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2001-04-27 13:12:09

Cook County Recorder 29.50



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AFFIDAVIT OF INTEREST IN PROPERTY

I, Sandra Rucker do hereby state and attest as follows:

1. Sandra Rucker, Kenneth Rucker and Dina Pauley (collectively "Rucker") have an interest in the real properties commonly known as follows (hereinafter collectively the "Properties"):
 - (a) 10105 5th Avenue, LaGrange, IL, Pin Number: 18-28-103-001;
 - (b) 7520 Santa Fe Drive, Hodgkins, IL, Pin Number: 18-28-103-020;
 - (c) 10101 5th Avenue, LaGrange, IL, Pin Number: 18-28-103-034; and
 - (d) North side of 75th Street at Illinois Toll Road, LaGrange, Pin Number: 18-29-205-008
2. The Properties are legally described in Exhibit "A," attached hereto and made a part hereof.
3. Rucker have an interest in the Properties pursuant to the following documents, among others:
 - (a) Contract of Sale between BT Property, L.L.C. and Kenneth M. Rucker and Sandra Rucker;
 - (b) Contract of Sale between 5th Avenue, L.L.C. and Sandra M. Rucker
 - (c) Amendment to Contract of Sale Between 5th Avenue, L.L.C. and Sandra M. Rucker dated December 15, 2000
 - (d) First Amendment to Contract of Sale between BT Property, L.L.C. and 5th Avenue, L.L.C.
 - (e) Option Agreement between 5th Avenue, L.L.C. and Sandra M. Rucker
 - (f) Affidavit of Title executed and delivered by 5th Avenue, L.L.C. on January 19, 2001;
 - (g) Closing Statement dated January 19, 2001 between Kenneth M. Rucker, Dina L. Pauley and 5th Avenue, L.L.C.;

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(h) Special Warranty Deed dated January 19, 2001, reflecting 5th Avenue, L.L.C. as grantor and Kenneth M. Rucker and Dina L. Pauley as grantees;

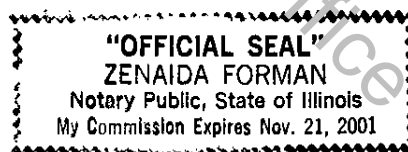
4. Also, Rucker have an interest in the Properties for the following reasons, among others:

- (a) The improper conduct of Jupiter Brokerage Services, L.L.C., Frank Minik and Matt Minik, including their failure to disclose a "dual agency" relationship in representing a buyer and seller in the same real estate transaction;
- (b) The improper conduct of Jupiter Brokerage Services, L.L.C., Frank Minik and Matt Minik in acting with the intent to deceive Rucker, by which Rucker have suffered damages;
- (c) The improper conduct of 5th Avenue, L.L.C. in acting with the intent to deceive Rucker, by which Rucker have suffered damages;
- (d) The improper conduct of John T. O'Connell in acting with the intent to deceive Rucker, by which Rucker have suffered damages;
- (e) The unjust enrichment of Jupiter Brokerage Services, L.L.C., Frank Minik, Matt Minik, 5th Avenue, L.L.C and John T. O'Connell by virtue of their improper act in relationship to Rucker by which created a Constructive Trust on the Properties.

5. Rucker are demanding the immediate transfer of title in the Properties to Dina Pauley and Kenneth Rucker.

Sandra Rucker
 Sandra Rucker

SUBSCRIBED AND SWORN TO
 before me this 20 day
 of April, 2001



[Signature]
 NOTARY PUBLIC

This document was prepared by: Ariel Weissberg, Weissberg and Associates, Ltd., 401 North LaSalle, Suite 403, Chicago, Illinois 60605, 312-663-0004



EXHIBIT A

tabbies

A

Legal Description (cont'd)

Parcel 4: (18-28-102-010)

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The West 131 feet of the East 327.90 feet of the North half of the Southwest quarter of the Northwest quarter of Section 28, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, except therefrom that part described as follows:

Commencing at a found Iron Rail accepted as the Southwest corner of the Northwest quarter of said Section; thence North 01 degrees 49 minutes 37 seconds West, along the West line of said Southwest quarter of the Northwest quarter, 663.03 feet to the South line of the North half of the Southwest quarter of the Northwest quarter of said Section; thence North 88 degrees 09 minutes 36 seconds East, along said South line, 1004.03 feet to the Southwest corner of the said West 131.00 feet of the East 327.90 feet and the point of beginning; thence North 01 degrees 50 minutes 09 seconds West along the West line of said West 131.00 feet, 93.50 feet to a point on the Northerly line of the Tri-State Tollway (I-294) as monumented and occupied; thence North 68 degrees 47 minutes 14 seconds East along said Northerly line of the Tri-State Tollway (I-294) as monumented and occupied, 91.50 feet to a point; thence North 80 degrees 34 minutes 40 seconds East along said Northerly line of the Tri-State Tollway (I-294) as monumented and occupied, 45.07 feet to a point on the East line of said West 131.00 feet; thence South 01 degrees 50 minutes 09 seconds East along said East line, 129.80 feet to said South line; thence South 88 degrees 09 minutes 36 seconds West, along said South line 131.00 feet to the point of beginning, in Cook County, Illinois.

Parcel 5: (18-28-103-001)

A parcel of land in the County of Cook, State of Illinois, being all of certain parcel of land described in deed dated June 3, 1952, from Charles and Agnes Frenzel to the Atchison, Topeka and Santa Fe Railway Company, filed for record June 10, 1952 as document number 15361407 in Book 480 (5) at page 383 of the records of said County lying in the East half of the Northwest quarter of Section 28 Township 38 North, Range 12 East of the Third Principal Meridian, described as follows:

Beginning at the Southwest corner of the East half of the Northwest quarter of said Section 28; thence North 00 degrees 12 minutes 34 seconds East along the West line of the Southeast quarter of the Northwest quarter of said Section 28, a distance of 1327.36 feet (deeded as North 80 rods); thence South 89 degrees 45 minutes 40 seconds East along the North line of said Southeast quarter of the Northwest quarter, 33.00 feet (deeded as East 2 rods); thence South 00 degrees 12 minutes 34 seconds West, 1327.40 feet (deeded as South 80 rods); thence North 89 degrees 41 minutes 42 seconds West along the South line of said Southeast quarter of the Northwest quarter, 33.00 feet (deeded as West 2 rods) to the point of beginning, except therefrom that part described as follows:

Commencing at a found Iron Rail accepted as the Southwest corner of the Southwest quarter of the Northwest quarter of said Section; thence North 88 degrees 10 minutes 19 seconds East, 1332.03 feet along the South line of said Northwest quarter to the Southwest corner of the Southeast quarter of the Northwest quarter of said Section to the point of beginning; thence North 01 degrees 50 minutes 09 seconds West, 663.30 feet along the West line of the Southeast quarter of the Northwest quarter of said Section to the North line of the South half of the Southeast quarter of the Northwest quarter of said Section; thence continuing North 01 degrees 50 minutes 09 seconds West along said West line, 132.49 feet; to a point on the Northerly right of way line of the Tri-State Tollway (I-294) as monumented and occupied; thence South 75 degrees 56 minutes 09 seconds East along said Northerly right of way line of the Tri-State Tollway (I-294) as monumented and occupied, 34.31 feet to a point on the East right of way line of August Stark Roadway, said line being 33.0 feet East of and parallel with the West line of the Southeast quarter of the Northwest quarter of said Section; thence South 01 degrees 50 minutes 09 seconds East, along said East right of way line of August Stark Roadway, 123.09 feet to said North line of the South half of the Southeast quarter; thence South 01 degrees 50 minutes 09 seconds East, 663.31 feet to the South line of the Southeast quarter of the Northwest quarter of said Section; thence South 88 degrees 10 minutes 19 seconds West, 33.00 feet to the point of beginning, in Cook County, Illinois.

EXHIBIT ALegal Description (cont'd)

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Parcel 6: (18-28-103-020)

That part of the South-half of the Southeast quarter of the Northwest quarter of Section 28, Township 38 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 28; thence South 89 degrees 41 minutes 42 seconds, East along the East-West centerline of said Section 28, a distance of 33.00 feet to the point of beginning; thence North 00 degrees 12 minutes 34 seconds East along a line 33.00 feet Easterly of the West line of the Southeast quarter of the Northwest quarter of said Section 28 a distance of 663.70 feet; thence South 89 degrees 43 minutes 40 seconds East, along the North line of the South half of the Southeast quarter of the Northwest quarter of said Section 28, a distance of 518.02 feet to the Northwesterly right of way line of a Joint Fee Strip conveyed to Chicago and Illinois Western Railroad, an Commonwealth Edison Company per document number 13840023 and number 13840024; thence South 37 degrees 31 minutes 10 seconds West, along said Joint Fee Strip, 833.77 feet to the East-West centerline of said Section 28; thence North 89 degrees 41 minutes 42 seconds West along the East-West centerline of said Section 28, a distance of 12.65 feet to the point of beginning, in Cook County, Illinois, except therefrom that part described as follows:

Commencing at a found Iron Rail accepted as the Southwest corner of the Southwest quarter of the Northwest quarter of said Section; thence North 88 degrees 10 minutes 19 seconds East, 1365.03 feet along the South line of the Northwest quarter of said Section to a point on the East right of way line of August Stark Roadway, said line being 33.0 feet East of and parallel with the East line of the Southwest quarter of the Northwest quarter of said Section for the point of beginning; thence North 01 degrees 50 minutes 09 seconds West along said East right of way line of August Stark Roadway, 663.31 feet to the North line of the South half of the Southeast quarter of the Northwest quarter of said Section; thence North 88 degrees 05 minutes 13 seconds East, 197.28 feet to the East right of way line of the Tri-State Tollway (I-294) as monumented and occupied; thence South 55 degrees 25 minutes 40 seconds East along said East right of way line of the Tri-State Tollway (I-294) as monumented and occupied, 61.35 feet; thence South 30 degrees 06 minutes 19 seconds East along said East right of way line of the Tri-State Tollway (I-294) as monumented and occupied, 127.85 feet; thence South 65 degrees 46 minutes 03 seconds West along said East right of way line of the Tri-State Tollway (I-294) as monumented and occupied, 155.20 feet to the Northwesterly right of way line of a Joint Fee Strip conveyed to Chicago and Illinois Western Railroad, and Commonwealth Edison Company per document number 13840023 and 13840024, recorded July 10, 1946; thence South 35 degrees 22 minutes 39 seconds West, 452.95 feet; thence South 88 degrees 10 minutes 19 seconds West, 12.74 feet to the point of beginning, in Cook County, Illinois.

Parcel 7: (18-28-103-034)

A tract of land in the Northwest quarter of Section 28, Township 38 North, Range 12 East of the Third Principal Meridian, lying Southerly from the center line of Fifth Avenue, described as follows:

Commencing at a point in the North line of the Southeast quarter of the aforesaid Northwest quarter, said point being 297 feet East of the Northwest corner of the Southeast quarter of the Northwest quarter of said Section 28; thence Northeasterly along a line that intersects the East line of the Northwest quarter of said Section 28 at a point

EXHIBIT ALegal Description (cont'd)

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104 feet South from the Northeast corner of said Northwest quarter, for a distance of 815.15 feet, more or less, to the Westerly line of a tract of land conveyed from Nehr to Fredericks November 21, 1921 and recorded as document number 7347701 in Book 17217 on page 366, in the office of the Recorder of Deeds of Cook County, Illinois; thence Southeasterly along the Westerly line of said conveyed property 564.83 feet; thence Southwesterly 1176.95 feet along the Northwesterly line of property conveyed by Nehr to Chicago Title and Trust Co. by document 10574091, to the South line of the North half of the Southeast quarter of the Northwest quarter of Section 28, thence Westerly a distance of 4.69 feet on the aforesaid line for a place of beginning; thence Northwesterly 540.25 feet on a line that intersects the Southeasterly line of Augusta Robb property 280 feet Southwesterly of the Southeast corner conveyed by document 12550995; thence Southwesterly along aforesaid line 249.18 feet (as measured) to a point on a line 33 feet Easterly (measured at right angles) and parallel with the West line of the Southeast quarter of the Northwest quarter of said Section 28; thence Southerly along said parallel line a distance of 301.79 feet to the South line of the North half of the Southeast quarter of the Northwest quarter of Section 28; thence Easterly along said South line a distance of 513.35 feet to the place of beginning, in Cook County, Illinois, except therefrom that part described as follows:

Commencing at a found Iron Rail accepted as the Southwest corner of the Southwest quarter of the Northwest quarter of said Section to a point on the East right of way line of August Stark Roadway, said line being 33.0 feet East of and parallel with the East line of the Southwest quarter of the Northwest quarter of said Section; thence North 88 degrees 10 minutes 19 seconds East, 1365.03 feet along the South line of the Northwest quarter of said Section; thence North 01 degrees 50 minutes 09 seconds West along said East right of way line of said August Stark Roadway, 663.31 feet to a point on the North line of the South half of the Southwest quarter of the Northwest quarter of said Section and the point of beginning; thence North 01 degrees 50 minutes 09 seconds West, 123.09 feet to a point on the Northerly line of the Tri-State Tollway (I-294) as monumented and occupied; thence South 75 degrees 56 minutes 09 seconds East along said Northerly line of the Tri-State Tollway (I-294) as monumented and occupied, 52.08 feet; thence South 55 degrees 25 minutes 40 seconds East along said Northerly line of the Tri-State Tollway (I-294) as monumented and occupied, 182.89 feet to the North line of the South half of the Southeast quarter of the Northwest quarter of said Section; thence South 88 degrees 05 minutes 13 seconds West, 197.28 feet along said North line to the point of beginning, in Cook County, Illinois.

Parcel 8: (18-29-205-008)

The East 121 feet of Lot 6 (except that part of said Lot falling within the East 330 feet of the Southeast quarter of the Northeast quarter of Section 29) in the Subdivision of the West $\frac{1}{4}$ of the Southeast quarter of the Northeast quarter of Section 29, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, except therefrom that part described as follows:

Beginning at the Northeast corner of said Lot 6; thence South 88 degrees 21 minutes 27 seconds West, along the North line of said Lot 6, 111.33 feet to a point on the Southerly right of way line of the Tri-State Tollway (I-294) as monumented and occupied; thence South 49 degrees 04 minutes 28 seconds East along the Southerly right of way line of said Tri-State Tollway (I-294) as monumented and occupied, 64.89 feet; thence South 79 degrees 02 minutes 20 seconds East along the Southerly right of way line of said Tri-State Tollway (I-294) as monumented and occupied, 65.31 feet to the East line of said Lot 6; thence North 01 degree 50 minutes 08 seconds West, 66.00 feet along said East line to the point of beginning, in Cook County, Illinois.