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Attorney No. 91018

95149759

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION

RICHARD A. HOVET and SANDRA HOVET,

Plaintiffs,


v.

No. 93 CH 8549

NBD BANK as Trustee under Trust LT 1892,
BRASEC CORPORATION, as beneficiary of NBD
Bank Trust LT 1892, and A. JACK SCHAPS, as
Trustee under the Schaps Pension Fund, now
known as The Schaps IRA Trust Fund, as
beneficiary of NBD BANK Trust No. LT 1892,

and, solely as necessary parties, as lot
owners in Prospect Heights Manor Unit
Number Two Subdivision in the City of
Prospect Heights in the County of Cook in
the State of Illinois: Donald C. Copeland,
Christopher Heavey, Lisa Heavey, Dan Mark,
Florence Loebach, John R. Haderly, Jacquelyn
B. Haderly, Kevin P. Lee, Wayne Wasielewski,
Lucille Kahout, Geo Kahout, Ann Wojcik, Ruth
M. Bodenstab, Louise L. Kaunzinger, William
G. Kaunzinger, Lorrain Mueller, James
Wintercorn, Carol Wintercorn, Robert E.
Waters, Adrienne A. Waters, Elmer G. Guritz,
Henrietta C. Guritz, Fred Remington, Leah
Remington, Nancy Winters, Stephen Kueffner,
Carolyn Kueffner, Edward Stevenson, Evelyn
Stevenson, Donald Harrington, Sheila
Harrington, Daniel F. Reid, Nancy J. Reid,
Alfred A. Roth, James E. Smith, Dawn C.
Smith, William Leininger, Doris Leininger,
Donald Campion, Marian Campion, Martin
Walter, Theresa Walter, Carol Mammoser,
Michael Mammoser, Wayne D. Raasch, Anna M.
Raasch, Jeff Gambla, Eve Gambla, Mark
Engelen, Robert Wright, Ruth Wright, John
Kurdek, Teresa Kurdek, Walter H. Bruns,
Virginia Bruns, James Maloney, Peggy Maloney,
Russ Helcher, Gisella J. Keller, Ronald
Faulkner, Katherine Faulkner, Dan Ferris,
Laurie A. Ferris, Andrew Jedrzesczyk, Julie
A. Jedrzesczyk, Phyllis Krajniak, Robert
Meyer, J. Michael Canko, Sally Canko, James
H. Straus, Lynda Straus, Michael T. Berry,
Patricia M. Berry, Robert Pagano, Margaret
Pagano, John Kalupski, Barbara Kalupski,

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cause.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the document recorded with the Recorder of Deeds of Cook County as document number 90558723 on November 15, 1990 is declared valid for all purposes, and binding on all parties to the case.

2. That the document recorded with the Recorder of Deeds of Cook County as document number 92660192 on November 17, 1992 is declared to be null and void and of no effect whatsoever.

3. That the document recorded with the Recorder of Deeds of Cook County as document number 95116149 on November 17, 1995 is declared null and void and of no effect whatsoever.

4. That the settlement agreement executed this date by counsel for the parties, with the consent of the parties and those interested in this cause, is attached hereto, and by this reference, made a part of this order, and the parties are bound by said settlement agreement as by decree of this Court.

5. This is a final order. The court finds that there is no just reason to delay the enforcement of or appeal from this order.

ENTER:

ENTERED	
CLERK OF THE CIRCUIT COURT	
LURELIA FUCINSKI	
FEB 22 1995	
Judge	JUDGE MICHAEL S. DUFFY #119
	DEPUTY CLERK

Christopher Bargio
Collins + Bargio
One North LaSalle
Chicago, Ill 60602
312-372-7813
91018



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I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE MAR 08 2008

Quintus R. Smith

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

HIS OFFICE IS THE CLERK OF THE COURT.

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SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made the day and year set forth below by and between NBD Bank, as Trustee under Trust LT 1892, Brasec Corporation, as beneficiary of NBD Bank Trust 1892, and A. Jack Schaps, as Trustee under The Schaps Pension Trust Fund, now known as The Schaps IRA Trust Fund, as beneficiary of NBD Bank Trust No. LT 1892, hereinafter "Defendants", and Richard A. Hovet and Sandra N. Hovet, hereinafter "Plaintiffs",

WITNESSETH;

WHEREAS, The case referred to in the preamble, 93 CH 8649 (the "Case") is now pending and on trial before the Honorable Michael B. Getty, a Judge and Chancellor of the Circuit Court of Cook County, and

WHEREAS, the trial is going forward on the First Amended Complaint and the Amended Countercomplaint for Interference with Prospective Contractual Relations, and

WHEREAS, the parties desire to settle this case, and have negotiated this Agreement for that purpose; said negotiations have been conducted by Joseph Lenius for the benefit of the Plaintiffs and on behalf of all of the persons owning lots in Prospect Heights Manor Unit Number 2, being a subdivision of the West 1/2 of the Northeast Quarter of Section 27, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois (except the North 1/2 of the Northwest 1/4 thereof) (the "Subdivision")

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WHEREAS, the Defendants are the owners of the property described in paragraph 1 of a certain Amended Counterclaim for Interference with Contractual Relations filed in the Case on June 30, 1994, as described in Exhibit 1 to this Agreement (the "Property")

WHEREAS, the Property is currently zoned "B-4" under the zoning ordinance in force in the City of Prospect Heights, Cook County, Illinois,

WHEREAS, Plaintiffs have urged that a single story structure be constructed on the Property, or in the alternative, that a multi-story structure be sited as far from existing residential lot lines consistent with City of Prospect Heights' ordinances. Defendants are seeking a buyer and, therefore, cannot control final construction on the Property. Plaintiffs and Defendants acknowledge a mutual desire to have an aesthetically pleasing structure on the Property.

NOW THEREFORE, for and in consideration of the matters herein recited, and in further consideration of the payment required hereunder to be made to the Plaintiffs, the parties agree as follows:

1. The Defendants will pay to the Plaintiffs the sum of \$10,000.00 within 21 days from the date of the entry of a final order in the Case.
2. The document recorded with the Recorder of Deeds of

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Cook County as document number 90558729 on November 15, 1990 is and shall be considered valid for all purposes, and binding on all parties to the Case.

3. The document recorded with the Recorder of Deeds of Cook County as document number 92860182 on November 17, 1992 is and shall be considered null and void and of no effect whatsoever, and such statement of invalidity is and shall be binding on all parties to the Case.

4. The document recorded with the Recorder of Deeds of Cook County as document number 95116149 on February 17, 1995 is and shall be considered null and void and of no effect whatsoever, and such statement of invalidity is and shall be binding on all parties to the Case.

5. The Defendants will not seek any change in the present zoning of the Property. Defendants agree that any use of the Property will have high standards of performance such that said uses can locate in close proximity to residential and business uses without creating nuisances and with sufficient control of external effects to protect the character and value of one property from another.

6. The Defendants will abide by the height and side yard restrictions applicable to properties zoned B-4 and located in Prospect Heights, Cook County, Illinois.

7. Defendants agree that the location of access points, building and sign location, design of parking lots

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and landscape improvements shall be reviewed and approved by the Site Plan Review Committee or its agent for the City of Prospect Heights.

8. Defendants agree that the permitted uses of the Property, as zoned, are Business, professional and governmental offices, Educational institutions.

9. The restrictive covenants contained in the plat of the Subdivision, recorded with the Recorder of Deeds of Cook County as document number 13691417 shall remain in full force and effect in the Subdivision except as to the Property.

10. This Agreement shall be incorporated into the final order to be entered by agreement in the Case and shall be binding on the parties as a final order of the Circuit Court of Cook County, Illinois.

11. Upon execution of this Agreement, Plaintiffs shall dismiss their First Amended Complaint with prejudice and without costs. Upon execution of this Agreement, Defendants agree to dismiss their Amended Counterclaim for Interference with Prospective Contractual Relations with prejudice and without costs.

12. The Court shall retain jurisdiction of this case in order to enforce the terms of this Settlement Agreement.

Agreed to in open court at Chicago this 28 day of February, 1995, as a settlement of a pending case on trial.

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Defendants'

By *[Signature]*

A. Zwickelbach by his attorney -

Plaintiffs

Adrian Fisher

By *[Signature]*

Sandra N. Howard

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Lots 7 and 8 in Block 7 in Prospect Heights Manor Unit Number 2, being a subdivision of the West 1/2 of the Northeast 1/4 of Section 27, Township 42 North, Range 11 East of the Third Principal Meridian, (except the North 1/2 of the Northwest 1/4 thereof) according to the plat thereof recorded January 7, 1946 as Document Number 13691417 in Cook County, Illinois, excepting from the aforesaid tract that part of Lot 8 bounded and described as follows: Beginning at the Southwest corner of said Lot 8 in Block 7 in Prospect Heights Manor Unit Number 2 Subdivision; thence on an assumed bearing of North 00 Degrees 00 Minutes 00 Seconds East 15.00 feet along the West line of said Lot 8; thence South 58 Degrees 34 Minutes 23 Seconds East 29.19 feet to a point in the South line of said Lot 8, thence North 69 Degrees 49 Minutes 24 Seconds West 25.00 feet along the said South line of Lot 8 to the point of beginning.

Commonly Known As: 215 S. Elmhurst Road
Prospect Heights, IL

Permanent Index Nos: 03-27-208-007-0000
03-27-208-008-0000

Exhibit 1

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