

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL  
TO:

Thomas H. Page  
Barack Ferrazzano Kirschbaum  
& Nagelberg LLP  
200 West Madison Street  
Suite 3900  
Chicago, Illinois 60606



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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/27/2018 03:07 PM PG: 1 OF 7

Space Above For Recorder's Use Only

**SECOND AMENDMENT TO  
DECLARATION OF EASEMENTS, COVENANTS,  
CONDITIONS AND RESTRICTIONS**

*Bm*

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## SECOND AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

This Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions (“Amendment”) is made and entered into as of this 6<sup>th</sup> day of February, 2018, by and between Aetna Properties, L.L.C., an Illinois limited liability company (“Aetna”), and Bond Drug Company of Illinois, LLC, an Illinois limited liability company (“Bond”).

### RECITALS:

A. Aetna and Bond or predecessors thereto have previously entered into a Declaration of Easements, Covenants, Conditions and Restrictions dated as of July 10, 2001 and recorded on July 11, 2001 as Document No. 0010612471 in the Office of the Recorder of Deeds for Cook County, Illinois, as amended by a First Amendment to Declaration of Easements, Covenants, Conditions and Restrictions dated as of November 6, 2017 and recorded on November 8, 2017 as Document No. 1731228002 in the aforesaid office (such instrument, as so amended, the “Declaration”), pertaining to the coordinated development and operation of the property which is legally described on Exhibit A attached hereto.

B. The parties hereto desire to amend the Declaration as more particularly provided herein.

### ARTICLE I

#### INCORPORATION/DEFINITIONS

1.1. Incorporation. The foregoing recitals are true and correct, and are incorporated herein by this reference. Any and all exhibits referenced herein and attached hereto are incorporated herein by this reference.

1.2. Definitions. Capitalized terms used, but not defined, herein shall have the respective meanings ascribed to them in the Declaration.

### ARTICLE II

#### AMENDMENT

2.1. Use Restrictions. Paragraph 4.5 of the Declaration is hereby amended by adding to the end of such paragraph the following additional language: “, and (d) businesses or franchise operations that are similar to or the same as the businesses and/or franchise operations currently operated under the name “Anytime Fitness” shall be permitted to operate on Parcel A, and, in connection with any such operation, any person or entity occupying space within any such business or franchise operation shall be permitted (i) to engage in and provide educational or training facility, sports or exercise club, health spa or salon, fitness center and/or diet and weight loss clinic uses and

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services, (ii) to sell or otherwise distribute so-called health and/or beauty aids and/or drug sundries and/or (iii) to sell food and food stuffs for consumption off the premises, without being in violation of any use restriction contained in Paragraph 4.1 or 4.2 hereof or elsewhere in this Declaration.”

## ARTICLE III

### MISCELLANEOUS

3.1. No Further Modification/Conflicts. Except as otherwise expressly provided herein, the Declaration shall remain unmodified and in full force and effect. All references to the Declaration herein or in any other document shall be deemed to mean the Declaration as herein modified. In the event of any conflict between the terms of this Amendment and the Declaration, the terms of this Amendment shall control.

3.2. Binding Effect. All of the limitations, covenants, conditions, easements, and restrictions contained herein shall attach to and run with the Parcels in accordance with and subject to the provisions of Section 10.6 of the Declaration.

3.3. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall be deemed to be an original agreement, and all of which shall constitute one agreement.

3.4. Captions. Article and section titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way define, limit, extend, or describe the scope of this Amendment or any provisions hereof.

3.5. Entire Agreement. This Amendment and the exhibits hereto contain the entire agreement between the Owners with respect to the subject matter hereof. Any prior correspondence, memoranda or agreements are superseded in total by this Amendment and the exhibits hereto. The provisions of this Amendment shall be construed as a whole according to their common meaning and not strictly for or against any Owner.

[Signatures appear on the following pages.]

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[Signature page attached to Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions]

IN WITNESS WHEREOF, this Amendment is executed by the parties, intending to be legally bound, as of the date first written above.

AETNA: AETNA PROPERTIES, L.L.C., an Illinois limited liability company

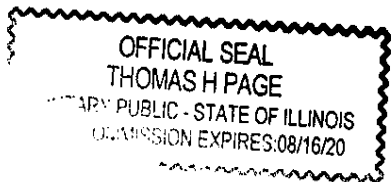
By: [Signature]  
Name: George D. Hanus  
Title: President

STATE OF Illinois )  
County of Cook ) s.

On this 6th day of February, 2018, before me personally appeared George D. Hanus, to me personally known to be the President of Aetna Properties, L.L.C., an Illinois limited liability company, the entity that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entity for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

[Signature: Thomas H Page]  
(Signature of Notary)



(Legibly Print or Stamp Name of Notary)  
Notary public in and for the State of \_\_\_\_\_, residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

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[Signature page attached to Second Amendment to Declaration of Easements, Covenants, Conditions and Restrictions]

IN WITNESS WHEREOF, this Amendment is executed by the parties, intending to be legally bound, as of the date first written above.

BOND: BOND DRUG COMPANY OF ILLINOIS, LLC,  
an Illinois limited liability company

*RMS* By: \_\_\_\_\_  
*L/MH* Name: Richard Ashworth  
Title: President, Operations

STATE OF IL )  
 ) ss.  
County of COOK )

On this 1 day of February, 2018, before me personally appeared Richard Ashworth, to me personally known to be the \_\_\_\_\_ of Bond Drug Company of Illinois, LLC, an Illinois limited liability company, the entity that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said entity for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



Elizabeth A. Holden  
(Signature of Notary)

Elizabeth A. Holden  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the State of  
IL, residing at Cook County  
My appointment expires 10/23/2021

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## EXHIBIT A

### Legal Description

#### Parcel "A"

##### PARCEL 1:

LOT 2 IN BARBARA RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 2000 AS DOCUMENT NO. 00818536, IN COOK COUNTY, ILLINOIS.

##### PARCEL 2:

LOT 1 IN PLAZA VERDE UNIT ONE, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1975 AS DOCUMENT 23237770, IN COOK COUNTY, ILLINOIS.

PINS:           03-07-201-020-0000  
                  03-07-201-022-0000

ADDRESS:    SOUTHWEST CORNER OF THE INTERSECTION OF DUNDEE ROAD  
                  AND ARLINGTON HEIGHTS ROAD, BUFFALO GROVE, ILLINOIS

#### Parcel "B"

LOT 1 IN BARBARA RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 2000 AS DOCUMENT NO. 00818536, IN COOK COUNTY, ILLINOIS.

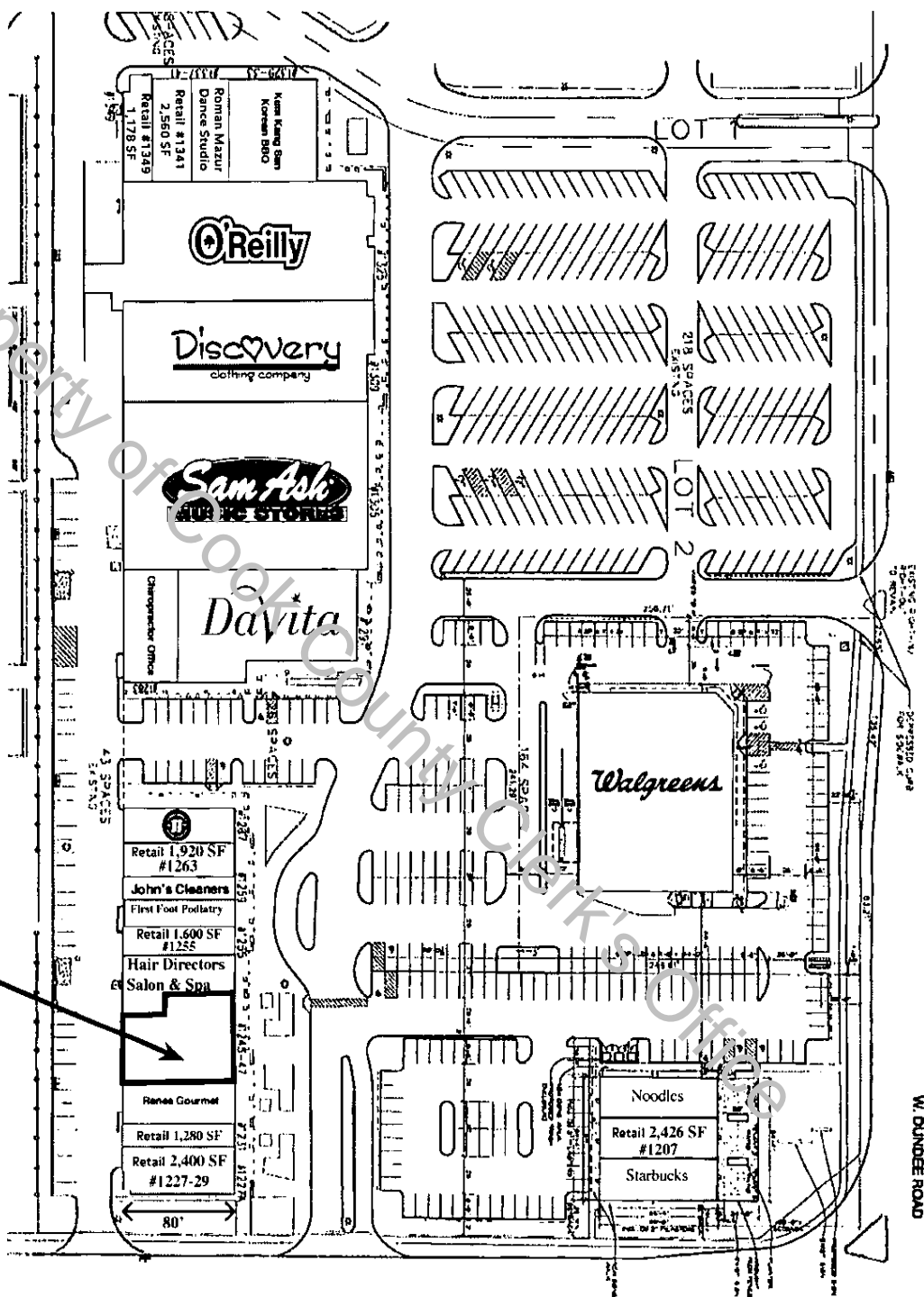
PINS:           03-07-201-021-0000

ADDRESS:    SOUTHWEST CORNER OF THE INTERSECTION OF DUNDEE ROAD  
                  AND ARLINGTON HEIGHTS ROAD, BUFFALO GROVE, ILLINOIS

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## PLAZA VERDE EXTENDED

1205-1291 W. Dundee Rd.  
(SWC of Dundee Rd. & N. Arlington Heights Rd.)  
Buffalo Grove, IL



Proposed  
  
 5,360 SF



For Information Please Contact:

312 - 332 - 4172

National Shopping Plazas, Inc. 200 W. Madison St. Suite 4200 Chicago, IL 60606