

911 475885

Recording requested by, and  
when recorded mail to:

SNR Denton US LLP  
233 S. Wacker Drive  
Suite 7800  
Chicago, Illinois 60606  
Attention: Marlene D. Nations, Esq.

**MEMORANDUM OF AMENDED AND RESTATED TENANCY IN COMMON  
AGREEMENT**

THIS MEMORANDUM OF AMENDED AND RESTATED TENANCY IN COMMON AGREEMENT ("Memorandum") is made and entered into as of the 12 day of March, 2013, by and between **D&K Elk Grove Industrial II, LLC**, a Delaware limited liability company (hereinafter referred to as "Industrial II") and **DK Rolling Exchange, LLC**, a Delaware limited liability company (hereinafter referred to as "Exchange" and together with Industrial II referred to as "Owners").

**RECITALS**

A. The Amended and Restated Tenancy in Common Agreement (the "Agreement") pertains to the real property and certain improvements located on that certain tract of land located in Elk Grove Village, Cook County, Illinois, which is more particularly described in Exhibit A attached hereto.

B. The parties desire to place this Memorandum of record to provide notice to third parties of the existence of the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners are executing this Memorandum to be recorded with the Cook County, Illinois Recorder of Deeds (the "Official Records").

1. Memorandum of Agreement. Memorandum is hereby given of the Agreement. This Memorandum is solely for notice and recording purposes and shall not be construed to alter,

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modify, expand, waive, diminish, or supplement the provisions of the Agreement. In the event of any inconsistency between the provisions of this Memorandum and the provisions of the Agreement, the provisions of the Agreement shall govern and control for all purpose.

2. Covenants Run With the Land. The covenants, conditions and agreements contained in the Agreement shall run with and be binding on the Property.

[Signatures follow]

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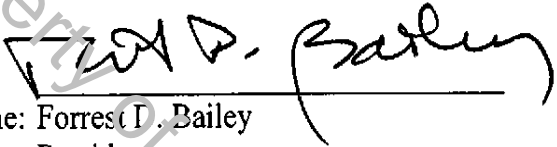
IN WITNESS WHEREOF, the Owners have executed this Memorandum as of the day and year first above written.

**OWNERS:**

**D&K ELK GROVE INDUSTRIAL II, LLC,**  
a Delaware limited liability company

By: D&K ELK GROVE INDUSTRIAL MANAGER II, LLC,  
a Delaware limited liability company, Its Manager

By: DRAPER AND KRAMER INVESTMENTS CORP.,  
a Delaware corporation,  
its sole member

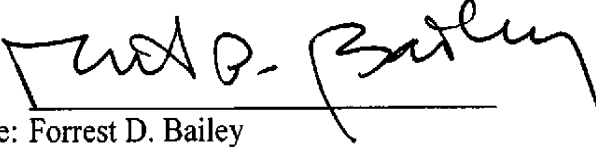
By:   
Name: Forrest D. Bailey  
Title: President

**DK ROLLING EXCHANGE, LLC,**  
a Delaware limited liability company

By: DK ROLLING ASSOCIATES LIMITED PARTNERSHIP,  
an Illinois limited partnership

By: D & K Rolling LLC,  
an Illinois limited liability company,  
its managing general partner

By: DRAPER AND KRAMER INVESTMENTS CORP.,  
A Delaware corporation,  
its sole member

By:   
Name: Forrest D. Bailey  
Title: President

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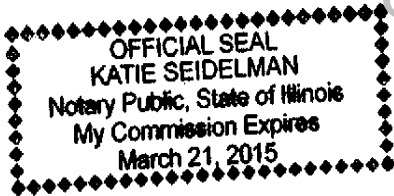
STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF COOK        )

I, Katie Seidelman, certify that Forrest D. Bailey, as President of Draper and Kramer Investments Corp., a Delaware corporation, as Sole Member of D&K Elk Grove Industrial Manager II, LLC, a Delaware limited liability company, as Manager of D&K Elk Grove Industrial II, LLC, a Delaware limited liability company, 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 and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

Dated: 03/07/13

My commission expires 03/21/15

Witness my hand and official seal.



Katie Seidelman  
Notary Public

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF COOK        )

I, Katie Seidelman, certify that Forrest D. Bailey, as President of Draper and Kramer Investments Corp., a Delaware corporation, as Sole Member of D&K Rolling LLC, an Illinois limited liability company, as Managing General Partner of D&K Rolling Associates Limited Partnership, an Illinois limited partnership, as Sole Member of D&K Rolling Exchange, LLC, a Delaware limited liability company, 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 and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

Dated: 03/07/13

My commission expires 03/21/15

Witness my hand and official seal.



Katie Seidelman  
Notary Public

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## EXHIBIT A

### LEGAL DESCRIPTION

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## LEGAL DESCRIPTION

### PARCEL 1:

LOT 1 IN RBC TECH CENTER SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHWEST ¼ OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### PARCEL 2:

LOT 10 IN SDK SUBDIVISION NO. 2 OF PARTS OF LOTS 1 AND 2 IN EVERDING SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 25 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### PARCEL 3:

LOT 11 IN SDK SUBDIVISION NO. 2 OF PARTS OF LOTS 1 AND 2 IN EVERDING SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### PARCEL 4:

LOT 1 IN RBC TECH CENTER SUBDIVISION UNIT 2, A RESUBDIVISION OF LOT 2 IN EVERDING SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY TAKEN BY CONDEMNATION ORDER ENTERED IN CASE 02L50283, BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 AFORESAID; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREES 11 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 25.00 FEET; THENCE SOUTH 46 DEGREES 17 MINUTES 46 SECONDS EAST, 35.29 FEET TO THE SOUTH LINE OF LOT 1 AFORESAID; THENCE SOUTH 88 DEGREES 36 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

### PARCEL 5:

LOT 2 IN THE RESUBDIVISION OF LOTS 12 TO 16, BOTH INCLUSIVE, IN SDK SUBDIVISION NO. 2 OF PARTS OF LOTS 1 AND 2 IN EVERDING SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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## **PARCEL 6:**

LOT 1 IN REGENT BUSINESS CENTER PARCEL F, BEING A RESUBDIVISION OF LOTS 1 THROUGH 9, BOTH INCLUSIVE, IN SDK SUBDIVISION NO. 2 OF PARTS OF LOTS 1 AND 2 IN EVERDING SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## **PARCEL 7:**

LOT 2 IN REGENT BUSINESS CENTER PARCEL F, BEING A RESUBDIVISION OF LOTS 1 THROUGH 9, BOTH INCLUSIVE, IN SDK SUBDIVISION NO. 2 OF PARTS OF LOTS 1 AND 2 IN EVERDING SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 26 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## **PARCEL 8:**

LOT 3 IN REGENT OFFICE CENTER-PHASE II, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## **PARCEL 9:**

EASEMENT FOR THE BENEFIT OF PARCEL 8 CREATED BY CROSS-EASEMENT AGREEMENT FOR INGRESS AND EGRESS RECORDED MAY 19, 1999 AS DOCUMENT 99485434 BETWEEN LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE UNDER TRUST NO. 51005 AND THE CHICAGO TRUST COMPANY AS TRUSTEE UNDER TRUST NO. 1107118 OVER THE HIGGINS DRIVEWAY AND THE PORTION OF THE ACCESS DRIVE LOCATED ON THE CHICAGO PROPERTY AS DEPICTED ON EXHIBIT C.

PROPERTY ADDRESSES: 821-891 BUSSE ROAD, 1810-1860 JARVIS AVENUE, 870-898 CAMBRIDGE DRIVE, 901-985 BUSSE ROAD, 1800 LANDMEIER ROAD, 901-951 CAMBRIDGE DRIVE, 1001-1051 CAMBRIDGE DRIVE AND 1500 HIGGINS ROAD, ELK GROVE VILLAGE, ILLINOIS.

PIN: 08-26-300-026-0000; 08-26-300-016-0000; 08-26-300-017-0000; 08-26-300-027-0000; 08-26-300-024-0000; 08-26-300-028-0000; 08-26-300-029-0000; 08-22-403-015-0000