

UNOFFICIAL COPY

0010947633

8250/8877 11 001 Page 1 of 6

2001-10-11 13:05:46

Cook County Recorder 31.50



0010947633

This instrument was drafted by
and after recording return to:

Altheimer & Gray
10 South Wacker Drive
Suite 4000
Chicago, IL 60606
Attention: Kimberly J. Sharon, Esq.

MEMORANDUM OF SIDE LETTER AGREEMENT

THIS MEMORANDUM OF SIDE LETTER AGREEMENT is made and entered into as of the 10th day of October, 2001, by and between 95th & Stony I, L.L.C., an Illinois limited liability company ("Stony I"), having an address c/o U.S. Equities Realty, Inc., 20 North Michigan Avenue, Suite 200, Chicago, Illinois 60602, 95th & Stony II, L.L.C., an Illinois limited liability company ("Stony II"), having an address c/o U.S. Equities Realty, Inc., 20 North Michigan Avenue, Suite 200, Chicago, Illinois 60602 and LaSalle Bank National Association, a national banking association, having an address c/o AIN AMRO North America, Inc., 135 S. LaSalle Street, Suite 3400, Chicago, Illinois 60603 ("Tenant").

WITNESSETH:

1. Stony I is the fee simple owner of that certain real property situated in the City of Chicago, Cook County, Illinois, legally described in Exhibit A attached hereto, and referred to herein as the "Shopping Center"; provided, however, 95th & Stony I is not the owner of Lot 4 therein.
2. Stony II is the fee simple owner of that certain real property situated in City of Chicago, Cook County, Illinois, which property is located within the Shopping Center, legally described in Exhibit B attached hereto and referred to herein as "Lot 4".
3. Stony II currently leases Lot 4 to Tenant pursuant to that certain Ground Lease Agreement dated March 13, 2000, as amended by First Amendment to Ground Lease Agreement dated as of the date hereof (the lease and all amendments thereto are collectively referred to herein as the "LaSalle Lease"). References herein to Tenant shall mean Tenant or its affiliates, subsidiaries, successors or assigns, as may be permitted under the LaSalle Lease.
4. Stony I and Stony II have entered into a Reciprocal Easement Agreement dated as of the date hereof (the "REA"). The REA provides for the maintenance of common areas within the Shopping Center, grants certain rights to Tenant and imposes certain obligations on Stony I.

(6)

5. Stony I, Stony II and Tenant have entered into a side letter agreement dated as of the date hereof (the "Agreement"), which Agreement modifies certain provisions of the REA.

6. This Memorandum of Side Letter Agreement is being executed and recorded in order to give notice of the existence of the Side Letter Agreement and the rights and other matters contained therein.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Lease as of the day and year first above written.

STONY I: 95th & Stony I, L.L.C., an Illinois limited liability company

By: U.S. Equities Realty, Inc., an Illinois corporation
Its: Manager

By: James M. Whittington
Name: James M. Whittington
Its: Vice President

STONY II: 95th & Stony II, L.L.C., an Illinois limited liability company

By: 95th & Stony I, L.L.C., an Illinois limited liability company
Its: Sole Member

By: U.S. Equities Realty, Inc., an Illinois corporation
Its: Manager

By: James M. Whittington
Name: James M. Whittington
Its: Vice President

TENANT: LASALLE BANK NATIONAL ASSOCIATION, a national banking association



By: Kelly Strohinger
Name: Kelly Strohinger
Its: Vice President

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

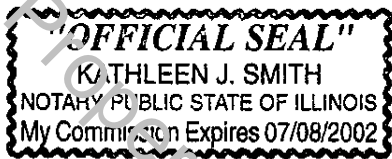
ACKNOWLEDGMENTS

10947633

STATE OF ILLINOIS)
)
COUNTY OF COOK)

10947633

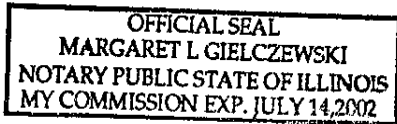
Personally came before me this 29th day of August, 2001, the above named Kelly Stradinger as the Vice President of LaSalle Bank National Association, a national banking association and acknowledged that he or she executed the foregoing instrument on behalf of said national banking association and by its authority, for the purposes set forth therein.



Kathleen J. Smith
Notary Public

STATE OF ILLINOIS)
)
COUNTY OF COOK)

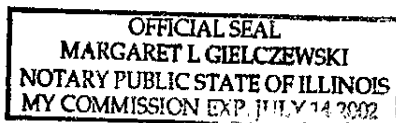
Personally came before me this 20th day of ~~August~~ September, 2001, the above named James M. Whittington as the Vice President of U.S. Equities Realty, Inc., an Illinois corporation, the manager of 95th & Stony I, L.L.C., an Illinois limited liability company and acknowledged that he or she executed the foregoing instrument on behalf of said limited liability company and by its authority, for the purposes set forth therein.



Margaret L. Gielczewski
Notary Public

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Personally came before me this 20th day of ~~August~~ September, 2001, the above named James M. Whittington as the Vice President of U.S. Equities Realty, Inc., an Illinois corporation, the manager of 95th & Stony I, L.L.C., an Illinois limited liability company, the sole member of 95th & Stony II, L.L.C. and Illinois limited liability company and acknowledged that he or she executed the foregoing instrument on behalf of said limited liability company and by its authority, for the purposes set forth therein.



Margaret L. Gielczewski
Notary Public

UNOFFICIAL COPY

10947633

EXHIBIT A TO
MEMORANDUM OF SIDE LETTER AGREEMENT
LEGAL DESCRIPTION OF THE SHOPPING CENTER

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A

10947633

LEGAL DESCRIPTION

LOTS 1-3 AND 5-8 IN STONY ISLAND AND 95TH STREET SUBDIVISION BEING PART OF THE NORTH WEST ¼ OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 16, 2001 AS DOCUMENT NUMBER 0010413114, IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

10947633

Exhibit A

Lot 4 in Stony Island and 95th Street Subdivision being part of the Northwest Quarter of Section 12, Township 37 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded May 16, 2001 as document number 0010413114, in Cook County, Illinois.

Also described as follows:

That part of the Northwest Quarter of Section 12, Township 37 North, Range 14 East of the Third Principal Meridian, Commencing at intersection of the North Line of said Northwest Quarter and the centerline of Stony Island Avenue; Thence South 90 degrees 00 minutes 00 seconds East along said North line, 1088.24 feet; thence South 00 degrees 01 minutes 43 seconds East, 73.37 feet to a point on the Southerly right of way line of 95th Street; thence North 89 degrees 28 minutes 19 seconds West along said Southerly right of way line 66.22 feet; thence South 87 degrees 42 minutes 34 seconds West along said Southerly right of way line, 411.32 feet to the point of beginning; thence South 00 degrees 00 minutes 00 seconds West, 168.17 feet; thence North 90 Degrees 00 minutes 00 seconds West, 258.32 feet; thence North 00 degrees 00 minutes 00 seconds East, 157.84 feet to a point on the said Southerly right of way line; thence North 87 degrees 42 minutes 34 seconds East along said Southerly right of way line, 258.53 feet to the point of beginning, in Cook County, Illinois.

Re: Lot 4

95th + Stony Island
Chicago, Illinois

PIN 25- 12- 100- 010

25- 12- 100- 012

25- 12- 100- 013