# UNOFFICIAL COPY

THIS INSTRUMENT PREPARED BY AND AFTER RECORDING RETURN TO: Liechty & McGinnis, P.C. 7502 Greenville Avenue, Suite 750 Dallas, Texas 75231 Attn: Douglas C. Peter, Esq.

Doc#: 0707441053 Fee: \$34.00 Eugene "Gene" Moore RHSP Fee:\$10.00 Cook County Recorder of Deeds Date: 03/15/2007 10:51 AM Pg: 1 of 6

STATE OF ILLINOIS

SS.

**COUNTY OF COOK** 

§

## MEMORANDUM OF RIGHT OF FIRST REFUSAL

THIS IS MEMORANDUM OF RIGHT OF FIRST REFUSAL AGREEMENT (this "Memorandum") by and among SCP 2006-C23-029 LLC, a Delaware limited liability company, having an office at 4208 18th Avenue, Brooklyn, New York 11230 ("Owner"), NOSTRAND PARTNERS LLC, a New York limited liability company, having an address at 4208 18th Avenue, Brooklyn, New York 11230 (the, "Beneficial Owner") (Owner and Beneficial Owner, collectively and individually, 'Optionor") and SCP CAPITAL, INC., a Texas corporation, having an office at 2525 Fairmour, Street, Suite 200, Dallas, Texas 75201 ("SCI"). For good and valuable consideration Optionor has granted to SCI, an option to purchase Owner's interest in the real property herein described (the "Property") or one hundred percent (100%) of the limited liability company interest in Owner, for the price and upon the terms and conditions of that certain Right of First Refusal, by and among Cwner, Beneficial Owner and SCI of even date herewith (as the same may hereafter be amended, modified, supplemented or restated, the "Agreement") upon the following terms:

Optionor:

Owner and Beneficial Owner

Optionee:

SCI

Date of Agreement:

As of October 3, 2006

Property Description: See Exhibit A attached hereto

Date of Expiration:

January 31, 2031

Clert's Office The purpose of this Memorandum is to give record notice of the Agreement and the rights created thereby, all of which are hereby confirmed and this shall not have the effect of in any way modifying, supplementing or abridging the Agreement or any of its provisions as the same are now or may hereafter be in force and effect. All provisions set forth in the Agreement are incorporated into and made part of this Memorandum by reference. In the event of any conflict between the provisions of the Agreement and this Memorandum, the provisions of the Agreement shall prevail.

0707441053 Page: 2 of 6

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IN WITNESS WHEREOF, this Memorandum has been executed under seal and delivered by the authorized officers of the parties as of October \_\_\_, 2006.

	SCI:
ATTEST:	SCP CAPITAL, INC., a Texas corporation
By: Name: Vest Fiese Title:	By: Kyle Woo, Vice President
STATE OF TEXAS §	
COUNTY OF DALLAS §	
Capital, Inc., a Texas corporation, personally subscribed to the foregoing instrument,	known to me to be the same person whose name is appeared before me this day in person, and the instrument as his free and voluntary act, for the
GIVEN UNDER MY HAND AND S	EAL OF CFFICE, this day of October, 2006.  Notary Public Nalver
[Notary Seal]  LINDA JO GRABER  NOTARY PUBLIC	My commission expires: 2-20-09

0707441053 Page: 3 of 6

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## **BENEFICIAL OWNER:**

ATTEST:	NOSTRAND PARTNERS LLC, a New York limited liability company
By: Name: 4lan wiss Title:	By: Murray Puderboutel, Manager
STATE OF §	
COUNTY OF 1/2 \$	, certify that Murray Puderbeutel, Manager of
same person whose name is subscribed to t	d liability company, personally known to me to be the he foregoing instrument, appeared before me this day gned and delivered the instrument as his free and
GIVEN UNDER MY HAND AND	SEAL OF OFFICE, this day of October, 2006.
[Notary Seal]	Nota y Public  My commission expires:
IL.	ALLAN. MEISS Notary Public, State of New York No. 02WE605 to 1 Qualified In Nessen County Commission Expires Novembars, 2008

0707441053 Page: 4 of 6

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OWNER:

ATTEST:	SCP 2006-C23-029 LLC, a Delaware limited liability company
By: Name:  7 llen vi55  Title:	By: Augustuff Murray Puderbeutel, President
STATE OF §	
	, certify that Murray Puderbeutel, President of SCP
same person whose name is subscribed to t	iability company, personally known to me to be the the foregoing instrument, appeared before me this day gned and delivered the instrument as his free and run set forth.
GIVEN UNDER MY HAND AND	SEAL OF OFFICE, this day of October, 2006.  Notary Public
[Notary Seal]	My commission expires:
IL	ALLAN J. WEIGS  Notary Public, State of New York No. 02WE605884  Qualified in Nassau Count Commission Expires November 8, 2003

0707441053 Page: 5 of 6

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### **EXHIBIT A**

CVS Store No. 8741 Chicago, Illinois

Lots 30 to 47, both inclusive in Block 1 in McMillan and Wetmore's Subdivision of the North quarter of the East half of the Southeast quarter of Section 27, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

107-Cook County Clark's Office APN: 16-27-407-040

0707441053 Page: 6 of 6

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