UNOFFICIAL COPY

Unit No. 7384

Location: W. 95th & 88th

Hickory Hills, IL

Prepared by: Speedway SuperAmerica, LLC

539 S. Main Street Findlay, Ohio 45840

When recorded return to: Melissa Rollins

LandAmerica NCS

4111 Executive Pkwy., Suite 304

Westerville, Ohio 43081



Doc#: 0402346069

Eugene "Gene" Moore Fee: \$34.00 Cook County Recorder of Deeds Date: 01/23/2004 11:08 AM Pg: 1 of 6

CANCELLATION OF GROUND LEASE

This Cancellation of Ground Lease Supplement No. B-5 is made and entered into by and between Wilmington Trust Company, a Delaware bending corporation and William J. Wade, not in their individual capacities, but solely as owner trustees under a Trust Agreement dated as of September 15, 1987 ("Lessor"); and Speedway SuperAmerica LLC, successor by merger to Emro Marke in; Company, a Delaware limited liability company ("Lessee").

WITNESSETH

WHEREAS Lessor did enter into that certain: Lease ("Lease") with Lessee Emro Marketing Company, which Leasehold Interest is recited in a Memorandum of Group Lease dated September 15, 1987 and recorded December 23, 1987 in Document No. 87673305 and evidenced by Supplement recorded in Document Nos. 87673307 and 87673308, Cook County, Illinois.

WHEREAS it is the desire of the Lessor and Lessee to cancer aid Lease, Memorandum of Ground Lease, and Lease Supplement covering the following-described premises:

See attached Exhibit A for legal description

Each party hereto expressly discharges and releases the other from all claims and obligations of any character or nature whatsoever arising out of or in connection with said Lease and acknowledges full and complete performance on the part of the other party.

Notwithstanding anything contained herein or in any other Transaction Document to the contrary, it is expressly understood and agreed by the parties hereto that (a) this Agreement is executed and delivered by Wilmington Trust Company and William J. Wade, not individually or personally but solely as Owner Trustees, in the exercise of the powers and authority conferred and vested in them under the Trust Agreement, (b) each of the representations, undertakings and agreements herein made on the part of the Owner Trustees is made and intended not as personal representations, undertakings and agreements by Wilmington Trust Company and William J. Wade but is made and intended for the purpose for binding only the Trust Estate and (c) under no circumstances shall Wilmington Trust Company and William J. Wade be personally liable for the payment of any indebtedness or expenses of the Owner Trustees or be liable for the breach or failure of any obligation, representation, warranty or covenant made or undertaken by the Owner Trustees under this Agreement or the other related documents.

ACCORDINGLY, the parties hereto agree and by these present declare that:

The aforesaid lease of property described above is hereby cancelled and is of no further force and effect, as of this 30th day of June, 2003.

{171922.DOC}

S I NE DOCK

0402346069 Page: 2 of 6

UNOFFICIAL COPY

Signed and acknowledged	WILMINGTON TRUST COMPANY, a Delaware
in the presence of	banking corporation, not in its individual capacity
two witnesses:	but solely as owner trustee under Trust Agreement
Λ	dated as of September 15, 1987 (Lessor)
Sign: Koberty Perkers	(ICSSOI)
Print: Robert J. Perkins	By: Dodge 10
	Name: Pharisse L. Rodgers
Sign: MORE M. DANK	Title: Vice President
Print: MOHE M. BYNE	Date: 03
Signed and acknowledged	WILLIAM J. WADE not in his individual capacity
in the presence of	but solely as owner trustee under Trust Agreement
two witnesses:	dated as of September 15, 1987
Λ	(Lessor)
Sign: Dar Wara & Jaurgardzer Print: BARBARA F. GAUMGARDNER	- MANA
Print: BARBAKA F. SAUMUARUNEK	By: Driving has a company
Sign: Concerning	Name: William J. WASE Date: Ok(2k/03
Print: Rosella Chamiro	Date.
Time.	
Signed and acknowledged	SPEEDWAY SUPERAMERICA LLC, as
in the presence of	Successor Lessee to Emro Marketing Company,
Signed and acknowledged in the presence of two witnesses:	a Delaware limited liability company (Lessee)
Sign:	
Print: Linda K. Ramsey-Helms	By:
<u></u>	Name: R. R. Young
Sign:	Tide: Assistant Treasurer
Print: Ken Woode, Jr.	Date: june, 2003
	C/O/A
DEL AWADE	· T'
STATE OF)	5
COUNTY OF NEW CASTLE	
COUNTY OF THE COUNTY OF	
Before me, the undersigned Notary Public, r	personally appeared the above Wilmington Trust Company, a
Delaware banking corporation, not in its respective in	ARISSE RODGERS its Vice President who
Agreement dated as of September 15, 1987 by	who
acknowledged execution of the foregoing instrument	for and on behalf of Wilmington Trust Company, not in its
respective individual capacity, but solely as Owner Tru	ustee under a Trust Agreement dated as of September 15, 1987
and having been first duly sworn, stated that the represe	manons therein are due.
SWORN to before me this 26 day of $\sqrt{}$	une, 2003.
5 11 CALL TO SOLOTO SAN SANS = 1,000	•
	Kundanh & Jankhales
	Notary Public
	My Commission Expires:
	nij communica zapreci
	KIMBERLY ELIZABETH FAULHABER
	NOTARY PUBLIC - DELAWARE

My Commission Expires April 9, 2005

{171922.DOC}

0402346069 Page: 3 of 6

UNOFFICIAL COPY

Signed and acknowledged	WILMINGTON TRUST COMPANY, a Delaware
in the presence of	banking corporation, not in its individual capacity
two witnesses:	but solely as owner trustee under Trust Agreement
	dated as of September 15, 1987
	(Lessor)
Sign:	D.,,
Print:	By:
G' .	Name:
Sign:	Title: Date:
Print:	Date.
Claused and colonorylodged	WILLIAM J. WADE not in his individual capacity
Signed and acknowledged in the presence of	but solely as owner trustee under Trust Agreement
two witnesses:	dated as of September 15, 1987
two witnesses.	(Lessor)
Sign:	(Desider)
Print:	Ву:
Time.	Name:
Sign:	Date:
Print:	
Signed and acknowledged	SPEEDWAY SUPERAMERICA LLC, as
in the presence of	Successor Lessee to Emro Marketing Company,
Signed and acknowledged in the presence of two witnesses:	a Delaware limited liability company (Lessee)
11 /1 .	0 0 0
Sign: (Sign: K. Com Kan	
Print: Linda K Ramsey-Helms	Dy:
	Varie: R. R. Young ASTOFORM ASTOFORM
Sign: West Moor Col	Tive: Assistant Treasurer (Ma)
Print: Ken Woode, Jr.	Date: June <u>25</u> , 2003
	Cortio
	0.
	~/
	T_{α}
STATE OF)	0,
) SS.	
COUNTY OF)	Vic.
Defere me the undersigned Notary Public	personally appeared the above Wilmington Trust Company, a
Delayers banking correction not in its respective:	individual capacity, but solely as owner trusted under a Trust
Agreement detect as of Sentember 15, 1987 by	its who
acknowledged execution of the foregoing instrument	its who for and on behalf of Wilmington Trust Company, not in its
respective individual capacity, but solely as Owner Tr	rustee under a Trust Agreement dated as of September 15, 1987
and having been first duly sworn, stated that the represe	entations therein are true.
SWORN to before me this day of	. 2003.
5 WORLY to before the time any or	
	Notary Public
	My Commission Expires:

0402346069 Page: 4 of 6

UNOFFICIAL COPY

COUNTY OF <u>How Castle</u>) SS.	
Before me, the undersigned Notary Public, personally are respective individual capacity, but solely as owner trustee under a acknowledged that he did sign the foregoing instrument and that the	Trust Agreement dated as of September 15, 1987 who
SWORN to before me this 36 day of	e, 2003.
NOTARIAL SEAL BARBARA A. WHEELER Notary Public - State of Delaware Date of Appointment: 6-20-02 My Commission Expires: June 20, 2004	Notary Public My Commission Expires:

Before me, the undersigned Notary Public, personally appeared the above Speedway SuperAmerica LLC, as Successor Lessee to Emro Marketing Company, a Delaware limited liability company, by R. R. Young, its Assistant Treasurer, who acknowledged execution of the foregoing instrument for and on behalf of Speedway SuperAmerica LLC, as Successor Lessee to Emro Marketing Company, a Delaware limited liability company, and having been first duly sworn, stated that the representations therein ar true.

) SS.

SWORN to before me this _____ day of June, 2003

STATE OF <u>Delawase</u>)

STATE OF OHIO

COUNTY OF HANCOCK

Barbara J. DeAngelis
Notery Public, State of Ohio
My Commission Expires: March 28, 2004

0402346069 Page: 5 of 6

UNOFFICIAL COPY

STATE OF)		
COUNTY OF) SS.)		
	y as owner trustee und	ly appeared the above named William J. Wade, not in his ler a Trust Agreement dated as of September 15, 1987 who hat the same is his free act and deed.	
SWORN to before me this	day of	, 2003.	
		Notary Public	
		My Commission Expires:	
STATE OF OHIO)		
COUNTY OF HANCOCK) SS.)		

Before me, the undersigned Notary Public, personally appeared the above Speedway SuperAmerica LLC, as Successor Lessee to Emro Marketing Company, a Delaware limited liability company, by R. R. Young, its Assistant Treasurer, who acknowledged execution of the foregoing instrument for and on behalf of Speedway SuperAmerica LLC, as Successor Lessee to Emro Marketing Company, a Delaware limited liability company, and having been first duly sworn, stated that the representations therein the rule.

SWORN to before me this 25 day of June, 1003

Barbara J. DeAngeris Notary Public, State of Ohio

My Commission Expires: March 28, 2004

0402346069 Page: 6 of 6

UNOFFICIAL COPY

SSA #7384 W. 95th & 88th Hickory Hills, IL

LEGAL DESCRIPTION

Sit ated in the County of Cook in the State of Illinois, to wit:

The West 225 feet of the North 200 feet of the Northwest Quarter (NV 1/4) of Section 11, Township 37 North, Range 12, East of the Third Principal Meridian (except that portion of said described land heretofore conveyed to the Department of Public Works and Buildings of the State of Illinois by warranty deed as document no. 12364494) in Cook County, Illinois (excluding street right of way on 204 COUNTY both streets)

Leased station address: W. 95th & 88th

Hickory Hills, Illinois 74'S OFFICE

PIN 23-11-100-007