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**PLEASE
WITH
RECORDING**

97175969

DEPT-01 RECORDING 87.00
T#0012 TRAN 4317 03/14/97 10:06:00
#2928 CG #-97-175969
COOK COUNTY RECORDER

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM FOR
CREEKSIDE AT OLD ORCHARD
CONDOMINIUMS

7600636 J

This Instrument Prepared by:
Patrick W. Pontarelli
General Counsel
Pontarelli Builders, Inc.
4353 W. Lawrence Ave.
Chicago, IL 60630

P.I.N.
03-27-100-011
03-27-100-019

After Recording Return to:
Chicago Title Insurance Company
8501 W. Higgins Suite 420
Chicago, IL 60631
Attn: Roseanne O'Connor

Property Address:
710 -730 Creekside Drive
Mount Prospect, IL 60056

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DISCOVER

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RECORDING FEE \$ 87.00
DATE 3/14/97 COPIES 6
CR 9M

Box-333

MK 2M

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PROPERTY TAX
DEPARTMENT
MILITARY
UNIT

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SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM

FOR CREEKSIDE AT OLD ORCHARD CONDOMINIUMS

This Declaration made and entered into this 12 day of March, 1997, by **PARKWAY BANK AND TRUST COMPANY**, a corporation of Illinois, as Trustee under Trust Agreement dated July 8, 1994, and known as Trust No. 10871 and not individually (the "Trustee");

WITNESSETH:

WHEREAS, by a Declaration of Condominium (the "Declaration") recorded in the office of the Recorder of Cook County, Illinois, as Document No.96261584, the Trustee submitted certain real estate to the provisions of the Illinois Condominium Property Act (the "Act"); and

WHEREAS, the Declaration reserves to the Developer (as defined in the Declaration) the right to annex and add to the Parcel and Property (as defined in the Declaration) and thereby add to the condominium created by the Declaration all or any portion of the Future Expansion Parcel (as defined in the Declaration); and

WHEREAS, the Trustee at the direction of the Developer now desires to so annex and add to said Parcel and Property and submit to the provisions of the Act, and the Declaration certain real estate (the "Additional Parcel"), described in Exhibit "A (3)" attached hereto;

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

1. The Additional Parcel is hereby annexed to the Parcel and Property as defined in the Declaration, and is hereby submitted to the provisions of the Act as a part of the Condominium in accordance with and governed in all respects by, the terms and provisions of the Declaration.

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2. Exhibit "A" of the Declaration is hereby amended by adding Exhibit "A(3)" which consists of the Plat of Survey of the additional units and real property submitted to the provisions of the Act. The additional units are located upon the Parcel legally described as follows:

PARCEL 3:

THAT PART OF LOT 2 IN OLD ORCHARD COUNTRY CLUB SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 27 AND PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 28, BOTH IN TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 185.00 FEET OF THE EAST 245.00 FEET OF THE AFORESAID NORTHWEST QUARTER OF SECTION 27; THENCE SOUTH 88 DEGREES 01 MINUTES 26 SECONDS WEST, 580.00 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, 365.00 FEET; THENCE NORTH 84 DEGREES 22 MINUTES 39 SECONDS WEST, 592.00 FEET; THENCE NORTH 39 DEGREES 48 MINUTES 20 SECONDS WEST, 431.08 FEET; THENCE SOUTH 50 DEGREES 11 MINUTES 40 SECONDS WEST, 33.13 FEET TO THE POINT OF BEGINNING; THENCE NORTH 25 DEGREES 10 MINUTES 28 SECONDS WEST, 20.29 FEET; THENCE NORTH 39 DEGREES 48 MINUTES 20 SECONDS WEST, 48.29 FEET; THENCE NORTH 54 DEGREES 26 MINUTES 13 SECONDS WEST, 146.17 FEET; THENCE SOUTH 83 DEGREES 51 MINUTES 15 SECONDS WEST, 129.30 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 39 SECONDS WEST, 82.33 FEET; THENCE SOUTH 69 DEGREES 02 MINUTES 15 SECONDS EAST, 199.58 FEET; THENCE SOUTH 10 DEGREES 34 MINUTES 26 SECONDS EAST, 8.62 FEET; THENCE NORTH 70 DEGREES 17 MINUTES 29 SECONDS EAST, 105.51 FEET TO THE POINT OF BEGINNING.

Commonly known as 730 Creekside Drive, Mount Prospect, Illinois 60056.

3. Exhibit "B" of the Declaration is hereby amended by substituting therefore the Amended Exhibit "B" which is attached hereto. The percentage of ownership in the common elements appurtenant to each unit is hereby shifted to the percentages set forth in the Amended Exhibit "B" which is attached hereto.

4. The additional common elements annexed by this instrument are hereby granted and conveyed to the Grantees of all units, including the Grantees of units heretofore conveyed, all as set forth in the Declaration.

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

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6. Trustee Exculpation. This Declaration is executed by PARKWAY BANK AND TRUST COMPANY as Trustee aforesaid, in the exercise of power and authority conferred upon and vested in it as such Trustee (and said Trustee hereby warrants that it possessed full power and authority to execute this instrument). It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that said Trustee as aforesaid, and not personally, has joined in the execution of this Declaration for the sole purpose of subjecting the title-holding interest and the trust estate under said Trust No. 10871 to the terms of this Declaration; that any and all obligations, duties, covenants and agreements of every nature herein set forth by said Trustee, as aforesaid, to be kept or performed, are intended to be kept, performed and discharged by the beneficiaries under said trust or their successor, and not the said Trustee personally, and further, that no duty shall rest upon PARKWAY BANK AND TRUST COMPANY, 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 Declaration, except where said Trustee is acting pursuant to direction as provided by the terms of said trust, and after the Trustee has first been supplied with funds required for the purpose. In the event of a conflict between the terms of this paragraph and of the remainder of the Declaration on any question of apparent liability or obligation resting upon said Trustee, the exculpatory provisions hereof shall be controlling.

IN WITNESS WHEREOF, the said PARKWAY BANK AND TRUST COMPANY, as Trustee as aforesaid and not individually, has caused its corporate seal to be affixed hereunto and caused its name to be signed in these presents by its Vice President, Trust Officer and attested by its ASSISTANT TRUST OFFICER this 12th day of March, 1997.

PARKWAY BANK AND TRUST COMPANY
as Trustee aforesaid, and not
individually,

By: [Signature]
Its: Vice President, Trust Officer.

ATTEST:

[Signature]
Its: ASSISTANT 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.

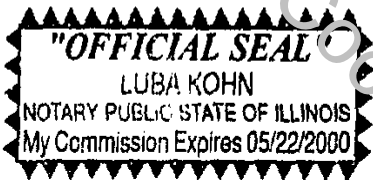
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STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

I, LUBA KOHN, a Notary Public in and for said County in the State aforesaid do hereby certify that Diane Y. Perzinski of PARKWAY BANK AND TRUST COMPANY and Jo Ann Kubinski of said Bank, who are personally know to me to be the same persons whose names are subscribed to the foregoing instrument as such and signed and delivered the said instrument as their own free and voluntary act and the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth; and the said Jo Ann Kubinski then and there acknowledged that he, as custodian of the corporate seal of said Bank, did affix the 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 aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 11th day of March, 1997



Luba Kohn

NOTARY PUBLIC

My commission expires:

5/22/2000

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CONSENT OF MORTGAGEE

PARKWAY BANK AND TRUST COMPANY, holder of the Mortgages and Assignments of Rents dated and recorded and identified as follows:

December 16, 1994 recorded January 31, 1995 as document numbers 95070269 and 95070270;
April 27, 1995 recorded May 5, 1995 as document numbers 95326243 and 95326244;
December 19, 1995 recorded February 1, 1996 as document numbers 96102895 and 96102896;
July 8, 1996 recorded July 26, 1996 as document numbers 96574664 and 96574665;
September 17, 1996 recorded September 25, 1996 as document numbers 96733627
and 96733628.

on the premises described in the Declaration of Condominium Ownership, hereby consents to the execution and recording of the above and foregoing Amendment to Declaration of Condominium and hereby submits said Trust Deeds and Assignments of Rents, to the provisions of the above and foregoing Amendment to Declaration of Condominium, and the Condominium Property Act.

IN WITNESS WHEREOF, the said PARKWAY BANK AND TRUST COMPANY has caused this instrument to be signed by its duly authorized officers on its behalf, all done at Harwood Heights, Illinois on this 7 day of March 1997.

PARKWAY BANK AND TRUST COMPANY

BY: Marianne J. Wagner A/P

ATTEST:

John Longhin

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AMENDED EXHIBIT B
CREEKSIDE AT OLD ORCHARD CONDOMINIUMS
SCHEDULE OF THE PERCENTAGE OWNERSHIP INTEREST
IN THE COMMON ELEMENTS

710 CREEKSIDE DRIVE

<u>Unit Number</u>	<u>% INTEREST</u>
101A	0.5976
102A	0.5976
103A	0.6250
104A	0.6842
105A	0.7724
106A	0.7724
107A	0.6250
108A	0.6684
109A	0.5976
110A	0.5976
201A	0.5976
202A	0.5976
203A	0.6250
204A	0.7438
205A	0.7724
206A	0.7724
207A	0.6250
208A	0.7670
209A	0.5976
210A	0.5976
301A	0.5976
302A	0.5976
303A	0.6250
304A	0.7438
305A	0.7724
306A	0.7724
307A	0.6250
308A	0.7670
309A	0.5976
310A	0.5976
401A	0.5976
402A	0.5976
403A	0.6250
404A	0.7438
405A	0.7724
406A	0.7724
407A	0.6250

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AMENDED EXHIBIT B (continued)

<u>Unit Number</u>	<u>% INTEREST</u>
408A	0.7670
409A	0.5976
410A	0.5976
501A	0.5976
502A	0.5976
503A	0.6250
504A	0.7438
505A	0.7724
506A	0.7724
507A	0.6250
508A	0.7670
509A	0.5976
510A	0.5976

720 CREEKSIDE DRIVE

101B	0.5976
102B	0.5976
103B	0.6250
104B	0.6841
105B	0.7724
106B	0.7724
107B	0.6250
108B	0.6684
109B	0.6157
110B	0.6157
201B	0.5976
202B	0.5976
203B	0.6250
204B	0.7438
205B	0.7724
206B	0.7724
207B	0.6250
208B	0.7670
209B	0.5976
210B	0.5976
301B	0.5976
302B	0.5976
303B	0.6250
304B	0.7438
305B	0.7724
306B	0.7724

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AMENDED EXHIBIT B (continued)

<u>Unit Number</u>	<u>% INTEREST</u>
307B	0.6250
308B	0.7670
309B	0.5976
310B	0.5976
401B	0.5976
402B	0.5976
403B	0.6250
404B	0.7438
405B	0.7724
406B	0.7724
407B	0.6250
408B	0.7670
409B	0.5976
410B	0.5976
501B	0.5976
502B	0.5976
503B	0.6250
504B	0.7438
505B	0.7724
506B	0.7724
507B	0.6250
508B	0.7670
509B	0.5976
510B	0.5976

730 CREEKSIDE DRIVE

101C	0.5976
102C	0.5976
103C	0.6250
104C	0.6842
105C	0.7724
106C	0.7724
107C	0.6250
108C	0.6684
109C	0.7596
110C	0.4353
201C	0.5976
202C	0.5976

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AMENDED EXHIBIT B (continued)

<u>Unit Number</u>	<u>% INTEREST</u>
203C	0.6250
204C	0.7438
205C	0.7724
206C	0.7724
207C	0.6250
208C	0.7670
209C	0.7596
210C	0.4353
301C	0.5976
302C	0.5976
303C	0.6250
304C	0.7438
305C	0.7724
306C	0.7724
307C	0.6250
308C	0.7670
309C	0.7596
310C	0.4353
401C	0.5976
402C	0.5976
403C	0.6250
404C	0.7438
405C	0.7724
406C	0.7724
407C	0.6250
408C	0.7670
409C	0.7596
410C	0.4353
501C	0.5976
502C	0.5976
503C	0.6250
504C	0.7438
505C	0.7724
506C	0.7724
507C	0.6250
508C	0.7670
509C	0.7596
510C	0.4353

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