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Doc#: 0707433253 Fee: \$70.00  
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Cook County Recorder of Deeds  
Date: 03/15/2007 01:26 PM Pg: 1 of 8

06030383 (2)

## MEMORANDUM OF REPURCHASE OPTION AND RIGHT OF FIRST REFUSAL

This Memorandum of Repurchase Option and Right of First Refusal is made this 29th day of January, 2007, between **ESQUIRE PETROLEUM, LLC**, an Illinois limited liability company, ("Purchaser"), and **EXXON MOBIL CORPORATION**, a New Jersey corporation ("Seller"), with a place of business at 3225 Gallows Road, Fairfax, VA 22037-0001.

1. Esquire Petroleum, LLC, an Illinois limited liability company, and Seller entered into an Agreement of Purchase and Sale dated August 10, 2006, as amended, ("Agreement") for certain properties located in the State of Illinois. The property for which this Memorandum of Repurchase Option has been entered into is located in the County of Cook and State of Illinois, as more particularly described on the attached and incorporated Exhibit "A" (the "Property").
2. This Memorandum is to record Seller's continuing rights and interests in the Property.
3. The Agreement contains a right granted to and for the benefit of Seller to acquire the Property in the event certain conditions exist as more particularly set forth in the Agreement. This right to acquire the Property is part of the consideration given to Seller by Purchaser for the Property and is superior to any rights of third parties existing after the date hereof to acquire all or any portion of the Property, except for the interest of the Lender (as defined in the Agreement) under the Mortgage (as defined in the Agreement) encumbering the Property, to which Seller's right to acquire the Property is subject and subordinate as provided in the Agreement.
4. The Agreement also contains a right granted to and for the benefit of Seller to have a right of first refusal ("Right of First Refusal") in connection with the sale, transfer, assignment or other disposition of Purchaser's interest in of the Property in the event certain conditions exists as more particularly set forth in the Agreement. This right of first offer ("Right of First Refusal") is part of the consideration given to Seller by Purchaser for the Property and is superior to any rights of third parties existing after the

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date hereof to acquire all or any portion of the Property, except for the interest of the Lender (as defined in the Agreement) under the Mortgage (as defined in the Agreement) encumbering the Property, to which Seller's right to acquire the Property is subject and subordinate as provided in the Agreement.

5. This Memorandum may be executed by Purchaser and Seller in counterparts, each of which shall be deemed an original, but such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Purchaser and Seller have caused this Memorandum of Repurchase Option and Right of First Refusal to be signed as of the date in the year first written above but effective as of the 13 day of February, 2007.

THIS SPACE INTENTIONALLY LEFT BLANK

SIGNATURE PAGES FOLLOW

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ESQUIRE PETROLEUM, LLC

Purchaser

WITNESS:

Patricia Anderson

Name: Ulice Payne, Jr.

Title: Managing Member

STATE OF ILLINOIS

§

COUNTY OF

Cook

§

§

On 2/12/07, before me, the undersigned, Notary Public, personally appeared Ulice Payne, Jr. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person, whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature

Notary Public



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ESQUIRE PETROLEUM, LLC

Purchaser

WITNESS:

Bettina AndersonGeorge Athans

Name: George Athans

Title: Member

STATE OF ILLINOIS

§

COUNTY OF Cook

§

§

On 2/12/07, before me, The undersigned, Notary Public, personally appeared George Athans personally known to me (or proved to me on the basis of satisfactory evidence) to be the person, whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Notary Public

Michael D. Lebovitz

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## WITNESS:

By: D. DiAgostino  
 Name: D. DiAgostino

## EXXON MOBIL CORPORATION

Seller

By: Mark Pagano  
 Name: Mark Pagano  
 Title: Agent & Attorney-in-Fact

COMMONWEALTH OF VIRGINIA §

§

COUNTY OF FAIRFAX §

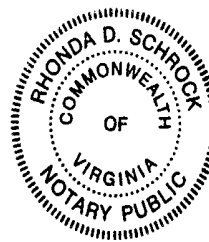
Before me the undersigned authority, this day personally appeared Mark Pagano, to me well known and known to me to be an Agent & Attorney-in-Fact of the corporation named in the foregoing instrument, and he acknowledged to and before me that he executed said instrument on behalf of and in the name of said corporation as such agent and attorney-in-fact being duly authorized by said corporation to execute said instrument and that said instrument is the free act and deed of said corporation. He is personally known to me.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the 29th day of January, 2007.

Rhonda D. Schrock  
 Print Name: \_\_\_\_\_

Notary Public, Commonwealth of Virginia

My Commission Expires: \_\_\_\_\_



RHONDA D. SCHROCK  
 NOTARY PUBLIC  
 COMMONWEALTH  
 OF VIRGINIA  
 My Commission Expires  
 January 31, 2009

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## EXHIBIT "A"

### LEGAL DESCRIPTION

Lot 3 (except the North 7 feet thereof conveyed to the City of Berwyn for street) in Block 1 in Klima's Subdivision of Lots 1 and 2 in the partition of West 51.49 acres of the West half of the Northeast quarter and the East 41 acres of the East half of the Northwest quarter of Section 3D, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

### SUBJECT TO PERMITTED ENCUMBRANCES IDENTIFIED ON EXHIBIT "B"

Commonly known as:

6717 W. Cermak Road  
Berwyn, IL

Permanent Index No.:

16-30-200-016-0000

ExxonMobil Site 17010  
6717 W. Cermak Road  
Berwyn, IL

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## EXHIBIT "B"

### PERMITTED ENCUMBRANCES

1. Those matters as shown on a survey prepared by Balsamo Olson Engineering dated October 13, 2006 revised on October 23, 2006, October 26, 2006, January 9, 2007 and last revised on January 10, 2007 under Bock & Clark Project No. 20061321 / Site 4:

a. Building encroachment into the public right of way over the northeast property line by approximately 0.10 feet

b. Building encroachment along the southwest property line by approximately 0.14 feet

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## EXHIBIT "B"

### PERMITTED ENCUMBRANCES

1. Those matters as shown on a survey prepared by Balsamo Olson Engineering dated October 13, 2006 revised on October 23, 2006, October 26, 2006, January 9, 2007 and last revised on January 10, 2007 under Bock & Clark Project No. 20061321 / Site 4:

a. Building encroachment into the public right of way over the northeast property line by approximately 0.10 feet

b. Building encroachment along the southwest property line by approximately 0.14 feet

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