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COOK COUNTY, ILLINOIS  
FILED FOR RECORD

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WHEREAS, Benderson Development Company ("Benderson") is the fee simple owner of and is the successor in interest to Jetco Properties, Inc., a Delaware Corporation ("Jetco") of a parcel of real estate in the City of Orland Park, Cook County, Illinois described in Exhibit A hereof ("Benderson Tract"); AND

WHEREAS, Ronald Benderson, Randall Benderson, and David H. Baldauf as Trustees under a Trust Agreement dated October 14, 1985 known as the Benderson 85-1 Trust ("Trust") are the owner of a landlord's interest in that certain lease executed by Benderson as Landlord and Waban, Inc. dated June 7, 1991 ("Waban Lease"); AND

WHEREAS, Steel City National Bank of Chicago, formerly a National Banking Association and now an Illinois Corporation, as Trustee under Trust Agreement dated August 1, 1977 and known as Trust #1859 ("Steel City"), is the owner of a parcel of real estate in the City of Orland Park, Cook County, Illinois legally described in Exhibit B hereof ("Steel City Entire Tract") which adjoins the westerly boundary of the Benderson Tract; AND

WHEREAS, Steel City has entered into a Purchase Agreement with Home Depot, U.S.A., Inc., a Delaware Corporation ("Home Depot") and the Home Depot is the assignee of the Waban Lease and Steel City and Home Depot have agreed that Steel City will sell Home Depot approximately 2.66 acres of the Steel City Entire Tract, which 2.66 acres are more fully described in Exhibit C hereof ("Home Depot Expansion Tract"); AND

WHEREAS, Benderson, as successor in interest to Jetco, and the Trust as the owner of a landlord interest on the property formerly owned by Jetco, have certain rights and interests under an Agreement date July 5, 1973 and recorded November 9, 1973 as Document Number 22541514 ("Jetco Agreement") made by and between American National Bank of Chicago, as Trustee under Trust Agreement dated October 27, 1971 and known as Trust Number 76243 and Jetco.

NOW, having full knowledge and understanding of their rights and interests under the Jetco Agreement, Benderson and the Trust make the following declaration:

1. Benderson and the Trust hereby agree to forever waive any and all rights and interests they may have under paragraph IV, bearing the heading PARKING RATIO and paragraph VII bearing the heading HEIGHT in the Jetco Agreement, which restrict the Home Depot Expansion Tract.

Benderson and the Trust acknowledge and represent that this declaration shall be binding upon themselves, their successors and assigns and shall inure to the benefit of Home Depot, its successors and assigns.

MAIL TO:

MR MICHAEL LEVICK  
ALTMAN KRITZER & LEVICK, LTD.  
1101 PERIMETER DRIVE  
SCHMIDGALL, ILL. 60177

By 333

D-1 7506450

BOX 333-G11

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PAGE 04

P. 004

BENDERSON DEVELOPMENT COMPANY, INC.  
a New York Corporation

BY: [Signature]  
TITLE: J.P.

BENDERSON 49-1 TRUST DATED OCTOBER 14, 1985

BY: [Signature]  
TITLE: Trustee

BY: [Signature]  
TITLE: J.P.

THIS INSTRUMENT  
PREPARED BY:

MR. GERALD ALLEN  
ALTMAN KRITZER & LEVICK, LTD  
SUITE 440  
1101 PERIMETER DRIVE  
SCHAUMBURG, ILL. 60173

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ACKNOWLEDGMENTS

STATE OF New York )  
 )  
COUNTY OF Eric )

I, ERIC RECOON a Notary public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT RANDALL BENDERSON, personally known to me to be the VICE PRESIDENT of BENDERSON DEVELOPMENT COMPANY, INC., a New York corporation and [redacted] personally known to me to be the [redacted] Secretary of said corporation, 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 of writing as Vice president and [redacted] Secretary of said corporation and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as their 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 11<sup>th</sup> day of July, 1994.

My Commission expires

[Signature]  
Notary Public

ERIC L. RECOON  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 6/12/1995

ACKNOWLEDGMENTS

STATE OF New York )  
 )  
COUNTY OF Eric )

I, ERIC RECOON a Notary public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT RONALD BENDERSON and RANDALL BENDERSON personally known to me to be the Trustees under Banderson 85-1 Trust dated October 14, 1985 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 of writing as Trustees of said trust as their free and voluntary for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11<sup>th</sup> day of July, 1994.

My Commission expires

[Signature]  
Notary Public

ERIC L. RECOON  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 6/12/1995

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COOK COUNTY CLERK'S OFFICE  
100 N. LAUREL ST. CHICAGO, IL 60602  
TEL: (773) 399-3000 FAX: (773) 399-3001

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100 N. LAUREL ST. CHICAGO, IL 60602  
TEL: (773) 399-3000 FAX: (773) 399-3001

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EXHIBIT A

The South 665.00 feet of the West 882.00 feet of the East  
952.00 feet of the South 1/2 of the Southeast 1/4 of  
Section 13, Township 36 North, Range 12 East of the Third  
Principal Meridian, excepting therefrom the South 150.00  
feet of the East 220.00 feet of said South 1/2 of the  
Southeast 1/4 of said Section 13 all in Cook County,  
Illinois.

159 74 STREET  
WEST OF HALEM AVE  
ORLAND PARK, IL

27-13-402-007

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4/11/2010

EXHIBIT B

94620479

# PLAT OF SURVEY

THE SOUTH 665.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE EAST 952.00 FEET THEREOF AND ALSO EXCEPTING THEREFROM THE EAST 300.00 FEET OF THE WEST 650.00 FEET OF THE SOUTH 465.00 FEET OF THE SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 13) ALSO EXCEPTING THEREFROM THE EAST 10.00 FEET OF THE WEST 360.00 FEET OF THE SOUTH 562.02 FEET OF THE SOUTH 665.00 FEET OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 13, AND ALSO EXCEPTING THEREFROM THE WEST 350.00 OF THE SOUTH 665.00 FEET OF THE SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 13, ALSO EXCEPTING THEREFROM THE WEST 150.00 FEET OF EAST 1300.00 FEET OF THE SOUTH 250.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 13), IN COOK COUNTY, ILLINOIS, ( CONTAINING 728,579 SQUARE FEET OR 16.726 ACRES ).

Cook County Clerk's Office

15975 ST

WEST OF NAKLEM AVE.

ORLAND PARK ILL

27-13-402-015

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