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0426522125

Doc#: 0426522125

Eugene "Gene" Moore Fee: \$32.50

Cook County Recorder of Deeds

Date: 09/21/2004 09:30 AM Pg: 1 of 5

Return to: Drafted by and upon recordation return to:
Katten Muchin Zavis Rosenman
401 South Tryon Street, Suite 2600
Charlotte, North Carolina 28202-1935
Attention: Charles D. Landen, Esq.

STATE OF ILLINOIS

COUNTY OF COOK

MEMORANDUM OF LEASE

This is a Memorandum of that certain unrecorded Lease (the "Lease"), dated as of July 27, 2004, between **JDS MANAGEMENT SERVICES, LLC**, an Illinois limited liability company, having an address at 8944 S. Hoyne, Chicago, Illinois 60620, and **STANDARD BANK AND TRUST COMPANY, AS TRUSTEE UNDER LAND TRUST AGREEMENT DATED FEBRUARY 19, 1985 AND KNOWN AS LAND TRUST NO. 9473** ("Trustee"), as lessor (together, "Lessor") and **NOVAMED SURGERY CENTER OF OAK LAWN, LLC**, a Delaware limited liability company, having an address at c/o NovaMed, Inc., 980 North Michigan Avenue, Suite 1620, Chicago, Illinois 60611, as lessee ("Lessee"), pursuant to which Lessor leased to Lessee (i) premises containing approximately 12,541.5 square feet located in the building and the underlying land commonly known as 6309-13 West 95th Street, Oak Lawn, Illinois 60453 and legally described on Exhibit A attached hereto and made a part hereof and (ii) the parking lot located at the property commonly known as 9511 South Merrimac, Oak Lawn, Illinois.

The term of the Lease commenced on July 27, 2004 and expires on July 31, 2014. Lessee has an option to renew the Lease for two (2) consecutive terms of five (5) year each.

The provisions set forth in the Lease are hereby incorporated into this Memorandum.

This Memorandum is executed by Trustee, not personally, but solely as Trustee under and pursuant to that certain Land Trust Agreement dated February 19, 1985 and known as Trust Number 9473, and the Trustee does not obligate itself hereunder, anything herein contained to the contrary notwithstanding, to the performance of any of the terms, conditions and representations made and contained in the Lease, it being specifically understood by any and all parties dealing with the Lease that said Trustee has affixed its signature hereto as such Trustee by direction in behalf of the beneficiary or beneficiaries under the said trust without any intention of binding the said Trustee in its individual capacity. The Trustee has no knowledge of the factual matters contained in the Lease and all agreements, conditions and representations set forth in the Lease are made solely upon the direction and in behalf of the beneficiary or beneficiaries as aforesaid, and no personal liability shall be asserted to be enforceable against said Trustee by reason hereof or thereof, all such personal liability, if any, being expressly waived and released.

S-Y
P-5
S-Y
M-Y
M.T.

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IN WITNESS WHEREOF, the parties have caused this Memorandum of Lease to be duly executed this 27th day of July, 2004.

LESSOR:

JDS MANAGEMENT SERVICES, LLC, an Illinois limited liability company

By: Kathleen E. Schlenker
 Name: Kathleen E. Schlenker
 Title: Managing Member

STANDARD BANK AND TRUST COMPANY, as Trustee under Land Trust Agreement dated February 19, 1985 and Known as Land Trust No. 9473

This instrument is signed, sealed and delivered by STANDARD BANK AND TRUST COMPANY, solely in its capacity as Trustee as aforesaid. Any and all duties, obligations and liabilities of the Trustee hereunder are to be performed by said STANDARD BANK AND TRUST COMPANY only as such Trustee. Any claims, demands and liabilities which may at any time be asserted against the Trustee hereunder shall be paid, collected or satisfied against only the property or assets in the possession of said STANDARD BANK AND TRUST COMPANY as Trustee as aforesaid, and the said STANDARD BANK AND TRUST COMPANY does not undertake, nor shall it incur any personal or individual liability or obligation of any nature whatsoever by virtue of the execution and delivery hereof, nor shall STANDARD BANK AND TRUST COMPANY, either individually or as Trustees, be under any duty or obligation to sequester the rents, issues and profits arising from the property described or any other property which it may hold under the terms and conditions of said Trust Agreement.

By: Patricia Ralphson
 Name: Patricia Ralphson
 Title: AVP

LESSEE:

NOVAMED SURGERY CENTER OF OAK LAWN, LLC, a Delaware limited liability company

By: John W. Lawrence, Jr.
 Name: John W. Lawrence, Jr.
 Title: Secretary of Manager

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ACKNOWLEDGMENT

STATE OF ILLINOIS)

) SS.

COUNTY OF Cook)

This instrument was acknowledged before me on July 27, 2004 by Kathleen E. Schlenker, the Managing Member of JDS Management Services, LLC, an Illinois limited liability company, on behalf of said limited liability company for the uses and purposes therein set forth.

Elsie A. Hoover
Notary Public

Commission expires: 3-1-08

STATE OF ILLINOIS)

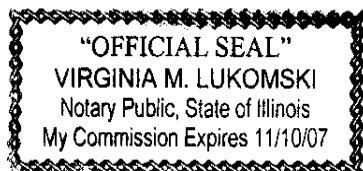
) SS.

COUNTY OF Cook)

This instrument was acknowledged before me on August 12, 2004 by Patricia Ralphson, the AVP of Standard Bank and Trust Company, as Trustee under Land Trust Agreement dated February 19, 1985 and known as Land Trust No. 9473, on behalf of said Trustee for the uses and purposes therein set forth.

Virginia M. Lukomski
Notary Public

Commission expires: _____



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ACKNOWLEDGMENT

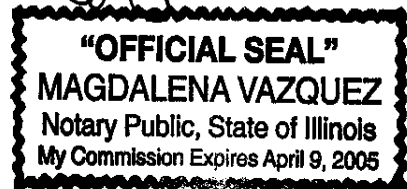
STATE OF ILLINOIS)

) SS.

COUNTY OF Cook)

This instrument was acknowledged before me on July 27, 2004 by John W. Lawrence, Jr., the Secretary of Manager of NovaMed Surgery Center of Oak Lawn, LLC, a Delaware limited liability company, on behalf of said limited liability company for the uses and purposes therein set forth.

Magdalena Vazquez
Notary Public

Commission expires: 4/9/05

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Exhibit "A" to Memorandum Of Lease
between JDS Management Services, LLC, an Illinois limited liability company, and Standard
Bank and Trust Company, as Trustee under Land Trust Agreement dated February 19, 1985
and known as Land Trust No. 9473, as lessor, and NovaMed Surgery Center of Oak Lawn,
LLC, a Delaware limited liability company, as lessee

6309-13 W. 95th Street:

Lots, 5, 6, 7 and 8 in Block 3 in H. O. Stone & Company's 95th Street
Columbus Manor, being a Subdivision of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of
the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$
of Section 8, Township 37 North, Range 13, East of the Third Principal
Meridian, in Cook County, Illinois.

Permanent Index Number: 24-08-101-006; 24-08-101-005; 24-08-101-004; 24-08-
101-003

9511 S. Merrimac:

Lots 5, 6, 11, 12, and 13 in H.O. Stone & Company's 95th Street Columbus
Manor, being a subdivision of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the
Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$
of Section 8, Township 37 North, Range 13, East of the Third Principal
Meridian, in Cook County, Illinois

Permanent Index Number: 24-108-103-004; 24-108-103-005; 24-108-103-006; 24-
108-103-011; 24-108-103-012; and 24-108-103-013