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Doc#: 1123750051 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/25/2011 02:46 PM Pg: 1 of 5

This instrument 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

Tax Identification No.: 02-12-200-013-0000

CC# 137150

(Above Space for Recorder's Use Only)

ASSIGNMENT AND ASSUMPTION OF ACCESS AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF ACCESS AGREEMENT ("Assignment") is made as of the 26 day of May, 2011 by and among **B & R GENERAL CONSTRUCTION AND DEVELOPMENT, INC.**, an Illinois corporation, having an address of 400 W. Higgins Road, Park Ridge, Illinois 60068 ("Assignor") and **DUNDEE 53 LLC**, an Illinois limited liability company, with an address of 1391 E. Dundee, Palatine, Illinois 60074 ("Assignee").

RECITALS:

A. On October 22, 2010, Equilon Enterprises LLC, a Delaware limited liability company ("Equilon") and Assignor entered into that certain Access Agreement Granting Right Of Entry (the "Agreement") to provide access and rights of entry to 1393 E. Dundee Road, Cook County, Palatine, Illinois 60067 ("Premises") for the purposes described in the Agreement. The Agreement was recorded with the Cook County Recorder of Deeds on October 26, 2010 as Document No. 1029944099.

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B. Assignor intends to restructure ownership of certain of its assets and Assignor intends to transfer and convey all of its interests in and to the Premises to Assignee, an affiliate of Assignor, on the closing date. The closing date for the sale of the Premises from Assignor to Assignee shall be the "Effective Date" for purposes of this Assignment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Assignment. Assignor does hereby grant, quit claim, assign, transfer, convey, bargain, sell and set over unto Assignee, its successors and assigns, all of Assignor's right, title and interest in and to the Agreement from and after the Effective Date, to have and to hold forever. Assignor acknowledges and represents to Assignee that Assignor has made no previous assignments of the Agreement.

2. Assumption. Assignee hereby accepts such assignment and assumes all liabilities, agreements, covenants, obligations, duties, burdens and responsibilities of Assignor under the Agreement as of the Effective Date, and Assignee covenants and agrees to be bound by and perform all of the agreements, covenants, obligations, duties, burdens and responsibilities of Assignor under the Agreement as of the Effective Date.

3. Successors. The terms and conditions of this Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.

4. Counterparts. This Assignment may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, but all of which taken together shall constitute but one and the same original.

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IN WITNESS WHEREOF, the undersigned have hereunto set their hands as of the date set forth above.

“Assignor”

B & R GENERAL CONSTRUCTION AND DEVELOPMENT, Inc., an Illinois corporation

By: _____

Name: Branko Tupanjac

Title: Owner / President

STATE OF ILLINOIS

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§

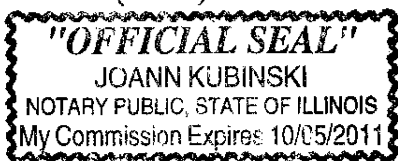
COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County and State, DO HEREBY CERTIFY that BRANKO TUPANJAC 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 signed, sealed and delivered the said instrument as his free and voluntary act and as PRESIDENT of B & R GENERAL CONSTRUCTION AND DEVELOPMENT, INC., as the free and voluntary act of said entity, for the uses and purposes therein set forth.

Given under my hand and official seal, this 26th day of MAY, 2011.

Witness my hand and official seal.

(SEAL)



Joann Kubinski
Notary Public

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"Assignee"

**DUNDEE 53 LLC,
an Illinois limited liability company**

By: [Signature]
Name: Radivoje Tupanjac
Title: President

STATE OF ILLINOIS
COUNTY OF COOK

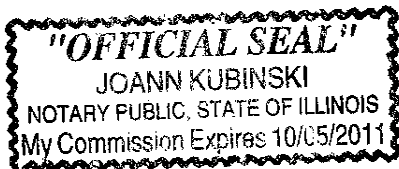
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I, the undersigned, a Notary Public in and for said County and State, DO HEREBY CERTIFY that PRESIDENT, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and as Manager of DUNDEE 53 LLC, as the free and voluntary act of said entity, for the uses and purposes therein set forth.

↙ RADIVOJE TUPANJAC
Given under my hand and official seal, this 22nd day of MAY, 2011.

Witness my hand and official seal.

(SEAL)



[Signature]
Notary Public

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EXHIBIT A

DESCRIPTION OF PREMISES

1
 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

02-12-260-013

Cook County Clerk's Office