



Doc# 2028806233 Fee \$88.00
RHSP FEE:\$9.00 RPRF FEE: \$1.00
EDWARD M. MOODY
COOK COUNTY RECORDER OF DEEDS
DATE: 10/14/2020 02:01 PM PG: 1 OF 5

This document prepared by
and after recording mail to:

George J. Spathis, Esq.
Levenfeld Pearlstein, LLC
Two North LaSalle, Suite 1300
Chicago, Illinois 60602

NOTICE OF DISPUTE REGARDING GRANTOR'S PURPORTED UNILATERAL NULIFICATION OF PASSAGEWAY EASEMENT

THIS NOTICE OF DISPUTE REGARDING GRANTOR'S PURPORTED UNILATERAL NULIFICATION OF PASSAGEWAY EASEMENT ("Dispute Notice") is made effective as of January 1, 2015.

WHEREAS 315 W. North Avenue, L.P., an Illinois limited partnership (as "Grantor"), and 301 W North Avenue, L.P., a Delaware limited partnership ("Developer") entered into that certain Passageway Easement Agreement ("Agreement") dated December 4, 2014 which was recorded with the Cook County Recorder on December 5, 2014 as Document No. 1433916033 and re-recorded to correct the legal descriptions on December 8, 2014 as Document No. 1434222101.

WHEREAS the Agreement was ancillary to and material consideration for the purchase of Developer's real property from Grantor, which expressly contemplated that the easement would be perpetual in nature.

WHEREAS a Passageway Easement (as defined in the Agreement) was granted by Grantor to Developer under the Agreement but solely for the Benefited Use (as defined in the Agreement) and solely in connection with the Permitted Development (as also defined in the Agreement).

WHEREAS the Agreement contemplated the possibility that the Passageway Easement could be deemed null and void upon certain conditions set forth therein.

WHEREAS Grantor materially breached and interfered with Developer's rights under the Agreement, thereby precluding Grantor's exercise of any right to void the Passageway Easement.

WHEREAS, without regard to its material breach and interference with Developer's rights under the Agreement, Grantor wrongfully and unilaterally caused a Notice of Nullification *Ab Initio* of Passageway Easement to recorded with the Cook County Recorder on December 18, 2018 as Document No. 1835216048.

NOW THEREFORE, KNOW ALL PERSONS BY THIS NOTICE, that as a result of the material breach and interference with Developer's rights under the Agreement, Developer disputes Grantor's right to record and the legal affect and impact of the referenced purported

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Notice of Nullification *Ab Initio* of Passageway Easement, and further states that the Passageway Easement remains in full force and effect.

THIS NOTICE AFFECTS AND SHALL BE RECORDED AGAINST BOTH THE SERVIENT PARCEL AND BENEFITTED PARCEL (as those terms are defined in the Agreement) DESCRIBED ON EXHIBITS A AND B ATTACHED HERETO.

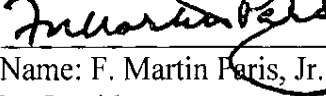
IN WITNESS WHEREOF, Grantor has executed this Notice effective as of the date referenced above.

DEVELOPER:

301 W North Avenue, L.P.,

By: 301 W NORTH, LLC,
a Delaware limited liability company
Its: General Partner

By: MK MANAGER CORP.,
an Illinois corporation
Its: Manager

By: 
Name: F. Martin Paris, Jr.
Its: President

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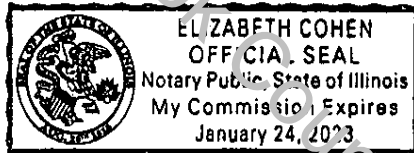
STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

The undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Martin Paris, the President of MK Manager Corp., an Illinois Corporation, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument in such capacity, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own 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 Notary Seal, this 10 day of September 2020.

Elizabeth Cohen
Notary Public

My commission expires:



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EXHIBIT A

LEGAL DESCRIPTION OF SERVIENT PARCEL:

LOTS 6 AND 7 AND THE EAST 16.35 FET OF LOT 8 OF THE SUBDIVISION OF THE EAST ½ OF LOTS 119 AND 120 IN BRONSON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 17-04-201-001-0000

ADDRESS: 315-319 W. NORTH AVENUE, CHICAGO, IL 60610

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EXHIBIT B

LEGAL DESCRIPTION OF BENEFITED PARCEL:

TRACT A:

SUB-LOT 1 IN THE SUBDIVISION OF THE EAST ½ OF LOTS 119 AND 120 IN BRONSON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TRACT B:

LOTS 2, 3, 4 AND 5 IN THE SUBDIVISION OF THE EAST ½ OF LOTS 119 AND 120 IN BRONSON'S ADDITION TO CHICAGO IN THE NORTHEAST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS: 17-04-201-002-0000, 17-04-201-008-0000, 17-04-201-009-0000, 17-04-201-010-0000, 17-04-201-011-0000, 17-04-201-012-0000

ADDRESS: 301-313 W. NORTH AVENUE, CHICAGO, IL 60610