

FILED FOR RECORD
KANE COUNTY, ILL.

1977 JUN 27 PM 1:00

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Edmund E. Jorgensen
RECORDER OF DEEDS

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF KIRKWOOD HOMEOWNER'S ASSOCIATION

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions of Kirkwood Homeowner's Association made and entered into this 27th day of June, 1977, by FIRST NATIONAL BANK OF GENEVA, as Trustee under Trust Agreement dated June 21, 1976 and known as Trust No. 550 and not individually. (hereafter referred to as Trustee);

W I T N E S S E T H :

WHEREAS by a Declaration of Covenants, Conditions and Restrictions of Kirkwood Homeowner's Association (hereafter referred to as the "Declaration") recorded in the Office of the Recorder of Deeds of Kane County, Illinois, as Document No. 1373270, the Trustee submitted certain real estate to the provisions of said Declaration; and

WHEREAS Article XII of the Declaration permits amendments to said Declaration and enacted in accordance with the terms of said Article; and

WHEREAS the Trustee now desires to so amend said Declaration in the following particulars;

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

1. Article I, Section 3 of the Declaration is hereby amended by deleting said Article I, Section 3 and substituting therefor the following:

3. Common Areas. Those areas of land designated as Lot 22 on the Plat of the existing property recorded June 9, 1977 as Document No. 1409548 in the Office of the Recorder of Deeds of Kane County and those areas

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appropriately designated on the plat or plats of all or a portion of the Development Property as referred to in Article XI, Section 1 and intended to be devoted to the common use and enjoyment of the Members of the Association and to be conveyed to the Association by the Declarant, its successors and assigns, together with any and all improvements and facilities that are now or may hereafter be constructed hereon. Such designation and description of the lot as "Common Areas" shall not be construed as a public dedication.

2. Article II, Section 1 of the Declaration is hereby amended by deleting said Article II, Section 1 and substituting therefor the following:

1. Existing Property. The real property which is and shall be held, transferred, conveyed, sold and occupied subject to this Declaration is located in the City of Geneva, County of Kane, Illinois, and is more particularly described as set forth on the Plat of Kirkwood Subdivision Phase I recorded June 9, 1977 as Document No. 1409548, which document by this reference is hereby made a part hereof.

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

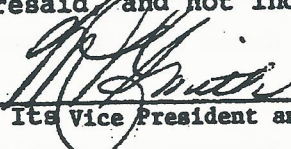
4. It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally

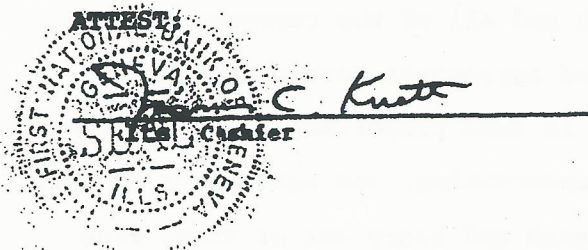
but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against FIRST NATIONAL BANK OF GENEVA or any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF, the said FIRST NATIONAL BANK OF GENEVA, as Trustee, under Trust Agreement dated June 21, 1976, and known as Trust No. 550, has caused its corporate seal to be affixed hereto, and has caused its name to be signed by these presents by its duly authorized officers as of the year and date first above written.

FIRST NATIONAL BANK OF GENEVA,
as aforesaid, and not individually

By:


Its Vice President and Trust Officer



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned , a Notary Public in
and for said County, in the State aforesaid, DO HEREBY CERTIFY
that Michael V. Smith, Vice President of FIRST NATIONAL
BANK OF GENEVA and James C. Knott, Cashier thereof, per-
sonally known to me to be the same persons whose names are sub-
scribed to the foregoing instrument as such Vice President
and Cashier , respectively, appeared before
me this date in person and acknowledged that they signed and de-
livered 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 the said Cashier
did also then and there acknowledge that he, as custodian of the
corporation seal of said Bank, did affix the said corporate seal
of said Bank to said instrument as his own 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 27th , day
of June, 1977.



Document Prepared by:
Kai Allen Nebel
and
Robert D. Turek
One IBM Plaza
Chicago, Ill. 60611