

# UNOFFICIAL COPY

THIS DOCUMENT PREPARED BY/  
AFTER RECORDING RETURN TO:

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MS File No.



Doc#: 0711733163 Fee: \$32.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 04/27/2007 01:52 PM Pg: 1 of 5

## MEMORANDUM OF AGREEMENT

<sup>250</sup> THIS MEMORANDUM OF AGREEMENT ("Memorandum") is made as of this day of April, 2007, by and between 120 ORCHARD LLC ("120"), 427 ORCHARD LLC ("427") and FT ORCHARD LLC ("FT"), each a Delaware limited liability company.

### RECITALS:

- A. 120, 427 and FT each individually own a tenant in common interest in certain property commonly known as the Orchard Place Shopping Center, Skokie, Illinois as legally described as Exhibit A attached hereto and incorporated by reference (the "Property").
- B. 120, 427 and FT have entered into a certain Limited Co-Ownership Agreement dated even date herewith with respect to the Property ( the "LCOA").
- C. The parties hereto desire to provide notice of the LCOA to third parties by recording this Memorandum.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each party hereto agrees that the ownership of its tenant in common interest in the Property shall be subject to the terms and provisions of the LCOA. The parties further agree that while such time as the loan made by JP Morgan Chase Bank, N.A. in the original principal amount of \$35,000,000 secured by the Property remains unpaid each party waives its right to bring an action for partition with respect to the Property.

This Memorandum of Agreement may be executed in multiple counterparts each of which will be deemed an original but together will constitute one instrument.

[SIGNATURE PAGES TO MEMORANDUM OF AGREEMENT FOLLOW.]

5915  
\$75  
74  
118  
938

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IN WITNESS WHEREOF, the undersigned have executed this Memorandum of Agreement under seal as of the day and year first above written.

**120 ORCHARD LLC**, a Delaware limited liability company

By: [Signature]  
Print Name: LAWRENCE H. WEINER  
Title: MANAGER

By: [Signature]  
Print Name: GERALD LEE NUDO  
Title: MANAGER

**127 ORCHARD LLC**, a Delaware limited liability company

By: [Signature]  
Print Name: LAWRENCE H. WEINER  
Title: MANAGER

By: [Signature]  
Print Name: GERALD LEE NUDO  
Title: MANAGER

**FT ORCHARD LLC**, a Delaware limited liability company

By: [Signature]  
Print Name: GREGG FOX  
Title: MANAGER

Property of Cook County Office

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STATE OF ILLINOIS )

COUNTY OF COOK )

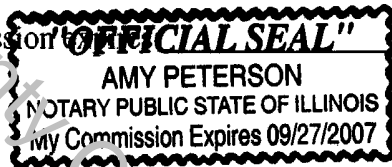
BEFORE ME, a notary public, in and for said County and State, appeared Gerald L. Nudo and Laurence H. Weiner, the Managers of 120 ORCHARD LLC, a Delaware limited liability company, who acknowledged that they, being duly authorized, did execute the foregoing instrument for the purposes therein contained and that the same is the free act and deed of said limited liability company, and their free act and deed, both individually and as such Managers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at 191 N. Wacker, Chicago, IL 60604 as of the 24th day of April, 2007.

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public

[SEAL]

My commission expires:



STATE OF Illinois )

COUNTY OF Cook )

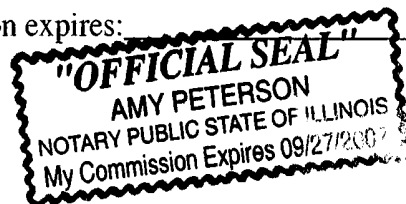
BEFORE ME, a notary public, in and for said County and State, appeared Gerald L. Nudo and Laurence H. Weiner, the Managers of 427 ORCHARD LLC, a Delaware limited liability company, who acknowledged that they, being duly authorized, did execute the foregoing instrument for the purposes therein contained and that the same is the free act and deed of said limited liability company, and their free act and deed, both individually and as such Managers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at 191 N. Wacker, Chicago, IL 60604 as of the 24th day of April, 2007.

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public

[SEAL]

My commission expires:





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STREET ADDRESS: 4801 AND 4819 GOLF ROAD

CITY: SKOKIE

COUNTY: COOK

TAX NUMBER: 10-16-206-048-0000 and 10-16-206-049-0000

**LEGAL DESCRIPTION:**

LOTS 1 AND 2 IN ORCHARD PLACE RESUBDIVISION, BEING A RESUBDIVISION IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

EXHIBIT A

Property of Cook County Clerk's Office