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# EXHIBIT

ATTACHED TO

99494544

DOCUMENT NUMBER

SEE PLAT BOOK

05-21-1999

RETURN TO: V. Brennan  
TICOR TITLE INSURANCE  
203 N. LaSALLE, STE. 400  
CHICAGO, IL 60601  
RE: BOX 15 440218L

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PREPARED BY & MAIL TO:  
P.D. HARTZ CONSTRUCTION COMPANY, INC.  
8995 WEST 95TH STREET  
PALOS HILLS, IL 60465

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5221/0130 53 001 Page 1 of 8  
1999-05-21 16:23:39  
Cook County Recorder 67.00

**FIRST AMENDMENT TO DECLARATION  
OF CONDOMINIUM OWNERSHIP AND OF  
EASEMENTS, RESTRICTIONS, AND  
COVENANTS FOR THE KIRBY  
CONDOMINIUM ASSOCIATION**

**EXHIBIT ATTACHED**

THIS DECLARATION is made by OLD KENT BANK AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK, as Trustee under Trust Number 7573 dated NOVEMBER 1, 1983, hereinafter known as "Declarant" and P.D. HARTZ CONSTRUCTION COMPANY, INC., hereinafter known as "Developer".

WITNESSETH

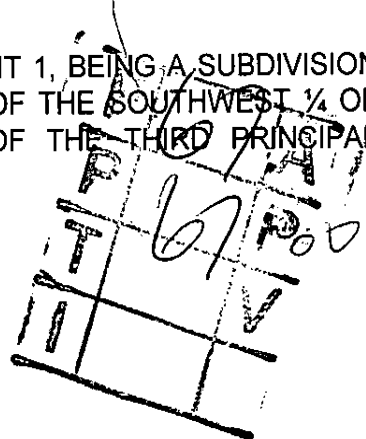
WHEREAS, by the Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 99333248 on April 7, 1999. OLD KENT BANK, AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK as Trustee, under Trust Number 7573, dated NOVEMBER 1, 1983, and not individually, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as KIRBY CONDOMINIUMS; and

WHEREAS, under Paragraph 1 of ARTICLE XIX of the Declaration, the right is reserved in the Developer, P.D. HARTZ CONSTRUCTION COMPANY, INC., to annex and add certain real property to the Parcel and Property described in the Declaration, and thereby add to the Condominium; and

WHEREAS, OLD KENT BANK, AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK, as trustee under Trust Agreement dated NOVEMBER 1, 1983, and known as Trust No. 7573 is the legal title holder of the property to be annexed and P.D. HARTZ CONSTRUCTION COMPANY, INC. is the Developer and beneficial owner of said Trust and wishes to so annex and add to said Parcel and Property, and thereby submit to the Act as a part of the Condominium the following real property ( the "Additional Property"):

LOTS 13 AND 14 IN TOWN POINTE MULTI-FAMILY UNIT 1, BEING A SUBDIVISION AS RECORDED PER DOCUMENT NO. 98-194139, OF PART OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

DATE 5-21-99 COPIES 12



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PIN #27-35-301-002-0000

COMMON ADDRESSES:

8432 Kirby Drive

8442 Kirby Drive

8434 Kirby Drive

8444 Kirby Drive

8436 Kirby Drive

8446 Kirby Drive

8438 Kirby Drive

8448 Kirby Drive

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which property is a portion of the Development Area described in said Declaration; and

WHEREAS, the Additional Property is now improved with two (2) buildings containing four (4) units each, making a total of eight (8) additional units, as defined in the Declaration.

NOW THEREFORE, OLD KENT BANK, AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK, as Trustee under Trust Agreement dated November 1, 1983, and known as Trust No. 7573, and not individually, as the legal title holder of the Additional Property and P.D. HARTZ CONSTRUCTION CO., INC. as the beneficial owner of said Trust, and for the purpose above set forth, hereby declares that the Declaration be and hereby is amended as follows:

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

2. The Plat attached to the Declaration as Exhibit "A" showing the boundaries of the Property and delineating and describing the Units contained therein, is hereby amended and supplemented by Exhibit "A" attached hereto showing the boundaries of the annexed Property and Describing the additional units contained in said annexed Property.

3. Exhibit "B" attached to the Declaration setting forth the percentages of the undivided interest in the common elements corresponding to each Unit described in Exhibit "A" prior to this Amendment are hereby reduced to the respective percentage interest in the common elements as set forth in Exhibit "B" attached hereto. Exhibit "C" attached to the Declaration is amended by the substitution of Exhibit "C" attached hereto.

4. The additional common elements added to the Declaration by this Amendment, are hereby granted and 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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RIDER ATTACHED TO

**THE FIRST AMENDMENT TO THE DECLARATION OF  
CONDOMINIUM OWNERSHIP FOR KIRBY CONDOMINIUM ASSOCIATION**

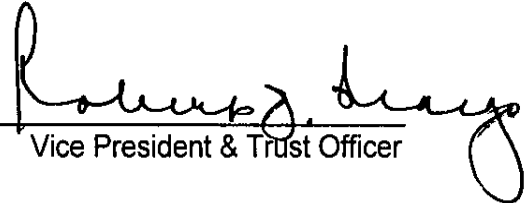
Dated November 1, 1983 UNDER TRUST NO. 7573

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Executed and delivered by OLD KENT BANK, AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property, and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding that each and all of the undertakings and agreements herein made, are made and intended not as personal undertakings and agreements of the Trustee, or for the purpose of binding the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon it as such Trustee, and no personal liability or personal responsibility is assumed by, or shall at any time be asserted or enforced against said trustee on account hereof or on account of any undertaking or agreement herein contained, either expressed or implied. All such personal liability, if any being hereby expressly waived and released by all other parties hereto, and those claiming by, through or under them.

OLD KENT BANK, AS SUCCESSOR TO FIRST NATIONAL BANK OF EVERGREEN PARK not individually, but as Trustee under Trust Number 7573.

BY:

  
Vice President & Trust Officer

ATTEST:

BY:

  
Assistant Trust Officer

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EXHIBIT "B"  
PERCENTAGE INTERESTS IN COMMON ELEMENTS  
KIRBY CONDOMINIUM ASSOCIATION

<u>UNITS</u>	<u>% INTEREST</u>
8412	6.25%
8414	6.25%
8416	6.25%
8418	6.25%
8422	6.25%
8424	6.25%
8426	6.25%
8428	6.25%
8432	6.25%
8434	6.25%
8436	6.25%
8438	6.25%
8442	6.25%
8444	6.25%
8446	6.25%
8448	6.25%
	100.00%

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Property of Cook County Clerk's Office

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## EXHIBIT "C" ADDITIONAL LAND

LOTS 15, 16 AND 17 IN TOWN POINTE MULTI-FAMILY UNIT 1, BEING A SUBDIVISION AS RECORDED PER DOCUMENT NO. 98-194139, OF PART OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND ALSO;

**33494544**

THAT PART OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 17 IN TOWN POINTE MULTI-FAMILY UNIT 1, BEING A SUBDIVISION, AS RECORDED PER DOCUMENT NO. 98-194139, F PART OF SAID SOUTHWEST ¼; THENCE SOUTH 85°-52'-20" EAST 157.00 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 17, TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE SOUTH 04°-07'-40" WEST 328.44 FEET ALONG THE EXTENSION SOUTH OF THE WESTERLY LINE OF KIRBY DRIVE AS DEDICATED IN SAID TOWN POINTE MULTI-FAMILY UNIT 1, TO A POINT OF CURVE; THENCE SOUTHERLY 59.20 FEET ALONG SAID CURVE BEING THE ARC OF A CIRCLE OF 253.00 FEET RADIUS CONVEX WESTERLY HAVING A CHORD BEARING OF SOUTH 03°-42'-29" EAST, TO A POINT OF REVERSE CURVE; THENCE WESTERLY 142.32 FEET ALONG SAID CURVE BEING THE ARC OF A CIRCLE OF 80.00 FEET RADIUS CONVEX SOUTHEAST HAVING A CHORD BEARING OF SOUTH 39°-25'-16" WEST, TO A POINT OF TANGENCY; THENCE NORTH 89°-36'-49" WEST 58.32 FEET, TO A POINT OF CURVE; THENCE WESTERLY 59.88 FEET ALONG SAID CURVE, BEING THE ARC OF A CIRCLE OF 120.00 FEET RADIUS CONVEX NORTHERLY HAVING A CHORD BEARING OF SOUTH 73°-42'-15" WEST, TO A POINT OF TANGENCY; THENCE SOUTH 57°-01'-19" WEST 6.56 FEET; THENCE WESTERLY AND SOUTHERLY 210.36 FEET ALONG A CURVE BEING THE ARC OF A CIRCLE OF 55.00 FEET RADIUS CONVEX WESTERLY HAVING A CHORD BEARING OF SOUTH 15°-49'-03" WEST; THENCE SOUTH 04°-03'-48" EAST 43.00 FEET; THENCE SOUTH 85°-56'-12" WEST 201.83 FEET; THENCE NORTH 04°-03'-48" WEST 300.00 FEET; THENCE NORTH 85°-56'-12" EAST 243.73 FEET; THENCE NORTH 45°-01'-56" EAST 75.58 FEET; THENCE NORTH 04°-07'-40" EAST 313.85 FEET TO THE HEREIN DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.