



Doc#: 0719013031 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/09/2007 12:43 PM Pg: 1 of 10

Record and Return to:

Hinckley, Allen Snyder LLP
1500 Fleet Center
Providence, RI 02903
Attn: Christine Kennedy

MEMORANDUM OF SIGNAGE RIGHTS

THIS MEMORANDUM OF SIGNAGE RIGHTS ("Memorandum") dated July , 2007 is entered into by and between Highland Park CVS, L.L.C., an Illinois limited liability company ("CVS") and Team Menard, Inc., a Wisconsin corporation ("Team Menard").

RECITALS

- A. CVS is the owner of the CVS Tract, as such property is legally described in Exhibit A attached hereto and incorporated herein by reference.
- B. Team Menard is the owner of the Team Menard Tract, as such property is legally described in Exhibit B attached hereto and incorporated herein by reference.
- C. The CVS Tract and the Team Menard are developed in coordination as a shopping center (hereinafter collectively referred to herein as the "Property").
- D. The Property is subject to a Declaration of Reciprocal Easements and Restrictive Covenants imposed by Team Menard of even date herewith and recorded prior hereto ("REA") to provide for the design and development of certain capital improvements benefiting the Property, and for the allocation of costs relating to certain of those improvements.
- E. The REA references Signage Rights throughout the shopping center generally but not specifically.
- F. The parties have entered into a Second Amendment to Purchase Agreement dated February 23, 2007 which specifically sets out CVS's specific signage rights within the Shopping Center and the parties wish to evidence such rights of record.

TERMS AND CONDITIONS

8369577 M. Drumm D1
3002

10

UNOFFICIAL COPY

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CVS and Team Menard agree as follows:

1. Paragraph 3 of the Second Amendment is incorporated herein by this reference, as follows:

“Purchaser shall have the right to occupy one-quarter (1/4) of both sides of the bottom panel on Seller's monument sign to be located adjacent to the intersection of North and Kostner Avenues and one-quarter (1/4) of both sides of the bottom panel on Seller's monument sign to be located adjacent to the intersection of North and Kolmar Avenues, as depicted on Exhibit C attached hereto” (“Signage Rights”).


2. It is understood that the only purpose of this Memorandum is to give notice of these signage rights as agreed to by the parties.
3. All rights and obligations of CVS and Team Menard hereunder are governed by the terms, covenants, conditions, limitations and restrictions contained in the REA and the Second Amendment. In the event of any conflict between the terms of the REA and this Memorandum, the provisions of the REA shall govern.
4. These Signage Rights shall apply to and bind CVS and Team Menard, and their respective successors, assign, grantees, mortgagees, and each person hereinafter acquiring any interest in any portion of the Property.

[SIGNATURE PAGES FOLLOW]

UNOFFICIAL COPY

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

TEAM MENARD, INC.
a Wisconsin corporation

by: 
~~Merv Prochaska, Vice President~~ *Jamie O. Radabaugh*
Sales and Leasing Director

HIGHLAND PARK CVS, L.L.C.

By: _____
Name: _____
Title: _____

CVS Legal Approval
Charles B. Allott, Esq.
Hinckley, Allen & Snyder LLP

NOTARY ACKNOWLEDGMENTS ON FOLLOWING PAGES

Property of Cook County Clerk's Office

UNOFFICIAL COPY

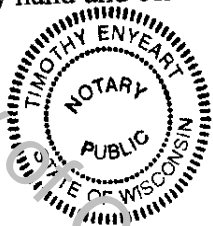
STATE OF Wisconsin)

COUNTY OF Eau Claire) Jamie D. Radabaugh

Sales and
Leasing
Director

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that ~~Mary Prochaska~~, whose name is signed to the foregoing instrument as ~~Vice President~~ of Team Menard, Inc. and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on behalf of Team Menard, Inc. on the day the same bears date.

Given under my hand and official seal this 5th day of July, 2007.



Timothy Enyeart
Notary Public

AFFIX SEAL

My commission expires: is permanent.

STATE OF _____)

COUNTY OF _____)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that _____ whose name is signed to the foregoing instrument as _____ of Highland Park CVS, L.L.C., and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on behalf of Highland Park CVS, L.L.C. on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, 2007.

Notary Public

AFFIX SEAL

My commission expires: _____

UNOFFICIAL COPY

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

TEAM MENARD, INC.
a Wisconsin corporation

by: _____
Marv Prochaska, Vice President

HIGHLAND PARK CVS, L.L.C.

By: Timothy F. Kramer
Name: TIMOTHY F. KRAMER
Title: ASST. SEC'Y / SENIOR LEGAL COUNSEL

CVS Legal Approval
Charles B. Allott, Esq.
Hinckley, Allen & Snyder LLP

NOTARY ACKNOWLEDGMENTS ON FOLLOWING PAGES

Property of Cook County Clerk's Office

UNOFFICIAL COPY

STATE OF _____)

COUNTY OF _____)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Marv Prochaska, whose name is signed to the foregoing instrument as Vice President of Team Menard, Inc. and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on behalf of Team Menard, Inc. on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, 2007.

Notary Public

AFFIX SEAL

My commission expires: _____

STATE OF OHIO)

COUNTY OF SUMMIT)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that TIMOTHY E. KRAMER, whose name is signed to the foregoing instrument as ASS'T SEC'Y of Highland Park CVS, L.L.C., and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on behalf of Highland Park CVS, L.L.C. on the day the same bears date.

Given under my hand and official seal this the 2nd day of JULY, 2007.

Philip E. Pirro

Notary Public

AFFIX SEAL

My commission expires: _____

Philip E. Pirro
Notary Public
State of Ohio
My Commission Expires 3-17-10

UNOFFICIAL COPY

EXHIBIT A

Legal Description of CVS Tract

LOT 3, TEAM MENARD, INC. SUBDIVISION, AS PER THE PLAT THEREOF RECORDED ON APRIL 27, 2006 AS DOCUMENT NO. 0611745068 IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS.

PIN # 16-03-105-015-0000 (part of)

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT B

Legal Description of Team Menard Tract

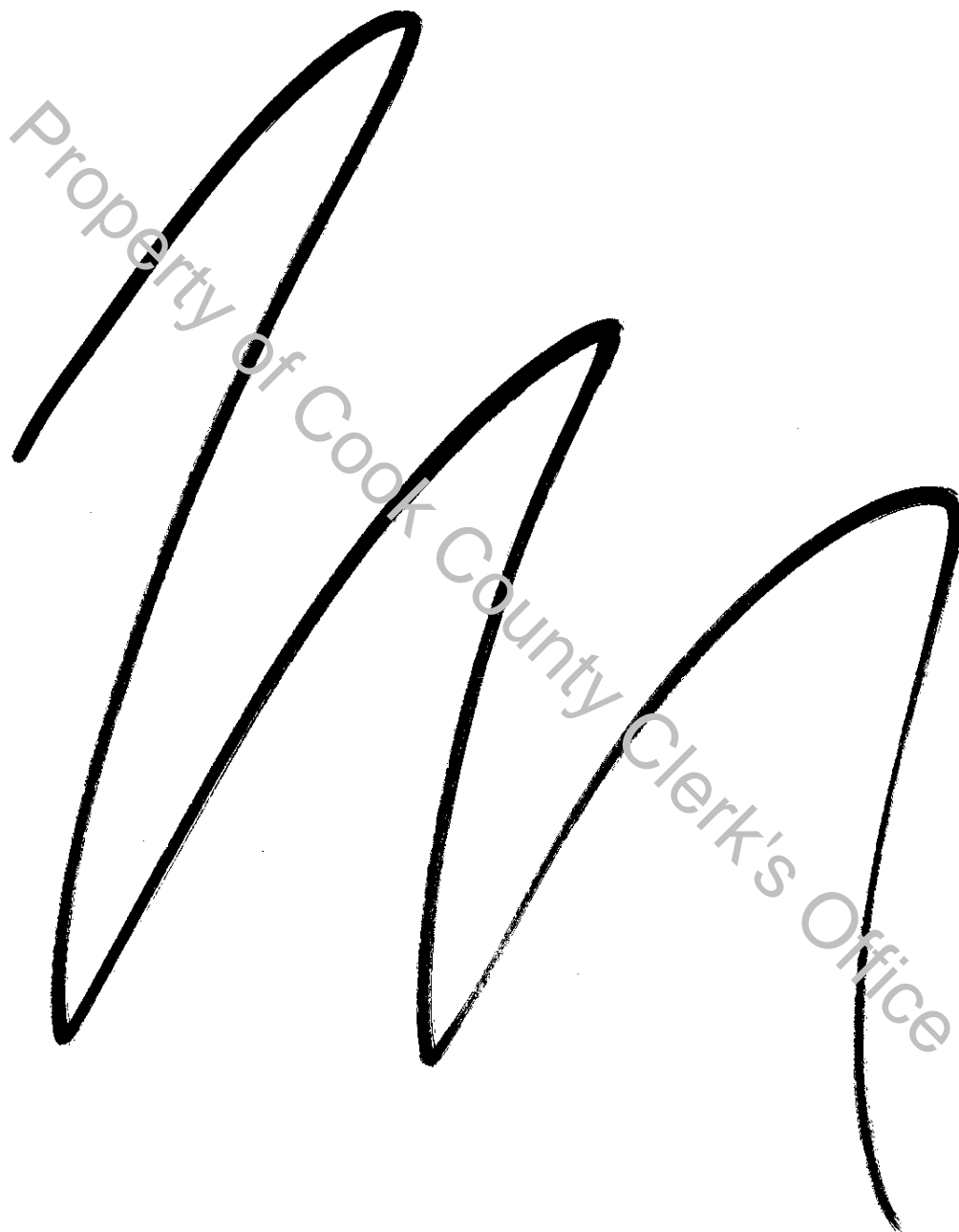
LOTS 3 AND 8, TEAM MENARD, INC. SUBDIVISION, AS PER THE PLAT THEREOF RECORDED ON APRIL 27, 2006 AS DOCUMENT NO. 0611745068 IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

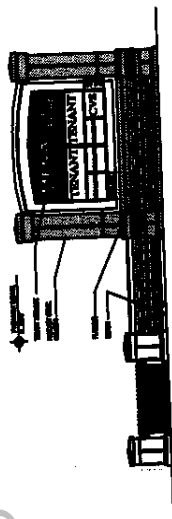
EXHIBIT C-1

SIGNAGE

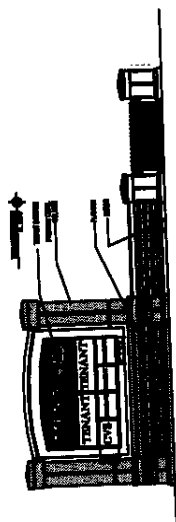


UNOFFICIAL COPY

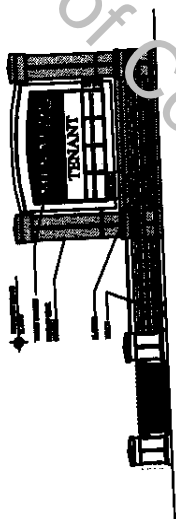
Property of Cook County Clerk's Office



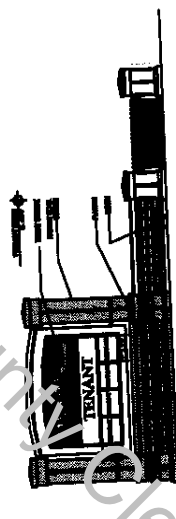
KOLMAR (WEST)



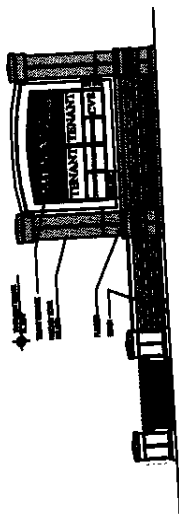
KOLMAR (EAST)



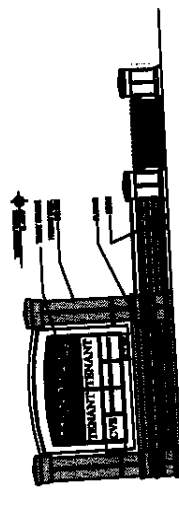
KILBOURN (WEST)



KILBOURN (EAST)



KOSTNER (WEST)



KOSTNER (EAST)