

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

RICHARD D. ADASHEK and THOMAS E.)
LOFTUS,)

Plaintiffs,)

v.)

NO. 86 CH 00569

ARLINGDALE DEVELOPMENT GROUP, an)
Illinois partnership, JAMES R.)
LOEWENBERG and MICHAEL C.)
BIRNKRANT,)

Defendants.)

SECOND AFFIDAVIT

The Affiants depose on oath and say as follows:

1. The Affiant JUDITH S. SHERWIN is an attorney with the law firm of SHEPP & HELLMANN, the attorneys representing the Plaintiffs in the above-entitled cause.

2. The Affiant THOMAS E. LOFTUS is one of the Plaintiffs in the above-entitled cause and the agent of RICHARD D. ADASHEK, the other Plaintiff in the above-entitled cause.

3. The Affiants are familiar with the facts and circumstances surrounding the lawsuit known as Adashek and Loftus v. Arlingdale Development Group, an Illinois partnership, James R. Loewenberg and Michael C. Birnkrant, Case Number 86 CH 00569, pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division.

4. Said cause was filed on January 17, 1986.

5. Said cause affects a portion of a certain parcel of real property legally described on the Complaint filed therein as

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follows:

The Southwest quarter of the southwest quarter of Section 13, Township 41 North, Range 9 East of the Third Principal Meridian, except that part lying south of a line 50 feet north of and parallel to the following described line:

Beginning at the northwest corner of Section 24, Township 41 North, Range 9 East of the Third Principal Meridian (also being the southwest corner of Section 13, Township 41 North, Range 9 East of the Third Principal Meridian), and running thence in a general easterly direction along a straight line to a point in the east line of Section 13, Township 41 North, Range 9 East of the Third Principal Meridian, said point being 27.1 feet north of the northeast corner of Section 24 aforesaid, in Cook County, Illinois.

6. A Lis Pendens was filed in the office of the Recorder of Deeds of Cook County on January 17, 1986 and known as document number 86024442.

7. The real property described herein has been subdivided into forty-four (44) separate lots and one (1) outlet (No. 1).

8. Plaintiffs' Lis Pendens and its interest in the real property described herein extend only to the following seventeen (17) of the forty-four (44) subdivided lots and the outlet No. 1:

Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 9
Lot 10
Lot 15
Lot 18
Lot 20
Lot 21
Lot 22
Lot 24
Lot 27
Lot 28
Lot 29
Outlet No. 1

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9. Affiants have previously filed an Affidavit dated March 21, 1986 as document number 86112743.

10. That Affidavit was meant to release the Plaintiffs' interest in the following described lots which had been previously included in the Lis Pendens filed as document number 86024442:

- Lot 1
- Lot 8
- Lot 11
- Lot 12
- Lot 13
- Lot 14
- Lot 16
- Lot 17
- Lot 19
- Lot 23
- Lot 25
- Lot 26
- Lot 30 through 34

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11. Plaintiffs do now assert and have always asserted throughout its interest by way of Lis Pendens in all of the lots listed in paragraph 8 hereof, including the outlot which was inadvertently omitted from the Affidavit previously filed as document number 86112743.

12. Plaintiffs assert no interest by way of Lis Pendens in the lots listed in paragraph 10 hereof.

FURTHER AFFIANTS SAYETH NOT.

JUDITH S. SHERWIN

THOMAS E. LOFTUS

Subscribed and Sworn to before me this 18th day of April, 1986.

Notary Public

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