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**FIRST AMENDMENT TO  
THE DECLARATION OF  
CONDOMINIUM  
OWNERSHIP AN OF  
EASEMENTS,  
RESTRICTIONS AND  
COVENANTS FOR THE  
73 EAST ELM STREET  
CONDOMINIUM  
ASSOCIATION**

This First Amendment, dated this 30 day of June, 1998, is made by the Board of Directors of the 73 Elm Street Condominium Association ("Association").

**WITNESSETH:**

The Board of Directors ("Board") administers the property for the Association, located at 73 East Elm Street, Chicago, Illinois pursuant to the Declaration for the property legally described on Exhibit A attached to and made a part of this First Amendment. Pursuant to Article XII), Section 7 of the Declaration, the Board of Directors and the Owners desire to amend:

Article XI of the Declaration to provide that in the event an Owner fails to pay his or her proportionate share of the common expenses three (3) times within a twelve month period, the Board may accelerate the Owner's common expenses for the year.

WHEREAS, Article XII, Section 7 of the Declaration states that provisions of the Declaration may be amended by (1) an instrument in writing; (2) signed and acknowledged by the Board and approved by the Owners having at least three-fourths (3/4) of the total vote; and (3) containing an affidavit by an officer of the Board certifying that a copy of the amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit

Ownership, no less than ten (10) days prior to the date of such affidavit. The amendment shall become effective upon recording with the Recorder of Deeds of Cook County, Illinois.

WHEREAS, pursuant to Article XII, Section 7 of the Declaration, the First Amendment set forth below has been approved by the Board and the Unit Owners listed on Exhibit B, attached hereto; and

WHEREAS, the secretary of the Board has mailed a copy of this First Amendment to all mortgagees having bona fide liens of record against any Unit Ownership as provided in Exhibit C attached hereto.

NOW THEREFORE, the Declaration is amended as follows:

Article XI of the Declaration is hereby amended by inserting Section 3 as follows:

3. ACCELERATION. In addition to the other remedies provided in this Declaration, if an Owner fails to pay his proportionate share of the common expenses or any other charges or payments required to be paid by the Owner hereunder, the Board or its counsel shall send the Owner a notice of default/demand for possession. If the Owner pays said demand within thirty (30) days but shall fail to pay his proportionate share of the common expenses or any other charges or payments required to be paid by the Owner two (2) additional times within a twelve month period, the Board may accelerate the maturity of the monthly assessments which would otherwise be due from the Owner during the balance of the fiscal year. If said Owner fails to pay the accelerated assessments and late charges due to the Association within thirty (30) days after notice/demand for possession from the Board or its counsel, the Association shall have such rights and remedies to enforce such collection as shall be provided or permitted by law from time to time, including the right to take possession of the Owner's interest in the Property and to maintain for the benefit of all other Owners an action for possession in the manner prescribed by "An Act in Regard to Forcible Entry and Detainer" approved February 16, 1974, as amended.

IN WITNESS WHEREOF, the Board has duly executed this First Amendment on the day and year first written above.

**BOARD OF DIRECTORS OF THE 73  
EAST ELM STREET CONDOMINIUM  
ASSOCIATION,**

*William H. [Signature]*

*William B. [Signature]*

*Christine [Signature]*

*Dee J. [Signature]*

*[Signature]*

On Behalf of Approving Unit Owners  
As indicated on Exhibit B

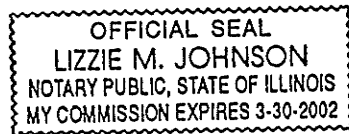
By:

*[Signature]*  
President

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, LIZZIE M. JOHNSON, a Notary Public in and for said County, in the State aforesaid, do hereby certify that William H Koch, WILLIAM B FESSENDEN, JR., KRISTINE E Peterson, SALLY S. Lueser, and J.E. Matanky, personally known to me to be the same persons whose names are subscribed to the foregoing First Amendment to the Declaration of Condominium Ownership and of Easements. Restrictions and Covenants for the 73 East Elm Street Condominium, as the Board of Directors of the 73 East Elm Street Condominium Association, appeared before me this day in person and acknowledged that they signed and delivered the said Amendment as their free and voluntary act and as the free and voluntary act of the 73 East Elm Street Condominium Association, for the uses and purposes set forth therein.

Given under my hand and notarial seal this 30<sup>th</sup> day of June, 1998.

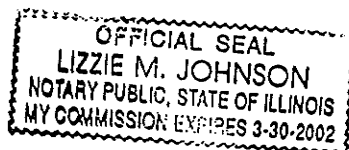


Lizzie M. Johnson  
NOTARY PUBLIC

#### NOTARY FOR PRESIDENT

I, LIZZIE M. JOHNSON, a Notary Public in and for said County, in the State aforesaid, do hereby certify that J.E. MATANKY, personally known to me to be the same person whose name is subscribed to the foregoing First Amendment to the Declaration of Condominium Ownership and of Easements. Restrictions and Covenants for the 73 East Elm Street Condominium, as the President of the 73 East Elm Street Condominium Association, appeared before me this day in person and acknowledged that he signed and delivered the said Amendment as his free and voluntary act and as the free and voluntary act of the 73 East Elm Street Condominium Association, for the uses and purposes set forth therein.

Given under my hand and notarial seal this 30<sup>th</sup> day of June, 1998.



Lizzie M. Johnson  
NOTARY PUBLIC

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 23, 24 and 25 and the West 3.25 feet of lot 26 (except therefrom the East 12 inches of the South 50.18 feet of said of the North 60.08 feet of said West 3.25 feet of said Lot 26) in Healy's Subdivision of Lot 1 and the North half of Lot 11 and part of Lot 10 in Block 2 of Canal Trustees Subdivision of South fractional half of Section 3 Township 39 North, Range 14 East of Third Principal Meridian together with the North 36.5 feet of Lot 10 lying South of and adjoining Lots 23 and 24 aforesaid and together with the West 2 inches of the South 32.95 feet of the North 93.03 feet of said Lot 26 (except the West 3.25 feet) in the City of Chicago in Cook County, Illinois.

Address: 73 East Elm Street, Chicago, Illinois 60611

3D	.0162	17-03-201-068-1038	X
4D	.0163	17-03-201-068-1039	
5D	.0167	17-03-201-068-1040	X
6D	.0168	17-03-201-068-1041	X
7D	.0169	17-03-201-068-1042	X
8D	.017	17-03-201-068-1043	X
9D	.0171	17-03-201-068-1044	X
10D	.0171	17-03-201-068-1045	X
11D	.0172	17-03-201-068-1046	X
12D	.0173	17-03-201-068-1047	X
14D	.0174	17-03-201-068-1048	
1	.0022	17-03-201-068-1049	
2	.0022	17-03-201-068-1050	
3	.0022	17-03-201-068-1051	
4	.0022	17-03-201-068-1052	
5	.0022	17-03-201-068-1053	
6	.0022	17-03-201-068-1054	
7	.0022	17-03-201-068-1055	
8	.0022	17-03-201-068-1056	
9	.0022	17-03-201-068-1057	
10	.0022	17-03-201-068-1058	

**EXHIBIT B**  
**PERCENTAGE OF COMMON ELEMENTS**  
**73 EAST ELM STREET CONDOMINIUM**

Unit	Common Elements	PIN	Approved
1A	.0162	17-03-201-068-1001	_____
2A	.0231	17-03-201-068-1002	X_____
3A	.0232	17-03-201-068-1003	X_____
4A	.0232	17-03-201-068-1004	X_____
5A	.0238	17-03-201-068-1005	X_____
6A	.0239	17-03-201-068-1006	_____
7A	.0240	17-03-201-068-1007	_____
8A	.0241	17-03-201-068-1008	X_____
9A	.0241	17-03-201-068-1009	X_____
10A	.0242	17-03-201-068-1010	X_____
11A	.0243	17-03-201-068-1011	X_____
12A	.0244	17-03-201-068-1012	X_____
14A	.025	17-03-201-068-1013	X_____
1B	.0161	17-03-201-068-1014	X_____
2B	.0229	17-03-201-068-1015	X_____
3B	.0229	17-03-201-068-1016	X_____
4B	.023	17-03-201-068-1017	_____
5B	.0236	17-03-201-068-1018	X_____
6B	.0237	17-03-201-068-1019	_____
7B	.0237	17-03-201-068-1020	X_____
8B	.0238	17-03-201-068-1021	X_____
9B	.0239	17-03-201-068-1022	X_____
10B	.0240	17-03-201-068-1023	X_____
11B	.0241	17-03-201-068-1024	X_____
12B	.0242	17-03-201-068-1025	X_____
14B	.0243	17-03-201-068-1026	_____
3C	.0163	17-03-201-068-1027	X_____
4C	.0164	17-03-201-068-1028	X_____
5C	.0169	17-03-201-068-1029	X_____
6C	.017	17-03-201-068-1030	X_____
7C	.0171	17-03-201-068-1031	X_____
8C	.0172	17-03-201-068-1032	X_____
9C	.0173	17-03-201-068-1033	_____
10C	.0174	17-03-201-068-1034	X_____
11C	.0175	17-03-201-068-1035	X_____
12C	.0176	17-03-201-068-1036	_____
14C	.0176	17-03-201-068-1037	X_____

EXHIBIT C  
CERTIFICATION

The undersigned being first duly sworn, deposes and says:

1. I, Sally J. Loeser, am the duly elected and acting secretary of the 73 East Elm Street Condominium Association.

2. On, July 10, 1998, I mailed a copy of the First Amendment to the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the 73 East Elm Street Condominium, to which this Certificate is attached, to the holder of each mortgage having a bona fide lien against any Unit ownership in the 73 East Elm Street Condominium Association.

Sally J. Loeser

SUBSCRIBED and SWORN to  
before me this 10 day of  
July, 1998.

Lizzie M. Johnson  
NOTARY PUBLIC

