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Doc#: 0412427062
Eugene "Gene" Moore Fee: \$44.00
Cook County Recorder of Deeds
Date: 05/03/2004 12:31 PM Pg: 1 of 11

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DECLARATION OF PARTY WALL

This DECLARATION OF PARTY WALL (this "Declaration") is made this 12th day of April, 2004 by DUCKMAN, INC., an Illinois corporation ("Declarant A") and DIESEL, INC., an Illinois corporation ("Declarant B").

RECITALS

A. Declarant A is the owner of the parcel (the "1357 Parcel") legally described in Exhibit A attached hereto and made a part hereof, and of the stone masonry building (the "1357 Building") located on the 1357 Parcel, which 1357 Building is commonly known as 1357 West Grand Avenue, Chicago, Illinois.

B. Declarant B is the owner of the parcel (the "1353 Parcel") legally described in Exhibit B attached hereto and made a part hereof, and of the stone masonry building (the "1353 Building") located on the 1353 Parcel, which 1353 Building is commonly known as 1353 West Grand Avenue, Chicago, Illinois.

C. The 1357 Building and the 1353 Building are herein together sometimes called the "Buildings."

D. The 1357 Parcel and the 1353 Parcel are contiguous to one another.

This instrument was prepared by and after
Recording should be mailed to:

Gary Scott Saipe, Esq.
Boodell & Domanskis, LLC
205 N. Michigan Ave, Suite 4307

Property Address and Property Identification Numbers:

1357 W. Grand Avenue	1353 W. Grand Avenue
Chicago, Illinois 60622	Chicago, Illinois 60622
17-08-132-010-0000	17-08-132-011-0000

Box 333

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E. The east wall of the 1357 Building and the west wall of the 1353 Building form a common wall (the "Party Wall").

F. Declarant desires that the Party Wall be a party wall for the use and benefit of the Buildings.

G. Declarant intends to subject a portion of the 1357 Building to the terms and provisions of the Condominium Property Act of the State of Illinois, as amended from time to time (the "Act").

H. Declarant intends to subject a portion of the 1353 Building to the terms and provisions of the Act.

I. Declarant desires and intends that Declarant and all future owners of the 1357 Building or any portion thereof and of the 1353 Building or any portion thereof at all times enjoy the benefits of such ownership, and hold such ownership, subject to the provisions of this Declaration.

NOW THEREFORE, Declarant hereby declares as follows:

1. Definitions. For purposes of this Declaration:

(a) The term "1357 Owners" means the owners collectively at any time and from time to time in fee simple of all or any part of the 1357 Building.

(b) The term "1353 Owners" means the owners collectively at any time and from time to time in fee simple of all or any part of the 1353 Building.

(c) The term "Owners" means the 1357 Owners and the 1353 Owners collectively.

2. Party Wall Declaration. The Party Wall is a party wall for the use and benefit of the 1357 Owners and the 1353 Owners.

3. Extensions. None of Owners shall have the right to add or extend any part of the Party Wall either horizontally or vertically without the consent of all of the other Owners.

3. Structural Support. Owners shall have the right to use the Party Wall in any lawful manner as a party wall for the benefit of the 1357 Building and the 1353 Building; provided, however, that no use shall be made of the Party Wall that will impair either the 1357 Building or the 1353 Building or the party wall benefits and support to which each of the 1357 Building and the 1353 Building is entitled.

4. Flues.

(a) Owners shall have the absolute right to the continued and uninterrupted use

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of all flues located in the Party Wall.

(b) If any of the Owners has exclusive access to any flue, and fails to keep such flue in good working order, then said Owners shall be liable for any damages suffered by the other Owners because of the failure of the Owners with exclusive access to the flue to keep said flue in good working order.

5. Restriction Against Openings. Except to the extent that there are, as of the date of this Declaration, any openings in the Party Wall, none of Owners shall make or provide openings in the Party Wall of any nature whatsoever without the prior written consent of all of the other Owners.

6. Demolition. None of Owners shall have the right to demolish the Party Wall or any part thereof without the prior written consent of all of the other Owners.

7. Cost of Maintenance. The expense of maintaining and repairing the Party Wall shall be borne in equal shares by the 1357 Owners, on the one hand, and the 1353 Owners, on the other.

8. Destruction of a Building.

(a) In the event of the destruction of the 1353 Building without the total destruction of the Party Wall, the 1357 Owners shall have the right, at their sole cost, to cause to be made any repair necessary to restore the Party Wall to a safe and usable condition, and shall have the right to enter upon the 1353 Parcel to the extent reasonably necessary to perform such repair work; provided that the 1353 Owners shall have the right to use the restored Party Wall as a party wall, upon the terms and conditions set forth herein, upon payment to the 1357 Owners of one-half of the cost of restoration of the Party Wall.

(b) In the event of the destruction of the 1357 Building without the total destruction of the Party Wall, the 1353 Owners shall have the right, at their sole cost, to cause to be made any repair necessary to restore the Party Wall to a safe and usable condition, and shall have the right to enter upon the 1357 Parcel to the extent reasonably necessary to perform such repair work; provided that the 1357 Owners shall have the right to use the restored Party Wall as a party wall, upon the terms and conditions set forth herein, upon payment to the 1353 Owners of one-half of the cost of restoration of the Party Wall.

9. Repair. If it shall hereafter become necessary or desirable to rebuild or repair the whole or any portion of the Party Wall (other than pursuant to the preceding paragraph 8 of this Declaration), the expense of such rebuilding or repair shall be borne in equal shares by the 1357 Owners, on the one hand, and the 1353 Owners, on the other; provided, however, that if such rebuilding or repair shall be necessitated by the default, negligence or other act or omission of either of the 1357 Owners or the 1353 Owners, then, whichever of the 1357 Owners or the 1353 Owners shall have necessitated such rebuilding or repair shall rebuild and repair the Party Wall at its sole cost, and shall compensate the other for any damages.

10. Running of Benefits and Burdens. All provisions of this Declaration, including

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the benefits and burdens set forth in this Declaration, run with the land and are binding upon, and inure to the benefit of, Declarant and its successors and assigns.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Party Wall as of the day and year first above written.

DUCKMAN, INC., an Illinois corporation

By: Edward Neri

Name: Edward Neri

Title: President

DIESEL, INC., an Illinois corporation

By: Edward Neri

Name: Edward Neri

Title: President

Property of Cook County Clerk's Office

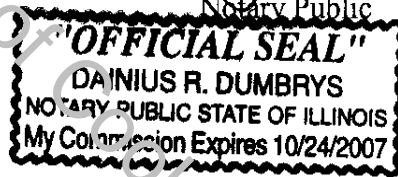
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STATE OF ILLINOIS)
)
) SS.
COUNTY OF C O O K)

I, Dainius R. Dumbrys a Notary Public in and for County and State aforesaid, do hereby certify that Edward Neri, the President of Duckman, Inc., an Illinois corporation, 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 and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 12th day of April, 2004.

Dainius R. Dumbrys
Notary Public



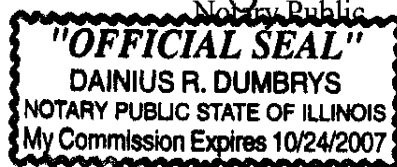
My Commission Expires: _____

STATE OF ILLINOIS)
)
) SS.
COUNTY OF C O O K)

I, Dainius R. Dumbrys, a Notary Public in and for County and State aforesaid, do hereby certify that Edward Neri, the President of Diesel, Inc., an Illinois corporation, 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 and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 12th day of April, 2004.

Dainius R. Dumbrys
Notary Public



My Commission Expires: _____

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CONSENT OF MORTGAGEE TO DECLARATION OF PARTY WALL

Oxford Bank & Trust, AS HOLDER OF A MORTGAGE on the 1357 Property, which mortgage is dated September 23, 2002 and was recorded on November 1, 2002 as Document 0021207133, hereby consents to the execution and recording of the within Declaration of Party Wall, and agrees that said mortgage is subject and subordinate to the provisions of said Declaration of Party Wall.

IN WITNESS WHEREOF, the said Mortgagee has caused this instrument to be signed by its duly authorized Officers on its behalf, all done at Chicago, Illinois on this 18th day of April, 2004.

Oxford Bank & Trust
By: Michael A Pawlak
Its: Senior Vice President

ATTEST:
By: [Signature]
Its: VICE PRESIDENT

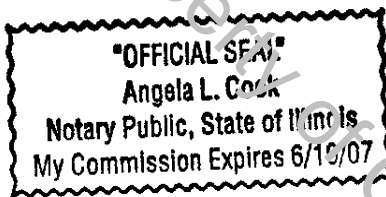
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Angela R. Cook, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Michael A Pawlak, known to me to be the Senior Vice President of Offord Bank & Trust, subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said Company, for the uses therein set forth.

GIVEN under my hand and notarial seal this 12th day of April, 2004.



Angela R. Cook
Notary Public

My commission expires: 6-19-07

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CONSENT OF MORTGAGEE TO DECLARATION OF PARTY WALL

Oxford Bank & Trust, AS HOLDER OF A MORTGAGE on the 1353 Property, which mortgage is dated September 23, 2002 and was recorded on October 31, 2002 as Document 0021204473, hereby consents to the execution and recording of the within Declaration of Party Wall, and agrees that said mortgage is subject and subordinate to the provisions of said Declaration of Party Wall.

IN WITNESS WHEREOF, the said Mortgagee has caused this instrument to be signed by its duly authorized Officers on its behalf, all done at Chicago, Illinois on this 12th day of April, 2004.

Oxford Bank & Trust
By: Michael A Pawlach
Its: Senior Vice President

ATTEST:
By: [Signature]
Its: VICE PRESIDENT

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Angela L. Cook, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Michael A Pawlenty known to me to be the Senior Vice President of Offroad Bank & Trust subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said Company, for the uses therein set forth.

GIVEN under my hand and notarial seal this 12th day of April, 2004.



Angela L. Cook
Notary Public

My commission expires: 6-19-07

Proprietary
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EXHIBIT A

TO

DECLARATION OF PARTY WALL

LEGAL DESCRIPTION OF THE 1357 PARCEL

LOT 20 (EXCEPT THE EAST 0.33 FEET) AND THE EAST 0.66 FEET OF LOT 21 IN BLOCK 6 IN ROBBIN'S SUBDIVISION OF BLOCKS 6 AND 7 IN ASSESSOR'S DIVISION OF EAST ½ OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number: 17-08-132-010-0000

Address of Real Estate: 1357 W. Grand Avenue
Chicago, Illinois 60622

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EXHIBIT B

TO

DECLARATION OF PARTY WALL

LEGAL DESCRIPTION OF THE 1353 PARCEL

LOT 19 AND THE EAST 0.33 FEET OF LOT 20 IN BLOCK 6 IN ROBBIN'S SUBDIVISION OF BLOCKS 6 AND 7 IN ASSESSOR'S DIVISION OF EAST ½ OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number: 17-08-132-011-0000

Address of Real Estate: 1353 W. Grand Avenue
Chicago, Illinois 60622