



* 2010R11212 *

2010R11212

04/12/2010 03:25PM

REC FEE: 71.00

RHSP FEE: 10.00

TOTAL: \$81.00

PAGES: 6

CHRISTINE

JOSHUA A. LANGFELDER
SANGAMON COUNTY RECORDER

**THIRD AMENDMENT TO
DECLARATION OF CONDOMINIUM OWNERSHIP OF
NORTHPOINTE COMMONS CONDOMINIUMS, PHASE 1 BEING
NORTHPOINTE COMMONS CONDOMINIUMS, PHASE 4**

This Third Amendment to Declaration of Condominium Ownership is made and entered into as of the 9th day of April, 2010, by **BRADY NORTHPOINTE, LLC**, an Illinois Limited Liability Company, ("Developer"),

WHEREAS, by a Declaration of Condominium Ownership recorded in the Office of the Recorder of Deeds of Sangamon County, Illinois, on February 7, 2007, as Document No. 2007R04543, ("the Declaration"), Developer submitted certain real estate to the provisions of the Illinois Condominium Property Act, ("the Act"), which said condominium is known as Northpointe Commons Condominium, Phase 1, ("the Condominium"); and

WHEREAS, the Declaration reserves to Developer the right to annex and add to the Parcel and Property, as defined in the Declaration, and thereby annex and add to the Condominium created by the Declaration, all or any portion of the additional land as described in ~~Article 25 of the Declaration;~~ and

WHEREAS, the Developer annexed and added to said Parcel and Property an additional part of Lot 1 in Northpointe Subdivision Plat Number 1 by First Amendment to Declaration of Condominium Ownership of Northpointe Commons Condominium, Phase 1 being Northpointe Commons Condominium, Phase 2, which said document was recorded on July 3, 2007, in the Recorder's Office of Sangamon County, Illinois as Document Number 2007R24526; and

WHEREAS, the Developer annexed and added to said Parcel and Property an additional part 1 of Lot 1 in Northpointe Subdivision Plat Number 1 by Second Amendment to Declaration of Condominium Ownership of Northpointe Commons Condominium, Phase 1 being Northpointe Commons Condominium, Phase 3, which said document was recorded on August 1, 2008, in the Recorder's Office of Sangamon County, Illinois as Document Number 2008R29698; and

WHEREAS, the Developer now desires to so annex and add to said Parcel and Property, and to submit to the provisions of the Act and the Declaration, certain additional real estate described as follows, to-wit:

COPY

PART OF LOT 1 NORTHPOINTE SUBDIVISION PLAT NUMBER 1 AS RECORDED IN THE OFFICE OF THE SANGAMON COUNTY RECORDER OF DEEDS; DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 1, THENCE SOUTH 89 DEGREES 26 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 220.15 FEET, THENCE SOUTH 00 DEGREES 42 MINUTES 10 SECONDS EAST 90.63 FEET, THENCE NORTH 89 DEGREES 17 MINUTES 50 SECONDS EAST 135.11 FEET, THENCE SOUTH 12 DEGREES 49 MINUTES 23 SECONDS EAST 228.32 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING SOUTH 12 DEGREES 49 MINUTES 23 SECONDS EAST A DISTANCE OF 93.84 TO A POINT MARKING THE BEGINNING OF A 100.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT, THENCE SOUTHWESTERLY 20.60 FEET ALONG SAID CURVE HAVING A LONG CHORD THAT BEARS SOUTH 06 DEGREES 35 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 20.56, THENCE NORTH 78 DEGREES 03 MINUTES 16 SECONDS EAST 92.01 FEET TO THE POINT ON THE EAST LINE OF LOT 1, THENCE SOUTH 11 DEGREES 56 MINUTES 48 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 100.48 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A 1305.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE SOUTHEASTERLY 92.51 FEET ALONG SAID EAST LINE WITH SAID CURVE HAVING A LONG CHORD THAT BEARS SOUTH 09 DEGREES 54 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 92.49 FEET, THENCE NORTH 76 DEGREES 23 MINUTES 25 SECONDS WEST 114.13 FEET, THENCE NORTH 42 DEGREES 18 MINUTES 27 SECONDS WEST 133.73 FEET TO A POINT MARKING THE BEGINNING OF A 50.00 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THENCE NORTHEASTERLY 62.63 FEET ALONG SAID CURVE HAVING A LONG CHORD THAT BEARS NORTH 23 DEGREES 03 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 58.61 FEET, THENCE NORTH 12 DEGREES 49 MINUTES 23 SECONDS WEST 93.88 FEET, THENCE NORTH 77 DEGREES 13 MINUTES 02 SECONDS EAST 50.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.662 ACRES MORE OR LESS, ALL IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS. BASIS OF BEARING IS SOUTH 89 DEGREES 26 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF LOT 1.

Common address: 640 - 642 Buoy Court, Chatham, IL
Tax Identification No.: Part of 28-01-127-026

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

1. The Additional Property is hereby annexed and added to the Parcel and Property, as defined in the Declaration, and is hereby submitted to the provisions of the Act, as part of the

Condominium, in accordance with and shall be deemed to be governed in all respects by the terms and provisions of the Declaration.

2. *Exhibit A* of the Declaration is hereby amended, by adding to said *Exhibit A*, the *Exhibit A* which is attached hereto, which includes an updated plat of Lot 1 in Northpointe Subdivision, showing the location of Units 601, 603, 605 and 607 in Phase 1 of the Condominium showing the location of Units 617, 619 and 621 in Phase 2 of the Condominium, showing the location of Units 627, 629, and 631 in Phase 3 of the Condominium, and showing the location of the additional property as Phase 4 on said Lot 1, and showing the location of Units 640 and 642 on the additional property and also showing on said *Exhibit A* a survey of Units 640 and 642.

3. *Exhibit B* of the Declaration is hereby amended by substituting therefore the *Exhibit B* which is attached hereto. The percentage of ownership in the Common Elements appurtenant to each Unit of the Condominium is hereby shifted to the percentages set forth in the *Exhibit B* attached hereto.

4. *Exhibit C* of the Declaration shall not be changed by this instrument and shall continue in full force and effect in accordance with its terms as shown on the original Declaration.

5. The additional Common Elements annexed by this instrument are hereby granted and conveyed to the grantees of all Units, including the grantees of Units heretofore conveyed, all as set forth in the Declaration.

6. The Owners of Units 640 and 642, in this Phase 4 and the Owners of any Units in future phases of Northpointe Commons Condominium, which Units have the rear portion of the Unit facing the periphery of the Northpointe Commons Condominium Development, shall have the right to construct a fence that shields the rear of the Property from the periphery of the Condominium Development. ~~The Owners of interior Units in Northpointe Commons Condominium, the rear of which Units face the pond, shall not have the right to construct a fence.~~

Any such fence shall be erected at the cost of the Unit Owner, and shall be kept in good repair and shall be maintained by the Unit Owner, and although said fence(s) will not be shown on Condominium Survey, such fences shall be considered limited common elements. The type, location, height, appearance and composition of such fences, must be approved in advance by the Developer and/or the Condominium Association prior to the erection thereof. No such fence shall be constructed without the Unit Owner first having provided plans showing the location, composition, type, height and any other feature requested by the Developer and/or the Condominium Association, and having then obtained the approval of the Developer and/or the Condominium Association.

The area within said fence shall still be considered part of the common area of the Condominium, and the Unit Owner erecting and maintaining such fence shall not have the right to use the fenced area solely for his/her own purposes. If such a fence causes the mowing charges for the common areas, to be increased such Unit Owner shall be charged a surcharge for such excess expense. In the event that the Unit Owner served by such fence does not keep said fence in good repair and does not maintain the same, the Developer and/or the Condominium Association may make such repairs and/or furnish such maintenance at the cost of the Unit Owner or may remove such fence at the cost and expense of such Unit Owner.

In addition to approval of such a fence by the Developer and/or Condominium Association, any such fence that is erected must also comport with the Zoning Laws of the Village of Chatham.

7. Except as expressly amended hereby, the Declaration shall remain in full force and effect in accordance with all of its terms.

IN WITNESS WHEREOF, the undersigned, BRADY NORTHPOINTE, LLC, has caused this instrument to be executed by its authorized representative as of the day and year first above written.

BRADY NORTHPOINTE, LLC, Developer

By: Robert F. Brady
Robert F. Brady, Its Duly Authorized Representative

STATE OF ILLINOIS
COUNTY OF SANGAMON

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Robert F. Brady, an authorized representative of BRADY NORTHPOINTE, LLC, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that, as such representative he signed and delivered the foregoing instrument as his free and voluntary act and as the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein set forth, pursuant to the authority of its Manager.

Given under my hand and notarial seal this 9th day of April, 2010.

Jane M. Torrance
Notary Public

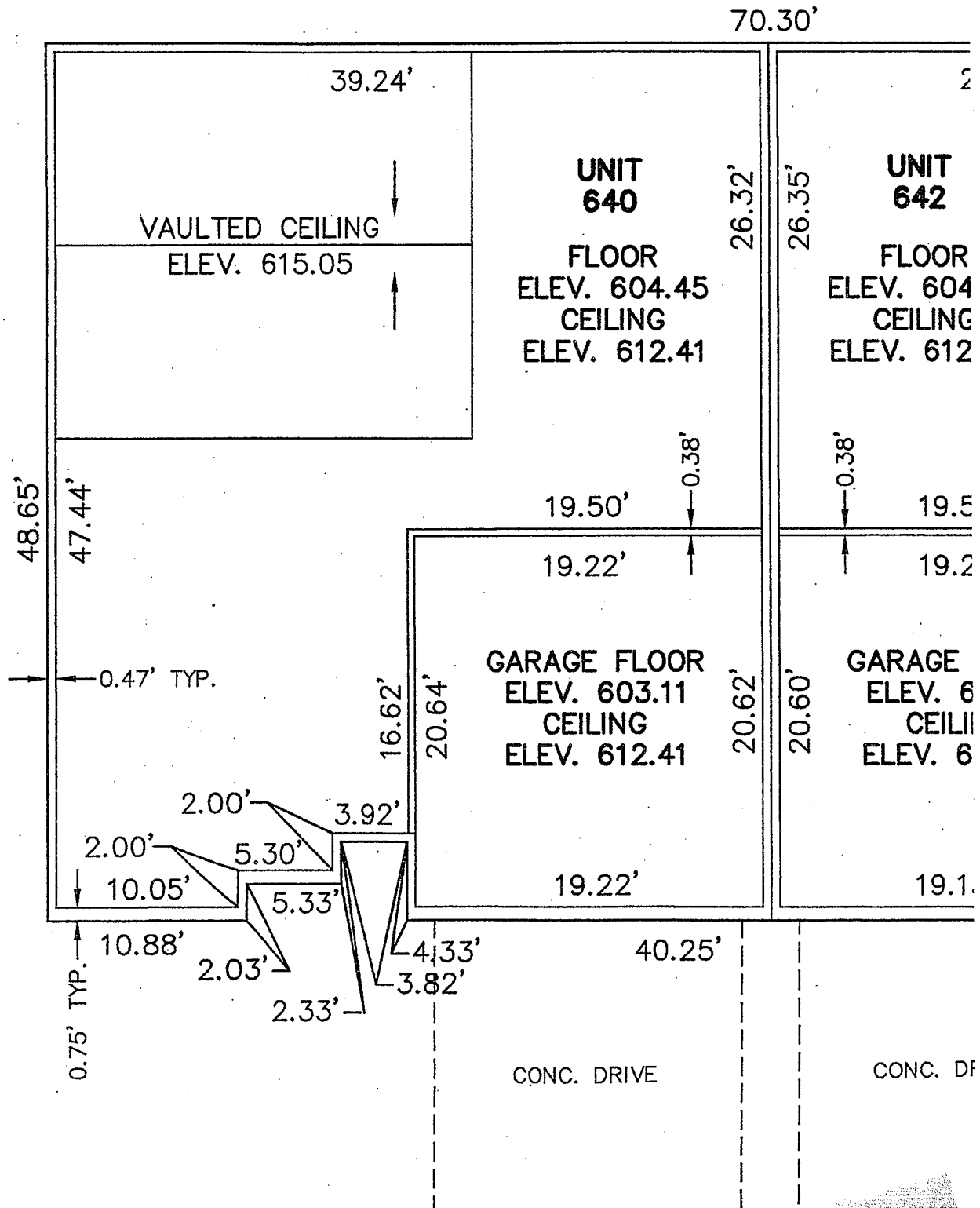
Prepared by and Return to:
BROWN, HAY & STEPHENS, LLP
J. Patrick Joyce, Jr.
205 South Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491

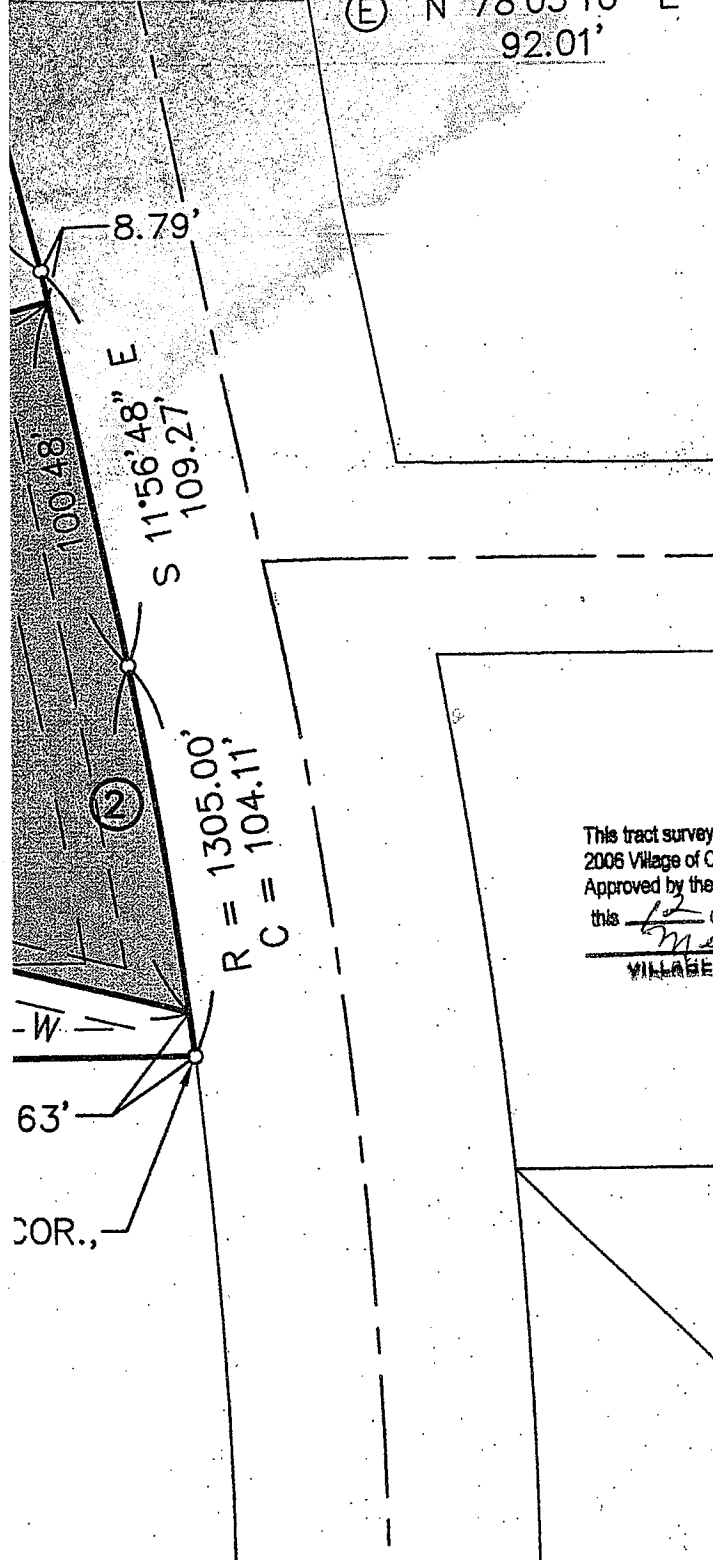


EXHIBIT

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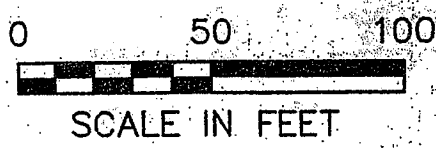
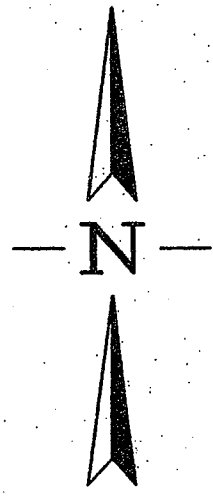
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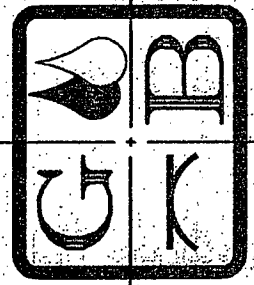


(E) N 78°05'10" E
92.01'

This tract survey is in compliance with section 5(A)(10) of the 2006 Village of Chatham Subdivision Ordinance, as amended. Approved by the Board of Trustees of the Village of Chatham this 10 day of April, 2007 10
Meredith Brubaker
VILLAGE OF CHATHAM - PLAT OFFICER



GREEN



PROFESS
PROFESSIONAL LA
(217) 793-8844, 793-6227 (F)

CONDOMINIUM SURVEY

UNITS 640 AND 642
PHASE 4 NORTHPOINTE
SUBDIVISION, LOT 1, PLAT NO. 1
CHATHAM, ILLINOIS

PROJ. NO. 08-229.02	
FIELD BOOK HB271	PLOT SCALE 1 = 50
COMPUTER FILE NO. 08229.02CONDO.dwg	
SHEET NO. 1	
OF 1 SHEETS	

EXHIBIT B

<u>UNIT NO.</u>	<u>PERCENTAGE INTEREST IN THE COMMON ELEMENTS</u>
601	7.858%
603	7.993%
605	7.858%
607	7.858%
617	8.129%
619	7.988%
621	7.988%
627	9.109%
629	9.002%
631	9.002%
640	8.755%
642	<u>8.460%</u>
	100.0%