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ASSIGNMENT OF DECLARATION OF PROTECTIVE COVENANTS FOR RIVER OAKS WEST BUSINESS PARK, CALUMET CITY, ILLINOIS

88120444

THIS ASSIGNMENT OF DECLARATION OF PROTECTIVE COVENANTS FOR RIVER OAKS WEST BUSINESS PARK, CALUMET CITY, ILLINOIS made and entered into as of the 21st day of March, 1988 ("Assignment") by and between BOTABA REALTY COMPANY, a Texas general partnership (hereinafter called "Assignor") and THE STEEL CITY NATIONAL BANK OF CHICAGO, Trustee under Trust Agreement dated March 1, 1988, and known as Trust No. 3024 (hereinafter called "Assignee").

WITNESSETH:

WHEREAS, Kaiser Aetna, a California general partnership ("Kaiser") made a Declaration of Protective Covenants for River Oaks West Business Park, Calumet City, Illinois dated December 18, 1974 recorded with the Recorder of Deeds of Cook County, Illinois, January 22, 1975 as Document No. 22971509 and filed on January 22, 1975 with the Registrar of Titles as Document No. LR-2792268 (the "Declaration") covering premises located in the River Oaks West Business Park, Calumet City, Illinois, which premises are more fully described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, Assignor as successor in interest to Kaiser, wishes to assign all of its right, title and interest as Grantor under the Declaration to Assignee, upon the terms and conditions as hereinafter set forth; and

WHEREAS, Assignee desires to take an assignment of the right, title and interest of Grantor under the Declaration.

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NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth and other good and valuable consideration, the parties hereto hereby covenant and agree as follows:

1. Assignment of Grantor's Obligation. Effective as of March 21, 1988, (the "Assignment Date"), Assignor hereby assigns, grants, conveys and quitclaims all of its right, title and interest as Grantor under the Declaration.

2. Assumption of Assignor's Obligations. Effective as of the Assignment Date, Assignee, in consideration of the Assignment hereby covenants and agrees to assume and be bound by all of the terms, covenants, agreements, conditions and provisions to be honored, observed and/or performed by Assignor as Grantor pursuant to the Declaration.

3. Assignor's Liability as Grantor Under the Declaration. Notwithstanding this Assignment, Assignor understands and hereby covenants and agrees that it shall remain fully and primarily liable for the honoring and performance of all of its obligations, covenants and agreements under and pursuant to the Declaration with respect to all obligations and liabilities of Grantor accruing prior to the Assignment Date. Assignor shall not be liable for or bound by any of the terms, covenants, agreements, conditions and provisions of the Declaration with respect to any period of time after such date.

4. Assignee's Address for Notices. As of the Assignment Date, Assignee's legal address for notices under the Declaration shall be:

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The Steel City National Bank of Chicago
3030 East 92nd Street
Chicago, Illinois 60617
Attention: Land Trust Department

IN WITNESS WHEREOF, the parties hereto have caused this Assignment of Grantor's obligations under the Declaration to be duly executed under proper authority as of the day and year first above written.

ATTEST: ASSIGNOR:
BOTABA REALTY COMPANY
BY TRANSCONTINENTAL CORPORATION
Managing General Partner

BY: [Signature] ITS: [Signature]
ITS: Asst Sec ITS: Vice President
(Corporate Seal)

| |
|--------------------------------|
| TR APPROVED: |
| LEGAL: <u>[Signature]</u> |
| ENG & ARCH: <u>[Signature]</u> |
| FINANCE: <u>[Signature]</u> |
| DEPT HEAD: <u>[Signature]</u> |

ASSIGNEE:
STEEL CITY NATIONAL BANK OF CHICAGO, as Trustee aforesaid
By: _____
Its: _____

Trustee's Rider Attached Hereto and Made A Part Hereof

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| |
|------------|
| SEARCHED |
| SERIALIZED |
| INDEXED |
| FILED |

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IN COMMISSION EXPIRES 3/6/90

NOTARY PUBLIC, COUNTY OF COOK, STATE OF ILLINOIS
LYNNE E. THOMAS
"OFFICIAL SEAL"

Notary Public

Lynne E. Thomas

I, the undersigned, a Notary Public, in and for said County, in the State of Illinois, DO HEREBY CERTIFY, that the above named Vice President - ~~XXXXXXXX~~ and Trust Officer of said STEEL CITY NATIONAL BANK, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as such officers of said Bank and caused the seal of said Bank to be thereunto affixed as their free and voluntary act and as the free and voluntary act and deed of said Bank, as thereunto Trustee aforesaid, for the uses and purposes therein set forth, GIVEN under my hand and Notarial Seal, this 21 day of March, A.D., 1988.

STATE OF ILLINOIS
COUNTY OF COOK

CORPORATE SEAL

Marilynn J. Divlins
Trust Officer

Marilynn J. Divlins
ARTIST

Lynne E. Thomas
BY:

STEEL CITY NATIONAL BANK
as Trustee, and not personally

DATE: March 21, 1988

This Assignment of Declaration is executed by STEEL CITY NATIONAL BANK, not personally, but as Trustee under Trust No. 3024, and it is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the Trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the STEEL CITY NATIONAL BANK or for any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

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LEGAL DESCRIPTION:

ALL OF LOTS 1-23 INCLUSIVE, IN RIVER OAKS WEST BUSINESS PARK, BEING
A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 24, TOWNSHIP 36
NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS

PERMANENT INDEX NUMBERS:

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| 29-24-400-032 | 13 | 29-24-200-029 | 25 |
| 520 | 14 | 420 | |

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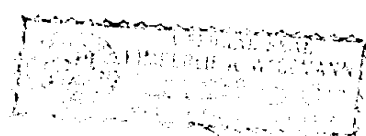
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STATE OF ILLINOIS)
COUNTY OF DELAWARE) SS

On March 16 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared J. K. WILHELM, known to me to be the VICE President and PAUL R. SCHNEIDER, known to me to be the 1ST Secretary of Transcontinental Corporation, the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of Botatz Realty Company, the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.



Signature: [Handwritten Signature]

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DEPT-01 RECORDING \$17.00
10111 TRAIL 6161 03/22/03 14:25:00
MESSA # 2 # 03--1210444
COOK COUNTY RECORDER

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SD
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