



Doc#: 1123750049 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/25/2011 02:44 PM Pg: 1 of 4

This instrument was prepared by:
Reesa D. Hedrick, Esq.

When recorded, return to:
Shannon Martin Finkelstein & Alvarado, P.C.
Attn. Reesa D. Hedrick
1001 McKinney Street, Suite 1100
Houston, Texas 77002

APN: 02-12-200-013-0000

CC# 137150

WAIVER OF RIGHT OF FIRST REFUSAL

WHEREAS, by Special Warranty Deed With Brand Covenant, dated effective August 30, 2010, recorded on October 26, 2010 with the Cook County Recorder of Deeds as Document No. 1029944098 ("Deed"), Equilon Enterprises LLC, a Delaware limited liability company ("Equilon") did convey to B & R General Construction and Development, Inc., an Illinois corporation ("B&R") the property commonly known as 1393 East Dundee Road, Palatine, Cook County, Illinois, more particularly described in attached Exhibit "A" and in said Deed ("Premises");

WHEREAS, the Deed provided for a Right of First Refusal ("ROFR") in favor of Equilon for a period continuing until October 22, 2030 as further set forth in said Deed;

WHEREAS, B&R has properly notified Equilon that it is restructuring its assets and would like to convey the Premises to an affiliated entity, Dundee 53 LLC, an Illinois limited liability company ("Dundee 53"); and

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WHEREAS, B&R has requested that Equilon waive said ROFR as to this conveyance to Dundee 53, and Equilon, for itself, its successors and assigns, has agreed to waive the same.

NOW, THEREFORE, for good and valuable consideration received and hereby acknowledged, Equilon, for itself, and its successors and assigns does hereby WAIVE that certain ROFR as set forth in said Deed as to the current transaction between B&R and Dundee 53. However, Equilon reserves its ROFR for the duration of its term as to any subsequent or future transaction governing the Premises. Except as expressly set forth in this Waiver all other terms and conditions of the Deed, and of all other agreements between Equilon and B&R, and their respective successors and assigns, shall remain in full force and effect according to their terms.

(Signature and Acknowledgement on Following Page)

CC# 137150
1393 E Dundee Rd
Palatine, IL

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IN WITNESS WHEREOF, Equilon has executed this Waiver on the 19th day of July, 2011.

"Equilon":

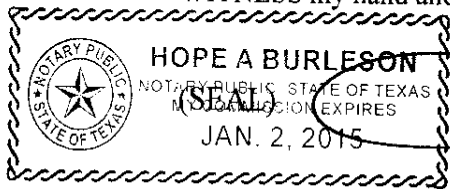
EQUILON ENTERPRISES LLC

By: [Signature]
Name: Gary J. Ragusa
Title: N.A. Real Estate Mgr.

State of Texas §
County of Harris §

On July 19, 2011, before me Hope A. Burleson, Notary Public, personally appeared Gary J. Ragusa, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as N.A. Real Estate Mgr. of Equilon Enterprises LLC, a Delaware limited liability company, and that said instrument was signed on behalf of said limited liability company.

WITNESS my hand and official seal.



[Signature]
Notary Public in and for the State of Texas

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Exhibit A

Attached to Waiver of ROFR

Legal Description of the Premises

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION, 198.68 FEET, THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 82 DEGREES 41 MINUTES 4 SECONDS TO THE RIGHT OF A PROLONGATION OF THE LAST DESCRIBED LINE, A DISTANCE OF 78.11 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING OF A TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 53 DEGREES 43 MINUTES 25 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 145.0 FEET; THENCE WESTERLY AT AN ANGLE OF 46 DEGREES 23 MINUTES 50 SECONDS TO THE LEFT OF A PROLONGATION OF THE LAST DESCRIBED LINE, A DISTANCE OF 200 FEET ALONG A LINE WHICH INTERSECTS THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 AT A POINT 101.15 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE 200.00 FEET; THENCE EAST AT RIGHT ANGLES 200.00 FEET; THENCE NORTHEASTERLY 137.95 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

02-12-200-013

Cook County Clerk's Office