FILLO FUR RECORD

THIS DOCUMENT IS BEING RE-RECORDED TO REPLECT THE INCLUSION OF EXHIBIT C.

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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. Cated June 7, 1991 ("Waban Lease"); AND

WHEREAS Steel Ciry 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 en ered 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 Wahan 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 Truct, which 2.66 acres are more fully described in Exhibit C hereof ("Home Depot Expension Tract"); AND

WHEREAS, Benderson, as successor in interest to Jerco, 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 is 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 Jeico 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 R MICHAGE

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P. 004

BENDERSON DEVELOPMENT COMPANY, INC.

a New York Corporation

BENDERSON 85-2 TRUST DATED OCTOBER 14, 1985

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BY:

Solly Clark

MR GERALD

ALTMAN KKITZER

SUITE 440

1101 PERIMETER

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PAGE 03

UNOFFICIAL C

COUNTY OF CACE I, ERK Record and County in the State aforesaid, DO HEREBY CERTIFY THAT RANDOLL PLANDERS ON PRESENT OF BEHDERSON DEVELOPMENT COMPANY, INC., a personally known to me to be the Victorial of Benderson development company, inc., a new York Corporation and personally acknowledged that they impressed 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 severally acknowledged that they signed the corporation and caused the corporation to be affixed thereto pursuant to authority coven by the Board of Directors of said corporation as their affect and voluntary act and as the free and voluntary act and dead or said corporation, for the uses and purposes therein set forth. Given under my hand and notarial seal this for the uses and following the companion expires of the companion of the companion expires of the companion of the companion expires of the companion of the companion of the companion expires of the companion of the compa	ACEMONIA DOMENTA
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paraonally known to me to be the Trustees under Benderson 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 alghed and delivered the said instrument of writing as Trustees of said trust as their free and voluntary for the uses and purposes therein est forth.

under hand and notarial ocal thia

Hotary Public

ERIC L. RECOON Notary Public, State of New York Qualified in Erie County
My Commission Expires 8/12/199.5 94783464

Property of Cook County Clerk's Office

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EXHIBIT B

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EXHIBIT C

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FULLOWS:

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WENT OF HAMLEM AVE.

OR CAIND PANA, III.

7-13-402-015 Clarks Office

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Proberty of Cook County Clark's Office