

# UNOFFICIAL COPY

0 3 2 7 9 3579678

## AFFIDAVIT

That the undersigned being first duly sworn on oath depose and state as follows:

1. That the undersigned make this affidavit to induce the Registrar of Titles to expunge the Declaration of Restrictions and Lease Termination Agreement registered as Document No. LR2622194 on the Certificate of Title, Certificate No. 1417869, Volume 2839-2, Page 435 for the property described as follows:

Lot twelve (12), Lot thirteen (13), Lot fourteen (14), and Lot Fifteen (15) in Tonarntom Addition to Franklin Park, being a subdivision in the East half (1/2) of the East half (1/2) of Section 28, Township 40 North, Range 12, East of the Third Principal Meridian.

2. That the legal titleholder to the property is Libertyville National Bank, a national banking association, as trustee under the provisions of a Trust Agreement dated the 5th day of January, 1984, known as Trust Number 10;

3. That the land trustee is not aware of any notice of any violation, notice of any claim of violation, or any litigation concerning any violation of the aforesaid Declaration of Restrictions and Lease Termination Agreement which provides that prior to April 1, 1978 the aforementioned premises nor any part thereof was used or occupied for the retail selling of food of any kind (other than bakery goods), for consumption off the premises, or for the operation of a so-called drug store or prescription pharmacy nor for the operation of a variety store, department store or junior department store, without the prior written consent of Jewel Tea Co., Inc., a New York corporation;

4. That the current occupants of the aforementioned premises is Dimagos II, Inc., an Illinois Corporation;

5. That Dimagos II, Inc. is not aware of any notice of any violation, notice of any claim of violation, or any litigation concerning any violation of the aforesaid Declaration of Restrictions and Lease Termination Agreement which provides that prior to April 1, 1978 the aforementioned premises nor any part thereof was used or occupied for the retail selling of food of any kind (other than bakery goods), for consumption off the premises, or for the operation of a so-called drug store or prescription pharmacy nor for the operation of a variety store, department store or junior department store, without the prior written consent of Jewel Tea Co., Inc., a New York corporation;

*cancel doc # 2622194*

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*H.B.O.*

*P/N 12-28-401-011 L-15  
-012 L-14  
-013 - L13  
-014 - L12*

*9755 W. Grand Ave, Franklin Park  
- 1 -*

This instrument is executed by Libertyville National Bank not personally but solely as trustee as aforesaid in the exercise of the power and authority conferred upon and vested in it as such trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by Libertyville National Bank herein are undertaken by it solely as Trustee as aforesaid and not individually, in all statements herein made are on information and belief and are to be construed accordingly and no personal liability shall be asserted or be enforced against Libertyville National Bank by reason of any of the terms, provisions, stipulations, covenants and or statements contained herein.

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FURTHER AFFIANTS SAYETH NAUGHT.

DATED 12-26-86

Libertyville National Bank,  
as Trustee under Trust No. 10

Dimagos II, Inc., an  
Illinois corporation

By: [Signature] VP

By: William Dimas  
William Dimas, President

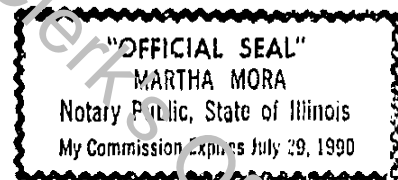
Attest: [Signature] Pres. + T/O

Attest: [Signature]  
Steve Agos, Secretary

STATE OF ILLINOIS)  
  )SS  
COUNTY OF COOK)

I, Martha Mora, a notary public in and for said County in the State aforesaid, do hereby certify that William Dimas and Steve Agos, as president and secretary of Dimagos II, Inc., personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, and the free and voluntary act of the corporation, for the uses and purposes therein set forth

Given under my hand and notarial seal, this 26th day of December, 1986.



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COOK COUNTY  
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IDENTIFICATION  
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COOK COUNTY CLERK'S OFFICE  
111 N. WASHINGTON ST.  
CHICAGO, IL 60602  
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