

AMENDMENT TO PROTECTIVE COVENANTS

\$ 26.00

WHEREAS, the VIVA LAND COMPANY, an Illinois corporation ("Viva") and CHICAGO TITLE AND TRUST COMPANY, not personally but solely as Trustee under Trust Agreement dated October 31, 1956 and known as Trust No. 38773 ("Chicago Title"), as owners of the the real estate legally described in Exhibit "A" attached hereto ("Original Property"), declared and executed those certain Protective Covenants dated September 11, 1959 ("Protective Covenants") and recorded same in the Office of the Cook County, Illinois Recorder of Deeds on September 11, 1959 as Document No. 17655615, and thereby caused the Protective Covenants to pertain to the Original Property according to the terms thereof;

WHEREAS, by Amendment to Protective Covenants dated September 29, 1959 and recorded in the Office of the Cook County, Illinois Recorder of Deeds on January 7, 1960 as Document No. 17751795 ("First Amendment of Protective Covenants"), Viva and Chicago Title amended the Protective Covenants to provide that the portion of the Original Property legally described in Exhibit "B" be exempt from certain provisions of the Protective Covenants;

WHEREAS, Marquette National Bank, not personally but solely as Trustee under Trust Agreement dated December 1, 1964 and known as Trust No. 2918 ("Marquette") is the present owner of a portion of the Original Property legally described in Exhibit "C" attached hereto ("Marquette Parcel");

WHEREAS, LaSalle National Bank, not personally but solely as Trustee under Trust Agreement dated September 27, 1974 and known as Trust No. 47545 ("LaSalle No. 47545") is the present owner of a portion of the Original Property legally described in Exhibit "D" attached hereto ("LaSalle No. 47545 Parcel");

(The Marquette Parcel and LaSalle No. 47545 Parcel are hereinafter sometimes collectively referred to as the "Development Parcel.")

WHEREAS, LaSalle National Bank, not personally but solely as Trustee under Trust Agreement dated June 1, 1986 and known as Trust No. 111270 ("LaSalle No. 111270") is the contract purchaser of the Marquette Parcel as evidenced by that certain Memorandum of Articles of Agreement for Deed dated June 27, 1986 and recorded on July 10, 1986 in the Office of the Cook County, Illinois Recorder of Deeds as Document No. 86287120, and is also the contract purchaser of the LaSalle No. 47545 Parcel pursuant to that certain Real Estate Sale Contract dated December 23, 1986 between the respective beneficiaries of LaSalle No. 47545 and LaSalle No. 111270;

WHEREAS, the Protective Covenants provide at Article VII, Section 1 for the creation of an Architectural Control Committee consisting of three persons ("Committee");

WHEREAS, the Protective Covenants grant the Committee certain rights and powers with respect to the Original Property, including, but not limited to, the authority to make variations in the terms of the Protective Covenants and to vary the application thereof with respect to the Original Property or portions thereof;

WHEREAS, Arthur M. Wolf, William Levy and Rudolph Tessler are the now-acting members of the Committee;

WHEREAS, the Committee desires to further amend the Protective Covenants in the manner herein set forth, and Marquette, LaSalle No. 47545, and LaSalle No. 111270 consent to and concur in said further amendment of the Protective Covenants and do hereby join in this Amendment;

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WHEREAS, by Ordinance No. 23-1986 the Village of Hazel Crest, Cook County, Illinois (hereinafter referred to as the "Village") rezoned the Marquette Parcel to R-1 and approved a planned development for the Marquette Parcel so as to permit a multi-phased congregate living facility to be constructed and operated in accordance with certain plans heretofore submitted to the Village;

WHEREAS, by Ordinance No. 3-1987, the Village amended Ordinance No. 23-1986 so as to rezone the LaSalle No. 47545 Parcel and to modify the aforementioned planned development to include the LaSalle No. 47545 Parcel as a part of said planned development;

(The two last mentioned Ordinances, the plans and specifications attached thereto, and all amendments, revisions or modifications to any of the foregoing as may be made from time to time by the Village, LaSalle No. 111270, or its agents or beneficiaries, are hereinafter collectively referred to as the "Ordinances and Development Plans".)

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Committee, Marquette, LaSalle No. 11270 and LaSalle No. 47545 do hereby declare as follows:

1. The Committee hereby finds and declares that the proposed use and development of the Development Parcel in accordance with the Ordinances and Development Plans are in the best interests of the community and will best serve public policies. Further, the Committee hereby: (i) approves said Ordinances and Development Plans; (ii) declares that the Ordinances and Development Plans shall in all respects supercede the Protective Covenants and the First Amendment; and (iii) declares that the Ordinances and Development Plans shall govern the use and development of the Development Parcel notwithstanding and in lieu of any and all of the provisions of the Protective Covenants.

2. The Protective Covenants and the First Amendment are hereby and forever made inapplicable to and shall be of no further force and effect with respect to the Development Parcel.

3. In lieu of the Protective Covenants and the First Amendment, the Ordinances and Development Plans shall control the development and use of the Development Parcel.

4. The Committee hereby finds and declares that the development and use of the Development Parcel in accordance with the Ordinances and Development Plans is not obnoxious, offensive, will not constitute an annoyance nor a nuisance to the community or any portion of the Original Property. Further, the Committee declares that temporary structures and construction trailers shall be permitted on the Development Parcel during the various phases of construction and development thereof. The Committee further declares that basements, fuel storage tanks, garages and out-buildings shall be permitted on the Development Parcel as provided in the Ordinances and Development Plans.

5. In the event of any inconsistency or conflict between the Ordinances and Development Plans, and the Protective Covenants or the First Amendment, the provisions of the Ordinances and Development Plans shall govern and be controlling in all instances.

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6. This Amendment of Protective Covenants may be executed in one or more counterparts, and when said counterparts are taken together they shall constitute one and the same instrument.

The Amendment of Protective Covenants is executed by Marquette National Bank and by LaSalle National Bank, not personally but as Trustees as aforesaid in the exercise of the power and authority conferred upon and vested in them as such Trustee and its is expressly understood and agreed that nothing herein contained shall be construed as creating any liability on Marquette National Bank or on said LaSalle National Bank personally to perform any covenant either express or implied herein contained, all such liability, if any, being expressly waived by the other parties hereto and by every person now or hereafter claiming any right or interest hereunder and look solely to the premises hereby conveyed for the enforcement hereof.

IN WITNESS HEREOF, the undersigned have executed this Amendment of Protective Covenants this 16th day of March, 1987.

MARQUETTE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated December 1, 1964 and known as Trust No. 2918

ATTEST:

By: [Signature]  
Its: Assistant Secretary

By: [Signature]  
Its: Vice President

LA SALLE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated June 1, 1986 and known as Trust No. 411270

ATTEST:

By: [Signature]  
Its: [illegible]

By: [Signature]  
Its: [illegible]

LA SALLE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated September 27, 1974 and known as Trust No. 47545

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

COOK COUNTY CLERK'S OFFICE  
1987 SEP 15 PM 2:45

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ARCHITECTURAL CONTROL COMMITTEE:

[Signature]  
ARTHUR M. WOLF

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KPB 780130/1612S

6. This Amendment of Protective Covenants may be executed in one or more counterparts, and when said counterparts are taken together they shall constitute one and the same instrument.

The Amendment of Protective Covenants is executed by Marquette National Bank and by LaSalle National Bank, not personally but as Trustees as aforesaid in the exercise of the power and authority conferred upon and vested in them as such Trustee and it is expressly understood and agreed that nothing herein contained shall be construed as creating any liability on Marquette National Bank or on said LaSalle National Bank personally to perform any covenant either express or implied herein contained, all such liability, if any, being expressly waived by the other parties hereto and by every person now or hereafter claiming any right or interest hereunder and look solely to the premises hereby conveyed for the enforcement hereof.

IN WITNESS WHEREOF, the undersigned have executed this Amendment of Protective Covenants this 16th day of March, 1987.

MARQUETTE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated December 1, 1964 and known as Trust No. 2918

ATTEST:

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

LA SALLE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated June 1, 1986 and known as Trust No. 111270

ATTEST:

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

LA SALLE NATIONAL BANK, not personally, but as Trustee under Trust Agreement dated September 27, 1974 and known as Trust No. 47545

By: [Signature]

Its: - ASSISTANT VICE PRESIDENT

ATTEST:

By: [Signature]

Its: ASSISTANT SECRETARY

ARCHITECTURAL CONTROL COMMITTEE:

\_\_\_\_\_  
ARTHUR M. WOLF

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William Levy  
WILLIAM LEVY

Rudolph Tessler  
RUDOLPH TESSLER

STATE OF ILLINOIS )  
COUNTY OF COOK )

J. JOYCE SCHREINER, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that GREGORY J. SCHEURICH, as Vice President and ANNE M. SCHEURICH, as Ass't. Secretary of MARQUETTE NATIONAL BANK, a national banking association, as Trustee under Trust Agreement dated December 1, 1964 and known as Trust No. 2918, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Ass't. Secretary of said Bank, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth; and said Ass't. Secretary did then and there acknowledge that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 16th day of March, 1987.

JOYCE SCHREINER  
Commission Expires  
October 23, 1988

Joyce Schreiner  
Notary Public

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STATE OF Illinois )  
 )  
COUNTY OF COOK )

I, Henry Pacana, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that Robert W. Lang, as vice President and Elizabeth J. Miller, as Assistant Secretary of LA SALLE NATIONAL BANK, a national banking association, as Trustee under Trust Agreement dated June 1, 1986 and known as Trust No. 111270, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Assistant Secretary of said Bank, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth; and said Elizabeth J. Miller Secretary did then and there acknowledge that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 3rd day of August, 1986.

Henry Pacana  
Notary Public

STATE OF )  
 )  
COUNTY OF )

I, \_\_\_\_\_, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, as \_\_\_\_\_ President and \_\_\_\_\_ Secretary of LA SALLE NATIONAL BANK, a national banking association, as Trustee under Trust Agreement dated September 27, 1974 and known as Trust No. 47545, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_ President and \_\_\_\_\_ Secretary of said Bank, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth; and said \_\_\_\_\_ Secretary did then and there acknowledge that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

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KPB 780130/1612S

STATE OF )  
COUNTY OF )

I, \_\_\_\_\_, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, as \_\_\_\_\_ President and \_\_\_\_\_, as \_\_\_\_\_ Secretary of LA SALLE NATIONAL BANK, a national banking association, as Trustee under Trust Agreement dated June 1, 1986 and known as Trust No. 111270, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_ President and \_\_\_\_\_ Secretary of said Bank, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth; and said \_\_\_\_\_ Secretary did then and there acknowledge that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF )  
COUNTY OF )

I, Evelyn W. \_\_\_\_\_, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_, as \_\_\_\_\_ Vice President and \_\_\_\_\_, as \_\_\_\_\_ Assistant Secretary of LA SALLE NATIONAL BANK, a national banking association, as Trustee under Trust Agreement dated September 27, 1974 and known as Trust No. 47545, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_ Vice President and \_\_\_\_\_ Secretary of said Bank, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank for the uses and purposes therein set forth; and said \_\_\_\_\_ Secretary did then and there acknowledge that he, as custodian of the corporate seal of said Bank did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My Commission Expires August 9, 1989

\_\_\_\_\_  
Notary Public

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, Antoinette A. Wolff, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ARTHUR M. WOLF appeared before me this day in person and acknowledged that he signed and sealed the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 19th day of March, 1987.

Antoinette A. Wolff  
Notary Public  
*my commission expires 5/9/88*

STATE OF Illinois )  
 ) SS  
COUNTY OF Cook )

I, Kevin P. Breslin, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that WILLIAM LEVY appeared before me this day in person and acknowledged that he signed and sealed the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of June, 1987.

Kevin P. Breslin  
Notary Public

STATE OF Illinois )  
 ) SS  
COUNTY OF Cook )

I, Kevin P. Breslin, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that RUDOLPH TESSLER appeared before me this day in person and acknowledged that he signed and sealed the said instrument as his own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of June, 1987.

Kevin P. Breslin  
Notary Public

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## Exhibit "A"

The South one-half ( $\frac{1}{2}$ ) of the Southeast one-quarter ( $\frac{1}{4}$ ) (except the South 466 feet of the East 964.95 feet) in Section 26, Township 36 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois.

Address: Vicinity of 175th & Kedzie  
Hazel Crest, Illinois

PIN: 28-26-400-004 through and including 28-26-400-021  
28-26-400-028 through and including 28-26-400-030  
28-26-400-037  
28-26-400-040 through and including 28-26-400-047  
28-26-402-007 through and including 28-26-402-024  
28-26-402-027 through and including 28-26-402-031  
28-26-402-034  
28-26-402-037  
28-26-402-038  
28-26-402-041 through and including 28-26-402-046  
28-26-402-048  
28-26-402-051 through and including 28-26-402-055  
28-26-402-058  
28-26-402-059  
28-26-402-061  
28-26-402-062  
28-26-405-001 through and including 28-26-405-031  
28-26-410-026  
28-26-411-001 through and including 28-26-411-016  
28-26-412-001 through and including 28-26-412-008  
28-26-412-015 through and including 28-26-412-017

*acc Lands*  
*Ln*

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## Exhibit "B"

A tract of land comprising part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 36 North, Range 13 East of the Third Principal Meridian, Cook County, Illinois, said tract of land being described as follows:

Beginning at a point on the East line of said Southeast  $\frac{1}{4}$  of Section 26, said point being 33 feet South of the Northeast corner of said Southeast  $\frac{1}{4}$  of Section 26; and running thence South along said East line, a distance of 824.43 feet to the North line of the South 466 feet of said Southeast  $\frac{1}{4}$  of Section 26; thence East along said North line of South 466 feet, a distance of 450.50 feet; thence North perpendicular to last described course, a distance of 741.44 feet to the South line of 173rd Street, said South line being 116 feet South of and parallel with the North line of said Southeast  $\frac{1}{4}$  of Section 26; thence East along said South line, a distance of 104.51 feet; thence North-easterly along said South line of 173rd Street, being a curved line, convex Southerly, tangent to last described course and having a radius of 426 feet; a chord distance of 129.61 feet; thence Northeasterly along a straight line, tangent to said curved line, a distance of 185.16 feet; thence Easterly along a curved line, convex Northerly tangent to last described course and having a radius of 294.87 feet, an arc distance of 89.88 feet to a point of tangency with a line drawn parallel with and 33 feet South of said North line of Southeast  $\frac{1}{4}$  of Section 26; thence East along said parallel line, a distance of 170.27 feet to the point of beginning.

Address: Vicinity of 175th & Kedzie  
Hazel Crest, Illinois

PIN: 28-26-402-048  
28-26-402-055  
28-26-402-058  
28-26-402-059  
28-26-402-061

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## Exhibit "C"

### PARCEL 1:

THAT PART OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF SAID SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26; THENCE SOUTH ALONG THE EAST LINE THEREOF, 461.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID EAST LINE 396.18 FEET TO THE NORTH LINE OF THE SOUTH 466.00 FEET OF SAID SOUTH EAST 1/4 OF SECTION 26; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTH EAST 1/4, 650.50 FEET; THENCE NORTH PERPENDICULAR TO THE LAST DESCRIBED COURSE, 741.44 FEET TO THE SOUTH LINE OF 173RD ST, SAID SOUTH LINE BEING 116 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26; THENCE EAST ALONG SAID SOUTH LINE, A DISTANCE OF 104.51 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE OF 173RD ST, BEING A CURVE CONVEX SOUTHERLY, TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 426 FEET, A CHORD DISTANCE OF 129.61 FEET; THENCE NORTHEASTERLY ALONG A LINE TANGENT TO SAID CURVED LINE, 165.23 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE CONVEX NORTH AND HAVING A RADIUS OF 294.27 FEET, AN ARC DISTANCE OF 19.52 FEET TO THE WEST LINE OF THE EAST 240 FEET OF SAID SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26; THENCE SOUTH ALONG THE LAST DESCRIBED LINE, 419.73 FEET TO THE SOUTH LINE OF THE NORTH 461.10 FEET OF SAID SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26; THENCE EAST 240.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS (EXCEPT THE EAST 50.00 FEET THEREOF TAKEN FOR KEDZIE AVENUE) AND CONTAINING 9.015 ACRES MORE OR LESS.

### PARCEL 2:

THE EAST 5 ACRES OF THE SOUTH 466 FEET OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26: (EXCEPT THE EAST 183.00 FEET OF THE SOUTH 233.00 FEET THEREOF) AND (EXCEPT THE SOUTH 250.00 FEET OF THE WEST 200.00 FEET THEREOF) ALL IN TOWNSHIP 36 NORTH RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THOSE PARTS TAKEN FOR KEDZIE AVENUE AND 175TH STREET) IN COOK COUNTY, ILLINOIS AND CONTAINING 2.506 ACRES MORE OR LESS.

### PARCEL 3:

THE SOUTH 250.00 FEET OF THE WEST 200.00 FEET OF THE EAST 5 ACRES OF THE SOUTH 466.00 FEET OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 50.00 FEET THEREOF TAKEN FOR 175TH STREET) IN COOK COUNTY, ILLINOIS AND CONTAINING 0.918 ACRES MORE OR LESS.

Address: Vicinity of 175th & Kedzie  
Hazel Crest, Illinois

PIN: 28-26-402-005  
28-26-402-040  
28-26-402-061

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## Exhibit "D"

THE SOUTH 70.00 FEET OF THE NORTH 461.10 FEET OF THE EAST 240.00 FEET  
OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 26, TOWNSHIP 36  
NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART  
THEREOF FALLING WITHIN KEDZIE AVENUE) ALL IN COOK COUNTY, ILLINOIS.

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Address: 17314 S. Kedzie  
Hazel Crest, Illinois

PIN: 28-26-402-059

Mail to: Katz, Randall & Weinberg  
Kerin Breslin  
200 N. La Salle Suite 2300  
Chicago, Illinois 60601  
Box 340

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