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# EXHIBIT

ATTACHED TO

99389217

DOCUMENT NUMBER

SEE PLAT BOOK

104-22-1999

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**FOURTH AMENDMENT  
TO:**



**DECLARATION OF  
CONDOMINIUM  
OWNERSHIP AND  
OF EASEMENTS,  
RESTRICTIONS,  
COVENANTS AND  
BY-LAWS FOR THE  
CREEKSIDE AT  
OLD ORCHARD  
CONDOMINIUMS**

99389217  
4562/0184 16 001 Page 1 of 17  
1999-04-22 15:36:45  
Cook County Recorder 103.00

## EXHIBIT ATTACHED

**THIS FOURTH AMENDMENT TO** the Declaration of Condominium Ownership and of Easements, Covenants and By-Laws For the Creekside at Old Orchard Condominiums is made by PARKWAY BANK and TRUST COMPANY, not personally but solely as Trustee under Trust Agreement dated May 5, 1998 and known as Trust Number 11969 (the "Trust").

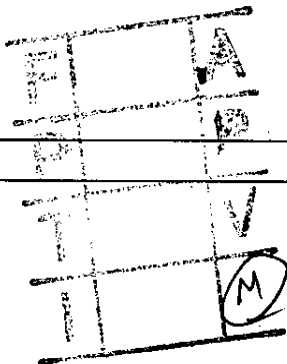
**THIS DOCUMENT PREPARED BY  
AND AFTER RECORDING MAIL TO:**

PAUL KOLPAK  
KOLPAK & LERNER  
6767 N. MILWAUKEE AVE., SUITE 202  
NILES, IL 60714  
(847) 647-0336

**ADDRESS OF REAL ESTATE  
AND PERMANENT INDEX  
NUMBER(S)**

710-740 CREEKSIDE DR.  
MOUNT PROSPECT, IL 60056

03-27-100-083  
03-27-100-086  
03-27-100-087  
03-28-202-008  
03-28-202-009  
03-27-100-088-1001 to 1100



RECORDING FEE \$ 103<sup>00</sup>  
DATE 4/22/99 COPIES 6  
OK ZM 1794

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## WITNESSETH:

**WHEREAS**, by a Declaration of Condominium (the "Declaration") dated March 15, 1996 and recorded in the office of the Cook County Recorder of Deeds on April 8, 1996, as Document Number 96261584 (the "Declaration") the Declarant thereunder submitted certain real estate to the provisions of the Illinois Condominium Property Act (the "Act"); and a Special Amendment having been recorded in the office of the Cook County Recorder of Deeds as Document Number 96488535; and an AMENDMENT TO DECLARATION OF CONDOMINIUM FOR CREEKSIDE AT OLD ORCHARD CONDOMINIUMS dated September 9, 1996 having been recorded in the office of the Cook County Recorder of Deeds on October 18, 1996 as Document Number 96766359; and a SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM FOR CREEKSIDE AT OLD ORCHARD CONDOMINIUMS dated March 12, 1997 having been recorded in the office of the Cook County Recorder of Deeds on March 14, 1997 as Document Number 97175969; and a THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM FOR CREEKSIDE AT OLD ORCHARD CONDOMINIUMS having been recorded in the office of the Cook County Recorder of Deeds on August 7, 1998 as Document Number 98696008, which Third Amendment assigned the right to build an additional fifty (50) unit condominium building on "Parcel 4" (as delineated on the Plat of Survey attached to the Declaration of Condominium as Exhibit "A") to Wellington Partners, Inc. (Developer of Parcel 4);

**WHEREAS**, the Declaration and Amendments thereto reserve to the Developer of Parcel 4 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 land described at "Exhibit A" to the Declaration; and

**WHEREAS**, the Trustee at the direction of the Developer of Parcel 4 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 the Amended Exhibit "A" attached hereto.

**NOW THEREFORE**, PARKWAY BANK and TRUST COMPANY, not personally but solely as Trustee under Trust Agreement dated May 5, 1998 and known as Trust Number 11969 (the "Trust") for the purpose above set forth, DECLARES 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 thereto the Amended Exhibit "A(5)" attached hereto which consists of the Plat of Survey of additional units and real property submitted to the provisions of the Act to. The additional units are located on Parcel 4 legally described as follows:

## PARCEL 4:

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 FEET OF THE EAST 245 FEET OF THE AFORESAID NORTHWEST QUARTER OF SECTION 27; THENCE SOUTH 88 DEGREES 01 MINUTES 26 SECONDS WEST, 590 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, 365 FEET; THENCE NORTH 84 DEGREES 22 MINUTES 39 SECONDS WEST, 592 FEET; THENCE NORTH 39 DEGREES 48 MINUTES 20 SECONDS WEST, 792.90 FEET; THENCE NORTH 54 DEGREES 03 MINUTES 02 SECONDS WEST, 112.41 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC BEING TANGENTIAL TO THE LAST DESCRIBED COURSE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 205.00 FEET AND AN ARC DISTANCE OF 73.48 FEET; THENCE CONTINUING NORTHWESTERLY ALONG A LINE BEING TANGENTIAL TO THE LAST DESCRIBED COURSE, NORTH 74 DEGREES 35 MINUTES 19 SECONDS WEST, 25.12 FEET; THENCE NORTH 26 DEGREES 33 MINUTES 31 SECONDS WEST, 37.12 FEET; THENCE SOUTH 01 DEGREES 26 MINUTES 29 SECONDS WEST, 5.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51 DEGREES 59 MINUTES 43 SECONDS WEST, 82.33 FEET; THENCE SOUTH 25 DEGREES 44 MINUTES 13 SECONDS EAST, 244.32 FEET; THENCE NORTH 81 DEGREES 59 MINUTES 43 SECONDS EAST, 82.33 FEET; THENCE NORTH 01 DEGREES 39 MINUTES 59 SECONDS WEST, 127.57 FEET; THENCE NORTH 42 DEGREES 05 MINUTES 25 SECONDS WEST, 177.60 FEET TO THE POINT OF BEGINNING.

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

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 hereto fore conveyed, all as set forth in the Declaration.

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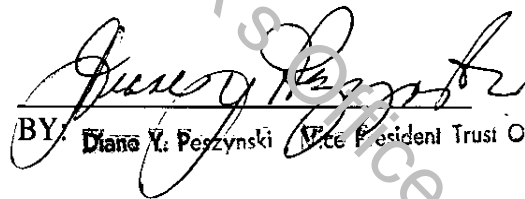
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5. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

6. 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. 11969 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, avail, 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 provision hereof shall be controlling.

IN WITNESS WHEREOF, PARKWAY BANK and TRUST COMPANY, not personally but solely as Trustee under Trust Agreement dated May 5, 1998 and known as Trust Number 11969 (the "Trust"), has caused its name to be signed in these presents by its Vice President Trust Officer and attested by its Assistant Cashier this 19<sup>th</sup> day of April, 1999.

  
BY: Diana V. Pezzyński Vice President Trust Officer

ATTEST:

  
Secretary Assistant Cashier

Marcelena J. Kawczinski

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State of Illinois                    )  
  ) ss  
County of Cook                    )

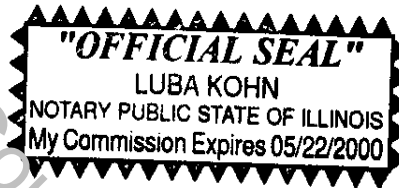
I, Luba Kohn, a Notary Public in and for the County and State aforesaid, do hereby certify that Diane Y. Paszynski, of Parkway Bank and Trust Company and Marcelina A. Kowczinski of said Bank, known to me to be the same persons whose names are subscribed to the foregoing instrument as such ~~Vice President Trust Officer~~ Assistant Cashier, respectively, appeared before me this day in person and acknowledged 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 on oath stated that they are authorized to execute these presents and in fact executed these presents on behalf of the Bank as Trustee as aforesaid and not individually.

GIVEN under my hand and Notarial Seal this 19<sup>th</sup> day of April, 1999.

Luba Kohn  
Notary Public

My Commission Expires:

5/22/2000



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## CONSENT OF MORTGAGEE

LASALLE BANK FSB, holder of a Mortgage on the Property dated 9-23, 1998 and recorded <sup>OCTOBER</sup> ~~December~~ 10, 1998 as Document Number 98883279, hereby consents to the execution and recording of the within Fourth Amendment to the Declaration of Condominium Ownership and of Easements, Restrictions, Covenants and By-Laws for the Creekside at Old Orchard Condominiums.

IN WITNESS WHEREOF, Thomas Kearney has caused this Consent of Mortgagee to be signed by its duly authorized officers on its behalf, all done at Chicago, Illinois on this 19<sup>th</sup> day of April, 1999.

By: Tammy Gierszewicz  
Its: Vice President

ATTEST:

By: Thomas Kearney  
Its: AVP

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that TAMMY GIERSEWICZ, VP, AND  
THOMAS KEARNEY, AVP  
appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as        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 19<sup>th</sup> day of April, 1999.

Carol Krajewski  
Notary Public

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AMENDED EXHIBIT A(4)  
PLAT OF SURVEY

Property of Cook County Clerk's Office

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**AMENDED EXHIBIT B**

**PERCENTAGE INTEREST IN COMMON ELEMENTS OF  
CREEKSIDE AT OLD ORCHARD CONDOMINIUMS**

**99389217**

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	710	720	730	740
	CREEKSIDE	CREEKSIDE	CREEKSIDE	CREEKSIDE
	BLDG. NO. A	BLDG. NO. B	BLDG. NO. C	BLDG. NO. D
UNIT NO.	% INTEREST	% INTEREST	% INTEREST	% INTEREST
101	0.4480%	0.4480%	0.4331%	0.5128%
102	0.4480%	0.4480%	0.4331%	0.3263%
103	0.4684%	0.4684%	0.4684%	0.5693%
104	0.5128%	0.5128%	0.5128%	0.4684%
105	0.5790%	0.5790%	0.5790%	0.5790%
106	0.5790%	0.5790%	0.5790%	0.5790%
107	0.4684%	0.4684%	0.4684%	0.4684%
108	0.5010%	0.5010%	0.5010%	0.5010%
109	0.4480%	0.4619%	0.5693%	0.5693%
110	0.4480%	0.4619%	0.3263%	0.3263%
201	0.4480%	0.4480%	0.4480%	0.5749%
202	0.4480%	0.4480%	0.4480%	0.3263%
203	0.4684%	0.4684%	0.4684%	0.5693%
204	0.5575%	0.5575%	0.5575%	0.4684%
205	0.5790%	0.5790%	0.5790%	0.5790%
206	0.5790%	0.5790%	0.5790%	0.5790%
207	0.4684%	0.4684%	0.4684%	0.4684%
208	0.5749%	0.5749%	0.5749%	0.5693%
209	0.4480%	0.4480%	0.5693%	0.3263%
210	0.4480%	0.4480%	0.3263%	0.5824%
301	0.4480%	0.4480%	0.4480%	0.5749%
302	0.4480%	0.4480%	0.4480%	0.3263%
303	0.4684%	0.4684%	0.4684%	0.5693%
304	0.5575%	0.5575%	0.5575%	0.4684%
305	0.5790%	0.5790%	0.5790%	0.5790%
306	0.5790%	0.5790%	0.5790%	0.5790%
307	0.4684%	0.4684%	0.4684%	0.4684%
308	0.5749%	0.5749%	0.5749%	0.5693%
309	0.4480%	0.4480%	0.5693%	0.3263%
310	0.4480%	0.4480%	0.3263%	0.5824%

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401	0.4480%	0.4480%	0.4480%	0.4480%	0.5749%
402	0.4480%	0.4480%	0.4480%	0.4480%	0.3263%
403	0.4684%	0.4684%	0.4684%	0.4684%	0.5693%
404	0.5575%	0.5575%	0.5575%	0.5575%	0.4684%
405	0.5790%	0.5790%	0.5790%	0.5790%	0.5790%
406	0.5790%	0.5790%	0.5790%	0.5790%	0.5790%
407	0.4684%	0.4684%	0.4684%	0.4684%	0.4684%
408	0.5749%	0.5749%	0.5749%	0.5749%	0.5824%
409	0.4480%	0.4480%	0.4480%	0.4480%	0.5693%
410	0.4480%	0.4480%	0.4480%	0.4480%	0.3263%

501	0.4480%	0.4480%	0.4480%	0.4480%	0.5749%
502	0.4480%	0.4480%	0.4480%	0.4480%	0.3263%
503	0.4684%	0.4684%	0.4684%	0.4684%	0.5693%
504	0.5575%	0.5575%	0.5575%	0.5575%	0.4684%
505	0.5790%	0.5790%	0.5790%	0.5790%	0.5790%
506	0.5790%	0.5790%	0.5790%	0.5790%	0.5790%
507	0.4684%	0.4684%	0.4684%	0.4684%	0.4684%
508	0.5749%	0.5749%	0.5749%	0.5749%	0.5693%
509	0.4480%	0.4480%	0.4480%	0.4480%	0.3263%
510	0.4480%	0.4480%	0.4480%	0.4480%	0.5825%

					<b>25.0731%</b>
					<b>24.9454%</b>
					<b>25.0047%</b>
					<b>24.9768%</b>

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