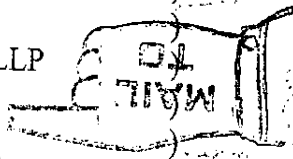




00228578

RECORDING REQUESTED BY, AND )  
WHEN RECORDED RETURN TO: )

Sutherland, Asbill & Brennan LLP  
999 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
Attention: ALEXANDRA RACON



(Space Above for Recorder's Use)

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made and entered into effect as of the 17<sup>th</sup> day of January, 2000, by and between **TAMARLIN INVESTMENT PARTNERSHIP**, having an address of 725 Landwehr Road, Northbrook, Illinois 60062 ("Landlord") and **HOME DEPOT U.S.A., INC**, a Delaware corporation, having an address of 2455 Paces Ferry Road, Atlanta, Georgia 30339 ("Tenant").

1. TERM AND PREMISES. For the initial term of twenty (20) Lease Years and upon the provisions set forth in that certain written lease of even date herewith from Landlord to Tenant ("Lease"), all of which provisions are specifically made a part hereof as fully and completely as if set out in full herein, Landlord leases to Tenant and Tenant leases from Landlord that certain real property consisting of land and improvements, if any (collectively, the "Premises") located in Cook County, Illinois, more particularly described on Exhibit "A", which exhibit is attached hereto and made a part hereof, together with all rights of ingress and egress and all other rights appurtenant to said Premises, including, without limitation, the right to use the building constructed or to be constructed on the Premises for the purposes contemplated in the Lease, all of which rights are more particularly described in the Lease.

2. OPTIONS TO EXTEND TERM. Reference is particularly made to **Article III** of the Lease wherein Tenant is given the option to extend the term of the Lease on the terms and conditions set forth therein for ten (10) successive periods of five (5) years each.

Zof Z CC196882 L.L.

3. USE. Reference is particularly made to **Article VII** of the Lease wherein Tenant is granted the right to use the Premises for any lawful purpose except those uses expressly prohibited by the Lease.

4. RIGHT OF FIRST OFFER. Reference is particularly made to **Article XXII** of the Lease wherein Landlord grants to Tenant the exclusive right of first offer to purchase the Premises on the terms and conditions as more fully described therein.

5. PURPOSE OF MEMORANDUM OF LEASE. This Memorandum of Lease is prepared for the purposes of recording a notification as to the existence of the Lease but in no way modifies the express and particular provisions of the Lease.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representative to execute and deliver this Memorandum of Lease as of the day and year first above written.

LANDLORD

Tamarlin Investment Partnership, an Illinois limited partnership

By: \_\_\_\_\_

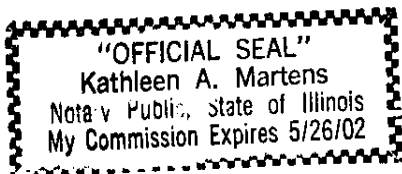
Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Illinois

County of Cook

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that Gordon I Seal 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 he/she signed, sealed and delivered the instrument as his/her free and voluntary act, for the uses and purposes therein set forth,



Kathleen A. Martens (Seal)  
Notary Public

My commission expires on: 5/26/02

UNOFFICIAL COPY

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TENANT:

Home Depot U.S.A., Inc., a Delaware corporation

By: *Kathy Lee*

*S. Harris  
1/14/2000*

Name: KATHERYN E. LEE  
VP REAL ESTATE LAW GROUP

Title: \_\_\_\_\_

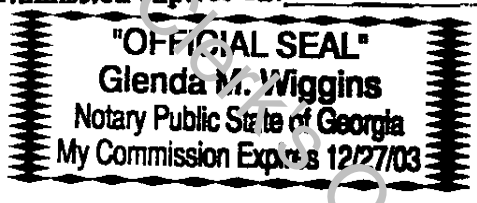
Date of execution: JAN 17 2000

State of Georgia  
County of Cobb

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that KATHERYN E. LEE 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 he/she signed, sealed and delivered the instrument as his/her free and voluntary act, for the uses and purposes therein set forth,

*Glenda M. Wiggins* (Seal)  
Notary Public

My commission expires on: \_\_\_\_\_



Property of *Office*

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

NOTARY PUBLIC  
Wanda M. Wiggins  
Notary Public State of Georgia  
My Commission Expires 12/31/03

EXHIBIT "A" TO MEMORANDUM OF LEASE

Legal description of the Land

PARCEL 1:

LOTS 16 THROUGH 30 BOTH INCLUSIVE, IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND LOTS 1 THROUGH 9 BOTH INCLUSIVE, ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCK 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS, AND VACATED WEST WEED STREET LYING SOUTH OF THE SOUTH LINE OF LOTS 16 THROUGH 30, BOTH INCLUSIVE, IN BLOCK 40 LYING NORTH OF THE NORTH LINE OF LOTS 1 THROUGH 15 BOTH INCLUSIVE, IN BLOCK 44, EXCEPTING FROM THE AFORESAID VACATED WEST WEED STREET THAT PORTION THEREOF LYING EAST OF THE WEST LINE OF LOT 16 IN BLOCK 40 PROLONGATED SOUTHERLY TO THE NORTHWEST CORNER OF LOT 15 IN BLOCK 44, LYING WEST OF THE EAST LINE OF LOT 21 IN BLOCK 40 PROLONGATED SOUTHERLY OF THE NORTH EAST CORNER OF LOT 10 IN BLOCK 44, AND LYING SOUTH OF A LINE 14 FEET SOUTH AND PARALLEL WITH THE SOUTH LINE OF LOT 16 THROUGH 21 BOTH INCLUSIVE IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND THE EAST WEST VACATED ALLEY, (EXCEPT THE WEST 145.22 FEET THEREOF) IN BLOCK 44 LYING SOUTH OF THE SOUTH LINE OF LOTS 1 THROUGH 15, BOTH INCLUSIVE AND LYING NORTH OF THE NORTH LINE OF LOTS 16 AND 26 AND THE NORTH LINE OF LOT 16 PROLONGATED EASTERLY TO THE NORTHWEST CORNER OF LOT 26, ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, AND THE VACATED WEST ONE FOOT OF NORTH DAYTON STREET (INCLUDING THE INTERSECTION OF WEST WEED STREET AND WEST BLOCKHAWK STREET) LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 30 IN BLOCK 40, THE EAST LINE OF LOT 1 IN BLOCK 44, THE EAST LINE OF LOTS 26 THROUGH 35, BOTH INCLUSIVE IN BLOCK 44, THE EAST LINE OF LOT 30 IN BLOCK 40 PROLONGATED SOUTHERLY TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 44, THE EAST LINE OF LOT 1 IN BLOCK 44, PROLONGATED SOUTHERLY TO THE NORTHEAST CORNER OF LOT 26 IN BLOCK 44 AND THE EAST LINE OF LOT 35 IN BLOCK 44 PROLONGATED SOUTHERLY SIX INCHES IN JOHN YALE'S RESUBDIVISION OF BLOCK'S 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1, 2, 3 AND 4 IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

17-05-209-013

17-05-209-014