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2001-03-13 10:25:03  
Cook County Recorder 29.50



MEMORANDUM OF PURCHASE CONTRACT

THIS MEMORANDUM OF PURCHASE CONTRACT is made this 27<sup>th</sup> day of February, 2001, by and between BAR PAL II, L.L.C., an Illinois limited liability company ("Bar Pal") and TOLL IL II, L.P., an Illinois limited partnership ("Toll").

WITNESSETH:

A. Bar Pal and Toll are parties to that certain Agreement to Purchase Vacant Land, dated as of the 19<sup>th</sup> day of February, 2001, by and between Bar Pal's predecessor-in-interest, Palatine Road & Barrington Road, L.L.C. ("Palatine"), and Toll, as amended by that certain First Amendment, dated as of the 21<sup>st</sup> day of February, 2001 (said agreement, as so amended, being hereinafter referred to as the "Agreement"), pursuant to which Toll has agreed to acquire from Bar Pal, and Bar Pal has agreed to sell to Toll the real property described in Exhibit A attached hereto and made a part hereof (the "Property") upon the terms and subject to the conditions set forth in the Agreement.

B. Bar Pal, as successor in interest to Palatine, hereby confirms and agrees to be bound by the easements set forth in that certain Construction Easement, dated the 27<sup>th</sup> day of February, 2001, by and between Palatine and Toll, which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0010196797.

C. This Memorandum of Purchase Contract is executed and recorded solely for the purpose of giving notice of the existence of the Agreement and shall not supersede or in any way modify the terms or conditions of the Agreement. This Memorandum of Purchase Contract shall, during the term of the Agreement, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Bar Pal and Toll have caused this Memorandum of Purchase Contract to be executed as of the date first above written.

BAR PAL II, L.L.C., an Illinois limited liability company  
By: Bar Pal II Corp., Its Manager

By: *Dennis A. Cortesi*  
Dennis A. Cortesi, President

TOLL IL II, L.P., an Illinois limited partnership  
By: Toll IL GP Corp., an Illinois corporation, Its General Partner

By: *[Signature]*  
Its: VICE PRESIDENT

1ST AMERICAN TITLE Order #

*001968*  
*5/1/01*

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, do hereby certify that Dennis A. Cortesi, personally known to me to be the President of Bar Pal II Corp., the Manager of Bar Pal II, L.L.C., and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said 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. Given under my hand and notarial seal this 27<sup>th</sup> day of February, 2001.

Michelle L. Wilson  
Notary Public

My commission expires: 8-16-2001



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF Cook )

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, do hereby certify that Benjamin Jagodnik, personally known to me to be the Vice President of Toll II GP Corp., an Illinois corporation, the General Partner of TOLL IL II, L.P., and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act and deed of said limited partnership, for the uses and purposes therein set forth. Given under my hand and notarial seal this 27<sup>th</sup> day of February, 2001.

Michelle L. Wilson  
Notary Public

My commission expires: 8-16-2001



This document was prepared by  
(~~and return after recording to~~):

Mark J. Home, Esq.  
Quarles & Brady LLC  
500 West Madison Street  
Suite 3700  
Chicago, Illinois 60661  
(312) 715-5000

ESTATES AT INVERNESS RIDGE  
LEGAL DESCRIPTION  
(TOLL PROPERTY)

THAT PART OF THE WEST HALF OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 88 DEGREES 30 MINUTES 57 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRINGTON ROAD PER PLAT OF DEDICATION RECORDED ON DECEMBER 7, 1932 AS DOCUMENT 11172684 FOR A PLACE OF BEGINNING; THENCE NORTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2617.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PALATINE ROAD PER DOCUMENT 11045049; THENCE NORTH 88 DEGREES 48 MINUTES 35 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2251.33 FEET TO THE WEST LINE OF LANDS DESCRIBED IN DOCUMENT 87023997; THENCE SOUTH 00 DEGREES 06 MINUTES 40 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 2605.78 FEET TO THE AFOREMENTIONED SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 24; THENCE NORTH 88 DEGREES 30 MINUTES 57 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 331.40 FEET TO THE CENTER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 06 MINUTES 43 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 324.43 FEET TO THE NORTH LINE OF WILLOWMERE SUBDIVISION UNIT 1 ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1989 AS DOCUMENT 89441971 BEING ALSO THE NORTH LINE OF FARMINGTON RIDGE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 1993 AS DOCUMENT 93067679; THENCE SOUTH 88 DEGREES 45 MINUTES 20 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 2583.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BARRINGTON ROAD; THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 313.52 FEET TO THE POINT OF BEGINNING

EXCEPTING THEREFROM, PARCEL 1 AS DESCRIBED PER A RELEASE DEED RECORDED DECEMBER 14, 1987 AS DOCUMENT 87657280.

AND ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL (EXCEPTION 1):

THAT PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 30 MINUTES 57 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRINGTON ROAD PER PLAT OF DEDICATION RECORDED ON DECEMBER 7, 1932 AS DOCUMENT 11172684; THENCE NORTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 237.36 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 25 SECONDS EAST A DISTANCE OF 101.83 FEET TO A POINT OF CURVATURE; THENCE 51.79 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 163.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE 28.40 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 136.92 FEET TO THE POINT OF BEGINNING; THENCE NORTH 18 DEGREES 41 MINUTES 20 SECONDS WEST A DISTANCE OF 498.41 FEET; THENCE NORTH 67 DEGREES 25 MINUTES 48 SECONDS EAST A DISTANCE OF 95.38 FEET; THENCE NORTH 22 DEGREES 34 MINUTES 12 SECONDS WEST A DISTANCE OF 119.13 FEET TO A POINT OF CURVATURE; THENCE 68.62 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 175.00 FEET TO A POINT OF

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TANGENCY; THENCE NORTH 00 DEGREES 06 MINUTES 16 SECONDS WEST A DISTANCE OF 1010.06 FEET TO A POINT OF CURVATURE; THENCE 13.31 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 175.00 FEET; THENCE NORTH 34 DEGREES 45 MINUTES 44 SECONDS WEST A DISTANCE OF 62.59 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 38 SECONDS WEST A DISTANCE OF 151.06 FEET; THENCE SOUTH 81 DEGREES 28 MINUTES 18 SECONDS EAST A DISTANCE OF 86.12 FEET; THENCE SOUTH 54 DEGREES 48 MINUTES 29 SECONDS EAST A DISTANCE OF 61.52 FEET; THENCE SOUTH 35 DEGREES 07 MINUTES 07 SECONDS EAST A DISTANCE OF 46.76 FEET; THENCE SOUTH 03 DEGREES 24 MINUTES 44 SECONDS EAST A DISTANCE OF 46.70 TO A POINT ALONG THE ARC OF A CURVE; THENCE 6.65 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 175.00 FEET AND WHOSE CHORD LENGTH OF 6.65 FEET BEARS NORTH 87 DEGREES 40 MINUTES 38 SECONDS EAST; THENCE NORTH 88 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF 125.36 FEET TO THE WEST LINE OF PARCEL 1 AS DESCRIBED IN A RELEASE DEED RECORDED DECEMBER 14, 1987 AS DOCUMENT 87657280; THENCE SOUTH 00 DEGREES 05 MINUTES 35 SECONDS EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 50.01 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 00 SECONDS WEST A DISTANCE OF 124.37 FEET TO A POINT OF CURVATURE; THENCE 35.87 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 125.00 FEET; THENCE SOUTH 17 DEGREES 40 MINUTES 30 SECONDS EAST A DISTANCE OF 74.09 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 322.58 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 241.63 FEET; THENCE SOUTH 05 DEGREES 42 MINUTES 20 SECONDS WEST A DISTANCE OF 91.58 FEET; THENCE SOUTH 84 DEGREES 17 MINUTES 40 SECONDS EAST A DISTANCE OF 72.19 FEET; THENCE SOUTH 04 DEGREES 58 MINUTES 27 SECONDS WEST A DISTANCE OF 146.78 FEET; THENCE SOUTH 04 DEGREES 14 MINUTES 04 SECONDS EAST A DISTANCE OF 118.37 FEET; THENCE SOUTH 86 DEGREES 18 MINUTES 02 SECONDS EAST A DISTANCE OF 262.03 FEET; THENCE SOUTH 09 DEGREES 10 MINUTES 57 SECONDS EAST A DISTANCE OF 382.82 FEET; THENCE SOUTH 54 DEGREES 48 MINUTES 23 SECONDS WEST A DISTANCE OF 283.25 FEET; THENCE SOUTH 44 DEGREES 15 MINUTES 05 SECONDS EAST A DISTANCE OF 325.68 FEET; THENCE SOUTH 04 DEGREES 05 MINUTES 21 SECONDS EAST A DISTANCE OF 74.13 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 40 SECONDS EAST A DISTANCE OF 186.48 FEET; THENCE SOUTH 01 DEGREES 49 MINUTES 24 SECONDS WEST A DISTANCE OF 104.75 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 49 SECONDS WEST A DISTANCE OF 196.74 FEET TO A POINT OF CURVATURE; THENCE 151.11 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 275.00 FEET TO A POINT OF TANGENCY; THENCE SOUTH 57 DEGREES 21 MINUTES 52 SECONDS WEST A DISTANCE OF 19.24 FEET TO A POINT OF CURVATURE; THENCE 127.79 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 225.00 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 54 MINUTES 25 SECONDS WEST A DISTANCE OF 342.37 FEET TO A POINT OF CURVATURE; THENCE 15.08 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 136.12 FEET TO THE POINT OF BEGINNING.

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AND ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL (EXCEPTION 2):

THAT PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 30 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 50.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRINGTON ROAD PER PLAT OF DEDICATION RECORDED ON DECEMBER 7, 1932 AS DOCUMENT 11172684; THENCE NORTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 157.36 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 25 SECONDS EAST A DISTANCE OF 102.31 FEET TO A POINT OF CURVATURE; THENCE 51.79 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 163.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE 15.15 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A



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RADIUS OF 136.92 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING 28.33 FEET ALONG THE ARC OF LAST SAID CURVE TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 54 MINUTES 25 SECONDS EAST A DISTANCE OF 341.90 FEET TO A POINT OF CURVATURE; THENCE 156.19 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 275.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 57 DEGREES 21 MINUTES 52 SECONDS EAST A DISTANCE OF 19.24 FEET TO A POINT OF CURVATURE; THENCE 123.63 FEET ALONG THE ARC OF A TANGENTIAL CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 225.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 88 DEGREES 50 MINUTES 49 SECONDS EAST A DISTANCE OF 246.29 FEET; THENCE SOUTH 00 DEGREES 53 MINUTES 36 SECONDS EAST A DISTANCE OF 109.49 FEET; THENCE SOUTH 88 DEGREES 39 MINUTES 40 SECONDS WEST A DISTANCE OF 247.08 FEET; THENCE SOUTH 59 DEGREES 45 MINUTES 49 SECONDS WEST A DISTANCE OF 178.44 FEET; THENCE SOUTH 88 DEGREES 48 MINUTES 57 SECONDS WEST A DISTANCE OF 481.80 FEET; THENCE NORTH 07 DEGREES 44 MINUTES 51 SECONDS WEST A DISTANCE OF 118.40 FEET TO THE POINT OF BEGINNING SAID DESCRIBED PROPERTY LYING IN COOK COUNTY, ILLINOIS.

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AND ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL (EXCEPTION 3):

THAT PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 88 DEGREES 30 MINUTES 57 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 50.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BARRINGTON ROAD PER PLAT OF DEDICATION RECORDED ON DECEMBER 7, 1932 AS DOCUMENT 11172684; THENCE NORTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2364.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 35 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 252.61 FEET TO THE SOUTH LINE OF PALATINE ROAD AS DEFINED BY DOCUMENT 11045049; THENCE NORTH 88 DEGREES 48 MINUTES 35 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 921.91 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 35 SECONDS EAST A DISTANCE OF 357.03 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS DESCRIBED IN A RELEASE DEED RECORDED AS DOCUMENT 87657280; THENCE SOUTH 88 DEGREES 12 MINUTES 41 SECONDS WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 574.52 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 35 DEGREES 58 MINUTES 03 SECONDS WEST A DISTANCE OF 124.77 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 09 SECONDS WEST A DISTANCE OF 274.37 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED PROPERTY LYING IN COOK COUNTY, ILLINOIS.

Street Address: Southeast Corner of Palatine Road and Barrington Road, Inverness, Illinois

P.I.N.: 01-24-101-001; 01-24-300-001; 01-24-100-003; 01-24-100-007; 01-24-100-013; 01-24-100-014; 01-24-100-011

This instrument prepared by:

Mark J. Horne, Esq.  
Quarles & Brady  
500 W. Madison Street  
Suite 3700  
Chicago, IL 60661-2511

After recording return to:

GARY W. PLOTNICK, ESQ.  
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