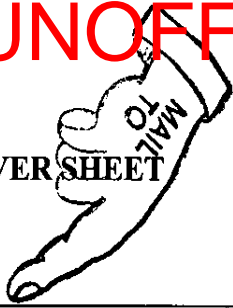


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Cook County Recorder 35.50

RECORDING COVER SHEET



MAIL TO:

Terry Diamond
Earl L. Neal & Associates, L.L.C.
111 West Washington Street, Suite 1700
Chicago, Illinois 60602



00614561

PREPARER:

Terry Diamond
Earl L. Neal & Associates
111 West Washington Street, Suite 1700
Chicago, Illinois

FOR RECORDER'S OFFICE USE ONLY

DESCRIPTION OF ATTACHED INSTRUMENT:

AGREED FINAL JUDGMENT ORDER

CASE NAME: The City of Chicago in Trust for the Use of Schools and the Board of Education of the City of Chicago vs. An amalgamated Trust & Savings Bank, Trustee U/T/A dated January 27, 1994, Trust No. 5614, Time Insurance Company n/k/a Fortis Insurance Company, City of Chicago, Family Dollar Stores of Illinois, Inc. Midwest Video Enterprises, Inc. d/b/a West Coast Video and Unknown Owners.

CASE NO.: 00 L 50048

JURISDICTION: IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS

PIN NO.: 19-01-123-011-0000

ADDRESS: 4091-95 South Archer, Chicago, Illinois

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

THE CITY OF CHICAGO IN TRUST FOR THE)
USE OF SCHOOLS AND THE BOARD OF)
EDUCATION OF THE CITY OF CHICAGO,)

CASE NO.: 00 L 50048

PLAINTIFFS,)

CONDEMNATION-FULL TAKE

vs.)

4091-95 S. ARCHER, CHICAGO

AMALGAMATED TRUST & SAVINGS BANK,)
TRUSTEE U/T/A DATED JANUARY 27, 1994,)
TRUST NO. 5614, TIME INSURANCE COMPANY)
n/k/a FORTIS INSURANCE COMPANY, CITY OF)
CHICAGO, FAMILY DOLLAR STORES OF)
ILLINOIS, INC MIDWEST VIDEO ENTERPRISES,)
INC. d/b/a WEST COAST VIDEO AND)
UNKNOWN OWNERS)

PIN: 19-01-123-011-0000

JUDGE JOHN A. WARD

DEFENDANTS.)

AGREED FINAL JUDGMENT ORDER

THIS MATTER comes on to be heard on the Complaint for Condemnation by the City of Chicago in Trust for the Use of Schools and the Board of Education of the City of Chicago, (hereinafter "Plaintiffs") for the ascertainment of the just compensation to be paid for the taking by Plaintiffs, of the fee simple title to the property described in said Complaint (the "Property") commonly known as 4091-95 S. Archer Avenue, Chicago and legally described on Exhibit A attached hereto and made a part hereof (the "Property"). Plaintiffs appeared by Earl L. Neal & Associates. Clausen Miller, P.C. has appeared on behalf of Defendant, Amalgamated Trust & Savings Bank, as Trustee U/T/A dated January 27, 1994 and Known as Trust No. 5614, the record title holder of the Property ("Owner"). McGuire, Woods, Battle and Boothe, has appeared on behalf of Defendant Mortgagee,

Time Insurance Company n/k/a Fortis Insurance Company. Timothy Buckley, of Defrees & Fiske has filed an appearance on behalf of Defendant Family Dollar, Lessee ("Family Dollar"). Defendant Midwest Video Enterprises, Inc. d/b/a/ West Coast Video ("West Coast Video") was served on February 17, 2000. West Coast Video has not filed an appearance or responsive pleading in this matter. An Order of Default has been entered against Defendants West Coast Video and Unknown Owners.

All parties defendant herein have been served with process in the manner and form provided for by statute. All parties interested in the Subject Property are before the Court. The Court has jurisdiction of all of the parties to this suit and the subject matter hereof. The Court has been informed by the parties that all matters in controversy have been compromised and settled by agreement of the parties. The parties have waived trial by jury, entered into the attached Stipulation for Agreed Final Judgment Order ("Stipulation"), and request the Court to set just compensation in this matter based upon the Stipulation.

THE COURT HEREBY FINDS THAT Plaintiffs have the authority to exercise the right of eminent domain; that the Property sought to be taken herein is subject to the exercise of such right; and that such right is not being improperly exercised in this proceeding.

IT IS HEREBY ORDERED PURSUANT TO THE ATTACHED STIPULATION: that Judgment shall be and is hereby entered setting the amount to be paid by Plaintiffs as full and final just compensation to the owner, or owners, and any other party or parties, having an interest in the Property legally described on Exhibit A attached hereto, for the fee

simple title to the Property, together with all the improvements thereon and including any and all claims for damages and free and clear of all liens, leases, and encumbrances, is the sum of **ONE MILLION ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$1,132,000)**.

PURSUANT TO THE STIPULATION of the parties it is ordered that on or before July 1, 2000 Plaintiffs shall deposit the sum of **ONE MILLION ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$1,132,000)** with the County Treasurer of Cook County, Illinois for the benefit of the owner or owners of, and any other party or parties, interested in said Property, as full compensation for the taking of said Property including any and all claims for damages and costs, leasehold improvements and leasehold interests. No interest will accrue on the award from the entry of this order through July 1, 2000. Real estate taxes on the Subject Property shall abate as of the date of filing of the Complaint to Condemn, January 19, 2000.

IT IS FURTHER ORDERED pursuant to the agreement of the parties, the sum of **ONE MILLION ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$1,132,000)** shall constitute the final and total just compensation for the fee simple absolute title to the Property, free and clear of all liens, leases and encumbrances, together with all the improvements thereon, including any and all claims for damages, costs, leaseholds and leasehold improvements.

IT IS FURTHER ORDERED that upon Plaintiffs' deposit of **ONE MILLION ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$1,132,000)** with the Cook County

Treasurer, Plaintiffs shall be vested with fee simple absolute title to the Property, free and clear of all liens, leases and encumbrances, together with all the improvements thereon. Plaintiffs shall be entitled to possession of the Property on August 1, 2000.

Pursuant to the Stipulation, Owner and Family Dollar have agreed that Family Dollar will receive ONE HUNDRED THIRTY TWO THOUSAND DOLLARS (\$132,000) of the award for termination of its leasehold and the acquisition of its leasehold improvements. Family Dollar may remain in possession of the Property, rent free, from June 1, 2000 to August 1, 2000, provided Family Dollar:

- a. Maintains the space that it occupies for June 1, 2000 through August 1, 2000, including payment of its utilities; and
- b. Obtains commercial liability insurance covering the Property through August 1, 2000. Plaintiffs, Chicago Board of Education and the City of Chicago shall be named as additional insureds on Family Dollar's liability policy.

space occupied by Family Dollar within the IRA TTD MHC

Plaintiff has stipulated to pay Defendant Family Dollar an additional \$30,000 for its moving and relocation expenses. The moving expense and relocation payments will be released to Family Dollar 30 days after the date Family Dollar vacates the Property.

IT IS FURTHER ORDERED that this Court accepts the waivers of a jury trial from all parties. This Court retains jurisdiction of this matter for the purpose of awarding writs of assistance to place Plaintiffs in possession of the Property on August 1, 2000 and to enforce the terms and conditions of the Stipulation and Agreed Final Judgment Order.

The Court finds that there is no just reason for delaying the enforcement of said judgment. ~~The parties hereto agree not to appeal this judgment.~~ This matter is hereby removed from the trial calendar.

JUDGE JOHN A. WARD

ENTER: MAY 30 2000

Circuit Court - 1537

JUDGE JOHN WARD

AGREED:

Plaintiffs
City of Chicago In Trust for Use of Schools
Board of Education of the City of Chicago

Defendant
Amalgamated Trust & Savings Bank, as
Trustee U/T/A dated January 27, 1994
and Known as Trust No. 5614,

By: [Signature]
Earl L. Neal & Associates *
* SUBJECT TO HANDWRITTEN MODIFICATION
on PAGE 4
Defendant Family Dollar *

By: [Signature]
Clausen Miller, P.C. *
* SUBJECT TO HANDWRITTEN MODIFICATION
on PAGE 4

By: [Signature]
DeFrees & Fiske
*with hand-written modification on page 4
Earl L. Neal & Associates
Terry Diamond
111 West Washington, Suite 1700
Chicago, IL 60602
(312) 641-7144
Attorney No. 91186

Clausen Miller, P.C.
Ivar R. Azeris
10 South LaSalle Street
Chicago, Illinois 60603
(312) 855-1010
Attorney No:

DeFrees & Fiske
Timothy S. Buckley
200 S. Michigan Avenue #1100
Chicago, Illinois 60604
(312) 372-4000
Attorney No: 90229

EXHIBIT A

LEGAL DESCRIPTION:

LOTS 11, 12, 13, 14, 15 AND 16 IN BLOCK 1 IN MCBRIDE SPENCER AND UNDERWOOD'S SUBDIVISION OF THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4, OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF ARCHER AVENUE ACCORDING TO THE PLAT THEREOF RECORDED JULY 13, 1872 AS DOCUMENT 41079, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESS:

4091-95 S. ARCHER AVENUE, CHICAGO ILLINOIS

PROPERTY TAX IDENTIFICATION NUMBER:

19-01-123-011-0000

OWNERS OF RECORD:

AMALGAMATED TRUST & SAVINGS BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 27, 1994 AND KNOWN AS TRUST NUMBER 5614

OTHER PARTIES HAVING OR CLAIMING AN INTEREST IN THE PROPERTY:

TIME INSURANCE COMPANY n/k/a FORTIS INSURANCE COMPANY, AS MORTGAGEE UNDER MORTGAGE DATED MARCH 3, 1994 AND RECORDED MARCH 10, 1994 AS DOCUMENT NO. 94220837 AND UNDER ASSIGNMENT OF RENTS RECORDED MARCH 10, 1994 AS DOCUMENT NO. 94220838 AND BY REASON OF FINANCING STATEMENT FILED MARCH 10, 1994 AS DOCUMENT NO. 942203882.

FAMILY DOLLAR STORES OF ILLINOIS, INC., LESSEE UNDER LEASE DATED JUNE 3, 1994 AND RECORDED JULY 8, 1994 AS DOCUMENT NO. 94597519

MIDWEST VIDEO ENTERPRISES, INC., d/b/a as WEST COAST VIDEO, LESSEE.

CITY OF CHICAGO BY REASON OF WATER & SEWER SERVICE LIEN RECORDED AUGUST 16, 1995 AS DOCUMENT NO. 95539694 IN THE AMOUNT OF \$6,958.64

AND UNKNOWN OWNERS

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00614561

COOK COUNTY, ILLINOIS

OFFICE OF COUNTY TREASURER

MARIA PAPPAS, Treasurer

CHICAGO 60602

6-28 2000

Rec'd of

CITY OF CHICAGO IN TRUST FOR
THE USE OF SCHOOLS AND THE
CHICAGO BOARD OF EDUCATION

| | | | | |
|----------|------|-------|-------------|-------|
| HOW PAID | CASH | CHECK | MONEY ORDER | DRAFT |
|----------|------|-------|-------------|-------|

Credit Account **CONDEMNATION DEPOSIT** No. **4-133-21**

| DESCRIPTION | AMOUNT |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| CASE # 00C50098 PARCEL # NOT GIVEN PERM IND 19-01-123-011 JUDGEMENT AWARD \$ 1,132,000.00 DATE 5-30-2000 | THE SUM OF \$ 1,132,000.00 dols 00ct |

Not Valid Unless Officially Received By Cashier

P A I D

JUN 28 2000

MARIA PAPPAS

WBS

GENERAL RECORDS DIVISION

Fund

No. D 02587

ORIGINAL