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This document was prepared by and after recording return to:

Barry B. Nekritz, Esq. Sonnenschein Nath & Rosenthal LLP 8000 Sears Tower 233 South Wacker Chicago, Illinois 60606



0429516157

Eugene "Gene" Moore Fee: \$40.50 Cook County Recorder of Deeds Date: 10/21/2004 12:54 PM Pg: 1 of 9

RELEASE AND ABROGATION OF DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HOMAN SQUARE COMMERCIAL

This Release and Abrogation of Declaration of Covenants, Conditions, Restrictions and Easements for Homan Square Commercial (the "Release") is made as of August 20, 2004 by THE HOMAN-ARTHINGTON FOUNDATION, an Illinois not-for-profit corporation ("Declarant") and POLK STREET ASSOCIATES, LLC, an Illinois limited liability company ("Polk Street").

RECITALS

WHEREAS, the Declarant is the owner of the property described on Exhibit A attached hereto and made a part hereof (the "Homan Property") and Polk Street is the owner of the property described on Exhibit B attached hereto and made a part hereof (the "Polk Property"). The Homan Property and the Polk Property are from time to time collectively referred to as the "Property";

WHEREAS, Declarant has executed a Declaration of Covenants, Conditions, Restrictions and Easements for Homan Square Commercial dated November 17, 1997, and recorded with the Recorder of Deeds of Cook County, Illinois on November 18, 1997, as document number 97863323 (the "Declaration"). The Declaration encumbers the Property;

WHEREAS, the Declarant and Polk Street now desire to release and abrogate the Declaration from the Property, all as more specifically set forth below;

NOW THEREFORE, in consideration of the foregoing Recitals, the Declarant and Polk do hereby undertake the following:

ABROGATION AND RELEASE

- Abrogation. All of the easements set forth in the Declaration are hereby abrogated and no longer benefit and/or burden the Property.
- Release. The Declarant and Polk Street do hereby remise, release, quitclaim and discharge of record the Declaration from the Property and all of the other terms, covenants, agreements and provisions of the Declaration are hereby terminated and the Declaration is no longer in force and effect.

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IN WITNESS WHEREOF, the parties have executed this Release as of the date first written above.

> THE HOMAN-ARTHINGTON FOUNDATION, an Illinois not-for-profit corporation

Name: AALLIS

Title: Parsident

Na.
Title

Clark's Office POLK STREET ASSOCIATES, LLC, an Illinois

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ACKNOWLEDGMENTS

STATE OF ILLINOIS) ss. COUNTY OF COOK I, the undersigned, a Notary Public of the state and county aforesaid, certify that (Wirles Harw personally came before me this day and acknowledged that he is the Print Name: Maryone T. Taylor [NOTARY SEAL] My Commission Expires:		
I, the undersigned, a Notary Public of the state and county aforesaid, certify that (STATE OF ILLINOIS)
I, the undersigned, a Notary Public of the state and county aforesaid, certify that Cyrile Harw personally came before me this day and acknowledged that he is the of THE HOMAN-ARTHINGTON FOUNDATION, an Illinois not-for-profit corporation, and that he, in that capacity, being authorized to do so, executed the foregoing on behalf of the company. WITNESS my hand and Notarial Seal this Jul. day of August, 2004. "OFFICIAL SEAL" MALORIE J. ZESSAF Notary Public, State of Illinois My Commission Expires 12/10/07 Print Name: Maryone J. Zessar Notary Public Print Name: Maryone J. Zessar Notary Public Print Name: Maryone J. Zessar	COLINITY OF COOK)ss.
with estimated to do so, executed the foregoing on behalf of the company. WITNESS my hand and Notarial Seal this the Marjorie J. Zessap Notary Public, State of Illinois My Commission Expires 12/10/07 My Commission Expires 12/10/07 My Commission Expires: My Commission Expires:	COUNTY OF COOK)
"OFFICIAL SEAL" MARJORIE J. ZESSAP Notary Public, State of Illinois My Commission Expires 12/10/07 [NOTARY SEAL] My Commission Expires:	Chules H. Sylve personal President of THE HO corporation, and that he, in the	ly came before me this day and acknowledged that he is the MAN-ARTHINGTON FOUNDATION, an Illinois not-for-profit
MARJORIE J. ZESSAP Notary Public, State of Illiesis My Commission Expires 12/10/07 [NOTARY SEAL] My Commission Expires:	WITNESS my hand and Nota	rial Seal this <u>fork</u> day of August, 2004.
[NOTARY SEAL] My Commission Expires:	MARJORIE J. ZESSAP Notary Public, State of Illinois	Mayore of Zera Notary Public
[NOTARY SEAL] My Commission Expires:		Print Name: Marjorie J. Zessar
My Commission Expires:	[NOTARY SEAL]	
Olyna Clert's Office	My Commission Expires:	C
		Olynia Clark? Office

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STATE OF ILLINOIS)	
COUNTY OF COOK)ss.	
I, the undersigned, a Notary Public of the state a mark Ross personally came before member of POLK STREET ASSOCIA and that he, in that capacity, being authorized to company. WITNESS my hand and Notarial Seal this 16 Tax	e this day and acknowledged that he is the ATES, LLC, an Illinois limited liability company, do so, executed the foregoing on behalf of the
OFFICIAL SEAL SANDRAL BALL	Sandra J. Ball
NOTARY PUBLIC - STATE OF ILLIN (JIS) MY COMMISSION EXPIRES: 05-31-07	Notary Public
	Print Name: SANORA L. BALL
[NOTARY SEAL]	
My Commission Expires:	0.
05/31/07	
	Notary Public Print Name: SANORA L. BALL ORGANICA ORG

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EXHIBIT "A"

LEGAL DESCRIPTION

ADDRESS: 3333 WEST ARTHINGTON STREET

CHICAGO, ILLINOIS 60624

PIN:

16-14-416-001-0000

(ALITAISTRATION BUILDING PARCEL)

THAT PART OF LOTS 8, 9, 10, 11 AND 12 IN BLOCK 1 IN HENRY E. VANCE'S RE-SUBDIVICEN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST, 1904, AS DOCUMENT NO. 3635041, IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH. RANGE 17 FAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE WORTHWEST CORNER OF SAID BLOCK 1. ALSO BEING THE INTERSECTION OF THE EAST RIGHT-O'-WAY LINE OF SOUTH HOMAN AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LIME OF SAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STUTET, A DISTANCE OF 489.02 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 36 SECON'S A DISTANCE OF 179.02 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 36 SECONDS WES: A DISTANCE OF 195.37 FEET; THENCE NORTH 00 DEGREES 19 MINUTES AND 24 SECONDS PAST A DISTANCE OF 14.32 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 36 SECONDS WIST A DISTANCE OF 50.54 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST 1 DISTANCE OF 18.34 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 59 SECONDS WEST & PISTANCE OF 140.09 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 01 SECONDS EAST. A DISTANCE OF 9.13 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 59 SECONDS WEST A DISTANCE OF 101.98 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 1, ALSO BEING SAID LAST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE, THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG SAID WEST LINE OF BLOCK 1, ALSO BEING SAID EAST RIGHT-CF WAY LINE OF SOUTH HOMAN AVENUE; A DISTANCE OF 175.81 FEET TO SAID POINT OF P CINNING; ALL IN COOK COUNTY, ILLINOIS. SAID PARCEL OF LAND HEREIN DESCRIBED CONTAINS 2.008 ACRES. 7/7/CQ MORE OR LESS.

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EXHIBIT "A"

LEGAL DESCRIPTION

ADDRESS: 3301 WEST ARTHINGTON STREET

CHICAGO, ILLINOIS 60624

PIN:

16-14-417-001-0000

(MFACHANDISE AND LAB BUILDING PARCEL)

THAT PAPE OF LOTS 7, 8 AND 9 IN BLOCK 1 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDIN, TO THE PLAT THEREOF RECORDED DECMBER 21ST, 1904, AS DOCUMENT NO. 3635041, IN THE SOUTH EAST QUARTER OF SECTION 14 TOWNSHIP 39 NORTH, RANCGE 13 EAST OF THE 1RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 1. ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY-LINE OF SOUTH HOMAN AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STADE: THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE CE CAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET A DISTACNE OF 489.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG SAID NORTH LINE OF BLOCK 1, LSC BEIGN SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 108.77 FEET TO THE NORTHEAST CORNER OF LOT 7. ALSO BEING THE INTERSECTION OF 2:30 SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE VACATED SOUTH SPAULDING AVENUE: THENCE SOUTH OO DEGREES 26 MINUTES 04 SECOND'S MEST ALONG THE EAST LINE OF SAID LOT 7, ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE, A DISTANCE OF 337.67 FEET TO THE SOUTHEAST COTATE OF SAID LOT 7 ALSO BEING THE NORTH LINE OF THE B. & O. C.T. RAILROAD (F)RMERLY THE CHICAGO AND GREAT WESTERN RAILROAD): THENCE NORTH 89 DEGREES 13 MINUTES 35 SECONDS WEST ALONG SAID SOUTH LINE OF BLOCK 1, ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF THE B. & O. C.T. RAILROAD, A DISTANCE OF 289.32 FEET; THENCE NORTH (DEGREES 40 MINUTES 38 SECONDS EAST, A DISTANCE OF 157.20 FEET TO A POINT ON THE SOUTHERLY FACE OF A ONE STORY BRICK BUILDING AS SAID BRICK BUILDING EXISTED ON SEPTEMBER 15, 1997 THENCE SOUTH 89 DEGREES 40 MINUTES 36 SECONDS EAST ALONG SAID SOTUHERLY BUILDING FACE AND THE EASTERLY EXTENTION THEREOF, A DISTANCE, CS 179.12 FEET; THENCE NORTH 00 DEGREES 40 MINUTS 38 SECONDS EAST, A DISTANCE OF 179.02 FEET TO SAID POINT OF BEGINNING; ALL IN COOK COUNTY, ILLINOIS SAID PIRCEL OF LAND HEREIN DESCRIBED CONTAINS 1.498 ACRES, MORE OR LESS.

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EXHIBIT "A"

LEGAL DESCRIPTION

ADDRESS: 3245 WEST ARTHINGTON STREET

CHICAGO, ILLINOIS 60624

PIN:

16-14-417-002-0000 and 16-14-417-003-0000

(ALISTATE BUILDING PARCEL)

THAT PART OF LOTS 3, 4, 5, 6, LOT A AND THE VACATED EAST WEST 20' WIDE ALLEY ALL IN BLC K 1 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST 1904, AS DOCUMENT NO. 3635041. IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 6 IN BLOCK 1. ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK 1, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 249.39 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 04 SECONDS WEST ALONG A LINE PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE OF VACATED SPAULDING AVENUE, A DIS ANCE OF 337.63 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK 1, ALSO BEING IF NORTH RIGHT-OF-WAY LINE OF THE B. & O. C.T. RAILROAD (FORMERLY KNOWN AS THE STICAGO AND GREAT WESTERN RAILROAD); THENCE NORTH 89 DEGREES 13 MINUTES 55 SFLONDS WEST ALONG SAID SOUTH LINE OF BLOCK 1, ALSO BEING SAID NORTH RIGHT-OF-LAY LINE OF THE B. & O. C.T. RAILROAD, A DISTANCE OF 249.39 FEET TO A POINT ON THE LINE OF SAID LOT 6, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF VACATED SOUTH SPAULDING AVENUE; THENCE NORTH 00 DEGREES 26 MINUTES 04 SECONDS EAST ALO'G SAID WEST LINE OF LOT 6, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF VACATED COUTH SPAULDING AVENUE, A DISTANCE OF 337.62 FEET TO SAID POINT OF BEGINNING, ALL IN COOK COUNTY. ILLINOIS. SAID PARCEL OF LAND HEREIN DESCRIBED CONTAINS 1.933 ACRES, MORE OR)FFICO LESS.

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PARCEL 7 (OLD SEARS TOWER PLACE)

THAT PART OF LOTS 1 AND 2 IN BLOCK 2 IN HENRY E. VANCE'S RE-SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21ST, 1904, AS DOCUMENT NO. 3635041 IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 2, ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BLOCK 2 ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF SOUTH HOMAN AVENUE, A DISTANCE OF 146.96 FEET; THENCE NORTH 89 DEGREFS 14 MINUTES 04 SECONDS WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 103.69 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG A LINE PARALLEL WITH SAID EAST LINE OF BLOCK 2, A DISTANCE OF 146.96 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 2, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET; THENCE SOUTH 89 DEGREES 14 MINUTES 04 SECONDS EAST ALONG SAID NORTH LINE OF BLOCK 2, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST ARTHINGTON STREET, A DISTANCE OF 103.69 FEET TO SAID POINT OF BEGINNING; ALL DI COOK COUNTY, ILLINOIS. (EXCEPTING THAT PART OF LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 77.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 10.87 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.87 FEET THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 50.79 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 50 24 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 17.17 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 0.33 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS LAST A DISTANCE OF 33.61 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS FAST A DISTANCE OF 12.61 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 11.00 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 25.09 FEET TO THE POINT OF BEGINNING, IN BLOCK 2 IN HENRY E. VANCE'S RESUBDIVISION OF BLOCKS 1 TO 8, BOTH INCLUSIVE AND VACATED ADDITION, BEING A SUBDIVISION IN THE SOUTH EAST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21, 1904 AS DOCUMENT NUMBER 3635041, IN COOK COUNTY, ILLINOIS).

AND

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THAT PART OF LOT 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00 DEGREES 19 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 77.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 10.87 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.87 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 01 SECONDS WEST A DISTANCE OF 50.79 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 50.24 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 17.17 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 0.33 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 33.61 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 53 SECONDS EAST A DISTANCE OF 12.61 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 11.00 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 25.09 FEET TO THE POINT OF BEGINNING IN BLOCK 2 IN HENRY E. VANCE'S RESUBDIVISION OF BLOCKS 1 TO 8, POTH INCLUSIVE AND VACATED ADDITION, BEING A SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 21, 1904 AS DOCUMENT NUMBER 3635041, IN COOK COUNTY, ILLINOIS.

ADDRESS: 924 SOUTH HOMAN AVENUE Clark's Office

CHICAGO, ILLINOIS

PIN:

16-14-416-001