

UNOFFICIAL COPY

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1999-04-05 15:57:55  
Cook County Recorder 25.00

EXHIBIT

PURCHASER'S REA INDEMNITY



99323103

This Instrument was prepared by:

David G. Spak, Attorney at Law  
One Northfield Plaza, Suite 300  
Northfield, Illinois 60093

After Recording, Forward to:

Michael Ross, Esq.  
Schain, Firsel & Barney, Ltd.  
222 North LaSalle Street  
Suite 1910  
Chicago, Illinois 60601-1102

INDEMNITY

7766227  
4075 D2 AEM 310

In consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, Next Realty, L.L.C., an Illinois limited liability company, its successors and assigns, hereby indemnify and agree to hold Delray Farms, L.L.C. ("Indemnitee"), a Delaware limited liability company having an address at 820 West Jackson Boulevard, Suite 600, Chicago, Illinois 60607, harmless from and against any claim, loss, damage, liability or expense, including reasonable attorneys' fees, accruing pursuant to Paragraph 13 of the certain Easement Agreement and Covenants, Conditions and Restrictions dated September 20, 1996 and recorded in the Office of the Cook County, Illinois Recorder of Deeds on September 20, 1996 as Document Number 96722596 (the "REA"), including, without limitation, the per diem penalty for Indemnitee or any other entity not operating its business at the property located at and commonly known as 2247 North Milwaukee Avenue, Chicago, Illinois (the "Property"), which property is legally described in Exhibit A, attached hereto and made a part hereof by this reference. The foregoing indemnity shall not be limited by any other provision of the certain Agreement to Purchase dated February 19, 1999 by and between Next Realty, L.L.C., as Purchaser, and Indemnitee, as Seller, including the liquidated damages provisions thereof.

This Indemnity shall run with and bind the Property and be binding on the undersigned, its successors and assigns. (legally described in Exhibit A)

DATED this 30th day of March, 1999

Next Realty, L.L.C., an Illinois limited liability company

By: [Signature]  
Mitchell P. Kahn, its Managing Member

San Marcos Acquisition, L.L.C. and its successors joins herein to be bound by the obligations of Next Realty L.L.C.

BOX 333-CTI

San Marcos Acquisition, L.L.C.  
By: [Signature]  
Next Investment Partnership, a Managing Member  
By: [Signature]  
Mitchell P. Kahn, a Partner

State of Illinois )  
                          )ss  
County of Cook )

and San Marcos Acquisitions, L.L.C.

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY THAT ~~Mitchell Khan~~ Managing Member of Next Realty, L.L.C., personally known to me to be the same person whose name is subscribed to the forgoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as Managing Member of said company as his free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand any official seal, this 30 day of March, 1999.

*Ellen M. Kuzniar*

NOTARY PUBLIC

Commission Expires:



Property of Cook County Clerk's Office

# UNOFFICIAL COPY

EXHIBIT "A"

99323103

## Legal Description

### PARCEL 1:

LOTS 5, 6, 7, 8, 9, 10, AND 11 IN BLOCK 4 IN C.E. WOOLEY'S SUBDIVISION OF 7 AND ONE-HALF ACRES EAST OF AND ADJOINING THE WEST 10 ACRES OF THE NORTHEAST ¼ NORTH OF MILWAUKEE AVENUE OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### PARCEL 2:

THAT PART OF VACATED ALLEY LYING BETWEEN THE SOUTH LINE OF LOT 9 AND THE SOUTHEASTERLY LINE OF LOT 11 EXTENDED NORTHEASTERLY IN COOK COUNTY, ILLINOIS.

### PARCEL 3:

LOT 2 IN SECOND FEDERAL SAVINGS AND LOAN SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### PARCEL 4:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 3, AS SET FORTH AND DEFINED IN THE EASEMENT AGREEMENT AND COVENANTS, CONDITIONS AND RESTRICTIONS MADE BY SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO AND DELRAY FARMS, INC., DATED SEPTEMBER 20, 1996, RECORDED SEPTEMBER 20, 1996 AS DOCUMENT NO. 96722596, FOR INGRESS AND EGRESS, OVER THE FOLLOWING DESCRIBED LAND:

LOT 1 IN SECOND FEDERAL SAVINGS AND LOAN SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 13-36-215-048  
13-36-215-050

COMMONLY KNOWN AS: 2247 NORTH MILWAUKEE AVENUE  
CHICAGO, ILLINOIS

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