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Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/08/2005 10:30 AM Pg: 1 of 8

**Prepared by, and when Recorded,  
Return to:**

Wireless Capital Partners, LLC  
2800 28<sup>th</sup> Street, Suite 100  
Santa Monica, CA 90405  
Attn: Servicing Manager  
WCP # 12064



**Document Title(s)**

Memorandum of Purchase and Sale of Lease and Successor Lease

**Grantor(s):**

Messner Partners CT LLC, an Illinois limited liability company

**Grantee(s):**

Wireless Capital Partners, LLC, a Delaware limited liability company

**Property Address:**

1-5 Messner Drive, Wheeling, IL

**Assessor's Property Parcel Number**

03-14-405-023

Property of Cook County Clerk's Office

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10/11/05

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RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

WIRELESS CAPITAL PARTNERS, LLC  
2800 28<sup>th</sup> Street, Suite 100  
Santa Monica, California 90405  
Attn: Servicing Manager  
WCP: 12064

## MEMORANDUM OF PURCHASE AND SALE OF EASEMENT AND LEASE AND SUCCESSOR LEASE

This Memorandum of Purchase and Sale of Easement and Lease and Successor Lease (this "Memorandum") is made as of Oct 28, 2005 between MESSNER PARTNERS CT LLC, an Illinois limited liability company ("Landlord"), and WIRELESS CAPITAL PARTNERS, LLC, a Delaware limited liability company ("WCP").

A. Landlord, as successor-in-interest to LaSalle National Trust, N.A., as lessor, and AT&T Wireless PCS, LLC, a Delaware limited liability company, as successor-in-interest to AT&T Wireless PCS, Inc., as lessee ("Tenant"), are parties to that certain lease dated as of February 28 1996, as amended (the "Lease"), with respect to the premises described on Schedule A attached hereto (the "Premises").

B. Landlord and WCP are parties to a Purchase and Sale of Easement and Lease and Successor Lease dated on or about the date hereof (the "Agreement"), pursuant to which Landlord has, among other things, sold and assigned to WCP its right, title and interest in and to the Lease. The parties hereto desire to execute this Memorandum to provide constructive notice of the existence of the Lease and the Agreement, and of WCP's rights under the Agreement including the easement granted therein.

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto acknowledge and/or agree as follows:

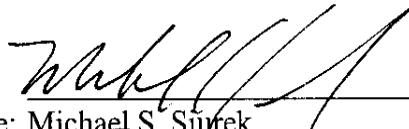
Landlord has granted and hereby does grant an easement in the Premises to WCP, for the purpose of inspecting, installing, improving, enlarging, removing, maintaining, repairing and replacing of antennas and telecommunications equipment on the Premises. Landlord has sold and assigned and hereby does sell and assign all of its right, title and interest in and to the Lease to WCP, on the terms and subject to the conditions set forth in the Agreement. The Lease expires by its terms on or about August 31, 2006 and contains three (3) option(s) to renew or extend the term for an additional period of five (5) years each. Landlord has leased and hereby does lease the Premises to WCP, on the terms and subject to the conditions set forth in the Agreement. The successor lease is for a term commencing upon the expiration or termination of the Lease and ending on November 30, 2035. Landlord has retained all of Landlord's obligations and liabilities under the Lease.


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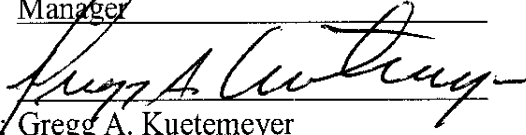
The terms and conditions of the Lease and the Agreement are hereby incorporated herein by reference as if set forth herein in full. Copies of the Lease and the Agreement are maintained by WCP at the address of WCP above and are available to interested parties upon request. This Memorandum has been duly executed by the undersigned as of the date first written above.

LANDLORD:

MESSNER PARTNERS CT LLC, an Illinois limited liability company


By:   
Name: Michael S. Siurek  
Its: Manager

By:   
Name: Bryan E. Barus  
Its: Manager

By:   
Name: Gregg A. Kuetemeyer  
Its: Manager

WCP:

WIRELESS CAPITAL PARTNERS, LLC, a Delaware limited liability company

By:   
Name: Joni LeSage  
Its: Treasurer

**[NOTE: ALL SIGNATURES MUST BE PROPERLY NOTARIZED]**

Property of Cook County Clerk's Office

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## ALL-PURPOSE ACKNOWLEDGMENT

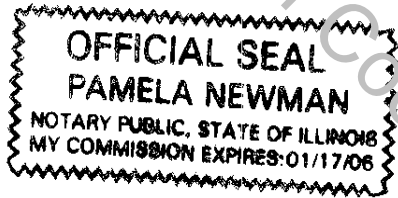
State of IL  
County of DuPage } ss.

On 10/24/05 before me, Pamela Newman  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Bryan E. BURUS  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Pamela Newman  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could not prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

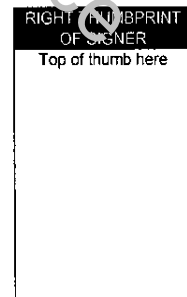
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



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## ALL-PURPOSE ACKNOWLEDGMENT

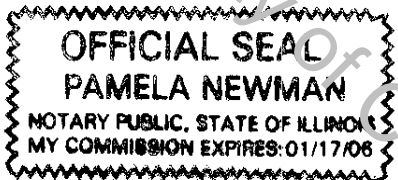
State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.

On 10/24/05 before me, Pamela Newman  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Michael Siurek  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Pamela Newman  
Signature of Notary Public

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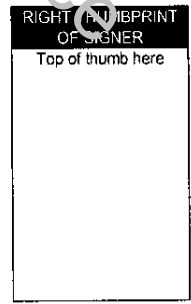
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer - Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



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## ALL-PURPOSE ACKNOWLEDGMENT

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.

On 10/24/05 before me, Pamela Newman  
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared Gregg A. Kuetzmeyer  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Pamela Newman  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could not prevent fraudulent removal and reattachment of this form to another document.*

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Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

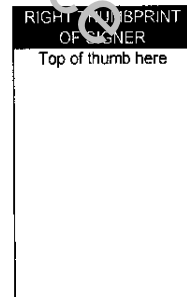
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer – Title(s): \_\_\_\_\_
- Partner -  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



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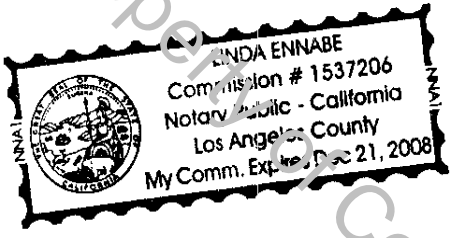
## ALL-PURPOSE ACKNOWLEDGMENT

State of **CALIFORNIA**  
County of **LOS ANGELES** } ss.

On October 28, 2005 before me, Linda Ennabe, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared JONI LESAGE  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence



to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.  
Linda Ennabe  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could not prevent fraudulent removal and reattachment of this form to another document.*

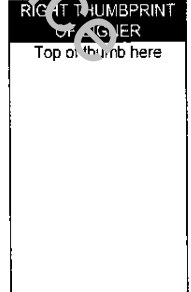
### Description of Attached Document

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer – Title(s): \_\_\_\_\_
  - Partner -  Limited  General
  - Attorney-in-Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



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## SCHEDULE A

### LEGAL DESCRIPTION AND EASEMENT DESCRIPTION AND LEASE DESCRIPTION

That certain LEASE AGREEMENT dated February 28, 1996, by and between LaSalle National Trust, N.A., as predecessor-in-interest to MESSNER PARTNERS CT LLC, an Illinois limited liability company, whose address is 4300 Commerce Court, Suite 200, Lisle, IL 60532 ("Landlord") and AT&T Wireless PCS, Inc., as predecessor-in-interest to AT&T Wireless PCS, LLC, a Delaware limited liability company ("Tenant"), whose address is C/O Wireless Asset Management, PO Box 2088, Rancho Cordova, CA 95741, for the property located at I-5 Messner Drive, Wheeling, IL 60090, in Cook County.

Legal Description and Easement Description is as follows:

#### PARCEL 1:

THE SOUTH 53.00 FEET OF THE EAST 22.50 FEET OF LOT 5 IN WHEELING'S CENTER FOR INDUSTRY UNIT NUMBER 2 BEING A SUBDIVISION IN THE SOUTHWEST ¼ AND SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS ON APRIL 4, 1977 AS DOCUMENT NUMBER 2929915, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR ACCESS AND THE RIGHT TO USE ONE PARKING SPACE CONTAINED IN TRUSTEE'S DEED FROM LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 1, 1996 AND KNOWN AS TRUST NUMBER 121643-07 TO CT LLC, RECORDED SEPTEMBER 10, 2004 AS DOCUMENT 0425465277.