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2001-03-16 15:22:01

Cook County Recorder 35.00



(The Above Space for Recorder's Use Only)

MEMORANDUM OF LEASE

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This Memorandum of Lease is made and entered into as of the 13th day of December, 2000, by and between LaSalle Bank National Association as Trustee under Trust Agreement dated July 21, 1978 and known as Trust Number 52742 and not personally ("Landlord") having its address at 135 South LaSalle Street, Chicago, Illinois 60643 and Aldi Inc., an Illinois corporation ("Tenant") having its address at 1200 North Kirk Road, Batavia, Illinois 60510.

WITNESSETH

WHEREAS, Landlord is the lessee of a parcel of land located at the southeast corner of Pershing Road and Powell Avenue in Lyons, Illinois, more particularly described on Exhibit A attached hereto and made a part hereof (the "Land") and

WHEREAS, Landlord and Tenant entered into a certain Lease (the "Lease") relating to the Land, dated June August 1, 2000; and

WHEREAS, the term of the Lease commenced on October 3, 2000 and the term is to terminate on July 31, 2034; and

WHEREAS, it is the intention of this instrument to give notice of the existence of the Lease;

RETURN TO RECORDERS BOX 128 (BYRD)

BOX 333-CTI

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NOW THEREFORE, Landlord and Tenant do hereby state as follows:

1. The parties have entered into a Lease dated ~~June~~^{August} _____, 2000, for the premises legally described on Exhibit A attached hereto and made a part hereof;
2. The term of the Lease is from October 3, 2000 to July 31, 2034;
3. It is the intention of this instrument to give notice of the existence of the Lease and Tenant's rights thereunder.
4. Nothing contained in this Memorandum is intended to or shall supersede, diminish, add to or change any of the terms or conditions of the Lease and all of the terms and conditions of the Lease are incorporated herein by reference to the same extent as set forth therein.
5. This Memorandum may be executed in one or more counterparts, all of which shall be considered one and the same instrument.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease

as of the date first above written. (FOR THE EXCULPATORY PROVISION OF LASALLE BANK NATIONAL ASSOCIATION SEE ATTACHED EXHIBIT "B")

LANDLORD:

TENANT:

LASALLE BANK NATIONAL

ALDI INC.

ASSOCIATION, as trustee aforesaid
and not personally

By: _____

By: Nancy A. Carley

Its: _____

Its: Asst Vice President

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IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the date first above written.

LANDLORD:

TENANT:

LASALLE BANK NATIONAL
ASSOCIATION, as trustee aforesaid

ALDI INC.

By: [Signature]

By: _____

Its: Vice President - BATAVIA DIVISION.

Its: _____

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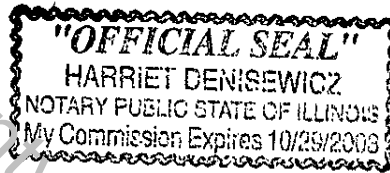
ACKNOWLEDGMENT

State of Illinois)
County of Cook) SS

I, the undersigned, a Notary Public of aforesaid County and State, DO HEREBY CERTIFY that Nancy A. Carlin, Assistant Vice President of LaSalle Bank National Association, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the said Assistant Vice President acknowledged that she being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing same in the name of said Bank.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 7th day of ~~December, 2000~~ February, 2001.

Harriet Denisewicz
Notary Public



My commission expires: _____

ACKNOWLEDGMENT

State of Illinois)
) SS
County of Kane)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Wade Weinzirl, personally known to me to be the Vice President of Aldi Inc., an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President, he signed and delivered the said instrument and, pursuant to authority given by the Board of Directors of said corporation, as his free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 13th day of December, 2000.



Ana D. Wright
Notary Public

My commission expires: 7/9/2001

This instrument prepared by:

Crystal Pruess Bush
Gardner, Carton & Douglas
321 North Clark Street
Suite 3400
Chicago, Illinois 60610

Exhibit A

Legal Description

The North 198.29 feet of the West 98.00 feet (as measured along and at right angles to the West line thereof) of the following described property: That part of the Northeast $\frac{1}{4}$ of Section 1, Township 38 North, Range 12 East of the Third Principal Meridian described as follows:

Commencing at the intersection of the North line of 40th Street and the East line of Powell Avenue for a place of beginning; thence North along the East line of Powell Avenue a distance of 680 feet to the South line of Pershing Road, said point being also the Northwest corner of Lot 11 in Goldblatt's Resubdivision of part of vacated Haas and Powell's Addition to Riverside; thence East along the North line of Lot 11 a distance of 245.75 feet to the Northeast corner of Lot 11; thence South along the East line of Lot 11 a distance of 331.5 feet to the South line of Goldblatt's Resubdivision, being also the North line of the South Half of the East 10.06 acres of the North 30 acres of the Northeast $\frac{1}{4}$ of Section 1; thence East along said last described line a distance of 245.75 feet to the West line of Harlem Avenue as dedicated by Haas and Powell's Subdivision; thence South along the West line of Harlem Avenue a distance of 348.5 feet to the North line of 40th Street; thence West along the North line of 40th Street a distance of 491.50 feet to the place of beginning.

PIN: 18-01-204-003 (part)

Address: Powell & West Pershing, Lyons, Illinois

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EXHIBIT "B"

Memorandum of

RIDER ATTACHED TO AND MADE A PART OF/LEASE DATED December, 2000

Memorandum of

THIS LEASE is executed by LASALLE BANK NATIONAL ASSOCIATION, not personally but as trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such trustee, and under the express direction of the beneficiaries of a certain Trust Agreement dated July 21, 1978 and known as Trust No. 52742 at LaSalle Bank National Association to all provisions of which Trust Agreement this LEASE is expressly made subject. It is expressly understood and agreed that nothing herein or in said LEASE contained shall be construed as creating any liability whatsoever against said Trustee personally, and in particular without limiting the generality of the foregoing, there shall be no personal liability to pay any indebtedness accruing hereunder or to perform any covenants, either express or implied, herein contained, or to keep, preserve or sequester any property of said Trust, and that all personal liability of said Trustee of every sort, if any, is hereby expressly waived by said Lessee, and that so far as said Trustee is concerned the owner of any indebtedness or liability accepting hereunder shall look solely to the premises hereby leased for payment thereof. It is expressly understood and agreed that said Trustee has no agents or employees and merely holds naked legal title to the property herein described; that said trustee has no control over, and under this Lease assumes no responsibility for (1) the management or control of such property (2) the upkeep, inspection, maintenance or repair of such property (3) the collection of rents or rental of such property, or (4) the conduct of any business which is carried on upon premises. Trustee does not warrant, indemnify, defend title nor is it responsible for any environmental damage.

Clerk's Office

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