



Doc#: 0327418154
Eugene "Gene" Moore Fee: \$58.50
Cook County Recorder of Deeds
Date: 10/01/2003 03:30 PM Pg: 1 of 5

After recording return to:)
Seyfarth Shaw)
1545 Peachtree Street, N.E.)
Suite 700)
Atlanta, Georgia 30309)
Attention: Gale G. Evans, Esq.)

RE: Chicago, Illinois TF (Store No. 5573)

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made and entered into effect as of the 11th day of October, 2002, by and between CROWN ENTERPRISES, INC., a Michigan corporation ("Landlord"), and HOME DEPOT U.S.A., INC., a Delaware corporation ("Tenant").

1. TERM AND PREMISES. For the term 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 ("Premises") located in the Village of Hillside, Cook County, State of Illinois, depicted 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 **Section 3.2** of the Lease wherein Tenant is given the option to extend the term of the Lease on the terms and conditions set forth therein.

3. USE. Reference is particularly made to **Section 7.1** of the Lease wherein Tenant is granted the right to use the Premises for any lawful purpose permitted under the applicable zoning ordinances.

4. 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.

5. OPERATION. Tenant shall not be required to operate in the Premises.

58.50
S-Y
M-Y
P-4
JF

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IN WITNESS WHEREOF this Memorandum of Lease has been executed as of the day and year first above written.

LANDLORD: CROWN ENTERPRISES, INC.,
a Michigan corporation

By: Arnold M. Mistura
Name: ARNOLD M. MISTURA
Title: PRESIDENT

[CORPORATE SEAL]

Real Estate Index Number: 15-17-200-018-0000
Address of Real Estate: 200 Mannheim Road, Hillside, Illinois*

STATE OF Michigan
COUNTY OF Macomb

I, KATHLEEN A. YEAGER, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT ARNOLD M. MISTURA, personally known to me to be the PRESIDENT of CROWN ENTERPRISES, INC., a Michigan 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 severally acknowledged that as such PRESIDENT (s)he signed and delivered the said instrument as PRESIDENT of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as (his) (her) 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 notarial seal this 19 day of DECEMBER, 2002.

Notary Public

My Commission Expires:

04-07-06

KATHLEEN A. YEAGER
Notary Public, Macomb County, MI
My Commission Expires Apr. 7, 2006

Kathleen A. Yeager

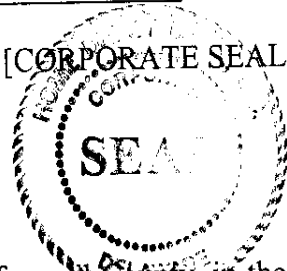
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TENANT:

HOME DEPOT U.S.A., INC.
a Delaware corporation

By: [Signature]
Name: **Jeff Israel**
Title: **Senior Corporate Counsel - Real Estate**

[CORPORATE SEAL]



STATE OF GEORGIA)
COUNTY OF COBB)

I, [Signature], a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Jeff Israel, personally known to me to be the Senior Corporate Counsel of HOME DEPOT U.S.A., INC., a Georgia 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 severally acknowledged that as such Senior Corporate Counsel (s)he signed and delivered the said instrument as Senior Corporate Counsel of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as (his) (her) 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 notarial seal this 27th day of February, 2003.

Notary Public

[Signature]

My Commission Expires:

Notary Public, DeKalb County, Georgia.
My Commission Expires Aug. 18, 2003.

This instrument was prepared by: Gale G. Evans, Esq.
Seyfarth Shaw
1545 Peachtree Street, N.E., Suite 700
Atlanta, Georgia 30309

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EXHIBIT "A"

Legal Description

PARCEL 1:

THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT THE NORTH 900 FEET THEREOF) OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT THE NORTH 900 FEET THEREOF) OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO TOGETHER WITH THE NORTH 66 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF AFORESAID SECTION 17 TAKEN AS A TRACT, (EXCEPT THAT PART DESCRIBED AS FOLLOWS:

NOTE: FOR THE FOLLOWING COURSES, THE NORTH LINE OF NORTHEAST $\frac{1}{4}$ OF AFORESAID SECTION 17 IS CONSIDERED AS BEARING DUE WEST. COMMENCING AT POINT OF INTERSECTION OF THE SOUTHEAST CORNER OF AFORESAID NORTH 900 FEET WITH THE EAST LINE OF AFORESAID NORTHEAST $\frac{1}{4}$ OF SECTION 17, THENCE DUE WEST IN AFORESAID SOUTH LINE OF THE NORTH 900 FEET, A DISTANCE OF 98.40 FEET TO A POINT; THENCE SOUTH 0 DEGREES 27 MINUTES 51 SECONDS WEST IN A LINE, A DISTANCE OF 60 FEET; THENCE DUE WEST IN A LINE, A DISTANCE OF 264.31 FEET TO A POINT; THENCE SOUTH 83 DEGREES 32 MINUTES 00 SECONDS WEST IN A LINE, A DISTANCE OF 272.85 FEET TO A POINT; THENCE SOUTH 1 DEGREE 41 MINUTES 00 SECONDS WEST IN A LINE, A DISTANCE OF 406.78 FEET TO A POINT IN THE SOUTH LINE OF AFORESAID NORTH 66 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$; THENCE SOUTH 89 DEGREES 54 MINUTES 36 SECONDS EAST IN THE LAST DESCRIBED LINE A DISTANCE OF 642.23 FEET MORE OR LESS TO THE SAID EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 17; THENCE NORTH ALONG SAID EAST LINE, A DISTANCE OF 498.35 FEET MORE OR LESS TO THE POINT OF BEGINNING.

ALSO;

- EXCEPTING THEREFROM ~~THE~~ FOLLOWING DESCRIBED PROPERTY. THE WEST 15 FEET OF THAT PART OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ LYING SOUTH OF THE NORTH 900 FEET THEREOF OF SECTION 17 (AFORESAID), IN COOK COUNTY, ILLINOIS.

TOGETHER WITH:

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT FROM VULCAN MATERIAL COMPANY, A NEW JERSEY CORPORATION, TO OAK

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PARK NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 5, 1958 AND KNOWN AS TRUST NUMBER 4380, JOHN J. O'LAUGHLIN, RAYMOND J. O'LAUGHLIN AND PAUL O'LAUGHLIN, DATED DECEMBER 1, 1961 AND FILED AUGUST 7, 1962 AS DOCUMENT LR2048408 FOR INGRESS TO AND EGRESS FROM THE PUBLIC HIGHWAY COMMONLY KNOWN AS MANNHEIM ROAD AND TO PROVIDE FOR SERVICING THE DOMINANT TENEMENT WITH UTILITIES, OVER THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 900 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST $\frac{1}{4}$ OF SAID SECTION 17 AND 98.4 FEET WEST OF THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$ OF SAID SECTION 17; THENCE SOUTH 60 FEET; THENCE EAST 98.4 FEET TO SAID EAST LINE OF SAID NORTHEAST $\frac{1}{4}$ OF SAID SECTION 17; THENCE NORTH ALONG SAID LAST DESCRIBED LINE, 60 FEET; THENCE WEST 98.4 FEET TO THE POINT OF BEGINNING (EXCEPT THE EAST 33 FEET THEREOF WHICH FALLS IN MANNHEIM ROAD) IN COOK COUNTY, ILLINOIS.

SAID TRACT CONTAINS 11.7380 ACRES OR 946,905 SQUARE FEET, AS SHOWN ON THAT CERTAIN SURVEY ENTITLED "ALTA/ACSM LAND TITLE SURVEY" PREPARED FOR HOME DEPOT U.S.A., INC., A DELAWARE CORPORATION AND FIDELITY NATIONAL TITLE, DATED AUGUST 20, 2002, PREPARED BY NATIONAL SURVEY SERVICE, INC., AND BEARING THE SEAL AND CERTIFICATION OF MICHAEL D. RAIMONDI, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2993.