

UNOFFICIAL COPY

RECORDING REQUESTED BY
AND
WHEN RECORDED MAIL TO:
NEW ENGLAND CAPITAL CORPORATION
P.O. BOX 755
AVON, CT 06001

Space Below This Line for Recorder's Use

88246429

DECLARATION AND WAIVER

The undersigned in consideration of NEW ENGLAND CAPITAL CORPORATION ("NECC") now or hereafter leasing or extending financial accommodation with respect to certain equipment and other property to SOUTH HOLLAND METAL FINISHING CO., INC.

("Customer") in accordance with the terms of that certain lease or equipment financing agreement, as appropriate, dated December 23, 1987 and any other leases or other agreements hereafter between NECC and Customer and for other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby agree, waive and undertake as follows:

- 1. None of such property shall be deemed to be a part of or an accession or addition to or a fixture on the real estate hereafter described even though it is installed thereon or in some manner attached thereto; nor shall any such property be moved from such real estate by the undersigned until NECC's written consent thereto shall first be had and obtained.
2. The undersigned shall acquire no title to or interest in any such property by virtue of such installation or attachment. The undersigned further waives any right to seize, or to claim any interest whatsoever in, any such property on account of any claim or right the undersigned may have against any person, including, without limitation, any claim or right the undersigned may have or assert against Customer, by levy of distraint or otherwise.
3. NECC may at any time, at its option, enter upon such real estate and inspect or remove any such property at its sole cost and expense, and it agrees to make such repairs caused by any such removal to the extent reasonably necessary to restore such real estate to its condition immediately prior to such removal.
4. All of the terms and conditions of this Waiver shall be binding upon the heirs, successors in interest, assigns or encumbrancers of the undersigned and shall inure to the benefit of NECC, its successors and assigns. As used herein the term "Customer" shall include the heirs, successors in interest and assigns of Customer.

The real estate upon which such equipment and other property is located is described as per attached Exhibit A. Executed this 27th day of April, 1988.

(Owner, Lessee, Mortgagee, Beneficiary - Strike out inapplicable capacities.)

ATTEST:

Richard M. Sullivan, Assistant Secretary

Legal Name: BERKSHIRE LIFE INSURANCE COMPANY

Authorized Signer: Prescott F. Hill

Title: Vice President

Address: 700 South Street, Pittsfield, MA

(If interest is held jointly or in common all joint tenants or tenants in common must execute this document)

NOTARIAL ACKNOWLEDGEMENTS

INDIVIDUAL OR PARTNERSHIP:

STATE OF COUNTY OF ss.

On this day of 1988, before me personally came and who executed the foregoing instrument, and acknowledged that he/she executed the same (in his/her capacity as a partner and as the act of the partnership).

In witness whereof I hereunto set my hand and official seal.

(SEAL)

Notary Public

My commission expires:

CORPORATE:

STATE OF Massachusetts COUNTY OF Berkshire ss.

On this 27th day of April, 1988, before me personally came Prescott F. Hill, Vice President of the corporation that executed the foregoing instrument and to me known to be the person who executed said instrument on behalf of said corporation, and acknowledged that such corporation executed the same pursuant to its By-laws or a resolution of its Board of Directors.

In witness whereof I hereunto set my hand and official seal.

(SEAL)

Ellen I. Whittaker, Notary Public

My commissison expires: 11/2/90 L/F (5/87)

88246429

UNOFFICIAL COPY

0 9 2 4 6 4 2 9

EXHIBIT A

Property: 16219 Clinton Avenue, Harvey, Illinois 60426

Index #: 29-21-116-005-0000

Legal Desc: Lots 7 through 15 (Except the South 11 feet of Lot 15)
The East 22.92 feet of Lot 34 (Except the South 11 feet
Thereof) The East 22.92 feet of Lots 35 through 42:
All in Block 14 in Yost's Second Addition to Harvey,
being a subdivision of the West 3/4 of the Southeast
1/4 of the Northwest 1/4 of Section 21, Township 36
North, Range 14, East of the Third Principal Meridian.

ALSO:

That Part of the 16 foot wide heretofore vacated North
and South Public alley (as heretofore dedicated in
block 14 in the aforesaid Yost's 2nd Addition to Harvey)
Lying South of the Westerly Prolongation of the North
Line of Lot 7 lying North of the Westerly Prolongation
of the North line of the South 11 feet of Lot 15 in
block 14 in Yost's 2nd Addition to Harvey.

ALSO:

That Part of the heretofore vacated 33 foot wide West 1/2
of Canal Street lying East of and adjoining said block
14 (as heretofore dedicated in Yost's 2nd Addition to
Harvey aforesaid) lying South of the Easterly prolong-
ation of the North line of Lot 7 and lying North of the
Easterly Prolongation of the North Line of the South 11
feet of Lot 15 in Block 14 in Yost's 2nd Addition Harvey
aforesaid) all in Cook County, Illinois.

88246A29

UNOFFICIAL COPY

Property of Cook County Clerk's Office

7 JUN 13 4

88246429

12.00/6

12.00/6

JUN--7-88 26120 88246429 - A - Rec 12.00