT-01 RECORDING

\$37.00

TRAN 8507 06/27/97 13:25:00

IR #-97-466484

COOK COUNTY RECORDER

For Use by Recorder's Office Only

97466484

RECORDING FEE \$ 37.00 Page 1

DATE of 6/27/97 COPIES 6

MGM

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

NOW, THEREFORE, the Association hereby declares that the Declaration be and is hereby amended as follows:

**Section 21 of the Declaration presently reads as follows:**

21. Use and Occupancy Restrictions. No unit shall be used for other than residential purposes. Each Unit shall be used as a residence for a single family and for no other purpose, by the Unit Owner and his family, or by a person or single family to whom the Unit Owner shall have leased his Unit, subject to the provisions with respect to leasing contained in the Declaration.

The Common Elements shall be used only for access, ingress and egress to and from the respective Units by the respective families residing therein and their respective guests, household help and other authorized visitors and for such other purposes which are incidental to the residential use of the respective units.

**Section 21 shall be deleted in its entirety and replaced as follows:**

21. Use and Occupancy Restrictions.

(a) Lease of Dwelling Unit. Effective with the recording of this Amendment, no unit shall be leased, except that Unit 605 at 555 Graceland Avenue shall be permitted to lease until two years from the effective date of this Amendment. No unit shall be used for other than residential purposes. Each Unit shall be used as a residence for a single family and for no other purpose, by the Unit Owner and his family.

(b) The Common Elements shall be used only for access, ingress and egress to and from the respective Units by the respective families residing therein and their respective guests, household help and other authorized visitors and for such other purposes which are incidental to the residential use of the respective units.

(c) In the event a tenant occupies a Unit without the express consent of the Board, the Association may seek to enjoin the tenant from occupying the Unit by filing an action in law or equity or by an action in Forcible Entry and Detainer [735 ILCS 5/9-101 et seq]. The Board reserves the right to join the Unit Owner in any such action.

(d) All costs, including attorneys fees, shall be the responsibility of the Unit Owner.

97466484

# UNOFFICIAL COPY

(e) Exceptions. Any person or persons related by blood or marriage to the Owner shall not be subject to this section. A blood relative is defined as a grandparent, parent, child (natural or adopted), grandchild or sibling of a Unit Owner.

(f) The effective date of this Amendment shall be deemed to be the date of recording with the Office of the Recorder of Deeds.

(g) Any Unit being leased out in violation of this Amendment or any Unit Owner found to be in violation of the Rules and Regulations adopted by the Board of Directors may be subject to a flat or daily fine to be determined by the Board of Directors upon notice and an opportunity to be heard.

(h) In addition to the authority to levy fines against the Unit Owner for violation of this Amendment or any other provision of the Declaration, By Laws or Rules and Regulations, the Board shall have all rights and remedies, including but not limited to the right to maintain an action for possession against the Unit Owner and/or their tenant, under 735 ILCS 5/9-101 et seq, an action for injunctive and other equitable relief, or an action at law for damages.

(i) Any action brought on behalf of the Association and/or the Board of Directors to enforce this Amendment shall subject the Unit Owner to the payment of all costs and attorneys' fees at the time they are incurred by the Association.

(j) All unpaid charges as a result of the foregoing shall be deemed to be a lien against the Unit and collectible as any other unpaid regular or special assessment, including late fees and interest on the unpaid balance.

(k) The Board of Directors of the Association shall have the right to lease out any Association-owned Units or any Unit which the Association has possession of pursuant to any court order.

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

97466484

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT A

### LEGAL DESCRIPTION

Unit Numbers 201 through 605 inclusive, in Harmony Terrace Condominium, as delineated on a survey of the following described real estate in the Declaration of Condominium Ownership to Harmony Terrace, recorded August 27, 1980, as Document No. 25563146:

Parcel 1: Lots 1 to 3 in Block 2, in the Heart of Des Plaines, a Subdivision of the East ½ of the South East ¼ of Section 17, Township 41 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: Lot 68 in Thomas Resubdivision of Lots 11 to 30 in the original town of Rand, now Des Plaines in part of Section 17, Township 41 North, Range 12, East of the Third Principal meridian, in Cook County, Illinois.

Parcel 3: Lots 69 and 70 (except that part thereof lying in Snow Street) in Thomas Subdivision of Lots 11 to 30 in the original Town of Rand, now Des Plaines, in Sections 16 and 17, Township 41 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

All located at 555 Graceland Avenue, in the City of Des Plaines, County of Cook, State of Illinois and more commonly known as follows:

Unit No.	P.I.N.	Unit No.	P.I.N.
201	09-17-409-026-1001	404	09-17-409-026-1018
202	09-17-409-026-1002	405	09-17-409-026-1019
203	09-17-409-026-1003	406	09-17-409-026-1020
204	09-17-409-026-1004	407	09-17-409-026-1021
205	09-17-409-026-1005	501	09-17-409-026-1022
206	09-17-409-026-1006	502	09-17-409-026-1023
207	09-17-409-026-1007	503	09-17-409-026-1024
301	09-17-409-026-1008	504	09-17-409-026-1025
302	09-17-409-026-1009	505	09-17-409-026-1026
303	09-17-409-026-1010	506	09-17-409-026-1027
304	09-17-409-026-1011	507	09-17-409-026-1028
305	09-17-409-026-1012	601	09-17-409-026-1029
306	09-17-409-026-1013	602	09-17-409-026-1030
307	09-17-409-026-1014	603	09-17-409-026-1031
401	09-17-409-026-1015	604	09-17-409-026-1032
402	09-17-409-026-1016	605	09-17-409-026-1033
403	09-17-409-026-1017		

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT B

### AFFIDAVIT AS TO UNIT OWNER APPROVAL

I, Grace M. Vinopal, state that I am the Secretary of the Board of Managers of the Harmony Terrace Condominium Association, and hereby certify that the foregoing Amendment was approved by at least 75% of the Unit Owners of the Association, and the ballots/petitions of the Unit Owners are attached hereto and made a part of this Amendment.

Dated: June 4, 1997

By:

Grace M. Vinopal  
Secretary  
Harmony Terrace Condominium Association

Property of Cook County Clerk's Office

97466484



UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT C

### AFFIDAVIT OF MAILING

I, Grace R. Vinograd, state that I am the Secretary of the Board of Managers of the Harmony Terrace Condominium Association, and hereby certify that the foregoing Amendment was mailed to mortgagees having bona fide liens of record against any unit ownership.

Dated:

June 4, 1997

By:

Grace R. Vinograd  
Secretary

Harmony Terrace Condominium Association

97466484

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

*MA*

## PETITION TO APPROVE AMENDING THE DECLARATION FOR THE HARMONY TERRACE CONDOMINIUM ASSOCIATION

We, the undersigned, do hereby approve the amendment to the Declaration of the Harmony Terrace Condominium Association, as attached hereto.

Name (Signature)	Address	Name of Address of Mortgagee (if any)
<i>David Laine, Del.</i>	<i>555 GraceLand #506</i>	
<i>Ed &amp; Linda Chaga</i>	<i>" " " 302</i>	
<i>Kan Fung</i>	<i>555 GRACELAND 307</i>	
<i>Thomas Johnson</i>	<i>555 GraceLand 406</i>	
<i>Frank Gago</i>	<i>555 GRACELAND #7</i>	
<i>Betty Hawkins</i>	<i>555 GraceLand # 503</i>	
<i>Margaret Vergand</i>	<i>555 GraceLand # 501</i>	
<i>Maribel Kalmat</i>	<i>555 GraceLand, Unit 304</i>	<i>F.P. Mortgage Company P.O. BOX 331755 Detroit, Mich 48232</i>
<i>David Eisen</i>	<i>555 GraceLand # 307</i>	
<i>Joyce A. Ratliff</i>	<i>555 GraceLand Ave #402</i>	<i>First Fed. Bank for Savings 740 Lee St Des Plaines IL 60016</i>
<i>Mary D. Jucconi</i>	<i>#407 555 GraceLand Ave</i>	
<i>Donald B. Wilson</i>	<i>555 GRACELAND #401</i>	<i>FLEET MORTGAGE GROUP P.O. BOX 3139 MILWAUKEE, WI 53201-3139</i>

97466484

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## PETITION TO APPROVE AMENDING THE DECLARATION FOR THE HARMONY TERRACE CONDOMINIUM ASSOCIATION

We, the undersigned, do hereby approve the amendment to the Declaration of the Harmony Terrace Condominium Association, as attached hereto.

Name (Signature)	Address	Name of Address of Mortgagee (if any)
Melissa M. Abel	555 GRACELAND AVE. DES PLAINES, IL 60016 #302	GREAT NORTHERN MORTGAGE SUITE 403 2850 WEST GOLF ROAD ROLLING MEADOWS IL 60008-4030
Gilbert J. Gussow	555 Graceland Ave. Des Plaines, IL 60016 #205	
Lucinda Jendrich	555 Graceland Ave Des Plaines, IL 60016	
Dorothy Daymont	555 Graceland Ave # Des Plaines, IL 60016 206	
Grace Vinograd	555 Graceland Ave #502 Des Plaines, IL 60016	
Betty Waver	555 Graceland Ave #301 Des Plaines, IL 60016	
Henry Zitta	555 GRACELAND #404 DES PLAINES, IL 60016	
James B. Atherton	555 Graceland #1505 Des Plaines, IL 60016	
Shirley A. Duff	555 Graceland #306 Des Plaines, IL 60016	
Ted Miller	555 Graceland #604 Des Plaines, IL 60016	
Boyan W. Zubuloff	555 Graceland #501 Des Plaines, IL 60016	
William E. Bradford	555 Graceland, #602 Des Plaines, IL 60016	La Salle Mortgage Corp Chicago

UNOFFICIAL COPY

Property of Cook County Clerk's Office





UNOFFICIAL COPY

Property of Cook County Clerk's Office