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DOCUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:

William J. Cotter
Coman & Anderson, P.C.
650 Warrenville Road, Suite 500
Lisle, Illinois 60532-4318

Doc#: 1314133084 Fee: \$76.00
RHSP Fee: \$10.00 Affidavit Fee:
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/21/2013 01:30 PM Pg: 1 of 6

For Recorder's Use

AMENDMENT TO CONSTRUCTION AND EASEMENT AGREEMENT

This AMENDMENT TO CONSTRUCTION AND EASEMENT AGREEMENT is dated of April 27, 2013, and is between CHICAGO TITLE LAND TRUST COMPANY, as trustee under that certain trust agreement dated August 1, 1996 and known as trust number 1103435 (the "Trust") and CALMARK/RICHTON PARK, LLC, an Illinois limited liability company ("Calmark"), as successor in interest to SINTER METALS, INC., an Illinois corporation ("Sinter").

BACKGROUND:

A. In or around 1996 the Trust developed the Richton Industrial Park (the "Subdivision") as a subdivision of industrial real estate properties. To that end the Trust caused a Plat of Subdivision for Richton Industrial Park (the "Plat") to be prepared, and same was recorded with the Cook County Recorder of Deeds Office on March 18, 1996 as Document No. 96189241, as amended by Certificates of Correction recorded thereafter as Document Nos. 96440698 and 0513239032.

B. In addition, the Trust also caused to be prepared and recorded that certain Declaration of Easements, Restrictions, and Covenants For Richton Industrial Park Property Owners' Association ("Declaration") to provide for the management of the Subdivision. The Declaration was recorded with the Cook County Recorder of Deeds Office on March 18, 1996 as Document No. 96206187.

C. Sinter acquired Lot 2 in the Subdivision and proceeded to construct improvements thereon.

D. Pursuant to written Construction and Easement Agreement dated March 15, 1996, and recorded with the Cook County Recorder of Deeds Office on March 18, 1996 as Document No. 96206188 (the "Easement Agreement"), the Trust granted to Sinter certain rights with respect to stormwater detention and retention subject to certain restrictions and limitation, all as set forth in therein.

E. The parties hereto desire to clarify certain issues in the Easement Agreement.

AGREEMENTS:

In consideration of the premises and other valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Incorporation. The prefatory clauses set forth above are deemed incorporated herein and made a part hereof.

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2. Consent to Prior Assignment. Trust hereby approves the prior assignment by Sinter to Calmark of its rights in, to and under the Easement Agreement and the acceptance by Calmark of same.

3. Amendment. The parties agree that Section 11 of the Easement Agreement is deleted in its entirety, it being the intent that the benefits and burdens of the Easement Agreement shall run with the land as set forth in Section 16 thereof, and shall not require the affirmative consent by Trust or any other party.

4. Ratification. Except as set forth herein, the undersigned ratify and confirm the terms of the easement Agreement. This Amendment To Construction And Easement Agreement shall be effective on the date of recording with the Cook County Recorder of Deeds.

5. Trust Exculpation. It is expressly understood and agreed, anything contained herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of CHICAGO TITLE LAND TRUST COMPANY, as Trustee ("Trustee"), while in form purporting to be the representations, covenants, undertaking and agreements of Trustee, are nevertheless made and intended not as personal representations, covenants, undertakings and agreements by Trustee or for the purpose or with the intention of binding said Trustee personally, but are made and intended for the purpose of binding that portion of the trust property specifically described herein held by Trustee in its trust capacities herein before recited; and that this instrument is executed and delivered by Trustee not in its own right, but solely in the exercise of the powers conferred upon it as Trustee under agreement dated August 1, 1996 and known as trust number 1103435, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against CHICAGO TITLE LAND TRUST COMPANY on account of this instrument or on account of any representation, covenant, undertaking or agreement of Trustee in this instrument contained, either express or implied, all such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto that Trustee, in executing this document does so solely for the purposes of binding the Park to the terms, provisions and conditions of this Declaration.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, the parties have executed this AMENDMENT TO CONSTRUCTION AND EASEMENT AGREEMENT as of the date first set forth above.

CHICAGO TITLE LAND TRUST COMPANY

By: Maureen Paige
MAUREEN PAIGE

Its: Trust Officer

ATTEST:

By: ~~Attestation not required pursuant to corporate by-laws.~~

Its: _____

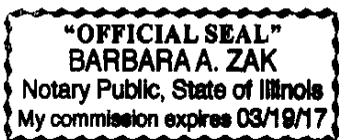
This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and are not personally assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

STATE OF ILLINOIS)
) SS. ACKNOWLEDGMENT
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that MAUREEN PAIGE and N/A personally known to me to be the [Assistant] [Vice] President and the [Assistant] Secretary of **CHICAGO TITLE LAND TRUST COMPANY**, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act and as the free and voluntary act of the corporation, for the uses and purposes therein set forth. Given under my hand and official seal, this 29th day of April, 2013.

[SEAL]

Barbara A Zak
NOTARY PUBLIC



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IN WITNESS WHEREOF, the parties have executed this AMENDMENT TO CONSTRUCTION AND EASEMENT AGREEMENT as of the date first set forth above.

CALMARK/RICHTON PARK, LLC, an
Illinois limited liability company

By: John T. Moran
Its: Managing Member

STATE OF ILLINOIS)
) SS
COUNTY OF ADAMS)

ACKNOWLEDGMENT

the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that John T Moran personally known to me to be the Manager of **CALMARK/RICHTON PARK, LLC**, an Illinois limited liability company and 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 sealed and delivered said instrument as his/her free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth. Given under my hand and official seal, this 9 day of April, 2013.

[SEAL]

Gail A. Lulling
NOTARY PUBLIC



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Exhibit A

Legal Description

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

Property of Cook County Clerk's Office

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STREET ADDRESS: 22501 S. BOHLMANN PARKWAY
CITY: RICHTON PARK COUNTY: COOK
TAX NUMBER: 31-32-200-008-0000

LEGAL DESCRIPTION:

PARCEL 1:

LOT 2 IN RICHTON INDUSTRIAL PARK SUBDIVISION OF PART OF THE NORTHEAST 1/4 SECTION 32, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON MARCH 12, 1996 AS DOCUMENT NUMBER 96189241 AND CERTIFICATE OF CORRECTIONS RECORDED AS DOCUMENT NUMBERS 96440698 AND 0513239032, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY CONSTRUCTION AND EASEMENT AGREEMENT DATED MARCH 15, 1996 AND RECORDED MARCH 18, 1996 AS DOCUMENT 96206188 FOR A PERPETUAL EASEMENT OVER AND UPON THE DETENTION AREA SOLELY FOR THE PURPOSE OF DRAINING STORM AND SURFACE WATER UP TO THE LESSER AMOUNT OF (X) THE CAPACITY OF THE PARTIAL DETENTION AREA AND (Y) THE AGGREGATE OF 4.57 ACRE FEET OF STORM AND SURFACE WATER FROM LOT 2 OVER LOT 6 IN RICHTON INDUSTRIAL PARK SUBDIVISION, AFORESAID.

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