

# UNOFFICIAL COPY

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

MARILYN RINALDI, )  
)  
Plaintiff, )  
)  
v. )  
)  
RICHARD GREENBERG, THE WHITNEY )  
CONDOMINIUM ASSOCIATION )  
AND FRITZ SKEEN AND HELEN MORSE, )  
)  
Defendants. )



Doc#: 0725618095 Fee: \$40.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 09/13/2007 03:35 PM Pg: 1 of 9

No. 070A25553  
CLERK  
COUNTY OF COOK  
CHANCERY DIV.  
SEP 13 PM 3:05  
FD

### COMPLAINT

NOW COMES Plaintiff by and through her attorneys and for her complaint to Quiet Title states as follows:

1. The Plaintiff is an adult citizen of Illinois who on or about May 28, 1998 purchased a piece of property at 1301 N Dearborn Parkway, Unit 301, Chicago, Illinois 60610 and two legal parking spaces. (See Exhibit 1). This transaction was recorded on June 2, 1998. (See Exhibit 1).
2. Richard Greenberg is an adult citizen of Illinois who claims to possess the right to transfer the right to use parking spaces identified as 29 and 30 located at 1301 N. Dearborn Parkway.
3. Fritz Skeen and Helen Morse are upon information and belief adult citizens of Illinois who are purportedly in the process of buying the parking spaces identified as parking spaces 29 and 30.
4. The Whitney Condominium Association (Association) is a Condominium Association which operates the common elements of 1301 N. Dearborn Parkway. .
5. The Plaintiff was assigned 2 legal parking spaces which were identified as 28 and 31 when she purchased 1301 N. Dearborn Parkway.

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6. The area in which parking spaces identified as 28 and 31 are located in front of and behind parking spaces identified as 29 and 30 respectively.

7. The Plaintiff has been advised by the City of Chicago that parking spots identified as 28, 29, 30 and 31 comprise only two legal parking spaces.

8. The Plaintiff has been using the 2 legal parking spaces identified as parking spaces 28, 29, 30 and 31 since she purchased the property in 1998.

9. On or about September 10, 2007, the Plaintiff was advised by the Association that a person by the name of Robert Greenberg was attempting to sell the right to use parking spaces identified as 29 and 30.

10. Prior to September 10, 2007 the Plaintiff did not know that Mr. Greenberg claimed that he had the right to transfer the right to use parking spaces identified as 29 and 30 and Mr. Greenberg had never used these spaces.

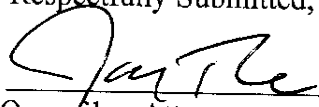
11. Plaintiff wrote to Mr. Greenberg's attorney, who then produced a document which purportedly claims that he purchased the right to transfer the right to use parking spaces 29 and 30 which was recorded on January 14, 1999. (See Exhibit 2).

12. The Plaintiff purchased 2 legal parking spaces and only 2 legal parking spaces exist in the parking garage identified as parking spaces 28, 29, 30 and 31.

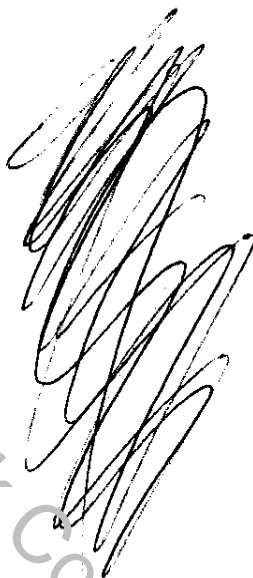
**WHEREFORE**, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against the Defendants, that this Court hold and determine that the Plaintiff owns 2 legal parking spaces which are identified as parking spaces numbered 28, 29, 30 and 31; that Mr. Greenberg has no ownership interest or right to transfer the right to use parking spaces labeled 29 and 30 and for further relief that is just and equitable in the circumstances.

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Respectfully Submitted,

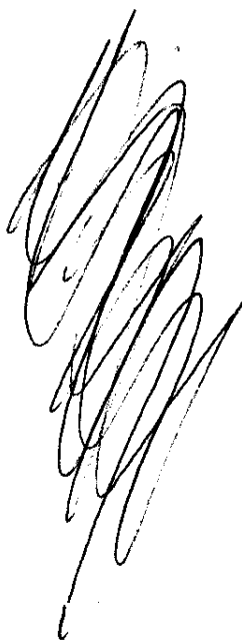
By:   
One of her Attorneys

Donald L. Johnson (24657)  
Joseph T. Gentleman (36153)  
33 North Dearborn Street  
Suite 1401  
Chicago, Illinois 60602  
(312) 263-7000



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A handwritten signature in black ink, consisting of several overlapping, cursive loops and lines, positioned in the upper right quadrant of the page.

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**EXHIBIT 1**

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7821/0022 39 001 Page 1 of 3  
1998-04-02 09:38:25  
Cook County Recorder 25.50

This instrument was prepared by:  
William S. McDowell, Jr.  
Baker & McKenzie  
130 East Randolph Drive  
Chicago, Illinois 60601

After recording, mail to:

Gayle Campbell  
Gayle Campbell Attorney  
175 Old Half Day Road  
Lincolnshire, Illinois 60069

REC'D  
APR 2 1998  
N 1998-04-02

Above Space for Recorder's Use Only

## SPECIAL WARRANTY DEED

DEARBORN-GOETHE DEVELOPMENT L.L.C., an Illinois limited liability company ("Grantor"), for ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, grants and conveys and transfers to Marilyn Lea Rinaldi, whose address is 711 W. Old Elm Road, Lake Forest, Illinois 60045, all of Grantor's right, title and interest in and to:

(i) Unit 301 in The Whitney Condominium as delineated on a survey of a parcel of land comprised of Lots 5 and 6 and the South 6.96 feet of Lot 7 in Simon's subdivision of Lot 6 in Bronson's addition to Chicago; Lots 1, 2 and 3 in the subdivision of Lot 5 together with Sub Lot 1 of Lot 4 in Bronson's addition to Chicago; and Lots 1 to 5, both inclusive, in Alice P. Holbrook's subdivision of Lot 4 in the subdivision of Lot 5 in Bronson's addition to Chicago; all in the North East 1/4 of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, which survey (the "Plat") is attached as Exhibit "D" to the Declaration of Condominium Ownership for The Whitney Condominium recorded in Cook County, Illinois on December 31, 1996 as Document No. 96-982956, as amended by First Amendment recorded October 1, 1997 as Document No. 97-730677 and Second Amendment recorded March 19, 1998 as Document No. 98-216407 (as so amended, the "Declaration"), together with its undivided percentage interest in the Common Elements; and

(ii) The Limited Common Element(s) comprised of Parking Space(s) numbered 28 & 31 as delineated on the Plat and as described in Subparagraph 8(a) of the Declaration;

Permanent Real Estate Index Number: 17-04-218-048-1001

Common Address: 1301 North Dearborn Parkway, Unit 301, Chicago, Illinois 60610

all subject, however, to (i) general real estate taxes which are a lien but not yet due and payable, (ii) all rights, easements, covenants, conditions, options, restrictions and reservations contained in or established by said Declaration the same as though the provisions of said Declaration were recited and stipulated at length herein, (iii) adverse encroachment of the three story brick building and a stockade fence located mainly on the property north and adjoining the land described in the Declaration by various distances of 0.22 feet to 0.35 feet, with respect to said building, and by 0.68 feet with respect to said fence, as disclosed by the Plat, (iv) applicable zoning and building laws or ordinances, including building lines and

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restrictions, (v) limitations and conditions imposed by the Illinois Condominium Property Act, (vi) levied assessments due after the date of Closing of assessments established and/or levied pursuant to the Declaration, and (vii) acts done or suffered by or judgments against Grantee.

GRANTOR also hereby grants to the Grantee, its successors and assigns, as rights and easements appurtenant to the subject unit described herein, the rights and easements for the benefit of said unit set forth in the Declaration of Condominium; and Grantor reserves to itself, its successors and assigns, the rights and easements set forth in said Declaration for the benefit of the remaining land described therein.

GRANTOR hereby warrants title to the aforesaid property, subject to the matters affecting title thereto described above, against the acts of Grantor, and the lawful claims of every person claiming said property or any part thereof or any interest therein, by, through, or under Grantor by reason of said acts, but not otherwise.

### CERTIFICATE

GRANTOR certifies, in accordance with Subparagraph 8(b) of the Declaration, that a copy of this deed has been delivered to the Board (as defined in Subparagraph 1(b) of the Declaration).

IN WITNESS WHEREOF, Grantor has signed these presents on May 21, 1998.

DEARBORN-GOETHE DEVELOPMENT L.L.C.,  
an Illinois limited liability company

By: *[Signature]*  
Vice President

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF COOK    )

The foregoing instrument was acknowledged before me on May 21, 1998 by Richard L. Zisook, Vice President of Dearborn-Goethe Development L.L.C., an Illinois limited liability company, on behalf of said company.

*[Signature]*  
Notary Public

CITY OF CHICAGO  
REAL ESTATE TRANSACTION TAX  
\$ 2925.00

OFFICIAL SEAL  
KAREN TOTH  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 08-30-01

Cook County  
REAL ESTATE TRANSACTION TAX  
REVENUE  
SLIP JUN 1998  
\$ 195.00

STATE OF ILLINOIS  
REAL ESTATE TRANSFER TAX  
\$ 380.00

Purchaser, unless the percentage of the year for which the improvements were assessed (the "Assessor's Percent") exceeds the percentage resulting from dividing the number of days remaining in the calendar year after the date of closing by 365 (the "Purchaser's Period") in which case your share, as Purchaser, of the Improvement Portion shall be the Improvement Portion multiplied by the percentage resulting from dividing the Purchaser's Percent by the Assessor's Percent. If the Assessor's records do not indicate a partial assessment (the percentage of the year for which the improvements were assessed being shown as an occupancy factor), for purposes of prorating, the Assessor's Percent shall be deemed to be one hundred percent.

Please indicate your acceptance of the foregoing by signing the endorsement appearing at the conclusion hereof.

Yours very truly,  
DEARBORN-GOETHE DEVELOPMENT L.L.C.,  
an Illinois limited liability company  
By: *[Signature]*  
Vice President

The foregoing is agreed to and accepted:  
*[Signature]*  
Marilyn [Name]

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**EXHIBIT 2**

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This Instrument Prepared By  
(And after recording, please mail to:)  
William S. McDowell, Jr.  
Baker & McKenzie  
130 East Randolph Drive  
Chicago, Illinois 60601

99045609  
9036/0179 16 001 Page 1 of 4  
1999-01-14 16:55:07  
Cook County Recorder 27.00



The Above Space For Recorder's Use Only

**ASSIGNMENT OF PARKING SPACES**

THIS ASSIGNMENT OF PARKING SPACES is made by Dearborn-Goethe Development L.L.C., an Illinois limited liability company ("Declarant"), for the use and benefit of Richard Greenberg ("Unit Owner").

**WHEREAS:**

A. Unit Owner owns Unit No. 1502 in The Whitney Condominium legally described in Exhibit A hereto ("Owner's Unit") and Declarant, as of the date hereof owns the Unit legally described in Exhibit B hereto (the "Declarant Unit");

B. As specified in paragraph 8(a) of the Declaration of Condominium Ownership for said condominium (the "Declaration"), Declarant (i) is vested with the right to the exclusive use and enjoyment of all Parking Spaces (as defined in the Declaration) not transferred by Declarant to other Unit Owners (as defined in the Declaration) which, as of the date hereof, includes, *inter alia*, Parking Spaces Numbered 4, 29, 30, 38, 41, 96 and 116 (the "Assigned Spaces"), and (ii) has the right to transfer and assign the Assigned Spaces to any other Unit Owner;

C. Declarant has agreed to transfer to Unit Owner use of the Assigned Spaces;

NOW, THEREFORE, in consideration of the premises and the payment made by Unit Owner to Declarant concurrently herewith, Declarant hereby transfers and assigns to Unit Owner as owner of Owner's Unit the exclusive right, as established pursuant to paragraph 8(a) of the Declaration, to use the Assigned Spaces, subject to the following provisions:

1. The transfer described above results in no change in the parties' proportional shares in the Common Elements (as defined in the Declaration).

2. The provisions of this Assignment of Parking Space shall run with the land and inure to the benefit of and be binding upon the successors to the interests of Unit Owner in Owner's Unit and Declarant in the Declarant Unit (and any other unit in The Whitney Condominium currently owned by Declarant), respectively.

3. Declarant certifies that a copy of this Agreement has been delivered to the Board of The Whitney Condominium Association.



Box 28



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## EXHIBIT A Legal Description of Unit 1502

Unit 1502 in The Whitney Condominium as delineated on a survey of a parcel of land comprised of Lots 5 and 6 and the South 6.96 feet of Lot 7 in Simon's subdivision of Lot 6 in Bronson's addition to Chicago; Lots 1, 2 and 3 in the subdivision of Lot 5 together with Sub Lot 1 of Lot 4 in Bronson's addition to Chicago; and Lots 1 to 5, both inclusive, in Alice P. Holbrook's subdivision of Lot 4 in the subdivision of Lot 5 in Bronson's addition to Chicago; all in the North East 1/4 of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, which survey is attached as Exhibit "D" to the Declaration of Condominium Ownership for The Whitney Condominium recorded in Cook County, Illinois on December 31, 1996 as Document No. 96-982956, as amended by First Amendment recorded October 1, 1997 as Document No. 97-730677 and Second Amendment recorded March 19, 1998 as Document No. 98-216407, together with its undivided percentage interest in the Common Elements.

Permanent Real Estate Index Number: 17-04-218-048-1084

Common Address: 1201 North Dearborn Parkway, Unit 1502, Chicago, Illinois 60610