

AFFIDAVIT

I, Michael S. Tarnoff, a Senior Vice President of the Jewish Federation of Metropolitan Chicago, an Illinois not-for-profit corporation ("Federation"), being first duly sworn on oath, state as follows:

1. Federation is the owner of certain vacant property located west of Woodley Road and east of Hibbard Road in Winnetka, Illinois, such property being particularly described in Exhibit B of the attached Sewer Easement Agreement, dated February 26, 1986 (such agreement the "Agreement" and such property the "Benefitted Property");

2. Federation is the successor in interest to the Grantee named in the Agreement and holds title to the Benefitted Property in fee simple;

3. Grantor is the owner of the property located on the west line of Woodley Road in Winnetka, Illinois, and adjacent and contiguous to the Benefitted Property, such property being particularly described in Exhibit A of the Agreement (the "Burdened Property");

4. The parties to the Agreement entered into the Agreement for the purpose of granting a non-exclusive easement to the Grantee, his heirs and assigns, for a sanitary sewer line across, over and under the Burdened Property for the benefit of the Benefitted Property, in order that improvements on the Benefitted Property could be connected to a sanitary sewer line running along Woodley Road. The easement premises are described in Exhibit C of the Agreement;

5. On information and belief, it was the intention of the parties to the Agreement that it was to have been recorded with the Cook County Recorder of Deeds at the time of its execution and delivery. This recording, apparently through inadvertence, did not take place, and the original Agreement cannot be located. The parties now desire to place the Agreement of record; and

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6. Attached hereto is a true and correct copy of the Agreement, which Agreement has not been in any way modified, amended or rescinded.

FURTHER AFFIANT SAYETH NOT.



Michael B. Tarnoff

Michael B. Tarnoff
Senior Vice President, Administration & Finance
Jewish Federation of Metropolitan Chicago

SUBSCRIBED and SWORN to
before me this 31st day of October
_____, 1997.

Jeffrey C. King

Notary Public

This Instrument Prepared by and
After Recording Mail To:
Lawrence J. Moss
D'Ancona & Pflaum
30 N. LaSalle Street
Suite 2900
Chicago, Illinois 60602

Recorder's Box No. 389(LJM)

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LEGAL DESCRIPTIONS

EXHIBIT A

ALL THOSE PARTS OF LOT 15 IN BERNARD KLOEPLER'S RESUBDIVISION OF PART OF THE W 1/2 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JANUARY 4, 1888 IN BOOK 27 OF PLATS, PAGE 35 AS DOCUMENT 910549, DESCRIBED AS FOLLOWS: THE EAST 380.38 FEET OF THE WEST HALF OF SAID LOT 15; ALSO THAT PART OF THE EAST HALF OF SAID LOT 15 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID LOT 15; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 15, 17 FEET TO ITS INTERSECTION WITH THE CENTER LINE OF A RECORDED EASEMENT; THENCE SOUTHERLY ALONG A STRAIGHT LINE, BEING THE CENTER LINE OF SAID RECORDED EASEMENT 92.1 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID RECORDED EASEMENT BEING A CURVE CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 155.61 FEET, 73.57 FEET AS MEASURED ALONG THE CHORD TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID LOT 15; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 15, 27.2 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID LOT 15; THENCE NORTH ALONG THE WEST LINE OF SAID EAST HALF OF SAID LOT 15, 164.99 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PERMANENT REAL ESTATE TAX INDEX NO.: 05-29-102-096

EXHIBIT B

THE WEST 1/2 (EXCEPT THE EAST 380.38 FEET THEREOF) OF LOT 15 OF BERNARD KLOEPFER'S RESUBDIVISION OF A PART OF THE WEST 1/2 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT REAL ESTATE TAX INDEX NO.: 05-29-102-097

EXHIBIT C

Parcel I

That part of the West half of Lot 15 in Bernard Kloepler's Resubdivision of part of the West half of Section 29, Township 42 North, Range 13, East of the Third Principal Meridian, according to the Plat thereof recorded January 4, 1888, in Book 27 of Plats, page 35 as Document Number 910549, in Cook County, Illinois, described as follows: Beginning at a point on the North line of said Lot 15, 17.0 feet East of the Northwest corner of the East half of said Lot 15, which point is the center line of a recorded Easement known as Woodley Road; Thence West on the North line of said Lot 15, 25.0 feet to the West line of said Woodley Road; Thence South on the West line of said Woodley Road 20.0 feet to a point on the South line of a 20 foot Easement and the place of beginning of the herein described Easement; Thence West on a line 20 feet South of and parallel to the North line of

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said Lot 15 and the South line of the aforesaid 20 foot Easement, 25 feet to a point; Thence Southeasterly 26.54 feet more or less to a point on the West line of the aforesaid Woodley Road, 30 feet South of the North line of said Lot 15; Thence North on the West line of said Woodley Road, 10 feet to the place of beginning.

Parcel II

That part of the West half of Lot 15 in Bernard Klopfer's Resubdivision of part of the West half of Section 29, Township 42 North, Range 13, East of the Third Principal Meridian, according to the Plat thereof recorded January 4, 1888, in Book 27 of Plats, page 35 as Document Number 910549, in Cook County, Illinois, described as follows: Beginning at a point on the North line of said Lot 15, 17.0 feet East of the Northwest corner of the East half of said Lot 15, which point is the center line of a recorded Easement known as Woodley Road; 25.0 feet to the West line of said Woodley Road to a point of beginning; Thence West on the North line of said Lot 15, 227.38 feet; Thence South 20 feet; Thence East on a line 20 feet South of and parallel to the North line of said Lot 15 and the South line of the aforesaid 20 foot Easement, 397.38 feet; Thence North 20 feet to the place of beginning.

Address of Property: Vacant land, Woodley Road, Winnetka, Illinois
Permanent Real Estate Tax Index Number: 05-29-102-096 and -097

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SEWER EASEMENT AGREEMENT

The grantor, Mary Baker Moulding, a widow who has not since remarried, (hereinafter referred to as "Grantor"), being the owner of a parcel of land described on Exhibit A attached hereto and made a part hereof, located in Winnetka, Illinois, hereby gives and grants to Charles L. Page, ^{MAN} _{/being the owner of the Property described on Exhibit B} (hereinafter referred to as "Grantee"), his successors and assigns, a non-exclusive easement for sanitary sewer purposes, to construct, maintain, renew and remove from time to time underground sanitary sewer lines ("Sewer Facilities") under the property described on Exhibit C attached hereto and made a part hereof (the "Sewer Easement Area"). The foregoing easement is granted subject to the following terms and conditions:

1. All sewer facilities shall be installed underground in the Sewer Easement Area.

2. Grantor reserves the right to use the Sewer Easement Area for all purposes, including but not limited to the construction, maintenance, operation, replacement and removal of roadways, driveways, curbs and gutters, parking areas, walks, lighting, landscaping and other utility facilities and all appurtenances thereto providing said use does not unreasonably interfere with the operation of the Sewer Facilities and the easement herein granted.

3. From and after the date of this Agreement, Grantee shall be solely responsible for the maintenance and repair of any Sewer Facilities installed in the Sewer Easement Area. ^{THOMAS} _{Installation and} Any such maintenance and repair shall be performed only after two weeks notice to the Grantor of the intention of Grantee to do such work

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C.P. MAM
which notice shall be given, except in the case of emergency, in Grantee's reasonable judgment.

Any installation and repairs shall be done at the sole cost of and expense of the Grantee and shall be done in such a manner as to cause as little disturbance in the use of the Grantor's parcel as possible under the circumstances. Grantee, at sole cost and expense, shall ~~restore substantially to its condition prior to~~ *C.P. MAM* ^{reseed and regrade the easement area following}

the installation of the sewer facilities and ~~prior to any~~

C.P. MAM
During installation, Grantee shall bore under ~~such portions of the Grantor's parcel as~~ *C.P. MAM*
the driveway at Grantor's house; at immediate front of house where driveway *C.P.*
~~are damaged by such work.~~ curves.

C.P. MAM
4. Grantee agrees to indemnify, reimburse, defend, save and keep harmless Grantor from any loss, damage or expense which it may suffer, incur or sustain growing out of any injury to or death of persons or damage to or loss of real or personal property arising out of or from the actions of the Grantee, its contractors, employees or agents in connection with the construction or maintenance of the sewer facilities and the Grantee further covenants and agrees that in case any claim, action or actions or suit or suits shall be commenced against the Grantor growing out of any such loss, damage, cost or expense, such Grantor shall give written notice thereof to the Grantee and the Grantee shall save and keep harmless the Grantor from all expenses, attorney's fees, costs, liabilities, disbursements, recoveries, judgments and executions in any manner, growing out of, pertaining to or in connection therewith provided, however, that nothing herein shall obligate the Grantee to indemnify the *MAM* ^{and omissions} Grantor from any liability arising out of any ~~negligent acts~~ *C.P.* of the Grantor, its employees or agents. If Grantor damages Grantee's sewer facilities, Grantor shall reimburse Grantee for the aforesaid damage. *MAM*

C.P.

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5. The easement herein granted shall terminate upon the mutual agreement of the parties or upon removal of all Sewer Facilities located within the Sewer Easement Area, or (ii) abandonment of the subject easement by the Grantee, ^{after fifteen years} whichever shall *CIP* *Moss* first occur.

6. This Easement Agreement is made and executed by the Grantor subject to all liens, encumbrances, prior easements, restrictions, covenants and other matters of record.

The Easement Agreement shall run with the land and all agreements, covenants and conditions contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective grantees, successors and assigns.

8. This Easement Agreement may be executed in two or more separate counterparts each of which shall be deemed an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, Grantor and Grantee have executed this grant of easement the 26 day of February, 1986.

Mary Baker Moulding
Mary Baker Moulding

Charles L. Page
Charles L. Page

(677/E)

This Instrument Prepared By
and Return To:
Lawrence J. Moss
D'Ancona & Pflaum
30 N. LaSalle St., Ste. 2900
Chicago, IL 60602
BOX 389

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STATE OF ILLINOIS)
COUNTY OF Cook) SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Mary Baker Moulding personally known to me to be the same person, whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 26th day of February, 1986.

BW Adler
Notary Public

My Commission expires:

January 6, 1990

STATE OF ILLINOIS)
COUNTY OF Cook) SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Charles L. Page personally known to me to be the same person, whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 26th day of February, 1986.

BW Adler
Notary Public

My Commission expires:

January 6, 1990

(677/E)

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Vacant land, Woodley Road, Winnetka, Illinois

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