#### 97053901

DEPT-01 RECORDING \$27.50 T+0009 TRAN 6869 01/24/97 13:04:00

. \$1471 = SK #-97-053901

COOK COUNTY RECORDER

#### **DECLARATION OF EASEMENTS**

WHEREAS, FIRST NATIONAL BANK OF BLUE ISLAND, a corporation of Illinois, as Trustee under the provisions of a Trust Agreement known as Trust No. 96083 dated November 17, 1996 is the holder of the legal title to all of the parcels of real estate hereafter described, located in Cock County, Illinois;

WHEREAS, ce tain of the said parcels of real estate as hereinafter more particularly described are intended as dwelling sites, said parcels so intended being hereinafter referred to as "dwelling parcels" upon which it is intended to erect so-called "town houses", each town house being a single family private residence erected on a separate dwelling parcel. Said town houses are to be constructed in groups, such that each group constitutes a more or less continuous structure with party walls straddling the boundaries between the dwelling parcels,

WHEREAS, each of the parcels of real estate hereinafter described solely for convenience and identification thereof in the present instrument are, at the times herein referred to, identified or designated as follows:

Each dwelling parcel by street address and that all or the said parcels are legally described more particularly as follows:

DWELLING PARCELS SIGNICAL	70
The north 21,56 feet of LOTS 71 & 72	Ç.,
The south 18.60 feet of the north 40.16 feet of LU7.5.71 & 72	99
	49
The south 18.55 feet of the north 77.26 feet of LOT 71 & 72	
The south 18.55 feet of the north 95.81 feet of LOTS 71 & 72	
LOTS 71 & 72 except the north 95.81 feet thereof	
	The north 21,56 feet of LOTS 71 & 72  The south 18.60 feet of the north 40.16 feet of LOTS 71 & 72  The south 18.55 feet of the north 58.71 feet of LOTS 71 & 72  The south 18.55 feet of the north 77.26 feet of LOT 71 & 72

Lots 71 & 72 in BULLOCK & BARNE'S subdivision of the north ½ of block 2 in CANAL TRUSTEE'S subdivision of Section 7, Township 39 north, range 14, east of the third principal meridian in COOK COUNTY, ILLINOIS.

Mail to: 1st Nath Bk & Blue (sland)
13057 S. Western Prue (sland)
60406

PIN# 17-07-202-020 and 021

THE RESERVE

Cook Colling Cloth's Office

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### UNOFFICIAL COPY

WHEREAS, the said FIRST NATIONAL BANK OF BLUE ISLAND, as Trustee under the above mentioned Trust Agreement, intends to sell and will sell, convey and mortgage some or all of the parcels so improved, and desired and intends that the several purchasers, owners, mortgagees thereof, and all persons acquiring any interest therein now or hereafter shall at all times enjoy the benefits of and shall hold their said individual parcels subject to the rights, easements, burdens, uses and privileges hereinafter set forth.

NOW, THEREFORE, the said FIRST NATIONAL BANK OF BLUE ISLAND as Trustee aforesaid, does hereby declare that the following rights, easements, covenants, burdens, uses and privileges shall and do exist at all times hereafter among the several owners, purchasers or mortgagees of the said parcels of real estate in this instrument described in the manner and to the extent herein set forth, and that the declarations contained herein shall be binding upon and inure to the benefit of each and every such parcel in this instrument described:

- (1) All dividing walls which straddle the boundary line between parcels and all walls which serve two or more town houses shall at all times be considered party walls. The cost of maintenance, repair or replacement of said party walls shall be borne equally by the owners of the town houses served thereby.
- The owner or owners of each town house shall be responsible for the maintenance, repair or eplacement of that portion of the common roof and gutter system as is located or installed upor or attached to such town house.
- (3) Easements for ingress and egress and for the installation, use, maintenance, repair and replacement of public utilities including electricity, telephone and the cable TV for the use of the dwelling parcels herei lafter designated and described are hereby created over, under and across the following described real estate:
  - (a) The west 5 feet of Lot 71 & North 3' of Lot 71 & 72

All being in CANAL TRUST'E' SUBDIVISION aforesaid. All in accordance with plat hereto attached and made a part hereof as Exhibit "1". Said easements shall be used in common by the present and future owners, occupe as and mortgagees of, and all persons now or hereafter acquiring any interest in the respective parcele hereinbefore described.

- (4) All outside painting and decorating of said several dwelling parcels shall conform in color and quality to the outside painting and decorating of all other dwelling parcels.
- (5) All easements herein described are easements appurtenant, running with the land; they shall at all times inure to the benefit of and be binding on the undersigned, all its grantees and their respective heirs, successors, personal representatives or assigns, perpetually in full force and effect.

Solonia or Coop Country Clerk's Office

Reference in the respective deeds of conveyance, or in any mortgage or trust deeds or other evidence of obligation, to the easements and covenants herein described shall be sufficient to create and reserve such easements and covenants to the respective grantees, mortgagees or trustees of said parcels as fully and completely as though said easements and covenants were fully recited and set forth in their entirety in such documents.

This Declaration of Easement is executed by the FIRST NATIONAL BANK OF BLUE ISLAND as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in its as such Trustee (and said FIRST NATIONAL BANK OF BLUE ISLAND hereby warrants that it possesses full power and authority to execute this instrument), and it is expressly understood and agreed that nothing herein shall be construed as creating any liability on said.

IN WITNESS WHEREOF, as Trustee as aforesaid, has caused these presents to be signed by its Assistant Vice President/ Trust Officer and its corporate seal to be hereunto An attes

Dropolative Of Country Clork's Office

Office affixed and attested by its A.T.O. this 1st day of April, A.D. 1996.

FIRST NATIONAL BANK OF BLUE ISLAND

ATTEST:

Assistant Secretary

OCO COUNTY CLOTH'S OFFICE

#### RIDER TO EASEMENT AGREEMENT

This Rider is incorporated by reference and made a part of the Easement Document to which it is attached, dated 11.7.20.

This Agreement is executed by FIRST NATIONAL BANK OF BLUE ISLAND, not personally but as Trustee under Trust No. 9003 as aforesaid pursuant to Direction and in the exercise of the power and authority conferred upon and vested in said Trustee as such and it is expressly understood and agreed that nothing in said Agreement contained shall be construed as creating any liability on said Trustee personally to pay any indebtedness accruing thereunder, or to perform any covenant, either expressed or implied, in said Agreement, all such liability, if any, being expressly waived by the other parties hereto and by every person now or hereafter claiming any right or security thereunder and that so far as the said Trustee is concerned, the owner of any indebtedness or right accruing under said Agreement shall look solely to the premises described therein for the payment or enforcement thereof, it being understood that the said trustee merely holds legal title to the premises therein described and has no control over the management thereof or the income therefrom, and has no knowledge respecting rentals, leases, condition or other factual matters with respect to said premises, except as represented to it by the beneficiary or beneficiaries of said trust.

> FIRST NATIONAL BANK OF BLUE ISLAND, AS TRUSTEE, AND NOT PERSONALLY

Assistant Secretary

STATE OF ILLINOIS } SS COUNTY OF C O O K }

Soll Dir C I, the undersigned, a Notary Public, in and for said County in the State aforesaid, DO HEREBY CERTIFY that MICHOLE M. HERMANN, Trust Officer of FIRST NATIONAL BANK OF BLUE ISLAND and MICHAEL CAVA . Assistant Secretary of said Bank, personally known to me to be the same personal whose names are subscribed to the foregoing instrument as such Trust Officer and Assistant Secretary respectively, appeared before me this day in person and acrowledged 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 Assistant Secretary did also the and there acknowledge that he/she as custodian of the corporate seal of said Bank, did affix the said 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 9TH day of JANUAR A.D. 1997

> OFFICIAL SEAL SANDRA E HAUCK NOTARY PUBLIC STATE OF ILLINOIS MY COMMISSION EXP. APR. 19,2000

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