

MEMORANDUM

TO:

FROM: Kevin M. Gensler, Esq.

DATE: March 28, 2014

RE: Preliminary/Final Plat of Subdivision for the Mayor Estate (Final Plat)

It is our opinion that the Grant of Grading and Landscape Easement, and Public Utility Easement and Drainage Easement ("Landscape Easement"), recorded in DuPage County as Document No. R2004-159735, is not valid because it was recorded outside the chain of title.

Charlestown Classic Homes, Inc. conveyed the property which is the subject of the Landscape Easement to the Roman Catholic Diocese of Joliet ("Diocese") by a deed dated June 4, 2004 and recorded as Document No. R2004-159734. The Landscape Easement was recorded after the Deed to the Joliet Diocese which was recorded as Document No. R2004-159735. The Joliet Diocese was not a signatory on the Landscape Easement. Charlestown Classic Homes also did not retain the Landscape Easement when the Property was conveyed to the Diocese.

Recording the Landscape Easement prior to the Deed conveying the Property to the Diocese would not make the grant of easement valid, because a party cannot grant an easement to itself. The recitals in the Landscape Easement state that Charlestown Classic Homes owns both the property that was conveyed to the Joliet Diocese and the property that became Jefferson Estates.

The Plat of Subdivision for Jefferson Estates specifically excluded the property conveyed to the Diocese. Neither the Landscape Easement nor any other easement was referenced on the Diocese property on the Jefferson Estates Final Plat of Subdivision.

DEVELOPMENT SERVICES TEAM

MAY 13 2014