

This Document Prepared By and after recording return to:

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Cook County Recorder 37.00

Schiff Hardin & Waite
6600 Sears Tower
Chicago, IL 60606
Attn: David A. Grossberg



PINs 14-29-321-030
14-29-321-033
14-29-321-035

FIRST AMENDMENT TO ACCESS EASEMENT AGREEMENT

THIS FIRST AMENDMENT TO ACCESS EASEMENT AGREEMENT ("Agreement") is made as of this 23rd day of February, 1999, by and between Altgeld Club Homeowners Association, an Illinois not-for-profit corporation ("Association"), Dan Melk Development/MCL Fullerton Altgeld, L.P., an Illinois limited partnership ("Grantor") and Cityscape Development L.L.C, an Illinois limited liability company ("Grantee"). Association, Grantor and Grantee are sometimes hereinafter referred to individually as a "Party" and collectively as the "Parties".

RECITALS:

A. Grantor and Grantee entered into an Access Easement Agreement dated July 10, 1997, and recorded as Document No. 97536387 (the "Agreement") by which Grantor granted to Grantee an easement for ingress and egress over, upon and across a certain parcel legally described on Exhibit C to the Agreement (the "Original Easement Parcel"). The Agreement anticipated the formation of Association and assigned certain responsibilities to it.

B. The parties hereto now wish to increase the size of the Original Easement Parcel and modify certain other aspects of the Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Incorporation of Recitals. The foregoing recitals are a material part of this Agreement are incorporated herein as if fully set forth in this Paragraph 1.
2. Cost-Sharing. Section 5 of the Agreement is hereby modified by inserting the following after the first sentence thereof:

"The maintenance and repair costs for the Easement Parcel shall be deemed to include, without limitation, the cost of (a) repairing and replacing the driveways and sidewalks on the Easement Parcel and driveways on the parcel connecting the

Box 333

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Easement Parcel to Fullerton Parkway, (b) clearing snow therefrom, (c) procuring insurance coverage in connection therewith, (d) real estate taxes in connection therewith, and (e) accumulating reasonable reserves for major repairs to or replacement thereof."

3. Insurance. Section 8 of the Agreement is hereby deleted and the following is hereby inserted in its place:

"8. Insurance. Grantor shall carry at all times commercial general public liability insurance, in amounts appropriate for a homeowners' association, naming as additional insureds the owners from time to time of the homes within the Single Family Parcel."

4. Amended Grant of Easements. Exhibit C to the Agreement is hereby deleted and Exhibit C hereto is hereby substituted in its place.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Access Easement Agreement as of the date and year first above written.

GRANTEE:

CITYSCAPE DEVELOPMENT L.L.C.

By: Jose R. Berges
Jose Berges, Manager

GRANTOR:

DAN MELK DEVELOPMENT/MCL
FULLERTON ALTGELD L.P.

By: MCL Companies of Chicago, Inc.,
its general partner

By: _____
Its _____ President

ALTGELD CLUB HOMEOWNERS
ASSOCIATION

By: _____
Its _____ President

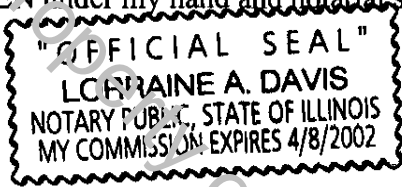
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Lorraine A Davis, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that Jose Berges, Manager of Cityscape Development L.L.C., an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and such Manager, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 23rd day of February, 1999.



Lorraine A Davis
Notary Public

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, _____, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that _____, the _____ President of MCL COMPANIES OF CHICAGO, INC., an Illinois corporation and the general partner of DAN MELK DEVELOPMENT/MCL FULLERTON ALTGELD, L.P., an Illinois limited partnership, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such _____ President, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act and as the free and voluntary act of said corporation on behalf of said limited partnership, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this _____ day of _____, 1999.

Notary Public

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4. Amended Grant of Easements. Exhibit C to the Agreement is hereby deleted and Exhibit C hereto is hereby substituted in its place.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Access Easement Agreement as of the date and year first above written.

GRANTEE:

GRANTOR:

CITYSCAPE DEVELOPMENT L.L.C

DAN MELK DEVELOPMENT/MCL FULLERTON ALTGELD L.P.

By: _____
Jose Berges, Manager

By: MCL Companies of Chicago, Inc.,
its general partner

By: Marilyn Walsh
Its Exec Vice President

ALTGELD CLUB HOMEOWNERS ASSOCIATION

By: Marilyn Walsh
Its Exec Vice President

UNOFFICIAL COPY

99214855

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, _____, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that Jose Berges, Manager of Cityscape Development L.L.C., an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and such Manager, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

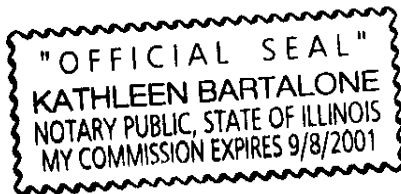
GIVEN under my hand and notarial seal this _____ day of _____, 1999.

Notary Public

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, KATHLEEN BARTALONE, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that MARILYN WALSH, the EXECUTIVE VICE President of MCL COMPANIES OF CHICAGO, INC., an Illinois corporation and the general partner of DAN MELK DEVELOPMENT/MCL FULLERTON ALTGELD, L.P., an Illinois limited partnership, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such _____ President, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act and as the free and voluntary act of said corporation on behalf of said limited partnership, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 26th day of February, 1999.



Kathleen Bartalone
Notary Public

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Lorraine A. Davis, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that Marilyn Walsh, the Executive Vice President of ALTGELD CLUB HOMEOWNERS ASSOCIATION, an Illinois not-for-profit corporation, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Executive Vice President, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his 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 26th day of February, 1999.

Lorraine A. Davis
Notary Public



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CONSENT OF MORTGAGEE

National City Bank of Michigan/Illinois f/k/a First of America Bank-Illinois N.A., holder of a note secured by the Property and recorded with the Recorder of Deeds of Cook County, Illinois, on January 6, 1997 as Document No. 97009113 hereby consents to the execution of and recording of the above and foregoing First Amendment to Access Easement Agreement for the Altgeld Club Homeowners Association.

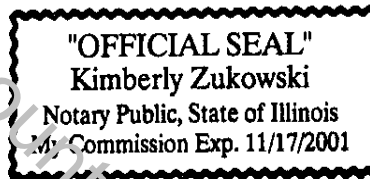
IN WITNESS WHEREOF, the said Bank has caused this instrument to be signed by its duly authorized officers on its behalf on this 28th day of February 1999.

NATIONAL CITY BANK OF MICHIGAN/
ILLINOIS f/k/a FIRST OF AMERICA
BANK-ILLINOIS N.A.

By: Laura Jurewicz
Its: Vice President

ATTEST:

Kim Zukowski
Its: Service Manager



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Kimberly Zukowski, a Notary Public in and for the County in the State aforesaid, DO HEREBY CERTIFY that Laura Jurewicz and Kimberly Zukowski, the Vice President and Branch Manager respectively, of National City Bank of Michigan/Illinois f/k/a/ First of America Bank-Illinois N.A., 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 said instrument as their 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 3rd day of March, 1999.

Kimberly Zukowski
Notary Public

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EXHIBIT C

Easement Parcel

Those portions of the following described parcel that are from time to time improved with driveways or sidewalks:

Lot 18 in Altgeld Club being a subdivision of part of the Southwest Quarter of Section 29, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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