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Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 05/22/2007 02:56 PM Pg: 1 of 4

Robert C. Kenny
Schain, Burney, Ross & Citron, Ltd.
222 N. LaSalle, Ste 1910
Chicago, Illinois 60601

MEMORANDUM OF AGREEMENT

The Woods of South Barrington

South Barrington, Illinois

THIS MEMORANDUM OF AGREEMENT ("Memorandum") is executed as of the 9TH day of ~~MAY~~ 2007, by and between **ACACIA CREDIT FUND 9-A, L.L.C.**, a Delaware limited liability company ("Owner") and **THE VILLAGE OF SOUTH BARRINGTON**, an Illinois municipal corporation ("Village").

The Village has approved the Final Pla. of Subdivision for the Woods of South Barrington which includes the subdivided lot numbers 101, 102, 103, 104, 105, 106, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 187, 188, 189, 190, 195, 196, 197, 198, 213, 214, 215, 216, 217, 218, 229, 230, 231, 304, and 305 ("Lots"), more fully described in Exhibit A attached hereto subject to the conditions expressed in this Memorandum ("Conditions").

1. The conditions which related to the Lots are:
 - A. Owner shall obtain a letter of map revision from the Federal Emergency Management Association (FEMA) in response to the Owner's application therefore, a copy of which has been furnished to and kept on file with the Village.
2. Until the Owner has complied with the Conditions for each of the Lots:
 - A. The Lots will not be conveyed to a third party purchaser, except for lots that may be conveyed to "Toll IL WSB, L.P.", an Illinois Limited partnership.
 - B. No improvements, other than landscaping and public utilities will be installed or constructed on the Lots.
3. The Owner and the Village desire to record this Memorandum to make as a matter of public record the matters and condition set forth herein.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the day and year first above written.

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ACACIA CREDIT FUND 9-A L.L.C.

**By: Fund 9-A Management Company
L.L.C.**

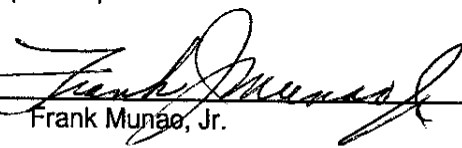
Its: Manager

By: Acacia Capital Corporation

Its: Managing Member

By: 
Name: Steven S. Benson
Its: Exec. Vice President

**VILLAGE OF SOUTH BARRINGTON, an Illinois
Municipal Corporation**

By: 
Frank Munao, Jr.
Its: Village President

Property of Cook County Clerk's Office

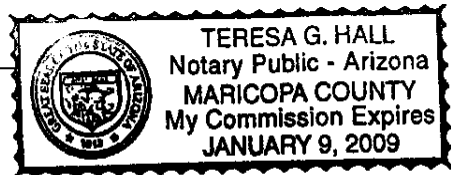
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Arizona
 STATE OF ~~ILLINOIS~~)
 Maricopa) SS.
 COUNTY OF ~~COOK~~)

I, Teresa G. Hall, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Steven S. Benson, Exec. Vice President of Acacia Capital Corporation, as Managing Member, of Fund 9-A Management Company L.L.C., as Manager of ACACIA CREDIT FUND 9-A L.L.C., personally known to me to be the same person whose name are subscribed to the foregoing WETLANDS - DEED RESTRICTION/COVENANT, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said document, on behalf of the corporation and as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 20th day of June, 2006.

Teresa G. Hall
Notary Public



STATE OF ILLINOIS)
 SS
 COUNTY OF COOK)

I, LINDA ANN HOOKER, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that FRANK J. MUNOZ, JR., VILLAGE PRESIDENT of the Village of South Barrington as _____ and _____ personally known to me to be the same person whose name are subscribed to the foregoing Memorandum of Agreement, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said document, on behalf of the Village and as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 9TH day of MARCH, 2006: 2007

Linda Ann Hooker
Notary Public



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EXHIBIT "A"

LEGAL DESCRIPTION OF LOTS

LOTS 101, 102, 103, 104, 105, 106, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 187, 188, 189, 190, 195, 196, 197, 198, 213, 214, 215, 216, 217, 218, 229, 230, 231, 304, and 305, IN WOODS OF SOUTH BARRINGTON PHASE 1 SUBDIVISION, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 28 AND THE NORTHEAST QUARTER OF SECTION 33, ALL IN TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.#s 01-28-200-005
01-28-200-006
01-28-200-008
01-28-400-001
01-28-401-001
01-28-402-001
01-33-200-009
01-33-200-012
01-33-200-017
01-33-200-019

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