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0030219186

5212 0071 13 001 Page 1 of 14

Cook County Recorder

94.00



0030219186

# EXHIBIT

ATTACHED TO

0030219186

DOCUMENT NUMBER

02-14-03

SEE PLAT BOOK

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THIS DOCUMENT PREPARED BY:

James E. DeBruyn, Atty.  
DeBruyn, Taylor and DeBruyn Ltd.  
15252 S. Harlem Avenue  
Orland Park, IL 60462

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5212/0091 53 001 Page 1 of 14  
2003-02-14 14:45:34  
Cook County Recorder 94.00

AFTER RECORDING, RETURN TO:

James E. DeBruyn, Atty.  
DeBruyn, Taylor and DeBruyn Ltd.  
15252 S. Harlem Avenue  
Orland Park, IL 60462

## EXHIBIT ATTACHED

ADDRESS: 6815 - 6865 Forestview Drive, Oak Forest, IL 60452

P.I.N.: 28-18 101-038 (PIQ & OP)

**FIFTH AND FINAL AMENDMENT TO THE DECLARATION ESTABLISHING A PLAN  
FOR CONDOMINIUM OWNERSHIP FOR "SUNCHASE POINTE CONDOMINIUMS"  
CITY OF OAK FOREST, COOK COUNTY, ILLINOIS**

THIS FIFTH AMENDMENT, made and entered into by First Midwest Bank, successor to First Midwest Trust Company, not individually, but as Trustee under Trust Agreement dated March 20, 1998 and known as Trust No. 98-6340, for convenience hereinafter referred to as the "Declarant":

WITNESS THAT:

WHEREAS, by the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for "SUNCHASE POINTE CONDOMINIUMS" (hereinafter referred to as "Declaration"), recorded in the office of the Recorder of Deeds of Cook County, Illinois, on June 7, 2001 as Document No. 0010493842; Certificate of Correction recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on July 11, 2001 as Document No. 0010612435; First Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on July 11, 2001 as Document No. 0010612436; Second Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on November 7, 2001 as Document No. 0011046137; Third Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on March 19, 2002 as Document No. 0020307247; and Fourth Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on September 10, 2002 as Document No. 0020993158, submitted certain real estate to the Condominium Property Act of the State of Illinois (the "Act"), said Condominium being known as "SUNCHASE POINTE CONDOMINIUMS" (the "Condominium"); and

WHEREAS, under the Declaration the right is reserved in the Developer to annex and add certain real property to the property described in the Declaration and thereby add to the Property subject to the Condominium, and the Declaration; and

WHEREAS, Article XVI of the Declaration is the Developer's authority, coupled with the provisions (765 ILCS 605/25) of the Act, to add on and annex to the Property (as defined in the Declaration) a portion or portions of the Development Parcel described in Exhibit "D" to the Declaration;

WHEREAS, the Declarant, as the legal titleholder of the parcel submitted to the Condominium under this Fifth Amendment, hereby amends said Declaration pursuant to the provisions hereof.

NOW THEREFORE, said Declarant, legal owner of the parcel of real property in Cook County, Illinois, legally described on the plat of survey attached hereto as EXHIBIT "A", submits said parcel of real property to

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the provisions of the Condominium Property Act of the State of Illinois and to the provisions of the aforesaid Declaration and hereby makes this Declaration (hereinafter referred to as Fifth Amendment to the Declaration) as to divisions, covenants, restrictions, limitations, conditions, and uses to which the said real property and improvements thereon may be put hereby specifying that the Fifth Amendment to the Declaration shall constitute covenants to run with the land and shall be binding on said Declarant, its successors and assigns, and all subsequent owners of all or any part of said real property and improvements, together with their grantees, successors, heirs, executors, administrators, devisees or assigns:

1. Declarant, hereby adopts by reference and submits the said parcel to the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for "SUNCHASE POINTE CONDOMINIUMS" recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on June 7, 2001 as Document No. 0010493842; Certificate of Correction recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on July 11, 2001 as Document No. 0010612435; First Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on July 11, 2001 as Document No. 0010612436; Second Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on November 7, 2001 as Document No. 0011046137; Third Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on March 19, 2002 as Document No. 0020307247; and Fourth Amendment recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on September 10, 2002 as Document No. 0020993158, and makes said documents a part hereof, as if set forth herein at length.

2. Developer pursuant to its rights, power and authority as provided in the Condominium Property Act of the State of Illinois and the said Declaration, and the Declarant as fee owner of the parcel described on the Fifth Amended Exhibit "D", adds on and annexes to the now existing Property, defined as set forth in the said Declaration, the additional Property with improvements legally described on the Fifth Amended Exhibit "D", said added Property being a part of the Development Parcel set forth in Exhibit "D" of the Declaration.

3. Developer, pursuant to the provisions of the said Declaration, hereby amends Exhibit "A" to said Declaration by adding to it a plat of survey setting forth the legal description of the parcel, its surveyed boundaries and the location within the parcel of the units being submitted to the Condominium Act by this Fifth Amendment. Upon the recording of this Fifth Amendment to the Declaration, the Property shall consist of the parcel described on Exhibit "A" to the Declaration and the parcel described on the Fifth Amended Exhibit "A" attached hereto.

4. Declarant, pursuant to the provisions of said Declaration, hereby amends Exhibit "B" to said Declaration by substituting therefor the Fifth Amended Exhibit "B" attached hereto.

5. Declarant, pursuant to the provisions of said Declaration, hereby amends Exhibit "C" to said Declaration by substituting therefor the Fifth Amended Exhibit "C" attached hereto.

6. This Fifth Amendment to the Declaration shall be effective upon the date of its recording.

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**CONSENT OF MORTGAGEE**

First Midwest Bank, a corporation of the United States of America, the grantee in certain Mortgages and Assignments of Rent, all recorded in the Recorder's Office of Cook County, Illinois, as follows:

Construction Mortgage dated 8/23/02 and recorded 8/29/02 as Document No. 0020944472; and  
Assignment of Rents dated 8/23/02 and recorded 8/29/02 as Document No. 0020944473

does hereby consent to the submission of the property described in said documents to the Condominium Property Act of the State of Illinois and specifically to the recording of the within DECLARATION OF CONDOMINIUM OWNERSHIP.

\_\_\_\_\_, Illinois

FEBRUARY 12 2003

FIRST MIDWEST BANK

BY: Geraldine A. Holsey

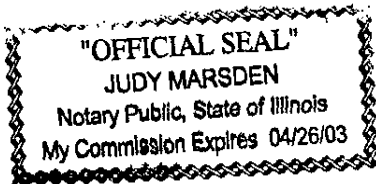
ATTEST: Paulette Minarcik

SEE TRUSTEE'S RIDER ATTACHED HERETO  
AND MADE A PARTY HEREOF

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK )

The undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that GERALDINE A. HOLSEY, who is personally known to me to be the TRUST OFFICER (title) of First Midwest Bank, and PAULLETTE MINARCIK, who is personally known to me to be the ASST. VICE PRESIDENT (title) of said bank and whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 12<sup>th</sup> day of FEBRUARY, 2003.



Judy Marsden  
Notary Public

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## GENERAL RELEASE

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee, are nevertheless, each and every one of them, made and intended not as personal warranties, indemnities, 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 for purposes of liability limited to 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 responsibility is assumed by nor shall at any time be asserted or enforceable against First Midwest Bank under said Trust Agreement on account of this instrument or on account of any warranty, indemnity, 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.

Property of Cook County Clerk's Office

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FIFTH AMENDED EXHIBIT "A"

## PLAT OF SURVEYS

This Exhibit will contain a plat of survey which will set forth the legal description of the parcel of real property submitted under this Fifth Amendment to the Declaration, and will show the surveyed boundaries of such parcel.

Exhibit A will also show the location, within this parcel, of the units to be submitted to the Condominium Property Act.

Additional sheets in Exhibit "A" will set forth the measurements and other data for each of the spaces comprising the units.

Property of Cook County Clerk's Office

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FIFTH AMENDED EXHIBIT "B"

## SUNCHASE POINTE CONDOMINIUMS

The percentages of the undivided interests in the Common Elements allocated to each unit and garage are as follows:

### BUILDING NO. 1 (6815 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
1-1A	and	G-1-1A	1.39%
1-1B	and	G-1-1B	1.39%
1-1C	and	G-1-1C	1.39%
1-1D	and	G-1-1D	1.39%
1-2A	and	G-1-2A	1.39%
1-2B	and	G-1-2B	1.39%
1-2C	and	G-1-2C	1.39%
1-2D	and	G-1-2D	1.39%
1-3A	and	G-1-3A	1.39%
1-3B	and	G-1-3B	1.39%
1-3C	and	G-1-3C	1.39%
1-3D	and	G-1-3D	<u>1.39%</u>

### BUILDING NO. 2 (6825 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
2-1A	and	G-2-1A	1.39%
2-1B	and	G-2-1B	1.39%
2-1C	and	G-2-1C	1.39%
2-1D	and	G-2-1D	1.39%
2-2A	and	G-2-2A	1.39%
2-2B	and	G-2-2B	1.39%
2-2C	and	G-2-2C	1.39%
2-2D	and	G-2-2D	1.39%
2-3A	and	G-2-3A	1.39%
2-3B	and	G-2-3B	1.39%
2-3C	and	G-2-3C	1.39%
2-3D	and	G-2-3D	<u>1.39%</u>

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FIFTH AMENDED EXHIBIT "B" (cont d.)

## SUNCHASE POINTE CONDOMINIUMS

### BUILDING NO. 3 (6835 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
3-1A	and	G-3-1A	1.39%
3-1B	and	G-3-1B	1.39%
3-1C	and	G-3-1C	1.39%
3-1D	and	G-3-1D	1.39%
3-2A	and	G-3-2A	1.39%
3-2B	and	G-3-2B	1.39%
3-2C	and	G-3-2C	1.39%
3-2D	and	G-3-2D	1.39%
3-3A	and	G-3-3A	1.39%
3-3B	and	G-3-3B	1.39%
3-3C	and	G-3-3C	1.39%
3-3D	and	G-3-3D	<u>1.39%</u>

### BUILDING NO. 4 (6845 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
4-1A	and	G-4-1A	1.39%
4-1B	and	G-4-1B	1.39%
4-1C	and	G-4-1C	1.39%
4-1D	and	G-4-1D	1.39%
4-2A	and	G-4-2A	1.39%
4-2B	and	G-4-2B	1.39%
4-2C	and	G-4-2C	1.39%
4-2D	and	G-4-2D	1.39%
4-3A	and	G-4-3A	1.39%
4-3B	and	G-4-3B	1.39%
4-3C	and	G-4-3C	1.39%
4-3D	and	G-4-3D	<u>1.39%</u>

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FIFTH AMENDED EXHIBIT "B" (cont'd.)

## SUNCHASE POINTE CONDOMINIUMS

### BUILDING NO. 5 (6855 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
5-1A	and	G-5-1A	1.39%
5-1B	and	G-5-1B	1.39%
5-1C	and	G-5-1C	1.39%
5-1D	and	G-5-1D	1.39%
5-2A	and	G-5-2A	1.39%
5-2B	and	G-5-2B	1.39%
5-2C	and	G-5-2C	1.39%
5-2D	and	G-5-2D	1.39%
5-3A	and	G-5-3A	1.39%
5-3B	and	G-5-3B	1.39%
5-3C	and	G-5-3C	1.39%
5-3D	and	G-5-3D	<u>1.39%</u>

### BUILDING NO. 6 (6865 FORESTVIEW DRIVE):

<u>UNIT</u>		<u>GARAGE UNIT</u>	<u>COMMON ELEMENT PERCENTAGE OWNERSHIP</u>
6-1A	and	G-6-1A	1.39%
6-1B	and	G-6-1B	1.39%
6-1C	and	G-6-1C	1.39%
6-1D	and	G-6-1D	1.39%
6-2A	and	G-6-2A	1.38%
6-2B	and	G-6-2B	1.38%
6-2C	and	G-6-2C	1.38%
6-2D	and	G-6-2D	1.38%
6-3A	and	G-6-3A	1.38%
6-3B	and	G-6-3B	1.38%
6-3C	and	G-6-3C	1.38%
6-3D	and	G-6-3D	<u>1.38%</u>
			<u>100.00%</u>

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FIFTH AMENDED EXHIBIT "C"

## SUNCHASE POINTE CONDOMINIUMS

### LEGAL DESCRIPTION OF UNITS

The legal description of the individual units to be individually conveyed pursuant to this Declaration shall consist of the identifying number of each Unit as shown on the Plat attached hereto as Exhibit "A", together with a reference to this Declaration and said Plat, and showing the document number, as follows:

Units 1-1A, 1-1B, 1-1C, 1-1D, 1-2A, 1-2B, 1-2C, 1-2D, 1-3A, 1-3B, 1-3C and 1-3D in Building No. 1, Units 2-1A, 2-1B, 2-1C, 2-1D, 2-2A, 2-2B, 2-2C, 2-2D, 2-3A, 2-3B, 2-3C and 2-3D in Building No. 2, Units 3-1A, 3-1B, 3-1C, 3-1D, 3-2A, 3-2B, 3-2C, 3-2D, 3-3A, 3-3B, 3-3C and 3-3D in Building No. 3, Units 4-1A, 4-1B, 4-1C, 4-1D, 4-2A, 4-2B, 4-2C, 4-2D, 4-3A, 4-3B, 4-3C and 4-3D in Building No. 4, Units 5-1A, 5-1B, 5-1C, 5-1D, 5-2A, 5-2B, 5-2C, 5-2D, 5-3A, 5-3B, 5-3C and 5-3D in Building No. 5, Units 6-1A, 6-1B, 6-1C, 6-1D, 6-2A, 6-2B, 6-2C, 6-2D, 6-3A, 6-3B, 6-3C and 6-3D in Building No. 6, Garage Units G-1-1A, G-1-1B, G-1-1C, G-1-1D, G-1-2A, G-1-2B, G-1-2C, G-1-2D, G-1-3A, G-1-3B, G-1-3C and G-1-3D in Garage Building No. 1, Garage Units G-2-1A, G-2-1B, G-2-1C, G-2-1D, G-2-2A, G-2-2B, G-2-2C, G-2-2D, G-2-3A, G-2-3B, G-2-3C and G-2-3D in Garage Building No. 2, Garage Units G-3-1A, G-3-1B, G-3-1C, G-3-1D, G-3-2A, G-3-2B, G-3-2C, G-3-2D, G-3-3A, G-3-3B, G-3-3C and G-3-3D in Garage Building No. 3, Garage Units G-4-1A, G-4-1B, G-4-1C, G-4-1D, G-4-2A, G-4-2B, G-4-2C, G-4-2D, G-4-3A, G-4-3B, G-4-3C and G-4-3D in Garage Building No. 4, Garage Units G-5-1A, G-5-1B, G-5-1C, G-5-1D, G-5-2A, G-5-2B, G-5-2C, G-5-2D, G-5-3A, G-5-3B, G-5-3C and G-5-3D in Garage Building No. 5, and Garage Units G-6-1A, G-6-1B, G-6-1C, G-6-1D, G-6-2A, G-6-2B, G-6-2C, G-6-2D, G-6-3A, G-6-3B, G-6-3C and G-6-3D in Garage Building No. 6, in Sunchase Pointe Condominiums, as delineated on a survey of the following described real estate: That part of Lot 1 in Sunchase Pointe Condominiums, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, according to the survey attached as Exhibit "A" to the Declaration of Condominium recorded as Document No. 0010493842, as amended from time to time, together with its undivided percentage interest in the common elements, in Cook County, Illinois.

30219186

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## FIFTH AMENDED EXHIBIT "D" SUNCHASE POINTE CONDOMINIUMS

### LEGAL DESCRIPTION OF THE PROPERTY UNDER THE FIFTH AMENDMENT TO THE DECLARATION:

#### DEVELOPMENT PARCEL:

Lot 1 in Sunchase Pointe Condominiums, a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, all in Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, according to the Plat thereof recorded in the Office of the Cook County Recorder of Deeds on May 18, 2001 as Document No. 001420930.

of which the following is the legal description of the "Property" previously submitted to this Declaration:

#### Parcel 1:

That part of Lot 1 lying East of the following described line: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 326.62 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence South 89° 32' 36" East, 39.90 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1 and there terminating; in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

#### Parcel 2:

That part of the East 457.63 feet of Lot 1 lying West of the following described line: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 326.62 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence South 89° 32' 36" East, 39.90 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1 and there terminating; in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

#### Parcel 3:

The West 130.67 feet of the East 588.30 feet of Lot 1 in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

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#### Parcel 4:

That part of Lot 1 lying East of the following described line: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 718.19 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence South 89° 32' 36" East, 46.61 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1 and there terminating (excepting therefrom the East 588.30 feet thereof); in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

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FIFTH AMENDED EXHIBIT "D" (cont'd.)

SUNCHASE POINTE CONDOMINIUMS

## LEGAL DESCRIPTION OF THE PROPERTY UNDER THE FIFTH AMENDMENT TO THE DECLARATION:

ALSO

Parcel 5:

That part of Lot 1 described as follows: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 718.19 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence North 89° 32' 36" West, 46.61 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1; thence North 89° 32' 36" West, along said South line of Lot 1, 128.25 feet; thence North 00° 27' 24" East, 154.21 feet; thence South 89° 32' 36" East, 44.11 feet; thence North 00° 27' 24" East, 62.00 feet to the North line of said Lot 1; thence South 89° 32' 36" East, along said North line of Lot 1, 130.75 feet to the point of beginning, in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

Parcel 6:

Lot 1 except that part lying East of the following described line: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 848.64 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence North 89° 32' 36" West, 44.11 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1 and there terminating, in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

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**LEGAL DESCRIPTION OF AMENDED PARCEL ADDED TO**  
**PROPERTY VIA FIFTH AMENDMENT TO THE DECLARATION:**

Lot 1 except that part lying East of the following described line: Commencing at the Northeast corner of said Lot 1; thence North 89° 32' 36" West, along the North line of said Lot 1, 848.64 feet to the point of beginning; thence South 00° 27' 24" West, 62.00 feet; thence North 89° 32' 36" West, 44.11 feet; thence South 00° 27' 24" West, 154.21 feet to the South line of said Lot 1 and there terminating, in Sunchase Pointe, being a subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Property of Cook County Clerk's Office  
**EXHIBIT ATTACHED**  
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