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This Document prepared by and when recorded return to:

James A. Schraidt, Esq. Scott & Kraus, LLC 150 South Wacker Dr. Suite 2900 Chicago, IL 60606

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Doc#: 1030733127 Fee: \$50.00 Eugene "Gene" Moore RHSP Fee:\$10.00

Cook County Recorder of Deeds Date: 11/03/2010 11:39 AM Pg: 1 of 8

DECLARATION AND RESERVATION OF EASEMENTS

THIS DECLARATION AND RESERVATION OF EASEMENTS dated as of October 25, 2010 (this "Declaration") is made by PB and J IV, LLC, an Illinois limited liability company, as Declarant ("Declarant"), whose address is c/o Parrway Bank and Trust Company, 4800 North Harlem Avenue, Harwood Heights, Illinois 60706.

STATEMENT OF RELEVANT FACTS

- A. Declarant is the owner of the property legally described on <u>Exhibit A</u>, attached hereto (the "**Property**").
- B. Pursuant to that certain Real Estate Sale and Option Agreement dated as of January 14, 2010 (the "Contract"), by and between Declarant and Pulte Home Corporation, a Michigan corporation ("Purchaser"), Declarant has agreed to sell certain portions of the Property to Purchaser, including, without limitation, the property legally described in Exhibit B attached hereto (the "Burdened Property").
- C. It is the intention of Declarant that the Burdened Property be conveyed to Purchaser subject to this Declaration and the easements and rights herein created for the benefit of the Property other than the Burdened Property (the "Benefitted Property') and the owners from time to time thereof.

THEREFORE, DECLARANT PUBLISHES AND DECLARES THAT the Burdened Property shall be transferred, held, sold, conveyed and accepted and occupied subject to the easements, restrictions, covenants, and conditions stated in this Declaration, and that the easements, restrictions, covenants, and conditions stated in this Declaration run with the land, and bind and benefit persons having a right, title or interest in all or any part of the Benefitted Property or the Burdened Property, and their respective heirs, legal representatives, successors, and assigns.

1030733127 Page: 2 of 8

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SECTION 1

DECLARATION AND RESERVATION OF EASEMENTS

- 1.1 Access Easement. Declarant hereby declares and reserves for itself, its successors and assigns a non-exclusive and perpetual easement of access onto, along, over, under, upon, through and across the Burdened Property for ingress to and egress from the Benefitted Property to public streets and roads, which easement shall run with the land, be appurtenant to, benefit and pass with title to the Benefitted Property. The easement described herein shall run to the benefit of Declarant, its successors and assigns for such purposes as may be required by Declarant, its successors and assigns, including but not limited to entering the area of the easement for purposes of ingress and egress by vehicle or on foot, for personnel, equipment, construction materials, vehicles, construction vehicles and equipment. In the exercise of its rights and the enjoyment of its benefits under the easement described herein, Declarant, its successors and assigns shall comply with all applicable federal State, County or municipal statutes, laws ordinances and regulations.
- 1.2 Utility Easement. Declarant hereby declares and reserves for itself, its successors and assigns a non-exclusive and perpetual easement in and to all public and private utility easements from time to time located in, on, under or across any portion of the Property, and however established, including the right to connect to and use any and all public and private utilities and related facilities installed werein, including, without limitation, any and all water, sewer, electrical, communication, draincar and storm water detention facilities as may be necessary or appropriate for the use or enjoyment of Declarant, its successors and assigns or for the future development and use by Declarant, its successors or assigns of the Benefitted Property, which easements shall run with the lance be appurtenant to, benefit and pass with title to the Property. The easement described herein soul run to the benefit of Declarant, its successors and assigns for such purposes as may be required by Declarant, its successors and assigns, including but not limited to (i) the right to maintain, repair or replace any improvements or facilities installed within the area of the easement describer herein; and (ii) the right to install improvements and facilities in the area of the easement for the benefit of the Property and the right of access to the Property for such purposes. In the exercise will rights and the enjoyment of its benefits under the easement described herein, Declarant, its successors and assigns shall comply with all applicable federal State, County or municipal statutes, laws, ordinances and regulations.

SECTION 2

GENERAL PROVISIONS REGARDING THE EASEMENTS

- 2.1 <u>Beneficiaries of the Easements</u>. The rights declared and conferred in this Easement Deed may be enjoyed by Grantee and its Beneficiaries and their respective successors and assigns. "Beneficiary" means a mortgagee, tenant or licensee of a property owner, and its or their respective owners, managers, directors, officers, employees, agents, contractors and invitees.
- 2.2 <u>Resubdivision or Partition of the Easement Premises</u>. If all or part of the Property is resubdivided or otherwise partitioned, all parts are bound and burdened by the Easements.

1030733127 Page: 3 of 8

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- 2.3 Governing Law. This Declaration is governed by, and shall be construed and enforced under, the internal laws of the State of Illinois. The rule of strict construction does not apply to this instrument, it being the intent of the Declarant that this Declaration be given a reasonable construction in light of the intention of Declarant to provide adequate ingress and egress rights and rights to construct, connect to and use all public and private utilities, to the owners from time to time of the Benefitted Property and any portion thereof.
- Modification and Termination. Declarant may not modify or rescind this Declaration except in a writing signed by Declarant and the owner or owners of the Burdened Property that shall be effective only when recorded in the records of the Cook County Recorder.
- 2.5 Maintenance of Easements. Declarant acknowledges that it is intended that Declarant and the owner of the Burdened Property will enter into an agreement or agreements sha. urdene.

 Cook County Clark's Office to provide for equitable sharing of costs for the use, repair, maintenance and replacement of the improvements on the Burdened Property and the other easement areas.

1030733127 Page: 4 of 8

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IN WITNESS WHEREOF, Declarant has executed this Declaration below as of the date first written above.

an Illinois limited liability company	
By: Same:	
Title: MARK A. SHEKERJIAN AUTHORIZED AGENT OF SOLE MEMBER	4
	•
STATE OF ILLINOIS)	
COUNTY OF COOK) ss.	
<u> ارود Shzkre المود</u> , known to me t	no this <u>25</u> day of October, 2010, by to be the <u>Authoriso Back</u> of PB and J IV, LLC
an Illinois limited liability company, who sig	gned this instrument as such
Vitness my hand and official seal	MICHAEL F. CAPPETTA NOTARY PUBLIC, STATE OF ILLINOIS
My commission expires Apoll 20,2014	My Commission Expans. April 27, 2014
	White lights
	Notary Public
	Notary Public

1030733127 Page: 5 of 8

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JOINDER OF FIRST MORTGAGEE

PARKWAY BANK AND TRUST COMPANY, an Illinois banking corporation ("Mortgagee"), as the Mortgagee under that certain Construction Mortgage dated February 15, 2007 (as amended, the "Mortgage"), and recorded on February 28, 2007, in the office of the Cook county Recorder of Deeds as Document No. 0705910872, which creates a lien on the Property, joins in the signing of this Declaration for the following purposes and no other:

- 1. Mortgagee consents to the matters contained in the Declaration, and the recording of the Declaration in the records of the Cook County Recorder.
- 2. Mortgague acknowledges and agrees that the Mortgage and other documents, recorded and unrecorded, entered into in connection with it, are subject, subordinate, inferior and junior to the Declaration and its terms and conditions.

Dated as of October 25, 2010.

Dation as 01 October 22, 2010,
PARKWAY BANK AND TRUST COMPANY an Illinois banking corporation
By: Name: David F. Hyde
Title: Vice Presidett
STATE OF ILLINOIS)
STATE OF ILLINOIS)
COUNTY OF COOK) ss.
Subscribed and sworn to before me this day of October, 2010, by Novice Hand, known to me to be the Vice Part of Company, an Illinois banking corporation, who signed this instrument as such officer on behalf of such corporation as his/her free and voluntary act, and as the free and voluntary act of the corporation. MICHAEL F. CAPPETTA
Witness my hand and official seal NOTARY PUBLIC, STATE OF ILLINOIS My Commission Expires April 27, 2014
My commission expires pour 20, 20 m
Notary Public

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1030733127 Page: 6 of 8

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EXHIBIT A

LEGAL DESCRIPTION OF THE REAL PROPERTY

PARCEL 1:

LOTS 16 TO 52, 57, 58 AND LOT A AND LOT B IN ARLINGTON MARKET, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 28, 2007 AS DOCUMENT NUMBER 0705915065, AND AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED JULY 30, 2007 AS DOCUMENT NUMBER 0721144016 IN COCK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 3 TO 15, 53 TO 56 AND LOT B IN ARLINGTON MARKET RESUBDIVISION NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 6, 2008 AS DOCUMEN I NUMBER 0806603056 IN COOK COUNTY, ILLINOIS.

LESS AND EXCEPT FROM PARCEL 1 AND PARCEL 2 THAT OPORTION OF SUCH REAL ESTATE WHICH IS INCLUDED IN ARLINGTON CROSSINGS SUBDIVISION, BEING A RESUBDIVISION OF ARLINGTON MARKET, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, PURSUANT TO THE PLAT THEREOF RECORDED IN COOK COUNTY, ILLINOIS ON FEBRUARY 28, 2007, AS DOCUMENT NO. 07/05915065 AND CORRECTED BY DOCUMENT NO. 07/21144016 RECORDED IN COOK COUNTY ILLINOIS ON JULY 30, 2007, PURSUANT TO THE PLAT THEREOF RECORDED IN COOK COUNTY, ILLINOIS ON JUNE 7, 2010, AS DOCUMENT NUMBER 1018/23/011, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

ALL OF ARLINGTON CROSSINGS SUBDIVISION, BEING A RESUBDIVISION OF ARLINGTON MARKET, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, PURSUANT TO THE PLAT THEREOF RECORDED IN COOK COUNTY, ILLINOIS ON FEBRUARY 28, 2007, AS DOCUMENT NO. 0705915065 AND CORRECTED BY DOCUMENT NO. 0721144016 RECORDED IN COOK COUNTY ILLINOIS ON JULY 30, 2007, PURSUANT

1030733127 Page: 7 of 8

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TO THE PLAT THEREOF RECORDED IN COOK COUNTY, ILLINOIS ON JUNE 7, 2010, AS DOCUMENT NUMBER 1018229011, IN COOK COUNTY, ILLINOIS.

PIN:

03-29-411-018, 03-29-411-032-068, 03-29-411-072-075.

Common Address:

Northwest Corner of Kensington and Dryden Avenues, Arlington Heights,

IL 60004.

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY_____

COOK COUNTY RECORDER OF DEEDS
SCANNED BY

1030733127 Page: 8 of 8

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EXHIBIT 8

LEGAL DESCRITION OF BURDENED PROPERTY

Lots C, D, E and F in Arlington Crossings Subdivision, being a resubdivision of Arlington Market, being a subdivision in the Southwest Quarter of the Southeast Quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois, pursuant to the plat thereof recorded in Cook County, Illinois on February 28, 2007, as Document No. 0705915065 and corrected by Document No. 0721144016 recorded in Cook County Illinois on July 30, 2007, pursuant to the plat thereof recorded in Cook County, Illinois on June 7, 2010, as Document Number 1018229011, in Cook county, Illinois.

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