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2947 117 18 001 Page 1 of 4  
2001-06-15 15:57:42  
Cook County Recorder 27.50



0010527038

REQUESTED BY:

AFTER RECORDATION RETURN TO:

**LANDAMERICA**

450 S. Orange Avenue, Suite 170

Orlando, Florida 32801

Attn: Keren Baki

RETURN BY: MAIL (X) PICK UP ( )

Bakers Square #20675/Elk Grove Village, Cook County, Illinois

**MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** is made as of May 14, 2001, by and between **CNL FUNDING 2001-A, LP**, a Delaware limited partnership with principal office and place of business at CNL Center at City Commons, 450 South Orange Avenue, Orlando, Florida 32801-3336 ("Landlord"), and **VICORP RESTAURANTS, INC.**, a Colorado corporation, with a mailing address of 400 West 48th Avenue, Denver, Colorado 80216 ("Tenant").

In consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid by Tenant to Landlord and the mutual covenants contained in that certain Lease Agreement between the parties hereto dated on even date herewith (hereinafter called the "Lease"), Landlord has leased and does hereby lease to Tenant, and Tenant has leased and does hereby lease from Landlord, upon the terms and conditions set forth in said Lease, the real property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Premises").

The term of the Lease is twenty (20) years commencing on the date hereof and ending on May 31, 2021. Said Lease provides for options to renew for four (4) successive five (5) year terms. Tenant shall not allow any mechanic's lien or similar type of lien to be filed against the Premises. Tenant has the first right of refusal to purchase the Premises during the term of the Lease and any renewals or extensions thereof upon the terms and conditions set forth in the Lease. In the event of any conflict between the terms and provisions of this Memorandum of Lease and the Lease, the terms and provisions of the Lease shall prevail.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Memorandum of Lease to be executed and sealed as of the date first above written.

914332/80819/457733; Bakers Square #20675  
Elk Grove Village, Cook County, Illinois

"LANDLORD"

Signed, Sealed and Delivered  
in the presence of:

CNL FUNDING 2001-A, LP, a Delaware  
limited partnership

Cathy Driskel  
Name: Cathy Driskel

BY: CNL FUNDING 2001-A, INC., a  
Delaware corporation, as General  
Partner

Barbara W. Lyon  
Name: Barbara W. Lyon

By: John L. Farren  
**John L. Farren**, as Vice President

(CORPORATE SEAL)

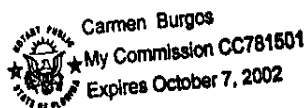
STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this 16<sup>th</sup> day of May, 2001, by **John L. Farren**, as Vice President of **CNL FUNDING 2001-A, INC.**, a Delaware corporation, as General Partner of **CNL FUNDING 2001-A, LP**, a Delaware limited partnership, on behalf of the limited partnership.

Witness my hand and official seal.

(NOTARY SEAL)

Carmen Burgos  
Notary Public, State of Florida



Printed Name: \_\_\_\_\_  
Notary Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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"TENANT"

Signed, Sealed and Delivered  
in the presence of:

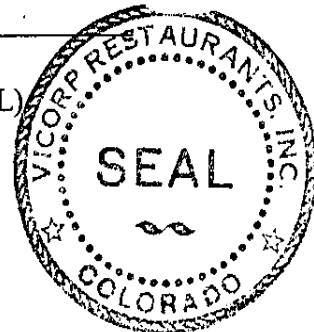
VICORP RESTAURANTS, INC., a  
Colorado corporation

Gary F. Burka  
Name: Gary F. Burka

By: Stanley Erickson Sr.  
Name: STANLEY ERICKSON SR.  
As Its: Gen. Mgr.

Tracey L. Tapp  
Name: Tracey L. Tapp

(CORPORATE SEAL)

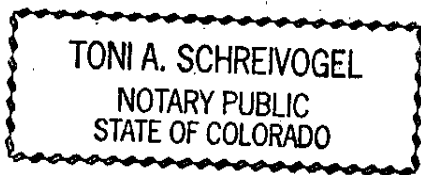


STATE OF COLORADO  
COUNTY OF Hennepin

The foregoing instrument was acknowledged before me on this 9th day of May, 2001, by Stanley Erickson Sr. the Gen. Mgr. of VICORP RESTAURANTS, INC., a Colorado corporation, on behalf of the corporation.

Witness my hand and official seal.

(NOTARY SEAL)



Toni A. Schreivogel  
Notary Public, State of Colorado  
Printed Name: \_\_\_\_\_  
Notary Commission No. \_\_\_\_\_  
My Commission Expires: 8/25/02

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**LEGAL DESCRIPTION:**

**Parcel 1:**

Lot 1 in LaQuinta Resubdivision in the Southwest 1/4 of Section 23, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois, according to the Plat thereof recorded September 20, 1984 as Document 27262582.

**Parcel 2:**

Permanent, non-exclusive easement for the benefit of Parcel 1 in, to, over, across and through parking and driveway areas for use by tenants, employees, invitees, patrons, customers and guests, as created by Common Access and Cross-Parking Agreement dated November 8, 1984 and recorded December 5, 1984 as Document 27361597, located on property as described therein.

**Parcel 3:**

Perpetual, non-exclusive easements for the benefit of Parcel 1 for using, inspecting, operating, maintaining, repairing and replacing underground sanitary sewer mains, storm sewer mains, and water mains and appurtenances thereto, as created by Declaration and Grant of Easement and Agreement dated April 4, 1985 and recorded May 16, 1985 as Document 85022730 by and between LaQuinta Motor Inns, Inc., and Bob Evans Farms, Inc., in, over, through and under the property described on Lots 2 and 3 herein.