

Resolution No. 36-00

**A RESOLUTION APPROVING A LETTER OF CREDIT SECURING
CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR
OAKBROOK ESTATES PLATS 1 THROUGH 8**

WHEREAS, the developer of Oakbrook Estates Subdivision has requested to consolidate all security instruments securing construction of public improvements for Oakbrook Estates Plats 1 through 8;

WHEREAS, by letter dated August 16, 2000, the Consulting Engineers for the Village approved security for all remaining public improvements for Plats 1 through 8 in the amount of \$130,000;

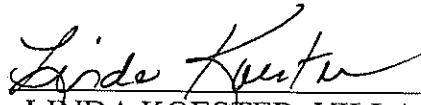
WHEREAS, Firststar Bank has provided Amendment No. 1 to its Letter of Credit No. 210-2709760 (formerly known as Letter of Credit No. 1788 from the Merchantile Bank) to stand as security for construction of public improvements in Plats 1 through 8 of Oakbrook Estates Subdivision; and a copy of Amendment No. 1, Letter of Credit No. 1788 and an explanatory letter are attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Letter of Credit No. 210-2709760 issued by Firststar Bank, as amended by Amendment No. 1, is hereby approved as security for construction of remaining public improvements on Oakbrook Estates Plats 1 through 8. All previous security with respect to these plats is released.

SECTION 2: This resolution is effective immediately.

PASSED this 26 day of September, 2000.



LINDA KOESTER, VILLAGE PRESIDENT

ATTEST:


Village Clerk

AYES:	<u>6</u>
NAYS:	<u>0</u>
PASSED:	<u>9-26-00</u>
APPROVED:	<u>9-26-00</u>
ABSENT:	<u>0</u>



Main Office
265 South Fifth Street
PO Box 19264
Springfield, Illinois 62794-9264
717-253-7530
717-253-2558-fax

September 13, 2000

Rabin, Myers & Hanken, P.C.
Attorneys and Counselors at Law
1300 South Eighth Street
Springfield, IL 62703

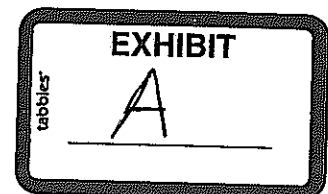
Re: Letter of Credit for the Village of
Chatham pertaining to Oakbrook Estate

Dear Mr. Myers:

I received the letter of credit #1783 that we are canceling. At this time I will be returning the original Letter of Credit 1788 in the amount of 20,000. Please find enclosed the amendment for 130,000 which was assigned a new Firststar number (210-2709760).

Sincerely

Cheryl Brune
Commercial Lending Assistant





DATE: 08-04-00

IRREVOCABLE LETTER OF CREDIT NO: 210-2709760

MR JOHN MYERS
1300 SOUTH 8TH STREET
SPRINGFIELD IL 62703

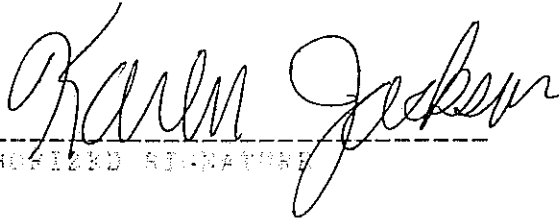
AMENDMENT NO. 001
AMOUNT USD*****20,000.00
EXPIRATION 10-06-00
ACCOUNTER PROMIX GROVE VENTURES LLC

BY AND FOR THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

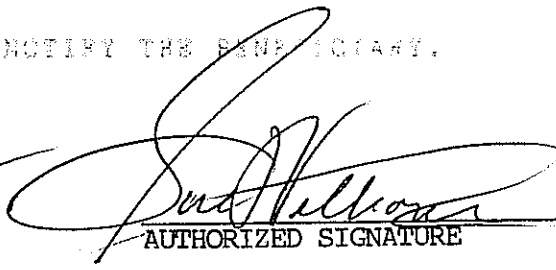
INCREASE BY USD*****110,000.00 TO USD*****130,000.00.
MERCANTILE BANK OF ILLINOIS HAS CONSOLIDATED WITH FIRSTAR BANK N.A.
MERCANTILE BANK OF ILLINOIS LETTER OF CREDIT NUMBER WAS 1788. ANY FUTURE
CORRESPONDENCE UNDER THIS STANDBY LETTER OF CREDIT SHOULD REFERENCE
FIRSTAR BANK N.A. LETTER OF CREDIT NUMBER 210-2709760.

BENEFICIARY SHOULD GIVE NOTIFICATION OF ACCEPTANCE OR REJECTION OF
AMENDMENT(S). IF THE BENEFICIARY FAILS TO GIVE SUCH NOTIFICATION, THE
PRESENTATION OF DOCUMENTS TO THE NOMINATED BANK OR ISSUING BANK THAT
CONFORM TO THE CREDIT AND TO NOT YET ACCEPTED AMENDMENTS, WILL BE DEEMED
TO BE NOTIFICATION OF ACCEPTANCE BY THE BENEFICIARY OF SUCH AMENDMENT(S).

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.
THIS AMENDMENT IS AN INTEGRAL PART OF THE ABOVE CREDIT AND MUST BE
ATTACHED THERETO.
THE ADVISING BANK IS REQUESTED TO NOTIFY THE BANK ISSUING.



AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE

FIRSTAR BANK N.A.
LETTERS OF CREDIT DEPARTMENT
P.O. BOX 14891
810 EAST AND LOCUST STREETS
ST. LOUIS, MISSOURI 63103 U.S.A.
SWIFT: FIBKUS33 TRF: FIBKUS33 5841064 7900 00



DATE: 05-04-00

IRREVOCABLE LETTER OF CREDIT NO: 210-2709760

MR. JOHN MYERS
310 SOUTH 8TH STREET
SPRINGFIELD IL 62703

CC: FIRSTAR BANK OF ILLINOIS
620 FIRST BANK OF ILLINOIS COMPANY
ATTN: BRYAN SCHULZ
305 S. 8TH STREET
SPRINGFIELD, ILLINOIS 62703

MERCANTILE

205 South Fifth Street
P.O. Box 19264
Springfield, IL 62794-9264
Telephone 217.753.7530
Facsimile 217.753.7558

Mercantile Bank

October 6, 1999

Mr. John Myers
1300 South 8th St.
Springfield, IL. 62703

Re: Letter of Credit #1788 for the Village of Chatham
Pertaining to Oakbrook Estates

Dear Mr. Myers,

We hereby authorize you to draw on Mercantile Bank of Illinois for the account of Phoenix Grove Ventures, LLC for any sum not to exceed the aggregate total of Twenty Thousand and No/100 (\$20,000.00) Dollars U.S. Currency, by your drafts at sight. This Letter of Credit is issued, presentable and payable at our office 205 So. Fifth St., Springfield, Illinois and expires with close of business on October 6, 2000.

Drafts must be accompanied by the following:

- A. A copy of the final inspection letter from the Village of Chatham to the subdeveloper detailing work to be completed including cost estimates.
- B. A copy of this Letter and your signed statement certifying you are entitled to draw under this Letter.
- C. A statement signed by the Village Engineer and Mayor of the Village of Chatham, Illinois, certifying that the public improvements for which this Letter of Credit is security have not been completed as required by the code of the Village of Chatham, and releasing Mercantile Bank of Illinois of liability under this credit to the extent of each draw.

Except as so far as otherwise stated, this credit is subject to the Uniform Customs and Practices of Documentary Credits (1993 revision) International Chamber of Commerce, Publication No. 500.

This Letter of Credit shall be automatically extended for an additional period of one year from the present or each future expiration date unless we have notified you in writing, not less than sixty (60) days before such expiration date, that we elect not to renew this Letter of Credit. Our notice of such election shall be sent certified mail to the above address.

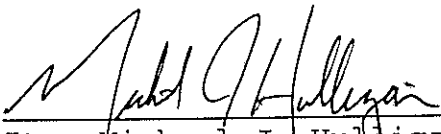
MERCANTILE

Each draft hereunder must bear on its face "Drawn under Letter of Credit No. 1788 dated October 6, 1999, on Mercantile Bank of Illinois, Springfield, Illinois."

We hereby agree with the drawer, endorsers and bonafide holders of all drafts drawn under and in accordance with the terms of this Letter of Credit that such drafts will be duly honored on presentation to the drawee.

Sincerely,

Mercantile Bank of Illinois

By: 
Its: Michael J. Hullivan
Vice President

cc: Gregory P. Sgro

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the resolution attached hereto is a full, true, and exact copy of Resolution No. ____ adopted by the President and Board of Trustees of said Village on the ____ day of _____, 2000, said Resolution being entitled:

**AN RESOLUTION APPROVING A LETTER OF CREDIT SECURING
CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR
OF OAKBROOK ESTATES PLATS 1 THROUGH 8**

I do further certify that prior to the making of this certificate, the said Resolution was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ____ day of _____, 2000.

Village Clerk