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7474/0079 02 001 Page 1 of 8
1999-02-03 13:01:30
Cook County Recorder 35.00

99113712

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this 10th day of January, 1999 by and between HAROLD SCHWARTZ as Trustee under Declaration of Trust created by Harold Schwartz dated July 28, 1998 ("Schwartz"), and

(The Above Space for Recorder's Use Only)

SILVER REAL ESTATE MANAGEMENT AND DEVELOPMENT CORP. ("SRE").

WHEREAS, Schwartz is the owner of a certain parcel of land commonly known as 2444-56 North Pulaski Road, Chicago, Illinois, and legally described in Exhibit A attached hereto (the "Schwartz Property");

WHEREAS, SRE is the owner of a certain parcel of land adjoining on the west side thereof commonly known as 4014 West Fullerton, Chicago, Illinois and legally described in Exhibit B attached hereto (the "SRE Property");

WHEREAS, SRE has by mistake constructed a one-story concrete block building that extends upon the western portion of the Schwartz Property by approximately 0.70 feet for the entire 171.22 foot western lot line of the Schwartz Property as more fully set forth in the Plat of Survey prepared on October 27, 1998 by B.H. Suhr & Company, Inc. as Order Number 98-1091 (the "Survey"), a copy of which is attached hereto as Exhibit C; and

WHEREAS, the parties hereto, in consideration of the sum of Four Thousand and no/100 ($4,000.00) Dollars and other good and valuable consideration in hand paid by SRE to Schwartz, receipt of which is hereby acknowledged, and of the covenants, agreements, conditions and stipulations herein contained, hereby agree as follows:

1. ADMISSION OF NO RIGHT. SRE acknowledges the true boundary lines between the Schwartz Property and the SRE Property and that the building constructed by SRE (the "SRE Building") stands upon certain of the Schwartz Property.

2. USE. Schwartz agrees that SRE may without further license use and enjoy that portion of the Schwartz Property which currently lies underneath the SRE Building (the "Easement Area"), but no other portion of the Schwartz Property, until this Agreement shall be determined and may maintain the SRE Building where it is now located as depicted on the Survey.

RETURN TO RECORDERS
BOX 128 (BYRD)

3. EASEMENT APPURTENANT. It is further understood and agreed that the easement granted herein is to be held by SRE, its successors and assigns as appurtenant to the land.

4. TERMINATION. The easement, rights and privileges granted under this Agreement shall cease and terminate upon the destruction, dismantlement or removal of the SRE Building.

5. INDEMNITY. SRE shall indemnify, save and hold harmless Schwartz, his beneficiaries, heirs, representatives, agents, successors in interest and assigns from any and all damages, costs and liabilities, including defense of lawsuits, and claims which may in any way result from any occurrence as a result of the activity of SRE, its employees, agents or assigns or from use of the Easement Area as herein contemplated. SRE agrees, during construction, to take all necessary precautions to keep safe the Easement Area and adjoining property of Schwartz.

6. MECHANICS' LIENS. SRE covenants and agrees that it will not permit or suffer any lien to be put upon or to arise or to accrue against Schwartz' real estate in favor of any person or persons, individual or corporate, furnishing either labor or material and SRE further covenants and agrees to hold Schwartz and Schwartz' real estate free from any and all liens or claims of liens which may or might arise or accrue or be based upon any mechanics' lien law of the State of Illinois, now in force or hereinafter to be enacted, by reason of SRE's exercise of the privileges granted hereunder and in the event any such lien shall arise or accrue against Schwartz' real estate, SRE agrees to promptly cause the release of same at its sole expense.

7. ENTIRE AGREEMENT. This instrument contains the entire agreement between the parties relating to the rights granted pursuant to this Agreement.

8. BINDING EFFECT. This Agreement shall bind and inure to the benefit of the respective heirs, personal representatives, successors in interest and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date first above written.

SILVER REAL ESTATE MANAGEMENT AND DEVELOPMENT CORP.

By: _____
Louis Silver
Its: President

_____
HAROLD SCHWARTZ as Trustee
under Declaration of Trust created
by Harold Schwartz dated
July 28, 1988

This Document Was Prepared By
and after Recording Return to:

Robert M. Knabe
McNish, Knabe & Kroning
Suite 2301
Two First National Plaza
20 South Clark Street
Chicago, IL 60603

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned, a Notary Public subscribes and states that HAROLD SCHWARTZ as Trustee aforesaid appeared before me the 24th day of December, 1998, and signed this Agreement as his free and voluntary act.

OFFICIAL SEAL
LE T TRUONG
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 01/19/02

Notary Public

My commission expires: 1/19/2002

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned, a Notary Public subscribes and states that LOUIS SILVER, President of SILVER REAL ESTATE MANAGEMENT AND DEVELOPMENT CORP. appeared before me the 10th day of January, 1999 and signed this Agreement as his free and voluntary act and as the free and voluntary act of such corporation.

Notary Public

My commission expires: _____

"OFFICIAL SEAL"
ROBERT M. KNABE
Notary Public, State of Illinois
My Commission Exp. 10/12/2002

EXHIBIT A

SCHWARTZ PROPERTY

PARCEL 1:

THAT PART OF THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF PULASKI ROAD (FORMERLY NORTH CRAWFORD AVENUE) 419.71 FEET NORTH OF THE NORTH LINE OF FULLERTON AVENUE; THENCE NORTH ALONG SAID WEST LINE OF PULASKI ROAD 158.29 FEET; THENCE WEST ON A LINE PARALLEL WITH THE NORTH LINE OF FULLERTON AVENUE 288.95 FEET, MORE OR LESS, TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 100 FEET EASTERLY OF THE ORIGINAL 100 FOOT RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE SOUTHEASTERLY ALONG SAID LAST PARALLEL LINE 170.10 FEET; THENCE EAST 230.97 FEET, TO THE POINT OF BEGINNING.

PARCEL 2:

BEGINNING AT A POINT ON THE WEST LINE OF NORTH PULASKI ROAD, 418.83 FEET NORTH OF THE NORTH LINE OF WEST FULLERTON AVENUE, SAID POINT BEING THE INTERSECTON OF THE WEST LINE OF NORTH PULASKI ROAD WITH THE EXTENSION EAST OF THE SOUTH FACE OF A EXISTING BRICK WALL; THENCE WEST ON SAID EXTENSION WITH A LINE DRAWN PARALLEL WITH AND 100 FEET EASTERLY OF THE ORIGINAL 100 FOOT RIGHT OF WAY OF CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE NORTHWESTERLY ALONG LAST DESCRIBED PARALLEL LINE 1.32 FEET TO THE EXTENSION WEST OF THE NORTH FACE OF ABOVE NOTED BRICK WALL; THENCE EAST ON THE LINE OF THE EXTENSION OF SAID NORTH FACE OF BRICK WALL 230.97 FEET TO THE WEST LINE OF NORTH PULASKI ROAD; THENCE SOUTH ON THE WEST LINE OF NORTH PULASKI ROAD 1.25 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2444-56 NORTH PULASKI ROAD
CHICAGO, ILLINOIS

P.I.N. 13-27-415-054

EXHIBIT B

SRE PROPERTY

A strip of land 100 feet in width and lying next to, east of, and adjoining the right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company, in the Southeast ¼ of Section 27, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois; otherwise known as Block No. 1, of "Pennock" as recorded in the Recorder's Office of said Cook County, November 7, 1883, in Book 18 of Plats on Page 62; said strip to extend from the north side of Fullerton Avenue to the center line of Wrightwood Avenue, (except Wrightwood Avenue) in Cook County, Illinois.

COMMONLY KNOWN AS : 4014 WEST FULLERTON, CHICAGO, ILLINOIS

P.I.N. 13-27-415-005

EXHIBIT C

SURVEY

See attached

R.R. SMITH
R.R. HANSEN
ENGINEERS
ILLINOIS PROFESSIONAL
LAND SURVEYORS
ASSOCIATION

PLAT OF SURVEY

99113712

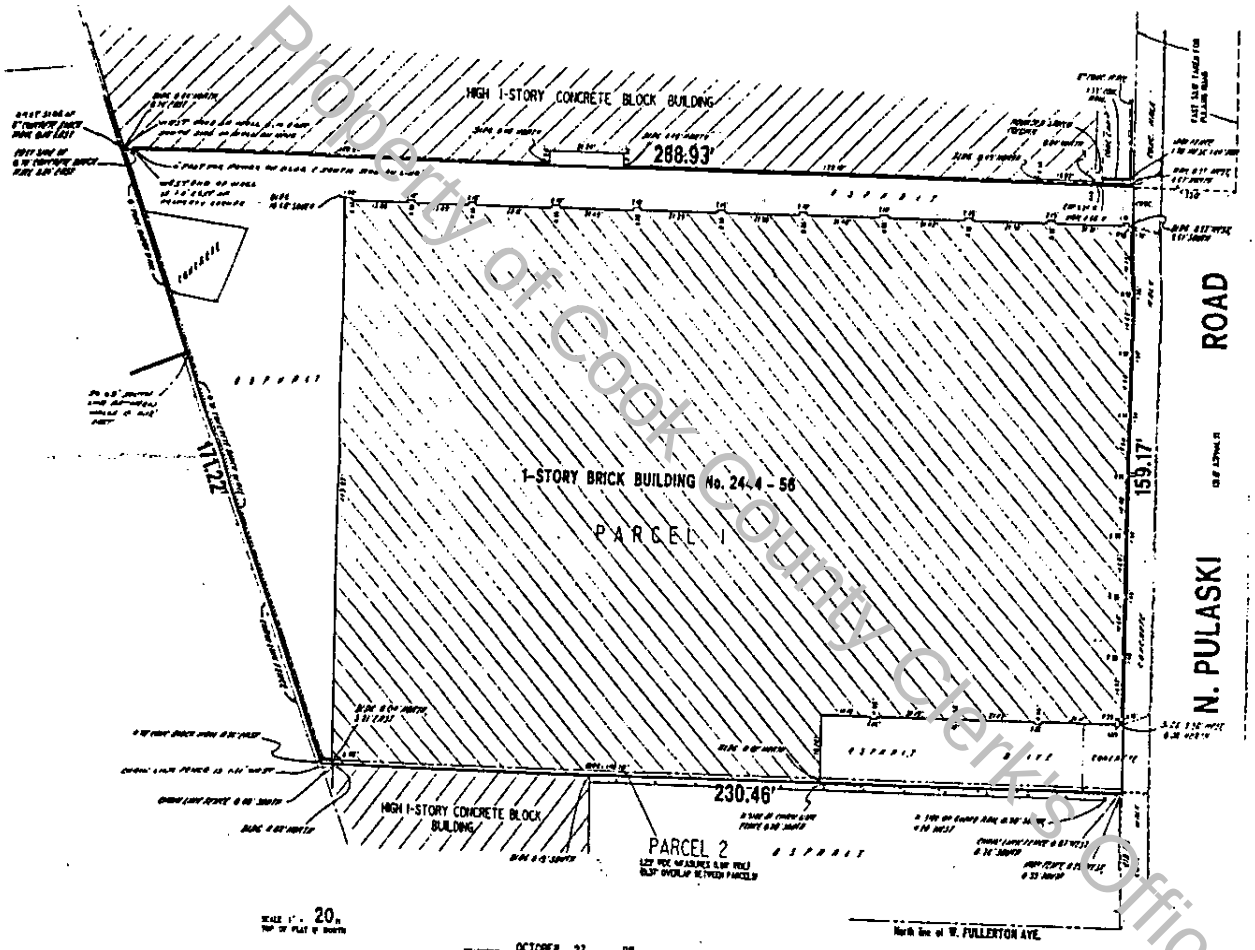
R.R. SMITH & COMPANY, INC.
ESTABLISHED IN 1911
840 CUSTER AVENUE, EVANSTON, ILLINOIS 60201
TELEPHONE (773) 273-3315
TELEPHONE (847) 864-4313

BOOK 98 PAGE 109 ORDER NO. 98-109 EVANSTON OCTOBER 27, 19 98
PURCHASED BY METAL CREATIONS, INC. FOR

PARCEL 1: That part of the Southeast quarter of the Southeast quarter of Section 27, Township 40 North, Range 13, East of the Third Principal Meridian, described as follows: Beginning at a point in the West line of Pulaski Road (formerly North Crawford Ave.) 49.71 ft. North of the North line of Fullerton Ave., thence North along said West line of Pulaski Rd. 158.29 ft., thence West on a line parallel with the North line of Fullerton Ave. 288.95 ft., more or less, to an intersection with a line parallel with and 100 ft. Easterly of the original 100 ft. right of way of the Chicago, Milwaukee and St. Paul Railroad, thence Southeasterly along said last described parallel line 170.10 ft., thence East 230.97 ft. to the place of beginning, in Cook County, Illinois.

PARCEL 2: That part of the Southeast quarter of the Southeast quarter of Section 27, Township 40 North, Range 13, East of the Third Principal Meridian, described as follows: Beginning at a point on the West line of North Pulaski Rd. 416.83 ft. North of the North line of West Fullerton Ave., said point being the intersection of the West line of North Pulaski Rd. with the extension East of the South face of an existing brick wall, thence West on said extension of the South face of said wall, 230.46 ft. to an intersection with a line drawn parallel with and 100 ft. Easterly of the original 100 ft. right of way of the Chicago, Milwaukee and St. Paul Railroad, thence Northwesterly along said last described parallel line 1.32 ft. to the extension West of the North face of above noted brick wall, thence East on the line of the extension of said North face of brick wall, 230.97 ft. to the West line of North Pulaski Rd., thence South on the West line of North Pulaski Rd., 1.25 ft. to the Point of Beginning, all in Cook County, Illinois.

Commonly known as 2444-56 N. PULASKI ROAD, CHICAGO, ILLINOIS.



SCALE 1" = 20'
TOP OF PLAT IS NORTH

EVANSTON OCTOBER 27, 19 98

STATE OF ILLINOIS
COUNTY OF COOK } ss

To hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises, unless noted hereon.

SURVEYOR

EVANSTON OCTOBER 27, 19 98

STATE OF ILLINOIS
COUNTY OF COOK } ss

This is to certify that we have surveyed the above described property and the above plat correctly represents said survey.

R.R. SMITH & COMPANY, INC.
SURVEYORS

By

The description on this plat was furnished to us by the client, and does not guarantee ownership, and should be compared to your Deed, Abstract or Certificate of Title. All building restrictions, building lines and easements may or may not be shown, check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by Surveyor.
This survey has been made for the use in connection with a mortgage loan transaction or real estate transfer and is not to be used for any improvements unless contracts are incorporated and shown on plat, also compare all points before building by same and report any discrepancy at once.
Dimensions are shown in feet and decimal parts thereof, no dimension is to be assumed by scaling.