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0815845171

THIS DOCUMENT PREPARED BY:

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Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/06/2008 03:47 PM Pg: 1 of 5

MAIL RECORDED DOCUMENT TO:

Arboretum of South Barrington, LLC
c/o John J. Lipic
Bryan Cave LLP
161 N. Clark, Suite 4300
Chicago, Illinois 60601

PERMANENT PARCEL NUMBERS:

See attached Exhibit A

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MORTGAGEE CONSENT

THIS MORTGAGEE CONSENT (this "Consent") is made and entered into as of this 19th day of May, 2008, by EUROHYPO AG, NEW YORK BRANCH, as Administrative Agent for the Lenders (as defined in the hereinafter defined Mortgage) ("Mortgagee").

WHEREAS, Arboretum of South Barrington LLC, a Delaware limited liability company ("Mortgagor"), executed and delivered to Mortgagee: (i) that certain Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated as of August 21, 2007 and recorded August 23, 2007 as Document No. 0723540089 with the office of the Recorder of Deeds of Cook County, Illinois (the "Mortgage"), and (ii) that certain Assignment of Leases and Rents dated as of August 21, 2007 and recorded August 23, 2007 as Document No. 0723540090 with the office of the Recorder of Deeds of Cook County, Illinois (the "ALR"; the Mortgage and the ALR are referred to collectively herein as the "Security Instruments"), each encumbering certain real estate located in South Barrington, Cook County, Illinois, as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS, Mortgagor has requested, and Mortgagee has agreed to, consent to the replatting of a portion of the property encumbered by the Mortgage pursuant to that certain Final Plat of Subdivision of Arboretum of South Barrington Second Resubdivision, recorded April 30, 2008 as Document No. 0812122096 with the office of the Recorder of Deeds of Cook County, Illinois (the "Plat").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned Mortgagee, for good and valuable consideration, does hereby consent to recording of the Plat and the replatting of a portion of the Property pursuant to the Plat, it being hereby acknowledged that the obligations secured by the Security Instruments have not been discharged or satisfied in full, and this Consent does not in any way affect the liens of the Security Instruments or any other security instruments encumbering the Property or any other property securing such obligations, which said liens and security interests shall remain in full force and effect in accordance with the terms and provisions of said security instruments.

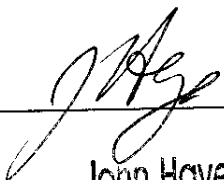
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IN WITNESS WHEREOF, the Mortgagee has executed this Consent as of the day and year first above written.

“MORTGAGEE”

EUROHYPO AG, NEW YORK BRANCH,
as Administrative Agent

By: 
Name: **Helga Blum**
Its: **Director**

By: 
Name: **John Hayes**
Its: **Vice President**

Property of Cook County Clerk's Office

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STATE OF New York)
COUNTY OF New York) SS.

I, The undersigned, a Notary Public for said County and state, do hereby certify that Helga Blum, personally known to me to be the Director of EUROHYPO AG, NEW YORK BRANCH, and 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/she signed and delivered said instrument pursuant to authority given him/her as the free and voluntary act and deed of said EUROHYPO AG, NEW YORK BRANCH, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal or stamp, this 19 day of May, 2008.

PATRICIA A. FERRO
Notary Public - State of New York
No. 01FE6170163
Qualified in Kings County
My Commission Expires July 2, 2011

Patricia A Ferro
Notary Public

My commission expires: July 2, 2011

STATE OF New York)
COUNTY OF New York) SS.

I, The undersigned, a Notary Public for said County and state, do hereby certify that John Hayes, personally known to me to be the Vice President of EUROHYPO AG, NEW YORK BRANCH, and 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/she signed and delivered said instrument pursuant to authority given him/her as the free and voluntary act and deed of said EUROHYPO AG, NEW YORK BRANCH, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal or stamp, this 19 day of May, 2008.

PATRICIA A. FERRO
Notary Public - State of New York
No. 01FE6170163
Qualified in Kings County
My Commission Expires July 2, 2011

Patricia A Ferro
Notary Public

My commission expires: July 2, 2011

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EXHIBIT A

PROPERTY

PARCEL 1:

LOTS 1 AND 3 IN ARBORETUM OF SOUTH BARRINGTON, BEING A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING THE PLAT THEREOF RECORDED JULY 30, 2007 AS DOCUMENT NO. 0721115094, IN COOK COUNTY, ILLINOIS.

AND

LOT 6 IN ARBORETUM OF SOUTH BARRINGTON FIRST RESUBDIVISION, BEING A RESUBDIVISION OF LOT 5 IN ARBORETUM OF SOUTH BARRINGTON, A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 2007 AS DOCUMENT NO. 0735103072 AND AMENDED BY CERTIFICATE OF CORRECTION RECORDED FEBRUARY 29, 2008 AS DOCUMENT NO. 0806049066, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

A NON-EXCLUSIVE TEMPORARY EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY TEMPORARY CONSTRUCTION EASEMENT AGREEMENT DATED DECEMBER 13, 2006 AND RECORDED APRIL 25, 2007 AS DOCUMENT 0711516062 BY AND BETWEEN THE SOUTH BARRINGTON PARK DISTRICT, AN ILLINOIS MUNICIPAL CORPORATION AND ARBORETUM OF SOUTH BARRINGTON L.L.C., A DELAWARE LIMITED LIABILITY COMPANY FOR THE PURPOSE OF STOCKPILING SOIL ON THE AREA SHOWN ON EXHIBIT C OF THE AGREEMENT AND PERFORMING THE WORK CONTEMPLATED IN SAID AGREEMENT.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS CREATED BY DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT DATED APRIL 22, 2004 BY AND BETWEEN ACACIA CREDIT FUND 9-A L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, THE WOODS OF SOUTH BARRINGTON, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND THE WOODS OF SOUTH BARRINGTON II, L.L.C. RECORDED APRIL 28, 2004 AS DOCUMENT NUMBER 0411932014, AND LAST MODIFIED BY THE FIFTH AMENDMENT RECORDED JANUARY 16, 2007 AS DOCUMENT 0701642031.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT TO ENTER UPON AND OCCUPY WITH WORKMEN AND EQUIPMENT REASONABLY NECESSARY FOR THE PURPOSE OF MAKING

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CUTS, FILLS, AND GRADING DATED NOVEMBER 30, 2005 BY AND BETWEEN ARBORETUM OF SOUTH BARRINGTON, LLC A DELAWARE LIMITED LIABILITY COMPANY AND THE SOUTH BARRINGTON PARK DISTRICT RECORDED JUNE 1, 2006 AS DOCUMENT 0615210130.

PARCEL 5:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR STORM SEWER CREATED BY PLAT OF EASEMENT BY AND BETWEEN ARBORETUM OF SOUTH BARRINGTON, LLC A DELAWARE LIMITED LIABILITY COMPANY AND ACACIA CREDIT FUND 9-A, L.L.C., SOUTH BARRINGTON PARK DISTRICT, TOLL IL WSB, L.P. AND THE VILLAGE OF SOUTH BARRINGTON RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087.

PINS: 01-33-200-007
01-33-200-012
01-33-200-013
01-33-200-014
01-33-200-015
01-33-200-017

Address: Northwest of the intersection of Route 72 and Bartlett Road, South Barrington, Illinois