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1999-12-29 15:11:55  
Cook County Recorder 33.00

DOCUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:

O'BRIEN, O'ROURKE & HOGAN  
10 SOUTH LASALLE STREET  
SUITE 2900  
CHICAGO, ILLINOIS 60603  
ATTN. HOWARD I. GOLDBLATT



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(Space Above this Line for County Recorder's Use Only)

Declaration of Proration of Cost Allocation Under OEA

This Declaration of Proration of Cost Allocation Under OEA ("Declaration") is made as of this 22nd day of December, 1999, by Opus North Corporation, an Illinois corporation ("Declarant").

UNDEKSTANDINGS

A. Declarant is the owner of a parcel of real estate in the Village of Glenview, Cook County, Illinois which is legally described on Exhibit A, attached hereto and made a part hereof, ("Outlot Tract") and which is part of a development commonly known as the Willow Creek Shopping Center ("Shopping Center"), which Shopping Center is legally described on Exhibit B, attached hereto and mad a part hereof.

B. The Shopping Center is encumbered by a certain Operation and Easement Agreement dated April 9, 1998 and recorded in Cook County, Illinois on April 20, 1998 as Document No. 98312944, as amended by a certain First Amendment to Operation and Easement Agreement recorded as Document \* \* \* ("OEA"). Terms which are capitalized but not otherwise defined in this Declaration will have the same meaning herein as given to them in the OEA.

\* 09204790

C. Declarant has caused to be prepared and recorded against the Shopping Center a certain Plat of Resubdivision of Willow Creek Center ("Plat"), which Plat was recorded on December 23, 1999 as Document No. 09192216 and which Plat, in part, subdivided the Outlot Tract into four (4) separate subdivided lots which are identified on the Plat as Oulot 1, Outlot 2, Outlot 3 and Outlot 4, respectively (collectively, the "Outlots").

D. Pursuant to Section 4.2(D) of the OEA, in the event that a Tract is divided, the party causing such division is required to prorate the allocation of the Common Area Maintenance Costs and Administration Fee for that Tract in accordance with the requirements of that Section and to record a declaration confirming that proration. This Declaration is such a proration pursuant the Section 4.2(D) of the OEA.

BOX 333-CT1

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E. Declarant desires to prorate the allocation of Common Area Maintenance Costs and the Administration Fee attributable to the Outlot Tract between the newly created Outlots in satisfaction of the requirements of Section 4.2(D) of the OEA.

NOW THEREFORE, for and in consideration of the sum of ten and no/100 dollars in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby states as follows:

1. Pursuant to Section 4.2(A) of the OEA, the allocation to the Outlot Tract in Section 4.2(D) of the OEA of 18.37% of the Common Area Maintenance Costs and the Administration Fee for the Shopping Center is hereby prorated among the Outlots as follows:

<u>Outlot</u>	<u>Allocation</u>	<u>Formula</u>	<u>Sq. footage per plat</u>	<u>percent</u>
Outlot 1	4.45%	(18.37 x 24.22%)	63,698	24.22
Outlot 2	3.94%	(18.37 x 21.43%)	56,357	21.43
Outlot 3	5.33%	(18.37 x 29.02%)	76,349	29.02
Outlot 4	<u>4.65%</u>	(18.37 x 25.33%)	<u>66,640</u>	<u>25.33</u>
	18.37%		263,044	100%

2. The Understandings described above are hereby incorporated into this Declaration by this reference as if fully described herein.

3. This Declaration will be binding upon and inure to the benefit of the respective successors and assigns of the Declarant and the owners of the Outlots from time to time and will be construed and enforceable in accordance with the laws of the State of Illinois.

4. This Declaration may be amended or modified only by a written document executed and entered into by the fee title owners of all of the Outlots at the time of such amendment.

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IN WITNESS WHEREOF, Declarant has caused this Declaration to have been executed and delivered as of the day and year first above written.

Declarant:

Opus North Corporation, an Illinois corporation

By: John M. Croch  
Its: President

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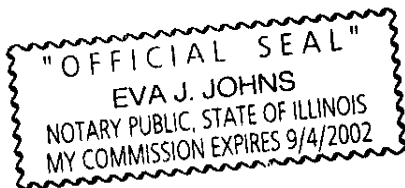
## ACKNOWLEDGMENT

STATE OF Illinois )  
 )SS  
COUNTY OF Cook )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT John M. Crocker IV, the President, of Opus North Corporation, an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing document, appeared before me this day in person and, acknowledged to me that, being so duly authorized, he/she signed and delivered that document as his/her free and voluntary act and as the free and voluntary act of that limited liability company, for the uses and purpose therein set forth.

Given under my hand and Notarial Seal as of this 22 day of December, 1999.

  
\_\_\_\_\_  
Notary Public



My Commission expires:

9/4/2002  
\_\_\_\_\_

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## Exhibit A

### **Outlot 1**

Outlot 1 in Willow Creek Center, being a resubdivision of Lots R-1, R-2 and R-3 in North Shore Corporate Park, being a resubdivision recorded December 23, 1999 as Document No. 09192216, all in the South ½ of the Northeast ¼ of Section 22, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

### **Outlot 2**

Outlot 2 in Willow Creek Center, being a resubdivision of Lots R-1, R-2 and R-3 in North Shore Corporate Park, being a resubdivision recorded December 23, 1999 as Document No. 09192216, all in the South ½ of the Northeast ¼ of Section 22, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

### **Outlot 3**

Outlot 3 in Willow Creek Center, being a resubdivision of Lots R-1, R-2 and R-3 in North Shore Corporate Park, being a resubdivision recorded December 23, 1999 as Document No. 09192216, all in the South ½ of the Northeast ¼ of Section 22, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

### **Outlot 4**

Outlot 4 in Willow Creek Center, being a resubdivision of Lots R-1, R-2 and R-3 in North Shore Corporate Park, being a resubdivision recorded December 23, 1999 as Document No. 09192216, all in the South ½ of the Northeast ¼ of Section 22, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly Known As: Willow Creek Shopping Center located at the Southeast corner of Willow and Old Willow Roads, Glenview Illinois.

Tax Parcel ID No.: part of 04-22-202-005-0000

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## Exhibit B

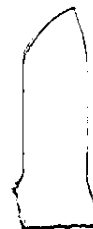
Lot 1, Lot 2, Lot 3, Outlot 1, Outlot 2, Outlot 3, and Outlot 4 in Willow Creek Center, being a resubdivision of Lots R-1, R-2 and R-3 in North Shore Corporate Park, being a resubdivision recorded December 23, 1999 as Document No. 09192216, all in the South ½ of the Northeast ¼ of Section 22, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly Known As: Willow Creek Shopping Center located at the Southeast corner of Willow and Old Willow Roads, Glenview Illinois.

Tax Parcel ID No.: part of 04-22-202-004-0000  
part of 04-22-202-005-0000

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## Consent to Declaration of Proration of Cost Allocation Under OEA

American National Bank and Trust Company of Chicago ("Lender") is the holder of a first mortgage lien on a portion of the Shopping Center. Lender hereby consents to and agrees to be bound by the terms and conditions of this Declaration of Proration of Cost Allocation Under OEA as of this \_\_\_ day of December, 1999.

LENDER:

American National Bank and Trust Company of  
Chicago

By: 

Its: \_\_\_\_\_

**MICHAEL J. MELIND**  
**VICE PRESIDENT**

Hig/winword/opus/willowcreek/general/decallocation1/12-21-99

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