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Doc#: 0408432055
Eugene "Gene" Moore Fee: \$36.50
Cook County Recorder of Deeds
Date: 03/24/2004 11:08 AM Pg: 1 of 7

THIS INSTRUMENT WAS PREPARED BY:

Jeffery A. Usow
Mayer, Brown, Rowe & Maw
190 South LaSalle Street
Chicago, Illinois 60603

WHEN RECORDED MAIL TO:

Kevin Sterling
Friedman Properties, Ltd.
325 North LaSalle St.
Suite 600
Chicago, Illinois 60610

*10 of 10
NNNT 01032453
Tommi*

TERMINATION OF GROUND LEASE

THIS TERMINATION OF GROUND LEASE (this "Termination") is executed as of this 22nd day of April, 2002 and delivered as of the 22nd day of January, 2004 by MAGMILE COURT, LLC, an Indiana limited liability company ("Magmile").

RECITALS

A. Magmile, as tenant, and UGP-155 Ontario, LLC ("Urban Growth"), a Delaware limited liability company, as landlord, entered into that certain Ground Lease dated April 22, 2002 (the "Lease"), which Lease demises the land legally described in Exhibit A attached hereto and made a part hereof (the "Leased Premises"). A memorandum of the Lease was recorded May 6, 2002 as document no. 0020517373

B. In accordance with the terms of that certain Amended and Restated Development and Exchange Agreement dated April 22, 2002 (as amended, the "Development Agreement") by and between Urban Growth Property Limited Partnership (as subsequently assigned to Urban Growth) and White Lodging Services Corporation, an Indiana corporation, and Friedman Properties, Ltd., an Illinois corporation, (as subsequently assigned to Magmile), Urban Growth assigned to Magmile all of Urban Growth's right, title and interest in the Lease with respect to that portion of the Leased Premises comprising the Developer Parcel (as defined in the Development Agreement) (the "Developer Parcel"), legally described in Exhibit B attached hereto and made a part hereof, pursuant to that certain Assignment and Assumption of Ground Lease dated Jan 22, 2004 and recorded _____, _____ as document no. _____ January 3/24/04 0408432052

C. Magmile wishes to terminate the Lease with respect to the Developer Parcel.

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AGREEMENTS

NOW THEREFORE, in consideration of the Recitals, which are incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Magmile hereby terminates the Lease with respect to the Developer Parcel.
2. This Termination shall be binding upon and inure to the benefit of Magmile and its successors and assigns.

[balance of page left blank; signature follows]

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IN WITNESS WHEREOF, this Termination has been executed as of the date first written above.

MAGMILE COURT, LLC, an Indiana
limited liability company

By: White Lodging Services Corporation, an Indiana corporation
Its Manager

By: *Jamene E. Burnett*
Its: Chief Operating Officer

Property of Cook County Clerk's Office

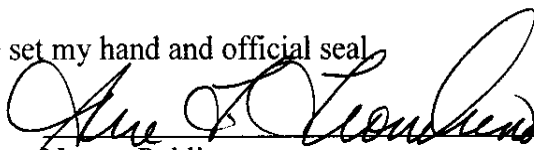
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

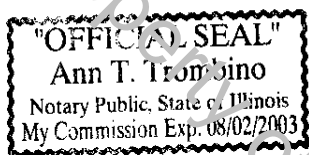
On this ____ day of April, 2002, before me, the undersigned officer, personally appeared Lawrence E. Burnell, who acknowledged himself to be the Chief Operating Officer of White Lodging Services Corporation, the Manager of Magmile Court, LLC, an Indiana limited liability company, and a party to the foregoing instrument, and that in such capacity, he executed the foregoing instrument for the purposes therein contained, on behalf of the company.

IN WITNESS WHEREOF, I have set my hand and official seal

[SEAL]



Notary Public



My Commission expires: 8/2/03

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 2 AND 3 AND THE EAST 5 FEET OF LOT 4 IN OGDEN'S SUBDIVISION OF PART OF BLOCK 30 IN KINZIE'S ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

ALL OF LOTS 1, 2, AND 3 IN SUBDIVISION OF LOT 1 IN OGDEN'S SUBDIVISION OF PART OF BLOCK 30 IN KINZIE'S ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property Address:
155 E. Ontario
Chicago, Ill

PIN: 17-10-118-002, 17-10-118-003, 17-10-118-004,
17-10-118-004

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CONSENT TO TERMINATION OF GROUND LEASE

THIS CONSENT TO TERMINATION OF GROUND LEASE is made and entered into as of January 26, 2004 by Pullman Bank and Trust, an Illinois banking corporation ("Pullman").

RECITALS:

A. Mag Mile Court, LLC, an Indiana limited liability company as tenant ("Mag Mile") and UGP-155 Ontario, LLC, a Delaware limited liability company, as landlord ("Urban Growth") entered into that certain Ground Lease dated April 22, 2002 (the "Lease"), which Lease demised the land legally described on Exhibit A attached to the Lease (the "Leased Premises").

B. Mag Mile has acquired all of Urban Growth's right, title and interest as landlord in the Lease with respect to that portion of the Lease Premises comprising the "Developer Parcel" as such term is defined in that certain Amended and Restated Development and Exchange Agreement dated April 22, 2002 (and as amended) by and between Mag Mile (as successor by assignment by White Lodging Services Corporation) and Urban Growth (as successor by assignment by Urban Growth Property Limited Partnership).

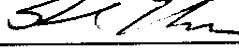
C. Pullman has a lien against the Leased Premises by that certain mortgage in favor of Pullman and recorded with the Cook County Recorder of Deeds as Document Number 0020517374.

D. Mag Mile wishes to terminate the Lease with respect to the Development Agreement and Pullman's consent is required to effectuate such termination.

NOW THEREFORE, in consideration of the Recitals which are incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Pullman consents to the termination of the Ground Lease.

IN WITNESS WHEREOF, the undersigned has executed this Consent to Termination of Ground Lease the day and year first above written.

PULLMAN BANK AND TRUST, an Illinois banking corporation

By: 
 Name: David L. Larson
 Title: Executive Vice President

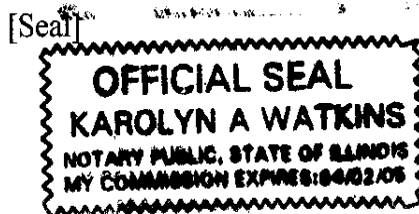
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THE STATE OF ILLINOIS §
 §
COUNTY OF COOK §

Before me, Karolyn Watkins, a Notary Public, this 26 day of January, 2004, personally appeared David L. Larson, the EW of Pullman Bank and Trust and acknowledged the execution of the foregoing instrument.

Karolyn A. Watkins
NOTARY PUBLIC

My Commission Expires: 4/02/05



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