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EDWARD J. WALSH, JR.

CHARTERED

ATTORNEYS AT LAW

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-88-520505

EDWARD J. WALSH, JR.
JAMES H. KNIPPEN II
BRIAN J. DIAMOND
JOHN KENNEDY
JUDITH L. SMITH

AREA CODE 312
402-1980

September 23, 1988

Mr. Robert Dooley
2601 E. Oakland Park Boulevard
Ft. Lauderdale, FL 33306

Mrs. Ann M. Dooley
608 First Key Drive
Ft. Lauderdale, FL 33304

Re: 1725 Howard
Des Plaines, IL 60018

Dear Mr. & Mrs. Dooley:

At the request of Ann, I have enclosed relevant portions of the R-4 residential district zoning requirements of the City of Des Plaines, Illinois, zoning ordinance of 1960, as amended. As you know, the above-referenced property is in the R-4 residential district zoning classification. Significantly, the 16-unit apartment building requires 2,800 square feet of lot area, pursuant to the zoning ordinance.

On September 22, 1988, I conducted a conference with Mr. Vern Chase and Louis Bigonis, Director of the Building & Zoning Department, City of Des Plaines, Illinois. During the course of the meeting I examined the City of Des Plaines file pertaining to the 1961 subdivision of the subject property and the subsequent construction of the 16-unit apartment building. The documentation illustrates that the 16-unit apartment building was originally constructed on 44,800 square feet in compliance with the Des Plaines zoning ordinance.

An examination of the Des Plaines file further illustrates that the 2,800 square foot of lot area per dwelling unit requirement existed in the early 1960's when Mr. Dooley constructed the 16-unit apartment building. The 2,800 square feet of lot area per dwelling unit requirement has never been changed since 1960.

Based upon the information I have examined in the City of Des Plaines files, the following conclusions have been arrived at by me:

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1. When the 16-unit apartment building was constructed it was properly constructed within the requirements of the City of Des Plaines zoning ordinance, being located on 44,800 square feet;

2. Mr. Dooley handled all of the legal real estate zoning and development aspects of the 16-unit apartment building in the early 1960's; he was fully aware of the requirements of the City of Des Plaines;

3. When Mr. Dooley assisted Mrs. Dooley in marketing the subject 16-unit apartment building, it was marketed for sale with substantially less square feet of lot area than is required by the City of Des Plaines;

4. Since the City of Des Plaines zoning ordinance on this issue has never been changed since the property was constructed, it is apparent that Mr. Dooley knew that marketing the property for sale on less than 44,800 square feet would constitute a violation of the Des Plaines zoning ordinance;

5. The property was marketed and sold pursuant to articles of agreement on the basis of 16 residential dwelling units.

At this time the transfer of the beneficial interest to Michael P. Walsh cannot be effected inasmuch as the City of Des Plaines will not issue its municipal real estate transfer stamps because of this zoning violation.

Further, I have been advised by the aforesaid representatives of the Building & Zoning Department of the City of Des Plaines that the property immediately west of the apartment building which Mrs. Dooley apparently owns will not be able to have any improvements constructed upon it because this property was originally part of the subject property when the 16-unit apartment building was authorized to be constructed.

In the event you wish to secure any information regarding this matter, you may contact Mr. Vern Chase: 312/391-5372. At this time I am requesting that you contact me and advise me of your agreement that the articles of agreement for deed be amended to reflect that the additional real estate to the west of the subject property will be conveyed to Michael P. Walsh.

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In the event I determine that you are unwilling to settle this matter within 14 days from the date of this correspondence, I will file causes of action predicated upon breach of contract and fraud in the United States District Court, Northern District of Illinois, Eastern Division, with jurisdiction based upon complete diversity of citizenship. In the litigation we will be seeking the following relief:

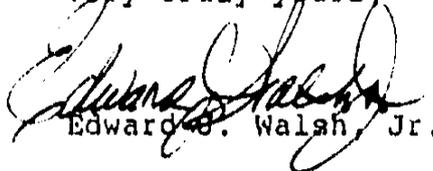
1. Conveyance of the vacant real estate to the west of the subject property;
2. Exemplary damages based upon the fraudulent marketing and attempted sale of this real estate in violation of the zoning ordinances of the City of Des Plaines, Illinois;
3. Attorney's fees;
4. All other relief which the Court deems proper.

As I have previously told Mrs. Dooley, my brother does not wish to institute litigation to resolve this matter. However, he further desires to secure ownership to real estate which will allow for the use of 16 residential apartment units rather than 10, which is the number of units that the subject property will properly accommodate under the zoning ordinances of Des Plaines.

Simply, Michael Walsh agreed to pay for real estate and 16 residential apartment units and we expect you to include the required real estate to the subject property so that 16 residential apartment units conform with the City of Des Plaines zoning ordinance.

I look forward to hearing from you at your earliest convenience.

Very truly yours,


Edward S. Walsh, Jr.

EJW/td
Enclosures

cc: Michael P. Walsh
Vern Chase (City of Des Plaines)

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

Subscribed and Sworn
to before me this 23rd day of
September, 1988


Notary Public

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THE EAST 130 FEET OF THE WEST 193.72 FEET OF THE EAST 630.98 FEET OF THE NORTH 224.98 FEET OF LOT 3 (AS MEASURED ALONG THE EAST AND NORTH LINES OF SAID LOT) IN TOUHY-MANNHEIM INDUSTRIAL SUBDIVISION UNIT NO. 2, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Parcel No.: 9-28-300-034

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Property of Cook County Clerk's Office 88-520505

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