

DECLARATION



Know all men by these present that the undersigned, American National Bank and Trust Company of Chicago, not personally but as trustee (the "Trustee") under Trust Agreement dated October 24, 1995, and known as Trust Number 119919-008 which holds title to that certain real estate (the "Premises") the legal description of which is set forth in Exhibit A hereto, does hereby covenant and agree for its successors and assigns as follows:

- (a) that the maintenance and repair of the common sewer lines located anywhere on the Premises from the point of connection to the main sewer in the public street shall be the responsibility of the owners of the townhomes to be constructed thereon or a homeowner's association formed by such owners, and shall not be the responsibility of the City of Chicago.
- (b) that the covenant set forth in (a) above shall run with the land and shall be binding upon all subsequent grantees.

This Declaration is made to induce the City of Chicago to furnish sewer and water service to the Premises.

It is expressly understood and agreed, anything herein to the contrary notwithstanding, that each of and all representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the representations, covenants, undertakings and agreements of said Trustee, are nevertheless made and intended not as personal representations, covenants, undertakings and agreements by Trustee or for the purpose or with the intention of binding said Trustee personally, but are made and intended for the purpose or with the intention of binding that portion of the trust property specifically described herein held by the Trustee in its trust capacities hereinbefore recited, and that this instrument is executed and delivered by said Trustee in its own right, but solely in the exercise of the powers conferred upon it as Trustee under Trust Number 119919-008, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against Trustee on account of this instrument or on account of any representation, covenant, undertaking or agreement of the Trustee in this instrument contained, either express or implied, all such personal liability, if any, being expressly waived and released. It is understood and agreed by the parties hereto that Trustee in executing this Declaration as the legal title holder of the Premises does so solely for the purpose of binding the Premises to the terms, conditions and provisions of this Declaration.

This document prepared by and upon recording return to:
Kristen T. Saam
Charity & Associates
20 N. Clark, Suite 700
Chicago, Illinois 60602

IN WITNESS WHEREOF, the Trustee has caused this instrument to be executed by their respective officers thereunto duly authorized as of this 21 day of October, 1998.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but as Trustee under Trust Agreement dated October 24, 1995, and known as Trust Number 119919-008

By: [Signature]
Its: TRUST OFFICER

ATTEST:

By: [Signature]
Its: ASSISTANT SECRETARY

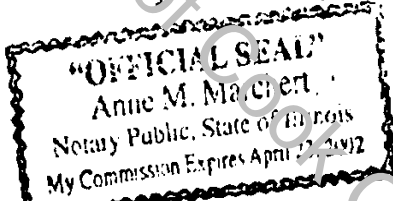
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Anne M. Marchert

I, _____, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that EILEEN F. NEARY, personally known to me to be the TRUST OFFICER of American National Bank and Trust Company of Chicago and GREGORY S. KASPRZYK personally known to me to be the ASSISTANT SECRETARY of said Bank, whose names are subscribed to within this Instrument appeared before me this day in person and severally acknowledged that as such TRUST OFFICER and ASSISTANT SECRETARY they signed and delivered the said Instrument as TRUST OFFICER and ASSISTANT SECRETARY, of said Bank as their free and voluntary act and as the free and voluntary act and deed of said Bank, as Trustee aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 21 day of October, 1998.



Anne M. Marchert
Notary Public

My commission expires:

County Clerk's Office

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 TO 9, INCLUSIVE, AND LOTS 11, 12 AND 13 AND VACATED 16-FOOT ALLEY BETWEEN SAID LOTS IN THE SUBDIVISION OF LOTS 1 AND 2 OF BLOCK 6 IN THE RESUBDIVISION OF BLOCKS 6, 7, 16 AND 17 IN DOUGLAS PARK ADDITION TO CHICAGO IN SECTIONS 23 AND 24, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

ALSO

LOTS 6 TO 23, INCLUSIVE, IN BLOCK 6 IN THE RESUBDIVISION OF BLOCKS 6, 7, 16 AND 17 IN DOUGLAS PARK ADDITION TO CHICAGO IN SECTIONS 23 AND 24, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN Numbers:

16-24-302-005-0000
16-24-302-006-0000
16-24-302-007-0000
16-24-302-008-0000
16-24-302-009-0000
16-24-302-010-0000
16-24-302-011-0000
16-24-302-039-0000
16-24-302-040-0000

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