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ENVIRONMENTAL INDEMNITY AGREEMENT

7586478/96009337 OF XPK (8)

This Environmental Indemnity Agreement (the "Indemnity Agreement") is made this 23rd day of February, 1996 by BABOO, INC., GEORGE R. PAPPAS, and PATRICIA L. PAPPAS (herein collectively known as "Indemnitor"), to and for the benefit of U.S. BANK, an Illinois Banking Corporation ("Lender").

WHEREAS Indemnitor has or had control, possession, or an ownership interest in and to certain properties located in Chicago, Illinois, which are more specifically described in Exhibit "A" which is attached hereto and made a part hereof, (hereinafter referred to as the "Property"), and which secures or will secure a loan made or to be made by Lender to Indemnitor; and

WHEREAS, as one of the conditions of making the Loan, Lender is requiring the execution and delivery of this Agreement.

NOW, THEREFORE, to induce Lender to make the Loan and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Indemnitor hereby represents, warrants, covenants and otherwise agrees as follows:

1. Indemnitor represents and warrants that, to the best of Indemnitor's knowledge, there are no known or unknown nor have there been any, nor will Indemnitor cause there to be any hazardous, toxic or dangerous materials, wastes, substances, pollutants or other contaminants of any kind whatsoever (hereinafter collectively referred to as "Hazardous Materials and Wastes"), generated, released, stored, deposited, buried or otherwise located beneath, over, in or upon, or which have been or will be used in the construction of facilities on, the Property, or which are or could be or become detrimental to the Property, human health or the environment generally, or which are or could be or become a violation of any federal, state, or local statute, law, ordinance, code rule, regulation, order or decree regulating, relating to or imposing liability or standards of conduct concerning any Hazardous Materials and Wastes now or at any time hereafter in effect.

2. Indemnitor covenants and agrees, that he shall indemnify and hold harmless Lender from, and defend Lender against, any and all claims, losses, damages and other injuries arising out of or in any way relating to the discovery of Hazardous Materials or Wastes beneath, over, in or upon the Property, or a breach of any of the representations and warranties set forth in Paragraph 1 above, including, but not limited to: (a) claims of third parties (including governmental agencies) for damages, penalties, response and clean-up costs, and also claims for injunctive relief; (b) costs and expenses of removal and restoration.

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3. In the event that Lender incurs any costs (including attorneys' fees and court costs) to collect or enforce Indemnitor's obligations hereunder, Indemnitor shall, on demand by Lender, immediately reimburse Lender therefor.


4. This Indemnity Agreement shall be construed according to the laws of the State of Illinois, and venue shall be in Cook County, Illinois.

IN WITNESS WHEREOF, Indemnitor has executed this Indemnity Agreement as of the date first above written.

BABOO, INC.

BY

ATTEST

  
\_\_\_\_\_  
GEORGE R. PAPPAS

  
\_\_\_\_\_  
PATRICIA L. PAPPAS

Cook County Clerk's Office

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## EXHIBIT "A"

### Parcel 1

An irregular parcel of land situated in the Northeast 1/4 of Section 36, Township 37 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois more particularly described as follows:

Commencing at the point of intersection of the South Line of East 130th Street and the West Line of South Torrence Avenue, said point also being 50 feet South and 50 feet West of the Northeast Corner of said Section 36, thence West along the South Line of East 130th Street, a distance of 227 feet, more or less, to the point of beginning; thence continuing West a distance of 83.55 feet, more or less, to the Easterly Line of property conveyed by the Illinois Central Railroad Company to the New York, Chicago and St. Louis Railroad Company by Deed dated August 12th, 1926; thence Southeasterly along said Easterly right of way line a distance of 182 feet, more or less to a point of intersection with the most Northerly wall of a brick and concrete block building, and its Southwesterly elongation; thence Northeasterly a distance of 50 feet more or less; thence Northwesterly a distance of 99 feet, more or less, to a point; thence North 25 feet, more or less to the point of beginning.

### Parcel 2

An irregular parcel of land situated in the Northeast 1/4 of Section 36, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois more particularly described as follows:

Commencing at the point of intersection of the South Line of East 130th Street and the West Line of South Torrence Avenue, said point also being 50 feet South and 50 feet West of the Northeast Corner of said Section 36, Thence West along the South Line of East 130th Street, a distance of 69 feet to the point of beginning, said point of beginning also being the point of intersection with the most Northerly wall of a brick and concrete block building, and its Northeasterly elongation; thence Southwesterly, a distance of 123 feet, more or less; thence Northwesterly along a line 99 feet, more or less, to a point 25 feet South and 158 feet, more or less, West of the point of beginning; thence North 25 feet, more or less, to the South Line of East 130th Street, which point is 158 feet, more or less, West of the point of beginning, thence East along the South Line of East 130th Street, a distance of 158 feet, more or less, to the point of beginning.

PIN:           25-36-100-023   (Affects Parcel 1)  
              25-36-100-022   (Affects Parcel 2)  
              25-36-100-021   (Affects Parcel 2 and other property)

Common Address:       2665 East 130th Street  
                          Chicago, Illinois 60633

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## Parcel 3

An irregular parcel of land situated in the Northeast 1/4 of Section 36, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois more particularly described as follows:

Commencing at the point of intersection of the South Line of East 130th Street and the West Line of South Torrence Avenue, said point also being 50 feet South and 50 feet West of the Northeast corner of said Section 36, thence Southerly and parallel, with and 50 feet Westerly of the East Line of said Section 36, (said Line also being the West Line of Torrence Avenue) a distance of 112.72 feet more or less, to the point of beginning, thence continuing Southerly 157 feet, more or less, along the West Line of Torrence Avenue, to the Northerly Line of the parcel of real estate conveyed by the Illinois Central Railroad Company to the Kensington and Eastern Railroad Company by Deed dated April 19, 1908, thence Westerly on the said Kensington and Eastern Railroad Company's Northerly property Line, (said Northerly Property Line being a curved Line, convex to the North East and having a radius of 1507.69 feet) a distance of 67.42 feet to the Easterly Line of property conveyed by the Illinois Central Railroad Company to the New York, Chicago and St. Louis Railroad Company by Deed dated August 12, 1926, thence Northwesterly of the said New York, Chicago and St. Louis Railroad Company's Easterly property Line a distance of 64.17 feet, more or less, thence Northeasterly to the point of beginning.

PIN: 25-36-100-020

Common Address: 13010 Torrence Avenue  
Chicago, Illinois 60632

DEPT-01 RECORDING \$27.00  
750012 TRAN 9335 02/27/96 15:20:00  
44850 CG \*-96-150022  
COOK COUNTY RECORDER  
DEPT-10 PENALTY \$24.00

## Parcel 4

Lot 1 in John W. Ries Resubdivision of Lots 1 to 4 both inclusive in Block 1 in Congdon's Ridge Addition to Rogers Park, a Subdivision of the South 50 acres of the Southwest 1/4 of Section 30, Township 41, North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois

PIN: 11-30-317-036

Common Address: 2012 W. Chase  
Chicago, Illinois 60645

Prepared By:  
Steven J. Colombo  
Return To: Box 342

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