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**FIRST AMENDMENT
TO DECLARATION
OF RESTRICTIVE
COVENANT**

THIS FIRST AMENDMENT
TO DECLARATION OF RESTRICTIVE
COVENANT ("First Amendment")
Is made this 1st day of October,
1999, by 1725 W. Diversey, L.L.C.,
an Illinois limited liability company
("Owner" or "Declarant").

WITNESSETH:

WHEREAS, Declarant is the Owner and legal titleholder of a certain parcel of real estate in Chicago, Cook County, Illinois, commonly known as 1725 West Diversey, Chicago, Illinois, and legally described on Exhibit "A", attached hereto and made a part hereof ("Premises"); and

WHEREAS, by a Declaration of Restrictive Covenant ("Declaration") recorded in the Office of the Recorder of Deeds of Cook County, as Document No. 99468140 on May 14, 1999, the Declaration submitted the Premises to the terms and conditions of said Declaration; and

WHEREAS, Declarant desires to amend certain portions of the Declaration in order to accommodate the Intended Use of the Premises;

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

1. Exhibit "D" of the Declaration, Building Standards, is hereby amended by substituting therefore the revised Building Standards as set forth on Exhibit "B" of this First Amendment attached hereto and incorporated herein by reference.
2. Nothing contained in the Declaration or this First Amendment shall prohibit the Zoning Administrator of the City of Chicago from exercising his lawful administrative authority for the grant of exceptions.

All other terms, conditions and exhibits contained in or made a part of the Declaration shall remain as stated.

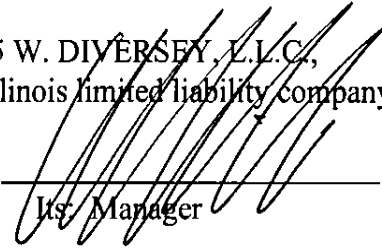
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IN WITNESS WHEREOF, the Declarant has caused these presents to be signed by an authorized member as of the day and year first above written.

1725 W. DIVERSEY, L.L.C.,
an Illinois limited liability company

By: 
Its Manager

**This Document was Prepared By
And Should be Mailed To:**

Michael I. Brown
Brown, Udeli & Pomerantz, Ltd.
2950 N. Lincoln Ave.
Chicago, IL 60657



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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

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I HEREBY CERTIFY that on this 7th day of October, 1999, before me personally appeared Ron Shipka, Sr. the MANAGER of 1725 Diversey, LLC., an Illinois limited liability company, to me known to be the same person who signed the foregoing instrument as such persons free act and deed as such officer for the use and purpose therein mentioned, and that the said instrument is the act and deed of such company.

Given under my hand and notarial seal this 7th day of October, 1999.

Notary Public: Kathleen Burmeister
Notary Public, State of Illinois
My Commission Expires: 1-14-01

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CONSENT OF MORTGAGEE

The Undersigned, Bank One, formerly known as First National Bank, as mortgagee under mortgage dated April 20, 1999, and recorded May 14, 1999, as Document No. 99468141, hereby consents to the execution and recording of the within Declaration of Easements, Covenants and Restrictions relating to the Diversey-Paulina Development Umbrella Declaration.

IN WITNESS WHEREOF, the said Vice President has caused this instrument to be signed by its duly authorized officers on its behalf; all done at Chicago, Illinois on this 14th day of October, 1999.

By: [Signature]
Its: V.P.

By: _____
Its: _____

Attest: [Signature]
Attest: _____

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EXHIBIT "A"

99976838

LEGAL DESCRIPTION

PARCEL 1:

LOTS 1 THROUGH 6, BOTH INCLUSIVE, LOT 7 (EXCEPT THE EAST 16 FEET DEDICATED FOR PUBLIC ALLEY, BUT NOW VACATED) THE EAST 16 FEET OF LOT 7 FORMERLY A NORTH AND SOUTH PUBLIC ALLEY NOW VACATED, AND ALL OF LOTS 8, 9, AND 10, TOGETHER WITH THE EAST HALF OF VACATED N. HERMITAGE AVENUE PER DOCUMENT NUMBER 6600237 LYING WEST OF AND ADJOINING SAID LOT 10 AND ALL OF THE 16 FOOT WIDE VACATED ALLEY PER DOCUMENT NUMBER 22626368, LYING SOUTH OF AND ADJOINING SAID LOTS 1 THROUGH 10, INCLUSIVE, ALL IN BLOCK 2 IN FULLERTONS 4TH ADDITION TO CHICAGO, A SUBDIVISION IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE NORTH 247 FEET OF LOT 2 IN NORTHWESTERN TERRA COTTA COMPANY'S RESUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THE EAST HALF OF SAID VACATED N. HERMITAGE AVENUE LYING WEST OF AND ADJOINING THE NORTH 70 FEET OF SAID LOT 2, AND ALSO THAT PART OF SAID VACATED N. HERMITAGE AVENUE LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 70 FEET OF SAID LOT 2, LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 247 FEET OF SAID LOT 2, LYING WEST OF AND ADJOINING THE WEST LINE OF THE SOUTH 177 FEET OF THE NORTH 247 FEET OF SAID LOT 2, AND LYING EAST OF AND ADJOINING THE EAST LINE OF THE WEST 3 FEET OF SAID VACATED N. HERMITAGE AVENUE; ALSO THAT PART OF LOT 3 AND VACATED N. HERMITAGE AVENUE LYING EAST OF AND ADJOINING SAID LOT 3 IN NORTHWESTERN TERRA COTTA COMPANY'S RESUBDIVISION AFORESAID, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF A WESTWARD EXTENSION OF A LINE 70 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 2 IN SAID RESUBDIVISION WITH A LINE 3.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID VACATED N. HERMITAGE AVENUE; AND RUNNING THENCE SOUTH ALONG A LINE 3.0 FEET EAST OF AND PARALLEL TO SAID WEST LINE OF VACATED N. HERMITAGE AVENUE, A DISTANCE OF 120.47 FEET; THENCE NORTHWESTERLY ALONG AN ARC OF A CIRCLE, CONVEX TO THE NORTHEAST AND HAVING A RADIUS OF 223.02 FEET, A DISTANCE OF 46.07 FEET TO A POINT OF COMPOUND CURVE; THENCE NORTHWESTERLY ALONG AN ARC OF A CIRCLE, CONVEX TO THE NORTHEAST AND HAVING A RADIUS OF 153.77 FEET A DISTANCE OF 83.97 FEET TO A POINT ON SAID WESTWARD EXTENSION OF A LINE 70 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 2 IN SAID NORTHWESTERN TERRA COTTA COMPANY'S RESUBDIVISION; THENCE EAST ALONG SAID WESTWARD EXTENSION A DISTANCE OF 44.21 FEET TO THE POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EAST 12.0 FEET OF THE WEST HALF OF VACATED N. HERMITAGE AVENUE, LYING SOUTH OF THE WESTWARDLY EXTENSION OF THE SOUTH LINE OF THE NORTH 1.06 FEET OF LOT 2 AND LYING NORTH OF THE WESTWARDLY EXTENSION OF THE SOUTH LINE OF THE NORTH 70.0 FEET OF SAID LOT 2 IN NORTHWESTERN TERRA COTTA COMPANY'S RESUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 1725 WEST DIVERSEY, CHICAGO, IL

P.I.N.: 14-30-403-021/022/023/024/025/026/027/029/031/033/057/051/052

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EXHIBIT "B"

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BUILDING STANDARDS

Attached.

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PAPPAGEORGE HAYMES LTD.

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DIVERSEY/PAULINA

OCTOBER 8, 1999

CHICAGO, ILLINOIS

BUILDING STANDARDS

**BUILDING STANDARDS
SINGLE FAMILY AND TWO-FLAT HOMES
(Lot No.'s 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20)**

It is the intent of the standards set forth below to supplement the latest editions of the Chicago Zoning Ordinance and the City of Chicago Building Code, and to establish restrictive criteria for the design and construction of buildings on the subject properties. Terminology used in this document shall have the same meaning as contained in those documents. Reference is made to the Site Plan dated May 4, 1999, prepared by Pappageorge Haymes Ltd.

A. Height/Area

1. All buildings shall be not more than 3-stories, plus basement, with a maximum of two dwellings. Ceiling of second floor not more than 28 feet above grade. Overall height of building shall not exceed 38 feet as measured by the Chicago Zoning Ordinance.
2. The underlying zoning shall be based upon an R-4 District as defined in the Chicago Zoning Ordinance as it currently exists on May 10, 1999. In no case, however, shall the floor area ratio (F.A.R.) square footage exceed 4,000 sq. ft. per single lot.

B. Setbacks

1. Each building shall have a minimum front yard setback of 12% or 15 ft. (whichever is less) from the front lot line and be in accordance with the site plan. Bay windows, entry porches and stairs shall be allowed to project into the front yard setbacks as defined in the Permitted Obstructions Section of the Chicago Zoning Ordinance.
2. Other obstructions in required yards shall be as defined in the Chicago Zoning Ordinance.
3. Any third floor where the vertical dimension from grade to finish floor is greater than 20' if built, shall be setback a minimum of 25'-0" from the front lot line.
4. Roof dormers will be setback 20 feet from front and 15 feet from rear building facades.
5. Balconies, decks, and porches shall not be closer than 3 feet from any side lot line.
6. Side yard setbacks shall be not less than 2'-6". This may be reduced by up to 50% (via a zoning exception process), subject to maintaining a minimum of 3'-9" between adjacent structures, and subject to approval by the West DePaul Neighborhood Association, and subject to approval by the Department of Zoning.
7. Adjacent buildings shall have varying setbacks in compliance with the approved project Site Plan.
8. There will be no Exceptions or Variations greater than 20% of the required front and/or rear yard setbacks allowed.

C. Parking

1. Two cars minimum per building within an enclosed attached or detached garage structure. Any garage shall be of a size to accommodate refuse containers in addition to parking stalls.
2. Parking stalls shall be 8 feet x 19 feet minimum.
3. Accessory structures, including garages, shall be setback a minimum of 1'-0" from one side lot line, 3'-0" from the other side lot line and 9'-0" from the rear lot line. Detached garages shall not exceed more than 25 feet from the rear alley line (34' from rear property line).
4. Roof slopes on pitched roofs of garages shall be not less than a 10:12 pitch and the ridge of the gable roof shall be oriented in the east/west direction. Garages with flat roofs and roof decks are allowed as defined in and subject to the Chicago Building Code.
5. All garages and parking spaces to be provided with one 75W High Pressure Sodium light fixture in alley, which shall be activated by photoelectric cell switch.

D. Landscaping

1. A continuous, 3' 6" high, ornamental steel fence with gates painted black, shall be installed along all front lot lines. Fencing shall be vertical picket type with picket spacing between 3" and 6" (1/2" bar size minimum). Posts shall be a minimum of 3" square, at 5'-0" on center (or less). All fencing between homes in the front yard setback shall match. Fencing elsewhere shall be ornamental iron or cedar board.
2. Side yard fencing shall be wood, vinyl or ornamental steel, not more than 5'-0" high.
3. Front and rear yards shall have a minimum of one ornamental tree (2 1/2" caliper) each.
4. No more than 20% of front yard shall be hard surface paving.
5. Parkway landscaping shall conform to the requirements of the City of Chicago Landscaping Ordinance. Parkway trees to be located as per site plan and be 4" minimum caliper Ash. Remainder of parkway to be sod.
6. Sod or ivy ground cover shall be provided at all non-paved areas of the site.
7. Grade within front yards shall be within 1'-6" of grade level at the public sidewalk. Sunken patios are not permitted.
8. All utility meters in front yards to be fully screened with shrubs or other landscaping.
9. All exposed foundations at front facades shall be screened with landscaping.
10. All public sidewalks and curbs shall be provided per City of Chicago Standards and in accordance with the Site Plan.

E. Construction Standards

1. All street facades will be either masonry face brick, limestone, manufactured stone, or horizontal lap siding. Brick shall be of standard, modular, or utility sizes. No concrete or concrete masonry unit, stucco or synthetic stucco (EIFS) materials will be allowed at front facades. Metal trim (pre-finished or copper) is permitted. Facade materials shall extend back from front facades a minimum of 8'-0" at both side facades.
2. No unpainted or otherwise uncolored concrete block masonry units are allowed at the side and rear facades. Permitted chimney projections into side yards shall match front facade materials if at or within 10'-0" of front facade.
3. In masonry facades, all windows and doors shall have 8" to 12" stone lintels and 4" stone sills.

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4. Horizontal lap siding shall have a maximum 4" lap and be of wood or premium vinyl. Door, window and corner trim shall be 4" nominal, minimum.
5. Exhaust vents for fans or appliances shall not be allowed along front facades. Roof vents and flues shall be setback from front building facade a minimum of 10'-0".
6. Gutters and downspouts shall be pre-finished aluminum and/or copper. Decorative leader boxes shall be permitted along the front and side facades.
7. No sliding doors or windows shall be permitted along the front and side facades.
8. Pitched roof slopes shall be not less than a 10:12 pitch. Roof coverings shall be a 3-tab asphaltic shingle with granular face. Flat roofs shall be single-ply membrane in black.
9. Adjacent buildings, under the control of a single Owner/Developer, shall have dissimilar facades, finished, window configurations and material colors.
10. All principal entrance doors shall face the street.
11. All exterior patios, terraces and similar spaces shall be located only in the rear of the building. Patios, terraces and similar spaces in the front yard are not allowed.
12. All front entry doors shall be located at the first floor above grade. Front entry doors below sidewalk grade are not allowed.

End

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PAPPAGEORGE HAYMES LTD.

99976838

DIVERSEY/PAULINA

AUGUST 5, 1999

CHICAGO, ILLINOIS

BUILDING STANDARDS

BUILDING STANDARDS THREE-FLAT BUILDINGS (Lot No.'s 2, 11, 12 and 21)

It is the intent of the standards set forth below to supplement the latest editions of the Chicago Zoning Ordinance and the City of Chicago Building Code, and to establish restrictive criteria for the design and construction of buildings on the subject properties. Terminology used in this document shall have the same meaning as contained in those documents herein. Reference is made to the Site Plan dated May 4, 1999, prepared by Pappageorge Haymes Ltd.

A. Height/Area

1. All buildings shall be not more than 3-stories, plus basement, with a maximum of three dwellings. Ceiling of second floor not more than 28 feet above grade. Overall height of building shall not exceed 38 feet. Top of roof access stair enclosure not-to-exceed 48 feet above grade.
2. Each dwelling unit shall have a minimum yard (open space at grade) of 175 sq. ft. per unit in a front and/or rear yard per the Chicago Zoning Ordinance.
3. The underlying zoning shall be based upon an R-4 District as defined in the Chicago Zoning Ordinance as it currently exists on May 10, 1999. In no case, however, shall the floor area ratio (F.A.R.) square footage exceed 3,900 sq. ft.

B. Setbacks

1. Each building shall have a minimum front yard setback of 12% or 15 ft. (whichever is less) from the front lot line. Bay windows, entry porches and stairs shall be allowed to project into the front yard setbacks as defined in the Permitted Obstructions Section of the Chicago Zoning Ordinance.
2. Other obstructions in required yards shall be as defined in the Chicago Zoning Ordinance.
3. Roof structures and mechanical equipment shall be setback a minimum 15'-0" from front and rear facades.
4. Roof dormers will be setback 20 feet from front and 15 feet from rear building facades.
5. Balconies, decks, stairs and porches shall not be closer than 3 feet from any side lot line.
6. Side yard setbacks shall be not less than 2'-6". This may be reduced by up to 50% (via a zoning exception process), subject to maintaining a minimum of 3'-9" between adjacent structures, and subject to approval by the Department of Zoning.
7. There will be no Exceptions or Variations to required front and rear yard setbacks allowed.

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C. Parking

1. Three cars minimum per building within an enclosed attached or detached garage structure or open concrete pad. Any garage shall be of a size to accommodate refuse containers in addition to parking stalls.
2. Parking stalls shall be 8 feet x 19 feet minimum.
3. Accessory structures, including garages, shall be setback a minimum of 1'-0" from one side lot line, 3'-0" from the other side lot line and 9'-0" from the rear alley line. Detached garages shall not exceed more than 25 feet from the rear alley line (34' from rear property line).
4. Roof slopes on pitched roofs of garages shall be not less than a 10:12 pitch and the ridge of a gable roof shall be oriented in the east/west direction. Garages with flat roofs and roof decks are allowed as defined in and subject to the Chicago Building Code.
5. All garages and parking spaces to be provided with one 75W High Pressure Sodium light fixture in alley, which shall be activated by photoelectric cell switch.

D. Landscaping

1. A continuous, 3'-0" high, ornamental steel fence, with gates, painted black, shall be installed along all front lot lines. Fencing shall be vertical picket type with picket spacing between 3" and 6" (1/2" bar size minimum). Posts shall be a minimum of 3" square, at 5'-0" on center (or less). All fencing between homes in the front yard setback shall match. Fencing elsewhere shall be ornamental iron or cedar board.
2. Side yard fencing shall be of wood, vinyl or ornamental steel, not more than 5'-0" high.
3. Front and rear yards shall have a minimum of one ornamental tree (2 1/2" caliper) each.
4. No more than 20% of front yard shall be hard surface paving.
5. Parkway landscaping shall conform to the requirements of the City of Chicago Landscaping Ordinance. Parkway trees to be located as per site plan and be 4" minimum caliper Ash. Remainder of parkway to be sod.
6. Sod or ivy ground cover shall be provided at all non-paved areas of the site.
7. Grade within front yards shall be within 1'-6" of grade level at the public sidewalk. Sunken patios are not permitted.
8. All utility meters in front yards to be fully screened with shrubs or other landscaping. No mechanical equipment is allowed in the front yard.
9. All exposed foundations at front facades shall be screened with landscaping.
10. All public sidewalks and curbs shall be provided per City of Chicago Standards and in accordance with the Site Plan.

E. Construction Standards

1. All street facades will be either masonry face brick, limestone or manufactured stone. No concrete or concrete masonry unit, stucco or synthetic stucco (EIFS) materials will be allowed at front facades. Brick shall be of standard, modular, or utility sizes. Metal trim (prefinished aluminum or copper) is permitted. Facade materials shall extend back from front facades a minimum of 8'-0" at both side facades. South facades of Lot No.'s 2 and 11 and north facades of Lot No.'s 12 and 21 to have same primary materials as front facades.
2. No unpainted or otherwise uncolored concrete block masonry units are allowed at the side and rear facades. Permitted chimney projections into side yards shall match front facade materials if at or within 10'-0" of front facade.

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3. In masonry facades, all windows and doors shall have 8" to 12" stone lintels and 4" stone sills.
4. Exhaust vents for fans or appliances shall not be allowed along front facades. Roof vents and flues shall be setback from front building facade a minimum of 10'-0".
5. Gutters and downspouts shall be prefinished aluminum and/or copper. Decorative leader boxes shall be permitted along the front and side facades.
6. No sliding doors or windows shall be permitted along the front and side facades.
7. Pitched roof slopes shall be not less than a 10:12 pitch. Roof coverings shall be a 3-tab asphaltic shingle with granular face. Flat roofs shall be single-ply membrane in black.
8. Adjacent buildings, under the control of a single Owner/Developer, shall have dissimilar facades, finished, window configurations and material colors.
9. All principal entrance doors shall face the street.
10. All exterior patios, terraces and similar spaces shall be located no lower than grade level at the public sidewalk.
11. All front entry doors shall be located at the first floor above grade. Front entry doors below sidewalk grade are not allowed.

End