



Doc#: 1006204328 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 03/03/2010 02:20 PM Pg: 1 of 6

**THIS DOCUMENT WAS
PREPARED BY AND
AFTER RECORDING
RETURN TO:**

Bruce L. Boruszak, Esq.
40 Skokie Boulevard
Suite 610
Northbrook, IL 60062

Above space for recorder's use

MEMORANDUM OF AMENDMENT TO AGREEMENT

THIS MEMORANDUM OF AMENDMENT TO AGREEMENT (this "Memorandum") is made as of the 22nd day of February, 2010.

1. W/G Kristina LLC, a Delaware limited liability company, W/G SPI LLC, a Delaware limited liability company, and W/G LCD LLC, a Delaware limited liability company (collectively, "Seller"), are the current owners of fee simple title to a certain parcel of real estate commonly known as 4700 Arbor Drive, City of Rolling Meadows, County of Cook, State of Illinois, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

2. Seller and Pine Tree - DK Rolling Meadows Development, LLC, a Delaware limited liability company ("Purchaser"), as successor in interest to Pine Tree Acquisitions, LLC, have entered into that certain Letter Agreement dated August 2, 2007, as amended by that certain Amendment to Letter Agreement dated as of September 5, 2007, as reinstated and further amended by that certain Reinstated and Second Amendment to Letter Agreement dated as of December 17, 2007, and as further amended by each of a Third Amendment to Letter Agreement, dated as of August 6, 2008, a Fourth Amendment to Letter Agreement, dated as of February 1, 2009 and a Fifth Amendment to Letter Agreement, dated as of September 30, 2009 (collectively, the "Agreement").

3. On or about December 20, 2007, a Memorandum of the Agreement was recorded in the Cook County Recorder's Office as Document 0735431075 and on or about November 30, 2009 a Memorandum of Amendment to Agreement was recorded in the Cook County Recorder's Office as Document 093344058 (collectively, the "Recorded Memorandum").

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4. This Memorandum is to put all persons on notice that, in addition to the rights set forth in the Recorded Memorandum, pursuant to the terms of the Agreement, since Seller failed to pay certain sums to Purchaser by January 31, 2010 Purchaser has the right, by notice delivered to Seller on or after April 1, 2010, but prior to July 1, 2010, to purchase the Property at a price set forth in the Agreement.

5. This Memorandum shall further give to the public notice that Seller is currently in default of its duties and obligations under the promissory note referenced in the Reinstated and Second Amendment to Letter Agreement and Purchaser reserves any and all rights and remedies with respect to such default.

6. The rights granted to Purchaser pursuant to the Agreement shall inure to the benefit of Purchaser and its successors and assigns, and such rights shall be binding upon and shall burden the Property. Purchaser acknowledges, however, that the transaction contemplated by the Agreement cannot close until that certain first mortgage loan in the face amount of \$24,200,000.00 originally made by Morgan Guaranty Trust Company of New York to Woodfield Gardens Associates and secured, in part, by that certain Mortgage dated June 18, 1999 and recorded with the Cook County, Illinois Recorder's Office on June 21, 1999 as Document Number 99593972 has been repaid or defeased or the holder of such mortgage loan otherwise consents or approves the assumption of the loan by Purchaser (or Purchaser's nominee, designee or assignee).

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

**PINE TREE - DK ROLLING MEADOWS
DEVELOPEMNT, LLC**, a Delaware limited
liability company

By: Pine Tree RM, LLC, a Delaware limited
liability company, its Manager

By: 
Peter Borzak, a Manager

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EXHIBIT A

Legal Description of Property

PARCEL 1:

LOT 1 OF RAMLIN ROSE ESTATES UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 1, 1965 AS DOCUMENT 19394286, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 2 (EXCEPT THAT PART OF SAID LOT 2, LYING EASTERLY OF A LINE WHICH BEGINS AT A POINT ON THE NORTHERNMOST LINE OF SAID LOT, WHICH IS 157.88 FEET EASTERLY FROM THE NORTHERNMOST CORNER OF SAID LOT AND RUNS THENCE SOUTH 00 DEGREE, 17 MINUTES, 18 SECONDS EAST, A DISTANCE OF 183.34 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT) OF RAMLIN ROSE ESTATE UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 1, 1965 AS DOCUMENT 19394286, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF FRACTIONAL SECTION 7, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERNMOST CORNER OF LOT 2 OF RAMLIN ROSE ESTATES, UNIT NO. 1 RECORDED MARCH 1, 1965 AS DOCUMENT 19394286; THENCE EASTWARD ALONG THE NORTHERNMOST LINE OF SAID LOT 2, SOUTH 84 DEGREES, 18 MINUTES, 00 SECOND EAST, A DISTANCE OF 157.88 FEET; THENCE SOUTH 00 DEGREE, 17 MINUTES, 18 SECONDS EAST, A DISTANCE OF 183.34 FEET; THENCE SOUTH 74 DEGREES, 23 MINUTES, 00 SECOND WEST, A DISTANCE OF 372.19 FEET; THENCE SOUTH 05 DEGREES, 57 MINUTES, 00 SECOND EAST, A DISTANCE OF 28.00 FEET; THENCE SOUTH 84 DEGREES, 53 MINUTES, 50 SECONDS WEST, A DISTANCE OF 566.67 FEET; THENCE NORTH 08 DEGREES, 35 MINUTES, 00 SECOND WEST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 81 DEGREES, 25 MINUTES, 00 SECOND WEST, A DISTANCE OF 95.00 FEET; THENCE SOUTH 12 DEGREES, 55 MINUTES, 41 SECONDS WEST, A DISTANCE OF 422.02 FEET; THENCE SOUTH 84 DEGREES, 31 MINUTES, 25 SECONDS EAST, A DISTANCE OF 884.92 FEET; THENCE NORTH 48 DEGREES, 17 MINUTES, 22 SECONDS EAST, A DISTANCE OF 166.73 FEET; THENCE NORTH EASTWARD ALONG A CURVED LINE, CONVEXED TO THE SOUTHEAST OF 492.50 FEET IN RADIUS, HAVING A CHORD LENGTH OF 78.51

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FEET ON A BEARING OF NORTH 35 DEGREES, 08 MINUTES, 48 SECONDS EAST, FOR AN ARC LENGTH OF 78.59 FEET TO A POINT OF TANGENCY; THENCE NORTH 30 DEGREES, 34 MINUTES, 31 SECONDS EAST, A DISTANCE OF 66.17 FEET TO A POINT OF CURVATURE; THENCE NORTH EASTWARD ALONG A CURVED LINE, CONVEXED TO THE NORTHWEST OF 420.50 FEET IN RADIUS, FOR AN ARC LENGTH OF 93.14 TO A POINT OF COMPOUND CURVATURE; THENCE NORTH EASTWARD ALONG A CURVED LINE, CONVEXED TO THE NORTHWEST OF 320.50 FEET IN RADIUS, FOR AN ARC LENGTH OF 132.96 FEET TO A POINT OF TANGENCY; THENCE NORTH 67 DEGREES, 02 MINUTES, 11 SECONDS EAST, A DISTANCE OF 89.20 FEET TO A POINT OF CURVATURE; THENCE NORTH EASTWARD ALONG A CURVED LINE, CONVEXED TO THE SOUTHEAST OF 120.39 FEET IN RADIUS, FOR AN ARC LENGTH OF 133.63 FEET TO A POINT OF TANGENCY; THENCE NORTH 03 DEGREES, 26 MINUTES, 34 SECONDS EAST, A DISTANCE OF 721.27 FEET; THENCE NORTH 89 DEGREES, 06 MINUTES, 47 SECONDS WEST, A DISTANCE OF 310.03 FEET; THENCE SOUTH 00 DEGREE, 17 MINUTES, 18 SECONDS EAST, A DISTANCE OF 120.76 FEET; THENCE NORTH 68 DEGREES, 30 MINUTES, 23 SECONDS WEST, A DISTANCE OF 230.74 FEET; THENCE SOUTH 05 DEGREES, 29 MINUTES, 38 SECONDS EAST, A DISTANCE OF 388.44 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE BENEFIT OF PARCEL 3, AS CREATED BY THE GRANT OF EASEMENT RECORDED SEPTEMBER 26, 1967 AS DOCUMENT 20272667 FOR PARKING, INGRESS AND EGRESS BY MOTOR VEHICLES AND PEDESTRIANS OVER THE EAST 15.00 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 12 AFORESAID, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE NORTHWARD ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, NORTH 00 DEGREE, 17 MINUTES, 18 SECONDS WEST, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWARD ALONG THE SAID EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, NORTH 00 DEGREE, 17 MINUTES, 18 SECONDS WEST, A DISTANCE OF 337.76 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF ALGONQUIN ROAD; THENCE NORTHWESTWARD ALONG SAID RIGHT OF WAY, BEING A CURVED LINE CONVEXED TO THE SOUTHWEST OF 5854.65 FEET IN RADIUS, HAVING A CHORD OF 556.32 FEET ON A BEARING OF NORTH 71 DEGREES, 22 MINUTES, 23 SECONDS WEST, FOR AN ARC LENGTH OF 556.53 FEET; THENCE SOUTH 83 DEGREES, 10 MINUTES, 24 SECONDS WEST, A DISTANCE OF 68.15 FEET TO THE NORTHEAST CORNER OF ARBOR DRIVE; THENCE SOUTHWARD ALONG THE EASTERLY LINE OF AFORESAID ARBOR DRIVE, SOUTH 00 DEGREE, 17 MINUTES, 18 SECONDS EAST, A DISTANCE OF 272.98 FEET TO THE NORTHERLY CORNER OF LOT 1 IN RAMLIN ROSE ESTATES UNIT 1; THENCE

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SOUTHEASTWARD ALONG THE NORTHERLY LINE OF SAID LOT 1, AND AN EXTENSION OF SAID LINE, SOUTH 68 DEGREES, 30 MINUTES, 23 SECONDS EAST, A DISTANCE OF 639.67 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 4700 ARBOR DRIVE, ROLLING MEADOWS,
ILLINOIS

TAX PARCEL NUMBERS: 07-12-203-007-0000
07-12-203-008-0000
07-12-203-011-0000
08-07-203-012-0000

Property of Cook County Clerk's Office