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90618317

WAIVER AND CONFIRMATORY AGREEMENT

This Agreement ("Agreement") between Chicago Place Partnership, an Illinois partnership and LaSalle National Trust, N.A., successor trustee to LaSalle National Bank as Trustee under Trust Agreement dated July 1, 1986 and known as Trust No. 111297 ("Trustee") and 700 Michigan Tower Partnership, an Illinois partnership

\$22.50

RECITALS:

745555 TRAM 2017 12/20/90 14:39:00
44126 + *-90-618317
COOK COUNTY RECORDER

WHEREAS, Chicago Place Partnership conveyed to Trustee certain property described in a deed recorded August 29, 1989, as Document No. 89403639 (the "Deed"), which property was subsequently included on a Plat of Subdivision recorded September 7, 1990, as Document No. 90435974, and described as Lot 2 in Chicago Place, a resubdivision of the land, property and space within Block 46 (except the east 70.55 feet thereof) in Kinzie's Addition to Chicago in the north half of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois; and

WHEREAS, 700 Michigan Tower Partnership is sole beneficiary of Trust No. 111297.

The parties hereby agree as follows:

RIDER ATTACHED TO AND MADE A PART OF DOCUMENT
DATED 11/16/90 UNDER TRUST NO. 111297

This instrument is executed by LA SALLE NATIONAL TRUST, N.A., not personally but solely as Trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by LA SALLE NATIONAL TRUST, N.A., are undertaken by it solely as Trustee, as aforesaid, and not individually and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against LA SALLE NATIONAL TRUST, N.A., by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

FORM XX 0421

agreement referred to above.

3. Memorandum of Right of First Refusal. Chicago Place Partnership, Trustee and 700 Michigan Tower Partnership hereby confirm that the Memorandum of Right of First Refusal recorded August 29, 1989 as Document No. 89403640 is terminated, having been superseded by the Easement and Operating Agreement.

4. Limitation of Liability. The liability under this Agreement of any parties to this Agreement shall be limited to and be enforceable solely against the assets of such party constituting an interest in the Property or Owned Facilities (as such terms are defined in the Easement and Operating Agreement) and not any other assets of such

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4. Limitation of Liability. The liability under this Agreement of any parties to this Agreement shall be limited to and be enforceable solely against the assets of such party constituting an interest in the Property or Owned Facilities (as such terms are defined in the Easement and Operating Agreement) and not any other assets of such

3. Memorandum of Right of First Refusal. Chicago Place Partnership, Trustee and 700 Michigan Tower Partnership hereby confirm that the Memorandum of Right of First Refusal recorded August 29, 1989 as Document No. 89103610 is terminated, having been superseded by the Easement and Operating Agreement.

2. Corrective Deed. The provisions contained in the Deed whereby Seller is obligated to deliver a corrective deed after construction is hereby waived by Trustee, the parties hereto agreeing that no corrective deed will be required and that the parties have satisfied their obligations relative thereto under the Deed and under the Purchase/Sale Agreement referred to above.

1. Easement and Operating Agreement. Chicago Place Partnership, Trustee and 700 Michigan Tower Partnership hereby confirm that the Easement and Operating Agreement dated August 23, 1989, recorded on October 5, 1990 as Document No. 90487310 ("Easement and Operating Agreement"), satisfies the obligations of Chicago Place Partnership, Trustee and 700 Michigan Tower Partnership with regard to the Easement and Operating Agreement contained in Item 1 of Exhibit B of the Deed and in the Purchase/Sale Agreement dated September 11, 1980, as amended November 11, 1987, between Chicago Place Partnership (assignee of the original Seller, BCD-Illinois Resources Inc.) and 700 Michigan Tower Partnership (assignee of the original Purchaser, Sudler Martin, Inc.) referred to in the Deed.

This Agreement ("Agreement") between Chicago Place Partnership, an Illinois partnership and LaSalle National Trust, N.A., successor trustee to LaSalle National Bank as Trustee under Trust Agreement dated July 1, 1986 and known as Trust No. 111297 ("Trustee") and 700 Michigan Tower Partnership, an Illinois partnership

WAIVER AND CONFIRMATORY AGREEMENT

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Handwritten initials and numbers: "HHL" and "22"

Vertical text on the right edge: "COUNTY CLERK'S OFFICE"

Large diagonal watermark: "DeKalb County Clerk's Office"

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Page 1 of 1

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COOK COUNTY

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party. Assets of any partnership for purposes of this Agreement do not include the assets of the partners of such partnership. All of the representations and covenants of Trustee hereunder are undertaken solely as trustee and not individually, and no personal liability shall be asserted or shall be enforceable against it or any of the beneficiaries under the trust agreement referred to above by reason of any of Trustee's representations or covenants.

This Agreement has been entered into this 11th day of NOVEMBER, 1990.

CHICAGO PLACE PARTNERSHIP,
an Illinois partnership

700 MICHIGAN TOWER PARTNERSHIP,
an Illinois partnership

By: **RETA-CHICAGO, INC.,** a
Delaware corporation

By: **BCED-Illinois Resources**
Inc., an Illinois corporation

By: [Signature]
Title: President

By: [Signature]
Title: Executive Director

By: [Signature]
Title: VP

By: [Signature]
Title: Executive Director

By: **BCED-Illinois Resources Inc.**
an Illinois corporation

By: **Chicago Place Apartments**
Limited Partnership, an
Illinois limited partnership

By: [Signature]
Title: VP - Marketing

By: **Sudler Marling, Inc.,**
an Illinois corporation

By: [Signature]
Title: Attorney

THE RIDER ATTACHED HERETO AND MADE A PART HEREOF.
LASALLE NATIONAL TRUST, N.A.,
successor trustee to **LASALLE NATIONAL BANK,**
not individually but solely as Trustee
under Trust No. 111297

By: [Signature]
Title: Assistant Vice President

ATTEST:
[Signature]
Assistant Secretary

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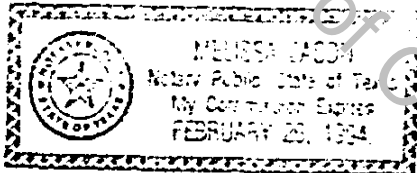
Texas
STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Melissa Saca, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Edward J. Galt, personally known to me to be the 1st President of BCED-Illinois Resources Inc., a corporation of the State of Illinois, whose name is subscribed to the within Instrument, appeared before me this day in person and acknowledged that as such 1st President, he signed and delivered the said Instrument of writing as 1st President of said Corporation to be thereunto affixed, as his free and voluntary act and as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 16 day of November, 1990.

Melissa Saca

Notary Public



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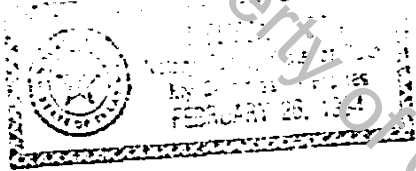
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STATE OF Texas)
COUNTY OF Brewer) SS.

I, Melissa Lane, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Timothy C. C. C. as Timothy C. C. C. of BCED-Illinois Resources Inc., an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Timothy C. C. C. appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth and as a general partner of Chicago Place Partnership, an Illinois general partnership.

GIVEN under my hand and Notarial Seal this 10 day of March, 1990.



Melissa Lane
Notary Public

My Commission Expires: _____

COOK COUNTY CLERK'S OFFICE

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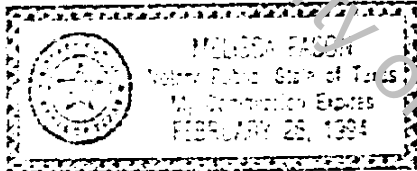
11/15/2011

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STATE OF Texas)
COUNTY OF Harris) SS.

I, Melissa Eason, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that William P. Mitchell as William Mitchell of BCED-Illinois Resources Inc., an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such William Mitchell, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth and as a general partner of 700 Michigan Tower Partnership, an Illinois general partnership.

GIVEN under my hand and Notarial Seal this 16 day of November, 1990.



Melissa Eason
Notary Public

My Commission Expires: _____

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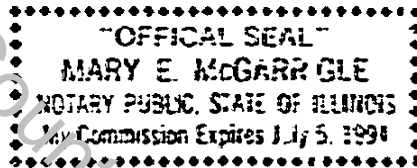
STATE OF Illinois)
) SS.
COUNTY OF Cook)

I, Mary E. McGarrigle, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Jules H. Marling, as Chairman of Sudler Marling, inc., an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Chairman, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth and as a general partner of Chicago Place Apartments, an Illinois limited partnership, as a general partner of 700 Michigan Tower Partnership, an Illinois general partnership.

GIVEN under my hand and Notarial Seal this 15th day of November, 1996.

Mary E. McGarrigle
Notary Public

My Commission Expires: _____



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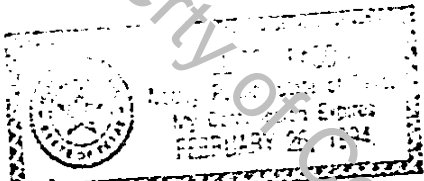
11/15/2011
11:00 AM
11/15/2011

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STATE OF Texas)
COUNTY OF Harris) SS.

I, Michelle Eason, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Michael W. Titchell, as partner of RETA-Chicago, Inc., a Delaware corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such partner, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth and as a general partner of Chicago Place Partnership, an Illinois general partnership.

GIVEN under my hand and Notarial Seal this 18 day of November, 1990.



Michelle Eason
Notary Public

My Commission Expires: _____

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STATE OF Texas)
COUNTY OF Harris) SS.

I, William East, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Will P. ... as Will P. ... of RETA-Chicago, Inc., a Delaware corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Will P. ... appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth and as a general partner of Chicago Place Partnership, an Illinois general partnership.

GIVEN under my hand and Notarial Seal this 16 day of November, 1990.



William East
Notary Public

My Commission Expires: _____

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11/11/2011

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Permanent Real Estate Index Number: 17-10-105-009-0000

This instruments was prepared
by and after recording should
be returned to:

Sue Ann Fishbein, Esq.
Rudnick & Wolfe
203 North LaSalle Street
Chicago, Illinois 60601

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