



2 of 2  
03-24256

## TERMINATION OF LEASE

Doc#: 0435627056  
Eugene "Gene" Moore Fee: \$70.50  
Cook County Recorder of Deeds  
Date: 12/21/2004 12:12 PM Pg: 1 of 8

THIS TERMINATION OF LEASE, made as of December 15, 2004 between **WINTHROP PARTNERS 79 LIMITED PARTNERSHIP**, a Massachusetts limited partnership ("Winthrop") having an address at c/o First Winthrop Corp., 7 Bulfinch Place, Suite 500, P.O. Box 9507, Boston, MA 02114, and **FRANK'S NURSERY AND CRAFTS, INC.**, a Delaware corporation ("Frank's"), with an address at 580 Kirts Boulevard, Suite 300, Troy, Michigan 48084 (the "Agreement").

### RECITALS:

WHEREAS, Winthrop and Frank's entered into that certain Lease dated January 30, 1980 (the "Lease"), a memorandum of which was recorded on January 30, 1980, as Document No. 25342273 in the Recorder's Office of Cook County, Illinois. Pursuant to the Lease, Winthrop leased to Frank's that certain real property located in Hillside, Illinois, and more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"), and the improvements located thereon.

WHEREAS, Winthrop and Frank's desire to terminate their respective interest in the Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intended to be legally bound:

1. **Cancellation.** The Lease is hereby cancelled and terminated as to the Premises except for those obligations that survive pursuant to the terms of the Lease.
2. **Effective Date.** The effective date of this Agreement shall be the date hereof.
3. **Successors and Assigns.** This Agreement shall bind and inure to the benefit of each of the parties hereto and their respective heirs, personal representatives, successors and assigns.
4. **Counterparts.** This Agreement may be executed in counterpart copies, all of which together shall be deemed one and the same instrument.

### PREPARED BY:

William W. Post, Esquire  
Post Heymann & Koffler LLP  
Two Jericho Plaza, Wing A, Suite 111  
Jericho, New York 11753

# UNOFFICIAL COPY

AFTER RECORDING, RETURN TO:

LandAmerica Financial Group, Inc.  
One Market, Spear Tower, Suite 1850  
San Francisco, CA 94105

COMMON ADDRESS:  
4500 West Roosevelt  
Hillside, Illinois

PERMANENT TAX INDEX NO.: 15-17-304-089; 15-17-304-090;

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# UNOFFICIAL COPY

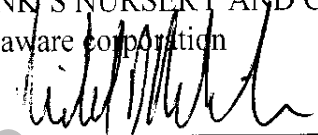
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

WINTHROP PARTNERS 79 LIMITED PARTNERSHIP,  
a Massachusetts limited partnership

By: One Winthrop Properties, Inc.,  
its managing general partner

By: \_\_\_\_\_  
John Alba,  
Vice President

FRANK'S NURSERY AND CRAFTS, INC.,  
a Delaware corporation

By:   
Name: MICHAEL D. MCBRIDE  
Title: VICE PRESIDENT

Property of Co. County Clerk's Office

# UNOFFICIAL COPY

## ACKNOWLEDGMENT

STATE OF NEW YORK            )  
   )  
 COUNTY OF NASSAU            )        ss:

BE IT REMEMBERED, that on this 10<sup>th</sup> day of December, before me, the subscriber, a Notary Public in and for said County and State, personally came John Alba, the Vice President of One Winthrop Properties, Inc., the managing general partner of Winthrop Partners 79 Limited Partnership, a Massachusetts limited partnership, the limited partnership which executed the foregoing instrument, who acknowledged that he did sign said instrument in such capacity on behalf of said limited partnership, duly authorized; that said instrument was signed as his free act and deed individually and the free act and deed of said limited partnership.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
 Notary Public

My Commission Expires:

STATE OF Michigan            )  
   )  
 COUNTY OF MACOMB            )        ss:

BE IT REMEMBERED, that on this 15<sup>th</sup> day of December, before me, the subscriber, a Notary Public in and for said County and State, personally came MICHAEL D. MORALES, the VICE PRESIDENT of Frank's Nursery and Crafts, Inc., a Delaware corporation, the corporation which executed the foregoing instrument, who acknowledged that he/she did sign said instrument in such capacity on behalf of said corporation, duly authorized; that said instrument was signed as his/her free act and deed individually and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

Jusan M. Miller  
 Notary Public

My Commission Expires:

**JUSAN M. MILLER**  
**NOTARY PUBLIC MACOMB CO., MI**  
**COMMISSION EXPIRES Aug 12, 2009**

# UNOFFICIAL COPY

## EXHIBIT A

### LEGAL DESCRIPTION

Lot 4 (except the North 80 feet thereof and except the East 149.89 feet thereof) and Lot 5 (except the North 318 feet thereof and except the West 76.86 feet thereof) in Hillside Congress Executive Park, being a subdivision of part of the South West  $\frac{1}{4}$  of Section 17, Township 39 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded December 6, 1966, as Document No. 20016140, in Cook County, Illinois.

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

WINTHROP PARTNERS 79 LIMITED PARTNERSHIP,  
a Massachusetts limited partnership

By: One Winthrop Properties, Inc.,  
its managing general partner

By: \_\_\_\_\_  
John Alba,  
Vice President

FRANK'S NURSERY AND CRAFTS, INC.,  
a Delaware corporation

By: \_\_\_\_\_  
Name:  
Title:

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## ACKNOWLEDGMENT

STATE OF NEW YORK                    )  
   )  
 COUNTY OF NASSAU                    )

ss:

BE IT REMEMBERED, that on this 10<sup>th</sup> day of December, before me, the subscriber, a Notary Public in and for said County and State, personally came John Alba, the Vice President of One Winthrop Properties, Inc., the managing general partner of Winthrop Partners 79 Limited Partnership, a Massachusetts limited partnership, the limited partnership which executed the foregoing instrument, who acknowledged that he did sign said instrument in such capacity on behalf of said limited partnership, duly authorized; that said instrument was signed as his free act and deed individually and the free act and deed of said limited partnership.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

*Allison Forrester*  
 \_\_\_\_\_  
 Notary Public

My Commission Expires:

**ALLISON FORRESTER**  
**Notary Public, State of New York**  
**No. 01FO4883541**  
**Qualified in Nassau County**  
**Commission Expires January 26, 2007**

STATE OF                                    )  
   )  
 COUNTY OF                                )

ss:

BE IT REMEMBERED, that on this \_\_\_\_ day of December, before me, the subscriber, a Notary Public in and for said County and State, personally came \_\_\_\_\_, the \_\_\_\_\_ of Frank's Nursery and Crafts, Inc., a Delaware corporation, the corporation which executed the foregoing instrument, who acknowledged that he/she did sign said instrument in such capacity on behalf of said corporation, duly authorized; that said instrument was signed as his/her free act and deed individually and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
 Notary Public

My Commission Expires:

# UNOFFICIAL COPY

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Property of Cook County Clerk's Office