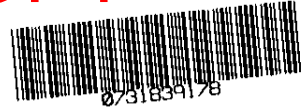


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Doc#: 0731839178 Fee: \$36.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/14/2007 03:43 PM Pg: 1 of 7

Cook County, Illinois

MEMORANDUM OF LEASE

BETWEEN

HEARTLAND ILLINOIS FOOD CORP.,

Lessee,

AND

BURGER KING CORPORATION,


Lessor,

Relating to Premises in:

Cook County, Illinois

DATED: as of November 2, 2007

This instrument was prepared by


Virginia M. McGuffey, Esq.
King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309

Store Number: 5157 S

Return to:
Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703

306460

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MEMORANDUM OF LEASE

Store No. 5157

~~January~~ ^{November} THIS MEMORANDUM OF LEASE (the "Memorandum") is dated this 2 day of ~~January~~, 2007, and is by and between **BURGER KING CORPORATION**, a Florida corporation, whose mailing address is P.O. Box 020783, Attn.: Assistant General Counsel Real Estate, Miami, Florida, 33102-0783 ("Lessor"), its successors and/or assigns and **HEARTLAND ILLINOIS FOOD CORP.**, a Delaware corporation, whose mailing address is 1400 Opus Place, Suite 900, Downers Grove, Illinois 60515.

Pursuant to that certain unrecorded lease described on EXHIBIT "B" annexed hereto and made a part hereof (the "Lease"), which Lease is expressly incorporated herein and by this reference made a part hereof, between Lessor, as landlord, and Lessee, as tenant, Lessor has leased to Lessee, and Lessee has leased from Lessor, the property described on EXHIBIT "A", annexed hereto and made a part hereof.

The purpose of this Memorandum is for giving of record notice of the Lease.

The Lease is now in effect and shall continue for the term described on EXHIBIT "B", as such term may now or hereafter be extended, unless sooner terminated in accordance with the provisions thereof, with respect to termination by default or for other causes; that the Lease itself contains the contract of leasing and otherwise between the parties, including the amount of rent, times when said rent shall be paid, and other provisions and covenants as regulate and govern the relationship between the parties; and all persons are hereby put on notice of the existence of the Lease and are referred to the Lease itself for its terms and conditions.

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IN WITNESS WHEREOF, this Memorandum of Lease has been duly executed effective as of the day and year first above written.

LESSOR:

BURGER KING CORPORATION

By: *Amy Knights*
Name: Amy Knights
Its: Vice President, Real Estate

Property of Cook County Clerk's Office

ACKNOWLEDGMENT

STATE OF FLORIDA)

SS

COUNTY OF MIAMI-DADE)

On November 2, 2007, before me, the undersigned, a Notary Public in and for said State personally appeared Amy Knights known to me to be the Vice President, Real Estate of Burger King Corporation, a Florida corporation, and acknowledged to me that such individual executed the within instrument on behalf of said Corporation.

WITNESS my hand and official seal.

Jane E. Chin-Sang
Notary Public in and for
said County and State

My commission expires:

[SEAL]



[SIGNATURE PAGE TO MEMORANDUM OF LEASE- RESTAURANT NO. 5157]

UNOFFICIAL COPY**EXHIBIT "A"****LEGAL DESCRIPTION**

**BURGER KING RESTAURANT #5157
194 West Joe Orr Road
Chicago Heights, IL 60411**

Land in the city of Chicago Heights, Illinois and described as follows:

PARCEL 1:

That part of lot B in North side subdivision, being a subdivision of the South 700.0 feet of the North 740.0 feet of that part of the South 1/2 of Section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of the Westerly right of way line of Chicago Road also known as the Chicago and Vincennes Road and lying East of the Easterly right of way line of Dixie Highway, bounded and described as follows:

Beginning at a point on the original North line of said lot B distant 103.74 feet East of the North West corner of said Lot B; thence East on the original North line of said Lot B, a distance of 225.00 feet thence South at 90 degrees to the last described line a distance of 84.00 feet; thence West at 90 degrees to the last described line 225.00 feet; thence North at 90 degrees to the last described line 84.00 feet to the point of beginning, (except the North 10.0 feet taken for highway purposes or Joe Orr Road by Document 16962099 recorded in the Recorder's Office July 19, 1957), all in Cook County, Illinois.

PARCEL 2:

Non-exclusive easement during the term of the lease noted at Parcel 1 for the benefit of Parcel 1 aforesaid, as created by memorandum of lease made by Citizens National Bank of Downers Grove, a National Banking Association, as Trustee under Trust Agreement dated March 1, 1972 and known as trust number 491 to Burger King, a Florida corporation, dated February 21, 1986 and recorded May 2, 1986 as Document 86174027, for vehicular and pedestrian access, vehicular parking and the installation and maintenance of utilities over and under the parking areas, driveways and landscape areas, as they may exist from time to time, on the following described parcel of land:

That part of Lot B in North side subdivision, being a subdivision of the South 700.00 feet of the North 740.00 feet of that part of the South 1/2 of Section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of the Westerly

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right of way line of Chicago Road also known as the Chicago and Vincennes Road and lying East of the Easterly right of way line of Dixie Highway, described as follows:

Beginning at the North East corner of Lot A in aforesaid subdivision; thence East along the North line of said Lot B, 400.00 feet; thence South at 90 degrees to the last described line a distance of 440.00 feet; thence West at 90 degrees to the last described line a distance of 360.38 feet to the Easterly line of Dixie Highway; thence Northwesterly along the Easterly line of Dixie Highway (also being the Westerly line of Lot B) a distance of 321.25 feet to the South West corner of Lot A in aforesaid subdivision) thence East along the South line of Lot A, a distance of 93.09 feet to the South East corner of Lot A aforesaid; thence North along the East line of Lot A, a distance of 147.45 feet to the place of beginning (except the North 10.0 feet taken for Highway purposes for Joe Orr Road by Document Number 16962099 recorded in the Recorder's Office July 19, 1957 and also excepting therefrom that part thereof falling in Parcel 1 aforesaid), all in Cook County, Illinois:

PARCEL 3:

Non-exclusive reciprocal easement for the benefit of Parcel 1 aforesaid as created by agreement made by and between Illinois Topps Realty Corporation an Illinois corporation and the Kroger Company, an Ohio corporation dated April 15, 1971 and recorded July 23, 1971 as document 21557051 for the purpose of vehicular and pedestrian access located over the West 24 feet of the following described parcel of land:

That part of Lot B in North side division, being a subdivision of the South 700 feet of the North 740 feet of that part of the South 1/2 of section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of Westerly right of way line of Chicago Road (also known as Chicago Vincennes Road) and lying East of Easterly right of way of Dixie Highway described as follows:

Beginning at a point 10 feet South of the North line of Lot B and 400 feet East of the North East corner of Lot A in North side division aforesaid, thence East along a line 10 feet South of and parallel to North line of said Lot B a distance of 593 feet; thence South on a line perpendicular to last described line a distance of 490 feet; thence West on a line parallel with the North line of said Lot B a distance of 593 feet to a point 400 feet East of East line of said Lot A extended South; thence North to a point of beginning, in Cook County, Illinois.

SUBJECT TO any and all reservations, restrictions, easements, rights of way, limitations and conditions of record.

PTN 32-17302-031-0000
32-17-302-032-0000

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EXHIBIT B

- A. That certain Lease or Sublease Agreement, dated September 1, 1994, by and between Burger King Corporation, a Florida corporation ("Lessor"), and Heartland Illinois Food Corp., a Delaware corporation ("Lessee"); a direct or indirect assignee of National Restaurant Enterprises, Inc., a Delaware corporation
- B. For a Term expiring on August 05, 2011 as now or hereinafter extended.

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