

# UNOFFICIAL COPY



4395620 '17

Doc#: 0927447047 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 10/01/2009 10:45 AM Pg: 1 of 4

GIT  
(9-17-09)

[SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S PURPOSES]

This Instrument Prepared By:

Amelia L. Martin, Esq.  
Bank of America Legal Dept.  
NC1-002-29-01  
101 S. Tryon Street, 29<sup>th</sup> Floor  
Charlotte, NC 28255-0001

After Recording Return To:

BERNARD P. EDELMAN  
EDELMAN & PARTNERS  
77 WEST WASHINGTON,  
SUITE 1514  
CHICAGO, IL 60602

STATE OF ILLINOIS )

COUNTY OF COOK )

## WAIVER OF RESTRICTIVE COVENANT

This Waiver of Restrictive Covenant ("Waiver") is made this 10<sup>th</sup> day of September, 2009 ("Effective Date"), by BANK OF AMERICA, N.A., a national banking association, successor in interest to LaSalle Bank National Association ("Bank").

### WITNESSETH:

WHEREAS, Bank's predecessor in interest, LaSalle Bank National Association, sold and conveyed that certain tract of land located at 8303 West Higgins, Chicago, Illinois, as more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"), to Higgins Road, LLC, an Illinois limited liability company ("Owner"), by Special Warranty Deed recorded in the Cook County Recorder of Deeds on January 2, 2007, as Document # 0700233221; and

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WHEREAS, in conjunction with the aforesaid sale, LaSalle Bank National Association and Owner entered into that certain Declaration of Restrictive Covenant recorded in the Cook County Recorder of Deeds at Document #0700233222 (the "Declaration"); and

WHEREAS, the Declaration contains a restrictive covenant prohibiting Owner from selling, transferring or conveying the Property prior to December 28, 2009; and

WHEREAS, Owner desires to sell, transfer and convey the Property to The Evangelical Covenant Church Land Company, L.L.C., an Illinois limited liability company ("Church"), and has requested that Bank, as successor in interest to LaSalle Bank National Association, waive the restrictive covenant set forth in the Declaration with respect to the sale, transfer and conveyance of the Property to Church; and

WHEREAS, Bank, as the sole benefited party under the Declaration, has agreed to waive the restrictive covenant solely for the purpose of allowing Owner to sell, transfer and convey the Property to the Church.

NOW, THEREFORE, for and in consideration of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Bank hereby declares as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated in and made a part of this Waiver.
2. Waiver of Restrictive Covenant. Bank, as the sole benefited party under the Declaration, hereby declares that Owner shall have the right to sell, transfer and convey the Property to Church. Bank waives the Restrictive Covenant set forth and defined in Paragraph 1(a)(i) of the Declaration solely for the purpose of allowing Owner to sell, transfer and convey the Property to the Church, and for no other transaction or purpose.
3. Governing Law. This Waiver shall be governed and construed in accordance with the laws of the State of Illinois without regard to principles of conflicts of law or choice of law.
4. Waiver for Exclusive Benefit of Current Owner. The provisions of this Waiver are for the exclusive benefit of Owner, and are not for the benefit of any other person or entity. This Waiver shall not be deemed to have conferred any rights upon any third party.

[signature follows on next page]

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IN WITNESS WHEREOF, Bank has caused this Waiver to be duly authorized and executed as of the Effective Date.

BANK:

BANK OF AMERICA, N.A.,  
a national banking association

By: *Irene K. Pistolis*  
Name: Irene K. Pistolis  
Title: Officer/Transaction Specialist

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Angela Massey, a Notary Public of the County and State aforesaid, certify that Irene K. Pistolis personally appeared before me this day and acknowledged that he/she is Officer/Transaction Specialist of BANK OF AMERICA, N.A., a national banking association, and that she as Officer/Transaction Specialist, being authorized to do so, executed the foregoing instrument on behalf of said association.

I certify that the Signatory personally appeared before me this day, and

(check one of the following):

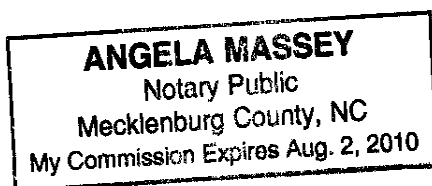
- (I have personal knowledge of the identity of the Signatory); or
- (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of: (check one of the following)
  - a driver's license; or
  - other (describe: \_\_\_\_\_); or
  - (a credible witness has sworn to the identity of the Signatory).

WITNESS my hand and official seal this 28<sup>th</sup> day of August, 2009.

*Angela Massey*  
Notary Public Angela Massey  
(type or print name)

My commission expires: August 2, 2010

(NOTARY SEAL)



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## EXHIBIT A

### Legal Description of the Property

PINS: 12-02-414-018-0000 and 12-02-415-001-0000  
Address: 8303 West Higgins, Chicago, Illinois

THAT PART OF LOTS 1 AND 50 AND VACATED NORTH FAIRVIEW AVENUE ADJOINING SAID LOTS 1 AND 50 TAKEN AS A TRACT DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE STRAIGHT NORTHERLY AND STRAIGHT EASTERLY LINES OF SAID LOT 50 EXTENDED, THENCE NORTHWESTERLY ALONG SAID NORTHERLY LINE AS EXTENDED 87 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE STRAIGHT EAST LINE AFORESAID, 20 FEET TO THE PLACE OF BEGINNING, THENCE CONTINUING SOUTHWESTERLY ALONG SAID PARALLEL LINE 49.85 FEET, THENCE SOUTHEASTERLY 103.09 FEET TO A POINT IN SAID EASTERLY LINE OF SAID LOT 125.48 FEET FROM THE SAID INTERSECTION OF THE STRAIGHT NORTHERLY AND EASTERLY LINES OF SAID LOT AS EXTENDED; THENCE CONTINUING SOUTHEASTERLY IN A STRAIGHT LINE TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG SOUTH LINE OF SAID LOT 1 TO SOUTHEAST CORNER OF SAID LOT 1, THENCE NORTH ALONG EAST LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE WEST ALONG NORTH LINE OF SAID LOT 1 BEING ALSO THE SOUTH LINE OF HIGGINS ROAD TO THE AFORESAID INTERSECTION OF THE STRAIGHT NORTHERLY AND STRAIGHT EASTERLY LINE OF SAID LOT 50 EXTENDED, THENCE SOUTHWESTERLY TO THE PLACE OF BEGINNING, ALL IN HIGGINS ROAD ADDITION BEING A SUBDIVISION OF LOTS 13, 14 AND 15 IN PENNOYER SUBDIVISION IN SECTIONS 1, 2, 11 AND 12, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.