

Prepared By:

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05 R03134

FILED FOR RECORDS  
BOONE COUNTY, ILL.

2005 MAR 24 PM 1:44

*Angela K. Schneider*

BOONE COUNTY RECORDER

28

Belvidere, IL (Store No. 3397)

**FIRST AMENDMENT TO ECR**

THIS INDENTURE WITNESSETH, that Wal-Mart Stores, Inc. and K-B Farms, Inc. ("Owners"), the owners of the real estate described on Exhibits B and C attached hereto and made a part hereof (the "Property"), hereby agree that the Easements with Covenants and Restrictions affecting Land dated as of October 10, 2003 and recorded with the Boone County Recorder on October 10, 2003 as Document No. 03-R17614 (the "ECR"), relating to the Property, shall be amended as follows:

1. The Site Plan attached to the ECR as Exhibit A shall be and hereby is deleted in its entirety, and the Site Plan attached hereto and made a part hereof as Exhibit A, which is the Final Plat of Gateway Center, dated April 28, 2004, and recorded with the Boone County Recorder of Deeds on ~~March 23~~, 2005, as Document No. ~~05-R03134~~ (the "Subdivision Plat"), shall be substituted in its place.

2. Exhibits B and C to the ECR shall be deleted in their entirety, and the Exhibits B and C attached hereto and made a part hereof shall be substituted in their place.

3. Any reference in the ECR to "Lot 15" shall be deemed to be a reference to Lot 11 on the Subdivision Plat, and any reference to "Tract 2" shall be deemed to be a reference to said Lot 11.

4. Any reference in the ECR to "Lot 7" shall be deemed to be a reference to Lot 7 and Lot 14 on the Subdivision Plat. For purposes of the ECR, Lot 7 and Lot 14 on the Subdivision Plat shall be considered one lot, referred to in the ECR as Lot 7, and as one lot, the east/west division line dividing said lots from one another shall be of no force and effect including, without limitation, any side yard set backs which may otherwise be applicable thereto, if any.

5. The maximum building footprint size for Lot 7 (now Lot 7 and Lot 14 combined) contained in Section 4e(B)(2) of the ECR shall be increased to 19,000 square feet.

6. The Owners have reviewed and approved plans and specifications for buildings and other improvements to be constructed on Lot 7 (now Lot 7 and Lot 14 combined) and Lot 6, and the location of such buildings and other improvements on said Lots.

Except as specifically amended herein the ECR shall continue in full force and effect in accordance with its original terms. Reference to this specific Amendment need not be made in any

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note, document, letter, certificate, the ECR itself, or any communication issued or made pursuant to or with respect to the ECR, any reference to the ECR being sufficient to refer to the ECR as amended hereby. All terms used herein which are defined in the ECR shall have the same meaning herein as in the ECR. In the event of any conflict between the terms of the ECR and the terms of this Amendment, this Amendment shall control.

IN WITNESS WHEREOF, Owners have caused this Amendment to be executed as of the date written below.

Dated: \_\_\_\_\_, 2005

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ATTEST



WAL-MART STORES, INC.  
a Delaware corporation

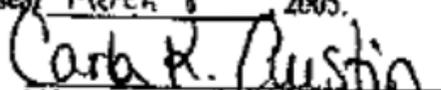
  
\_\_\_\_\_  
Its Assistant Vice President Senior Realty Manager  
"Wal-Mart"

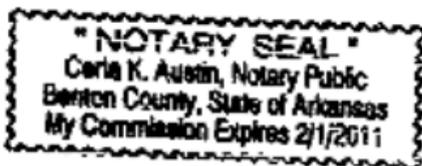
STATE OF ARKANSAS )  
COUNTY OF BENTON ) SS

Approved as to legal terms only  
by   
WAL-MART LEGAL DEPT.  
Date: 3/07/2005

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Nick Goodner, personally known to me to be the Senior Realty Manager of Wal-Mart Stores, Inc., and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Senior Realty Manager, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the foregoing instrument as such Senior Realty Manager, and as his/her free and voluntary act, for the uses and purposes therein set forth, and on his/her respective oath stated that he/she was duly authorized to execute said instrument and that the seal affixed thereto is the seal of said corporation.

GIVEN under my hand and notarial seal March 8 2005.

  
NOTARY PUBLIC



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ATTEST

K-B FARMS, INC., a Delaware corporation

Rhonda Harris

By: Craig Johnson  
Its: Vice President  
"Developer"

STATE OF ILLINOIS     }  
                                  } SS  
COUNTY OF BOONE

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Craig Johnson, personally known to me to be the Vice President of K-B Farms, Inc., an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Vice President, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act as such Vice President and as the free and voluntary act of said corporation for the uses and purposes therein set forth; and on his/her oath stated that he/she was duly authorized to execute said instrument.

GIVEN under my hand and notarial seal March 23, 2005.

Carole A. Burmeister  
NOTARY PUBLIC



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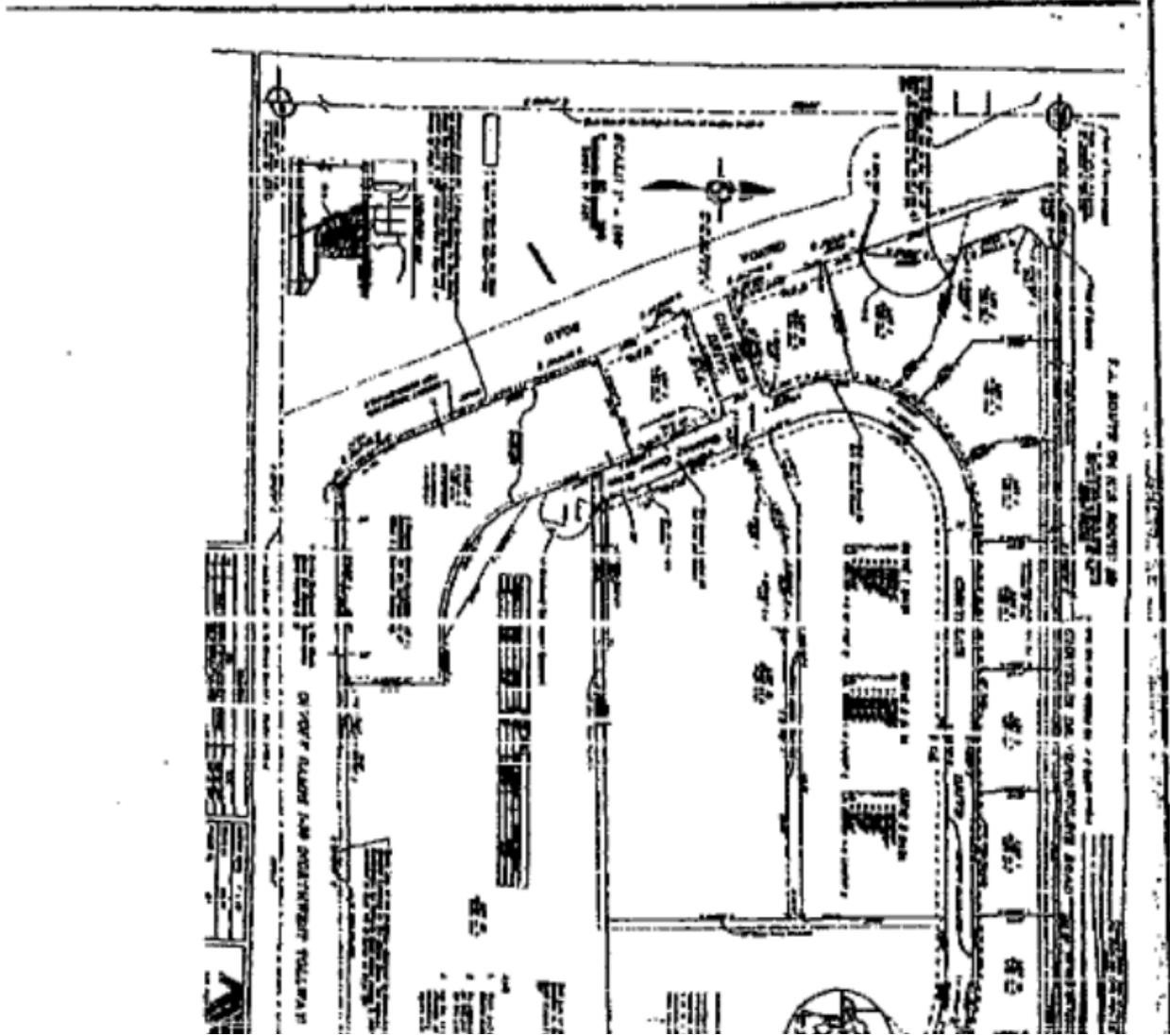
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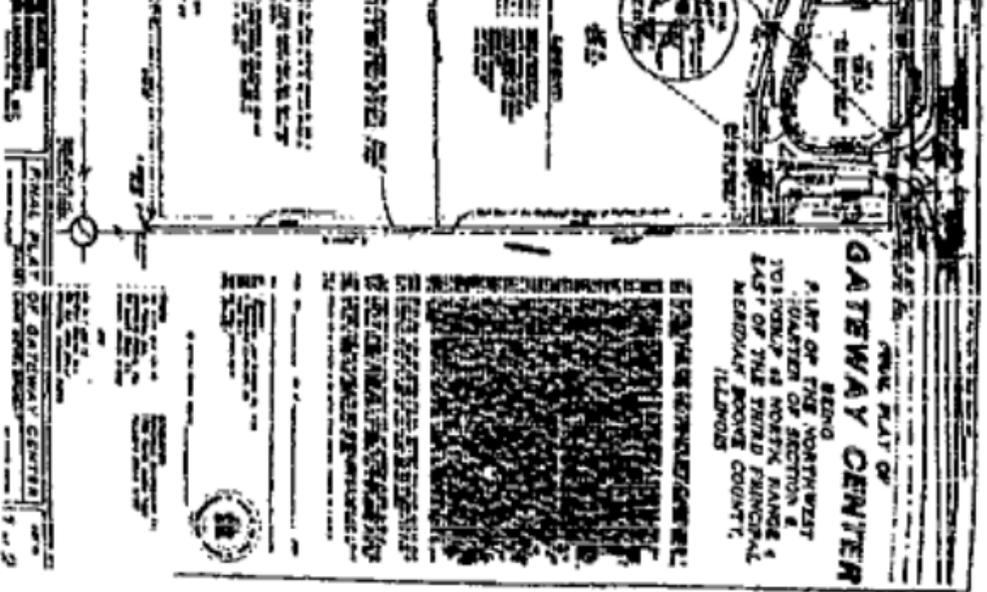
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**EXHIBIT A**

**SITE PLAN**





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**EXHIBIT B**

**TRACT 1**

Lot 12 of Gateway Center, a subdivision of the Northwest Quarter of Section 6, T43N, R4E of the Third Principal Meridian, as shown on the Final Plat thereof dated April 28, 2004, and recorded with the Boone County Recorder on MARCH 23, 2005, as Document No. 200503084.

**OUTLOTS**

Lots 1, 2 and 3 of Gateway Center, a subdivision of the Northwest Quarter of Section 6, T43N, R4E of the Third Principal Meridian, as shown on the Final Plat thereof dated April 28, 2004, and recorded with the Boone County Recorder on MARCH 23, 2005, as Document No. 200503084.



**EXHIBIT C**

**TRACT 2**

Lot 11 of Gateway Center, a subdivision of the Northwest Quarter of Section 6, T43N, R4E of the Third Principal Meridian, as shown on the Final Plat thereof dated April 28, 2004, and recorded with the Boone County Recorder on MARCH 23, 2005, as Document No. 200502084.

**OUTLOTS**

Lots 4, 5, 6, 7, 8, 9, 10 and 14 of Gateway Center, a subdivision of the Northwest Quarter of Section 6, T43N, R4E of the Third Principal Meridian, as shown on the Final Plat thereof dated April 28, 2004, and recorded with the Boone County Recorder on MARCH 23, 2005, as Document No. 200502084.

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