

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
COUNTY OF DUPAGE, STATE OF ILLINOIS

PHIL DRESSLER & ASSOCIATES, INC., )  
An Ill. Corporation; et al., )

Plaintiffs, )

v. )

Case No. 2004 CH 638

LISABETH DOLAN, et al., )

Defendants. )

JODY ANN LOWENTHAL, et al., )

Counter-Plaintiffs, )

v. )

MIDWEST BANK AND TRUST CO., )  
as Trustee of Trust No. 00-6-7727; et al., )

Counter-Defendants. )

ORDER

This cause coming before the Court on September 26, 2005 for trial on Plaintiffs' Complaint and Defendants' First Amended Counter-Claim; the Court having proceeded first on issues raised by the parties' pleadings with regard to ownership and easement rights in the real estate at issue in this case, and reserving further proceedings until the resolution of said issues; the Court having heard the testimony of witnesses called by the parties and having reviewed the exhibits offered and admitted into evidence; the Court having read and heard the arguments of counsel for the parties presented in their pre-trial submissions and in oral argument in court; and the Court having stated the grounds for its rulings herein from the bench at the conclusion of this

phase of the trial on September 26, 2005;

**IT IS HEREBY ORDERED:**

**I.**

A. Judgment is entered in favor of the Plaintiffs and against the Defendants at Count I of Plaintiffs' Complaint and the Court declares as follows:

1. LaSalle Bank N.A. (as successor to American National Bank, f/k/a Lake Shore National Bank) as Trustee of Trust Agreement dated June 17, 1986 and known as Trust Number 1-6148 (hereinafter "Trustee of Trust No. 1-6148") is the owner of the following described real property:

The South 105 feet of the East 228 feet of Lot 2 in the Amendment to the Manors of Hinsdale, being, a Resubdivision of Lot 2 in the Manors of Hinsdale, being in Section 13, Township 38 North, Range 11, East of Third Principal Meridian, according to the Plat of said Amendment to the Manors of Hinsdale recorded April 10, 1987 as Document R87-49976, in DuPage County, Illinois

Hereafter, the aforescribed real property is referred to as the "Real Property".

2. The Plaintiff, Phil Dressler & Associates, Inc. is the beneficial owner of said Trust No. 1-6148.
3. The only interest the Defendants possess in the Real Property is as licensees, pursuant to §2.05(g) of the Declaration of Condominium recorded with the DuPage County Recorder on February 17, 1988 as Document No. R88-015776 (hereafter, "the Declaration of Condominium").
4. The Defendants do not possess an access easement or an easement for ingress or egress in the Real Property; and, specifically, do not possess an access easement in the area depicted as an "Access Easement" in the southeast corner of the Plat of the Amendment to the Manors of Hinsdale being an Amendment to the Manors of Hinsdale, recorded with the DuPage County Recorder on April 10, 1987 as Document No. R87-49976 (hereafter referred to as "Plat No. R87-49976").
5. The Defendants do not possess a storm water detention or drainage easement in the Real Property; and, specifically, do not possess a storm water detention or drainage easement in the area designated as a



address the non-declaratory relief and damages prayed for by Plaintiffs. Trial on these remaining matters shall proceed at a later date to be scheduled by the Court.

Enter: Bonnie M. Whelan  
Judge

Date: October 5, 2005

Prepared by:  
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