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Doc#: 1101155075 Fee: \$58.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/11/2011 04:22 PM Pg: 1 of 12

**SECOND AMENDMENT TO
DECLARATION OF EASEMENTS
FOR
PRAIRIE STONE COMMONS
OFFICE PARK
HOFFMAN ESTATES, ILLINOIS**

**THIS DOCUMENT HAS BEEN PREPARED BY:
AND WHEN RECORDED, RETURN TO:**
PRISCILLA C. SPERLING
Mason, Wenk & Berman, L.L.C.
1033 Skokie Boulevard, Suite 250
Northbrook, IL 60062

P.I.N.: 01-32-302-030; 01-32-302-033;
01-32-302-035; 01-32-302-044;
01-32-302-045; 01-32-302-046

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SECOND AMENDMENT TO DECLARATION OF EASEMENTS OF PRAIRIE STONE COMMONS OFFICE PARK, HOFFMAN ESTATES, ILLINOIS

THIS SECOND AMENDMENT is made as of the 30th day of September, 2010, by Sears, Roebuck and Co., a New York corporation ("Sears"), YP Trillium L.L.C., a California limited liability company ("YP Trillium") and Pratum Partners L.L.C., an Illinois limited liability company ("Pratum Partners").

RECITALS

WHEREAS, on March 6, 2007, Chicago Title Land Trust Company as Successor to LaSalle Bank National Association, as successor to American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated June 6, 1989, and known as Trust No. 108506-00 ("Trustee") and YP Trillium executed the Declaration of Easements, Prairie Stone Commons Office Park, Hoffman Estates, Illinois which was recorded on March 9, 2007 by the Cook County Recorder of Deeds as Document No. 0706860077 (the "Declaration");

WHEREAS, on June 7, 2007, Trustee and YP Trillium executed the First Amendment to Declaration of Easements, Prairie Stone Commons Office Park, Hoffman Estates, Illinois which was recorded on June 11, 2007 by the Cook County Recorder of Deeds as Document No. 0716260064 (the "First Amendment");

WHEREAS, on June 13, 2007, Pratum Partners purchased from Trustee approximately 8.09 acres of the land subject to the Declaration by Trustee's Deed recorded on June 15, 2007 by the Cook County Recorder of Deeds as Doc. No. 0716641233;

WHEREAS, on May 21, 2010, Trustee transferred the property in Trust No. 108506-00 to Sears, the beneficiary of such trust, by document recorded on June 28, 2010 by the Cook County Recorder of Deeds as Doc. 1017915039;

WHEREAS, the parties desire to amend the Declaration; and

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The Recitals as set forth above are incorporated herein by reference as though fully set forth herein.
2. Parking Area. Paragraph 4.2 of the Declaration is deleted and the following language inserted in its place:

"4.2 Parking Area. A non-exclusive, irrevocable and perpetual easement (subject to the provisions of Section 8.2) to Sears, YP Trillium, Pratum Partners, the Association and each Owner for the use of the paved Parking Area for the purpose of parking motor vehicles in parking spaces, for ingress and egress for

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pedestrians and motor vehicles over, across and upon the Parking Area as necessary to use the Parking Area, and for trash enclosures and emergency generators. An exception to the non-exclusive use of parking spaces ("Non-Exclusivity Exception") is hereby granted to Sears, YP Trillium, Pratum Partners, the Association and each Owner for the purpose of providing exclusive parking spaces ("Exclusive Parking Spaces") for Occupants of Buildings, excluding the PACE bus shelter on Lot 4G7. The maximum quantity of Exclusive Parking Spaces allocated to each Building ("Total Building Exclusive Parking Spaces") shall be calculated using a ratio of 0.5 parking spaces per 1,000 gross square footage of Building space. Total Building Exclusive Parking Spaces for each Building shall be located within a specific area in the parking lot adjacent to each Building as depicted on Exhibit A that is calculated using the ratio of 1.0 parking spaces per 1,000 gross square footage of Building space (individually, a "Building Exclusive Parking Zone" and collectively, the "Building Exclusive Parking Zones"). Exclusive Parking Spaces shall be designated at the sole discretion of each Owner in its Building Exclusive Parking Zone. Any current or future handicapped spaces are specifically excluded from the Non-Exclusivity Exception. If at any time a handicapped space is located within a Building Exclusive Parking Zone, then such handicapped space shall be removed from the Building Exclusive Parking Zone and an Exclusive Parking Space adjacent to the Building Exclusive Parking Zone of the affected Building shall be added to that Building's Exclusive Parking Zone. In addition, included as part of the Non-Exclusivity Exception, up to six (6) parking spaces per Building can be utilized for trash enclosures and emergency generators designated at the sole discretion of each Owner so long as they are located in reasonably close proximity to its associated Building.

3. Miscellaneous. In the event of a conflict between the Declaration (as amended by previous amendments to the Declaration) and this Amendment, the provisions of this Amendment shall prevail.

4. Counterparts. This Amendment may be executed in any number of counterparts, each of which will for all purposes be deemed to be an original, and all of which together shall constitute one and the same agreement. For purposes hereof, facsimile or e-mail signatures will be deemed original signatures.

[Remainder of Page Intentionally Left Blank – Signature Page(s) Follow]

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the date set forth above.

SEARS, ROEBUCK AND CO., a New York corporation

By: [Signature]
Its: James B. Terrell
Vice President Real Estate

Attest:

By: [Signature]
Its: J. Kal Gibron
V.P. Real Estate

YP TRILLIUM LLC, a California limited liability company

By: 5401-5407 Trillium LLC, a Delaware limited liability company, Its Sole Member

By: _____
Its: _____

PRATUM PARTNERS, LLC, an Illinois limited liability company

By: _____
John F. McKinney, Manager

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the date set forth above.

SEARS, ROEBUCK AND CO., a New York corporation

By: _____
Its: _____

Attest:

By: _____
Its: _____

YP TRILLIUM LLC, a California limited liability company

By: 5401-5407 Trillium LLC, a Delaware limited liability company, Its Sole Member

By: _____
Its: *President*

PRATUM PARTNERS, LLC, an Illinois limited liability company

By: *John F. McKinney*
John F. McKinney, Manager

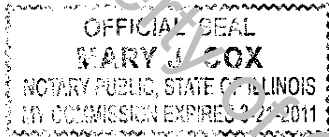
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, MARY J. COX, a notary public in and for the county aforesaid, do hereby certify that JAMES B TERRELL and J. KAL GIBRON personally known to me to be the same persons whose names are subscribed to the foregoing instrument as VPREAL ESTATE and VPREAL ESTATE of SEARS, ROEBUCK AND CO. appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 10th day of JANUARY, 2010.



Mary J. Cox
Notary Public

Cook County Clerk's Office

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State of California)
County of Los Angeles)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On November 4, 2010 before me, Stephanie Benigno, Notary Public,
(here insert name and title of the officer)

personally appeared Zaya S. Younan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s)

File(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)

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CONSENT

The undersigned is the holder of mortgages which were recorded in the Office of the Deeds of Cook County, Illinois as Document Nos. 0508934101 and 052304095 (together with the other loan documents related thereto, as they may be amended, "Loan Documents"). The attached Second Amendment to Declaration of the Easements modifies that certain Declaration of Easements, Prairie Stone Commons Office Park, Hoffman Estates, Illinois dated March 6, 2007 and recorded on March 9, 2007 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 0706860077 (as amended, the "Declaration").

Noteholder:

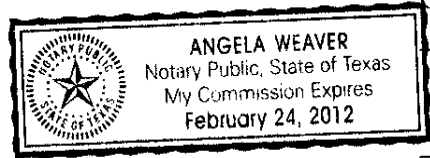
ORIX Capital Markets, LLC as Special Servicer for Wells Fargo Bank N.A., as Trustee for the Registered Holders of Banc of America Commercial Mortgage, Inc. Commercial Mortgage Pass Through Certificates, Series 2005-4

By: [Signature]
Name: Mark S. Pikes
Title: Managing Director

STATE OF Texas
COUNTY OF Dallas

I, Angela Weaver, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that Mark S. Pikes of ORIX Capital Markets, LLC as Special Servicer for Wells Fargo Bank N.A., as Trustee for the Registered Holders of Banc of America Commercial Mortgage, Inc. Commercial Mortgage Pass Through Certificates, Series 2005-4 who is 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 the said instrument as his/her own free and voluntary act and as the free and voluntary act of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 20 day of December, 2010.



[Signature]
NOTARY PUBLIC

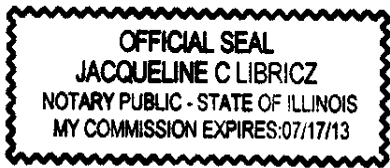
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Jacqueline C Libricz a notary public in and for the county aforesaid, do hereby certify that John F. McKinney, personally known to me to be the same person whose name is subscribed to the foregoing instrument as Manager of PRATUM PARTNERS, LLC, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7th day of December, 2010.

Jacqueline C Libricz
Notary Public



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LEGAL DESCRIPTION OF PROPERTY OF PRAIRIE STONE COMMONS

LOT 4G7 IN THE FINAL PLAT OF RESUBDIVISION OF LOTS 4A1 AND 4G IN PRAIRIE, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTIONS 31, AND 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 18, 1997 AS DOCUMENT NUMBER 97519164, IN COOK COUNTY, ILLINOIS.

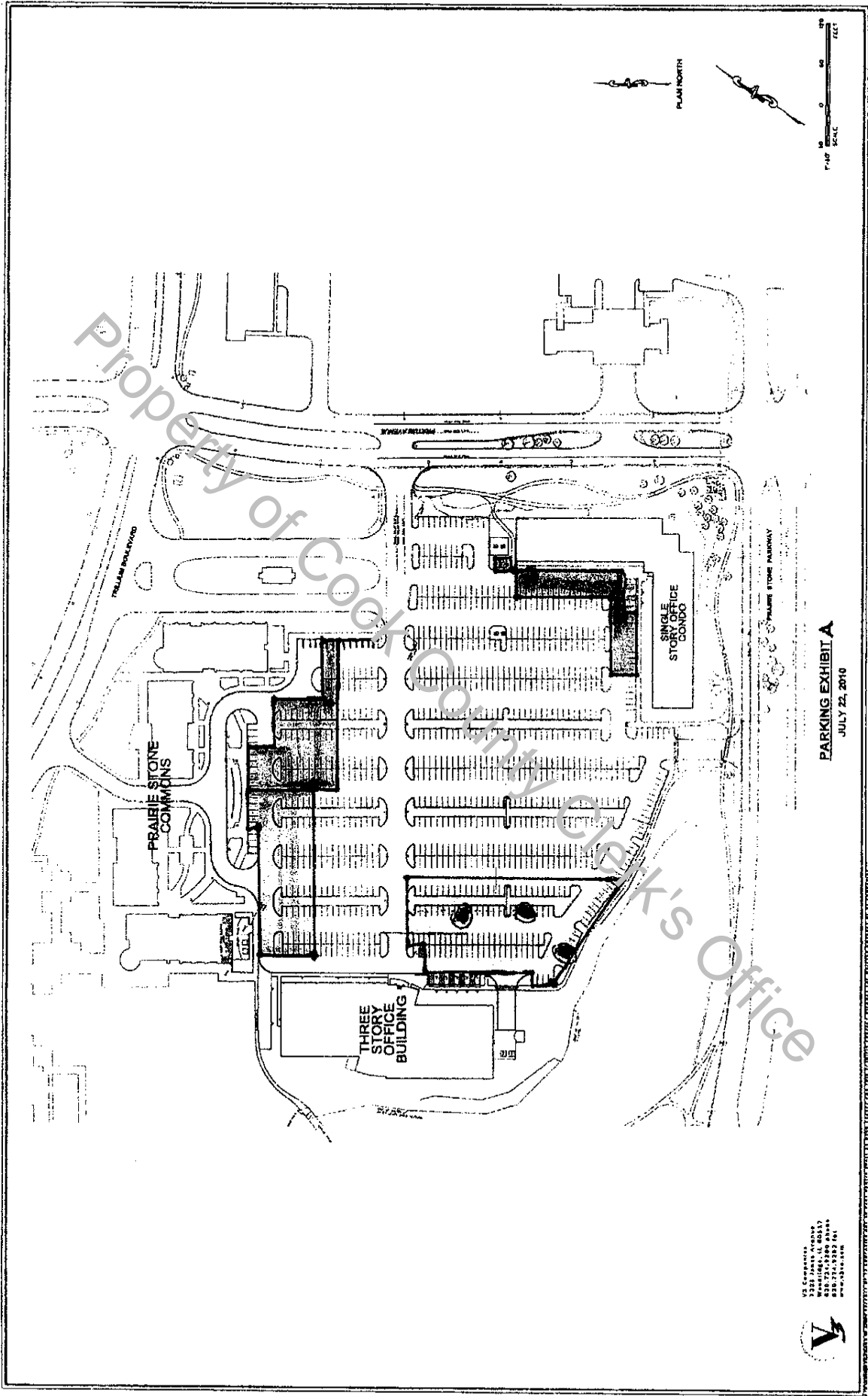
LOT 4G1A AND 4G1C IN THE FINAL PLAT OF RESUBDIVISION OF PRAIRIE STONE COMMONS, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 2005 AS DOCUMENT NUMBER 0508734007, IN COOK COUNTY, ILLINOIS.

LOTS 4G1B1, 4G1B2 AND 4G1B3 IN THE FINAL PLAT OF RESUBDIVISION OF PRAIRIE STONE COMMONS - LOT 4G1B, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 2007 AS DOCUMENT NUMBER 0710822035, IN COOK COUNTY, ILLINOIS.

P.I.N.: 01-32-302-030; 01-32-302-033;
01-32-302-035; 01-32-302-044;
01-32-302-045; 01-32-302-046

Addresses: 5399 and 5407 Trillium Boulevard
5429 and 5457 Trillium Road
5400 and 5450 Prairie Stone Parkway

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VLS CORPORATION
 2325 JANTA AVENUE
 CHICAGO, IL 60655
 312.271.9292 FAX
 312.271.9292



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EXHIBIT A - SUPPLEMENT

Member Building Address	SF (GSF)	% of Total SF	Alloted Excl. Spaces	Exclusive Space Zone
			0.5/1,000 GSF	1.0/1,000 GSF
5401 Trillium	55,081	21.6%	28	55
5407 Trillium	55,677	21.9%	28	56
5450 Prairie Stone Parkway	113,639	44.6%	57	114
5426 Prairie Stone Parkway	30,144	11.8%	15	30
Total	254,541	100.0%	127	255

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