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 COOK COUNTY RECORDER

FIRST AMENDMENT
 TO
 DECLARATION

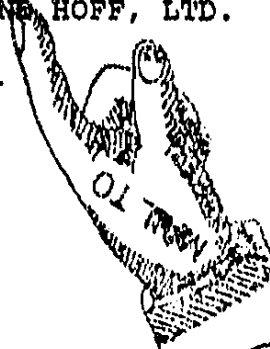
FOR

THE TOWNHOMES OF RUFFLED FEATHERS
 (Lemont, Illinois)

FLAHERTY BUILDERS, INCORPORATED
 (Developers)

THIS INSTRUMENT PREPARED BY AND MAIL TO:

Thomas P. Russian
 GOLDSTINE, SKRODZKI, RUSSIAN, NEMEC AND HOFF, LTD.
 7660 West 62nd Place
 Summit, Illinois 60501
 (708) 458-1253



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FIRST AMENDMENT TO DECLARATION FOR THE TOWNHOMES OF RUFFLED FEATHERS

THIS AGREEMENT made and entered into this 18th day of June, 1997, by MARQUETTE NATIONAL BANK, not personally, but as Trustee under a Trust agreement dated November 18, 1996, and known as Trust No. 13937 (hereinafter referred to as "Trustee"):

W I T N E S S E T H:

WHEREAS, by a Declaration for The Townhomes of Ruffled Feathers (the "Declaration") recorded in the office of the Recorder of Deeds of Cook County, Illinois, as Document No. 97259763, certain real estate situated in the County of Cook, State of Illinois (the "Parcel"), was submitted to the provisions of the Declaration;

WHEREAS, the Trustee therein reserved the right to annex or add all or any portion of the Development Area (as defined in the Declaration) to the Parcel (as defined in the Declaration); and

WHEREAS, the Trustee now desires to so annex and add to the Parcel and submit to the provisions of the Declaration certain real estate (the "First Additional Parcel"), described on Exhibit "B-1" attached hereto, which First Additional Parcel is to be included in the Development Area.

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

1. The First Additional Parcel is hereby annexed to the Parcel, as defined in the Declaration, and shall be deemed to be governed in all respects by the terms and provisions of the Declaration.

2. The legal description of the Parcel as shown on Exhibit "B" of the Declaration is hereby amended by deleting said legal description and substituting therefor the following legal description described in Exhibit "B-1" attached hereto and made a part hereof.

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

4. This First Amendment to Declaration is executed by MARQUETTE NATIONAL BANK, as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that MARQUETTE NATIONAL BANK, as Trustee as aforesaid,

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and not personally, has joined in the execution of this First Amendment to Declaration (Trustee hereby warrants that it possesses full power and authority to execute this First Amendment to Declaration) for the sole purpose of subjecting the title-holding interest and the trust estate under said Trust No. 13937, to the terms of this First Amendment to Declaration as hereinbefore provided; that any and all obligations, duties, covenants and agreements of every nature herein set forth by MARQUETTE NATIONAL BANK, as Trustee as aforesaid, to be kept or performed, are intended to be kept, performed and discharged by the Developer or the beneficiaries under said Trust No. 13937, or their successors, and not by MARQUETTE NATIONAL BANK; and further, that no duty shall rest upon MARQUETTE NATIONAL BANK, 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 obligation, express or implied, arising under the terms of this First Amendment to Declaration except where said Trustee is acting pursuant to direction as provided by the terms of said Trust No. 13937, and after the Trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this Paragraph and of the remainder of the First Amendment to Declaration on any question or apparent liability or obligation resting upon said Trustee, the exculpatory provisions hereof shall be controlling.

IN WITNESS WHEREOF, the said MARQUETTE NATIONAL BANK, as Trustee as aforesaid, and not individually, has caused its corporate seal to be affixed hereunder and has caused its name to be signed to these presents by its Vice President and Trust Officer and attested by its _____, this 18th day of June, 1997.

(Corporate Seal)

MARQUETTE NATIONAL BANK, as Trustee as aforesaid and not individually

By: _____

Attest:

Angelina M. Laba
Its: Assistant Secretary

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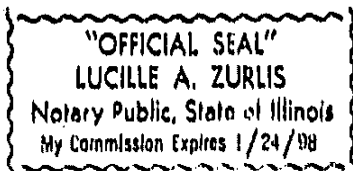
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Lucille A. Zurlis, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Henry C. Shinnick Jr. and Angeline Salva, _____ Trust Officer and Assistant Secretary, respectively, of the MARQUETTE NATIONAL BANK, 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 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 corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 18th day of June, 1997.



Lucille A. Zurlis
Notary Public

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EXHIBIT "B-1"
TO
DECLARATION
FOR
THE TOWNHOMES OF RUFFLED FEATHERS

The Parcel

Original Parcel:

Lots 5, 6, 7, 8, and 9 in Ruffled Feathers Golf Club Community being a Resubdivision of Lots 118 to 144, both inclusive, of Ruffled Feathers, a Subdivision of part of Section 27 and the North Half of Section 34, Township 37 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N.: 22-34-103-001, 002, 003, 004, 005 and 006

Common Address: Lahinch Drive
Lemont, Illinois 60439

First Additional Parcel:

Lot 4 in Ruffled Feathers Golf Club Community being a Resubdivision of Lots 118 to 144, both inclusive, of Ruffled Feathers, a Subdivision of part of Section 27 and the North Half of Section 34, Township 37 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N.: 22-34-102-004 and 005

Common Address: Long Cove Drive
Lemont, Illinois 60439

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**FIRST AMENDMENT
TO
DECLARATION**

FOR

**THE TOWNHOMES OF RUFFLED FEATHERS
(Lemont, Illinois)**

**FLAHERTY BUILDERS, INCORPORATED
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W I T N E S S E T H:

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WHEREAS, the Trustee therein reserved the right to annex or add all or any portion of the Development Area (as defined in the Declaration) to the Parcel (as defined in the Declaration); and

WHEREAS, the Trustee now desires to so annex and add to the Parcel and submit to the provisions of the Declaration certain real estate (the "First Additional Parcel"), described on Exhibit "B-1" attached hereto, which First Additional Parcel is to be included in the Development Area.

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

1. The First Additional Parcel is hereby annexed to the Parcel, as defined in the Declaration, and shall be deemed to be governed in all respects by the terms and provisions of the Declaration.

2. The legal description of the Parcel as shown on Exhibit "B" of the Declaration is hereby amended by deleting said legal description and substituting therefor the following legal description described in Exhibit "B-1" attached hereto and made a part hereof.

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

4. This First Amendment to Declaration is executed by MARQUETTE NATIONAL BANK, as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that MARQUETTE NATIONAL BANK, as Trustee as aforesaid,

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and not personally, has joined in the execution of this First Amendment to Declaration (Trustee hereby warrants that it possesses full power and authority to execute this First Amendment to Declaration) for the sole purpose of subjecting the title-holding interest and the trust estate under said Trust No. 13937, to the terms of this First Amendment to Declaration as hereinbefore provided; that any and all obligations, duties, covenants and agreements of every nature herein set forth by MARQUETTE NATIONAL BANK, as Trustee as aforesaid, to be kept or performed, are intended to be kept, performed and discharged by the Developer or the beneficiaries under said Trust No. 13937, or their successors, and not by MARQUETTE NATIONAL BANK; and further, that no duty shall rest upon MARQUETTE NATIONAL BANK, 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 obligation, express or implied, arising under the terms of this First Amendment to Declaration except where said Trustee is acting pursuant to direction as provided by the terms of said Trust No. 13937, and after the Trustee has first been supplied with funds required for the purpose. In the event of conflict between the terms of this Paragraph and of the remainder of the First Amendment to Declaration on any question or apparent liability or obligation resting upon said Trustee, the exculpatory provisions hereof shall be controlling.

IN WITNESS WHEREOF, the said MARQUETTE NATIONAL BANK, as Trustee as aforesaid, and not individually, has caused its corporate seal to be affixed hereunder and has caused its name to be signed to these presents by its Vice President and Trust Officer and attested by its _____, this 18th day of June, 1997.

(Corporate Seal)

MARQUETTE NATIONAL BANK, as Trustee as aforesaid and not individually

By: _____

Attest:

Angeline M. Laba
Its: Assistant Secretary

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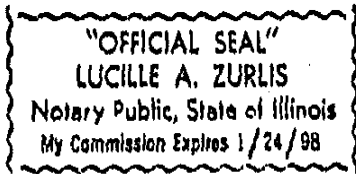
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STATE OF ILLINOIS)
COUNTY OF COOK) SS.

I, Lucille A. Zurlis, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Gene E. Bennett Jr. and Angelina Labra, Trust Officer and Assistant Secretary, respectively, of the MARQUETTE NATIONAL BANK, 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 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 corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 18th day of June, 1997.



Lucille A. Zurlis
Notary Public

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