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95399897

ABROGATION OF COVENANTS AND RESTRICTIONS

① RF 02 7319906

THIS ABROGATION OF COVENANTS AND RESTRICTIONS ("Agreement") is executed this 7th day of June, 1995, by Dolton Development Company, a Kansas general partnership ("Dolton Devco"), White Castle System, Inc., a Delaware corporation ("White Castle"), and Willie C. Clifton and Annie C. Clifton, husband and wife ("Clifton").

WITNESSETH:

WHEREAS, Dolton Devco is the owner of real estate described legally on Exhibit "A" hereto attached ("Dolton Devco Land"), and

WHEREAS, White Castle is the owner of real estate described legally on Exhibit "B" hereto attached ("White Castle Land"), and

WHEREAS, Clifton is the owner of real estate described legally on Exhibit "C" hereto attached ("Clifton Land"), and

WHEREAS, the Dolton Devco Land is encumbered by Covenants and Restrictions identified on Exhibit "D" hereto attached ("Dolton Devco Covenants and Restrictions"), and

WHEREAS, the White Castle Land is encumbered by Covenants and Restrictions identified on Exhibit "E" hereto attached ("White Castle Covenants and Restrictions"), and

WHEREAS, the Clifton Land is encumbered by Covenants and Restrictions identified on Exhibit "F" hereto attached ("Clifton Covenants and Restrictions"), and

WHEREAS, the Dolton Devco Covenants and Restrictions, the White Castle Covenants and Restrictions and the Clifton Covenants and Restrictions are hereinafter collectively referred to as the "Covenants and Restrictions", and

WHEREAS, Dolton Devco, White Castle and Clifton wish to abrogate and terminate the Covenants and Restrictions,

NOW THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between Dolton Devco, White Castle and Clifton as follows:

1) The Covenants and Restrictions, as well as any and all other covenants and restrictions which may exist with regard to the land described on Exhibits "A", "B" and "C" which may be mutually enforceable among the parties to this Agreement and which are not listed on Exhibits "D", "E" and "F", are fully abrogated and terminated effective as of the date and year first above written.

345ⁿ
342^p

687^r
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DEPT-01 RECORDING \$345.00
TRAN 4790 06/21/95 14:27:00
#6418 # JH *--95--399897
COOK COUNTY RECORDER
DEPT-10 PENALTY \$342.00

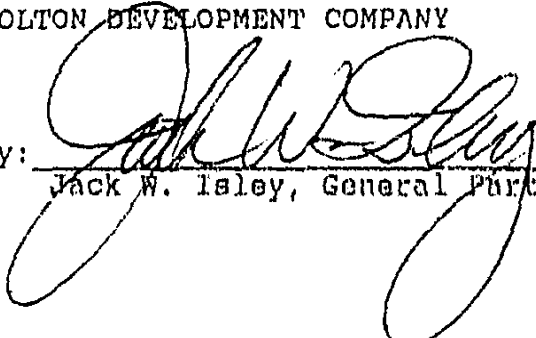
6/21/95 14:27:00

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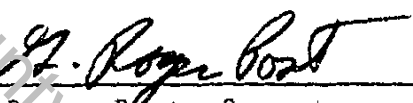
2) Any provisions herein to the contrary notwithstanding, it is understood and agreed that the restrictive covenant set forth at paragraph ___ of that certain Easement Agreement entered into of even date herewith by and between Dolton Devco and White Castle and recorded simultaneously with this Agreement is neither abrogated nor terminated, but remains in full force and effect, unaffected by this Agreement.

3) This Agreement may be executed in separate original counterparts, and when all such original signatures are hereto attached, shall constitute one complete originally executed Agreement.


DOLTON DEVELOPMENT COMPANY

By: 
Jack W. Isley, General Partner

WHITE CASTLE SYSTEM, INC.

By: 
G. Roger Post, Secretary


Willie C. Clifton


Annie C. Clifton

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STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

On this 7th day of June, 1995, before me, the undersigned Notary Public, appeared Jack W. Isley, to me personally known, who being by me duly sworn, did say that he is one of the general partners of Dolton Development Company, a Kansas general partnership, and that said instrument was signed on behalf of said general partnership by authority of its partners, and said Jack W. Isley acknowledged said instrument to be the free act and deed of said general partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Overland Park, Johnson County, Kansas, the day and year last above written.



DeAnn L. Coote
Notary Public

My Commission expires:
7-15-96

STATE OF OHIO)
) SS.
COUNTY OF FRANKLIN)

On this 13th day of June, 1995, before me, the undersigned Notary Public, appeared G. Roger Post, to me personally known, who being by me duly sworn, did say that he is the Secretary of White Castle System, Inc., a Delaware corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Secretary acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Columbus, Ohio, the day and year last above written.

Frances Thompson
Notary Public

My Commission expires:

FRANCES THOMPSON
NOTARY PUBLIC - STATE OF OHIO
My Commission Expires Aug. 1, 1998

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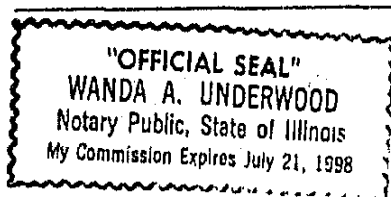
STATE OF Illinois)
COUNTY OF Cook) SS.

On this 14 day of June, 1995, before me, the undersigned, a Notary Public, personally appeared Willie C. Clifton and Annie C. Clifton, husband and wife, to me known to be the same persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Wanda A. Underwood
Notary Public

My Commission expires:



Prepared by + mail to:
Tena Venture
6711 W. 121st St
Overland Park, Kansas
66209
Attn: Jack Selley

BOX 333-CTI

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2025/01/08 10:00 AM

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EXHIBIT "A"

LOTS 1 TO 4 BOTH INCLUSIVE, LOTS 6 TO 12 BOTH INCLUSIVE, LOTS 18 TO 20 BOTH INCLUSIVE, ALL IN BLOCK 2; LOTS 1 TO 12 BOTH INCLUSIVE, LOTS 15 TO 28 BOTH INCLUSIVE, ALL IN BLOCK 3; LOTS 5 TO 37 BOTH INCLUSIVE, ALL IN BLOCK 4; LOTS 1 TO 14, BOTH INCLUSIVE (EXCEPT THOSE PARTS OF LOTS 13 AND 14 TAKEN FOR ROAD) LOTS 16 TO 24 BOTH INCLUSIVE (EXCEPT THOSE PARTS OF LOTS 16 AND 17 TAKEN FOR ROAD) ALL IN BLOCK 5; LOTS 15 TO 24 BOTH INCLUSIVE AND LOTS 26, 28 AND 29 ALL IN BLOCK 6; LOTS 31 AND 32 BOTH IN BLOCK 7, ALL IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 5 IN BLOCK 2 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOTS 13 AND 14 IN BLOCK 2 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOTS 15 AND 16 IN BLOCK 2 IN CALUMET TERRACE DELUXE BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 17 IN BLOCK 2 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOTS 13 AND 14 IN BLOCK 3 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 27 IN BLOCK 6 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "A"
(continued)

LOT 15 (EXCEPT PART TAKEN FOR ROAD) IN BLOCK 5 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 25 IN BLOCK 5 IN CALUMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "B"

Lots 6 to 14, both inclusive, (except that part of Lots 6 to 12 aforesaid lying South of a line 50 feet North of and parallel to the East and West quarter line of Section 11) in Block 6, all in Calumet Terrace Deluxe Subdivision, being a subdivision of that part North of Michigan City Road of the Southeast 1/4 of the Northeast 1/4 of Section 11, Township 36 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

PTNS 29-11-220-038
29-11-221-029
29-11-222-029
29-11-228-075
29-11-229-029
29-11-230-001
29-11-230-002

Address - SE corner of Stewart & Porchester,
Pittman, FL

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EXHIBIT "C"

LOTS 1, 2, 3 AND 4 IN BLOCK 4 IN CALAMET TERRACE DELUXE, BEING A SUBDIVISION OF THAT PART NORTH OF MICHIGAN CITY ROAD OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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EXHIBIT "D"

COVENANTS AND RESTRICTIONS CONTAINED IN DEEDS RECORDED AS DOCUMENTS 11210300, 10040173, 13773356, 9914323, 9601091, 11717032, 19316106, 17240172, 10037514, 9041475, 10106327, 10342305, 10192035, 10040905, 9695642, 9927401, 10204507, 9990500, 10015942, 17552776, 17869447, 0691924, 9904334, 13045309, 10149420, 9620290, 9070326, 10095940, 9392792, 9392703, 17456379, 9392702, 9392704, 9392705, 9392706, 9392707, 9392708, 10946110, 9631741, 12246050, 12570660, 10035668, 1901030, 9630765, 9762515, 10932926, 10613576, 10695631, 9904105, 10301992, 11762101, 10359352, 17092367, 9621654, 10007069, 10227270, 17663219, 10023567, 10608192 RELATING TO USE, LOCATION AND COST.

COVENANTS AND RESTRICTIONS RELATING TO USE, COST AND LOCATION OF BUILDINGS ERECTED ON THE LAND CONTAINED IN THE DEED RECORDED AS DOCUMENT NUMBER 9795654.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED AS DOCUMENT 10803079 RELATING TO USE, LOCATION COST OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS RELATING TO USE, LOCATION AND COST CONTAINED IN THE DEED RECORDED AS DOCUMENT NUMBER 10646749 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.

COVENANTS AND RESTRICTIONS RELATING TO USE, LOCATION AND COST OF BUILDINGS TO BE ERECTED ON THE LAND CONTAINED IN THE DEED RECORDED AS DOCUMENT NUMBER 9795654 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED AS DOCUMENTS 9992667, 9992668 RELATING TO USE, LOCATION AND COST OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS RELATING TO USE, LOCATION AND COST OF BUILDINGS TO BE ERECTED ON THE LAND CONTAINED IN THE DEED RECORDED AS DOCUMENT NUMBER 9943953.

COVENANTS AND RESTRICTIONS RELATING TO USE, COST, CHARACTER AND LOCATION OF BUILDINGS ON THE LAND CONTAINED IN THE DEEDS RECORDED AS DOCUMENT NUMBERS 9795654, 10260440.

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EXHIBIT "E"

COVENANTS AND RESTRICTIONS CONTAINED IN THE DEED RECORDED APRIL 6, 1928 AS DOCUMENT 9979438 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED MARCH 21, 1947 AS DOCUMENT 14017910 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED MARCH 1, 1930 AS DOCUMENT 10604149 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED FEBRUARY 15, 1928 AS DOCUMENT 9927932 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED APRIL 2, 1943 AS DOCUMENT 13067087 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED DATED MAY 15, 1929 AND RECORDED JUNE 25, 1929 AS DOCUMENT 10410098 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED JUNE 4, 1936 AS DOCUMENT 11825895 RELATING TO THE USE AND CONSTRUCTION OF BUILDINGS TO BE ERECTED ON THE LAND.

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EXHIBIT "P"

COVENANTS AND RESTRICTIONS RELATING TO USE, LOCATION AND COST OF BUILDINGS TO BE ERRECTED ON THE LAND CONTAINED IN THE DEEDS RECORDED AS DOCUMENT NUMBERS 10297739, 11210300 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.

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