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Doc#: 0829431034 Fee: \$50.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 10/20/2008 10:49 AM Pg: 1 of 8

TERMINATION AND RELEASE

OF

MEMORANDUM OF LEASE AND LEASE;

LESSEE'S CONSENT;

SUPPLEMENT TO ASSIGNMENT OF LEASE;

SUPPLEMENT TO MASTER ASSIGNMENT;

AND

CONSENT TO MASTER ASSIGNMENT

Property of Cook County Clerk's Office

8

Permanent Real Estate Index Number(s): 2-12-100-0000 and 02-12-100-12-0000

Address: 825 East Dundee Road, Palatine, IL

First American Title Order # 362871IL4
HV 2 of 4 DEL

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This TERMINATION AND RELEASE OF MEMORANDUM OF LEASE AND LEASE; LESSEE'S CONSENT; SUPPLEMENT TO ASSIGNMENT OF LEASE; SUPPLEMENT TO MASTER ASSIGNMENT; AND CONSENT TO MASTER ASSIGNMENT ("Termination") is dated effective as of the 15th day of October, 2008, by and between CREDIT SUISSE LEASING 92A, L.P., a Delaware limited partnership, having its principal office at 11 Madison Avenue, 19th Floor, New York, New York 10010, as lessor ("Lessor"), and HOME DEPOT U.S.A., INC., a Delaware corporation, having its principal office at 2455 Paces Ferry Road, Atlanta, Georgia 30339, as lessee ("Lessee"), and consented to by THE BANK OF NEW YORK MELLON (formerly known as The Bank of New York), as Indenture Trustee for the Noteholders ("BONY"), having its principal office at 101 Barclay Street, New York, New York 10286.

WITNESSETH:

WHEREAS, Lessor and Lessee have entered into that certain Lease, dated as of October 22, 1998, as may have been amended and supplemented by Lessor and Lessee (collectively, the "Lease"), as evidenced by that certain Memorandum of Lease, dated as of October 22, 1998, and recorded in the records of the Cook County, Illinois Recorder on October 30, 1998, as Document No. 98982222 (the "Memorandum"), with respect to the real property described on Exhibit "A" attached hereto and hereby incorporated by this reference (the "Property").

WHEREAS, Lessor and HD Real Estate Funding Corp. II, a Delaware corporation ("Facility Lender"), entered into that certain Assignment of Lease, dated as of October 22, 1998 (the "Assignment"), whereby Lessor assigned to Facility Lender all rights in and to the Lease;

WHEREAS, Lessee consented to the Assignment to Facility Lender as evidenced by that certain Lessee's Consent, dated as of October 22, 1998, and recorded in the records of the Cook County, Illinois Recorder on October 30, 1998, as Document No. 98982224 (the "Lessee's Consent");

WHEREAS, the Lessor executed and caused to be recorded that certain Supplement to Assignment of Lease, dated as of October 22, 1998, in favor of Facility Lender, and recorded in the records of the Cook County, Illinois Recorder on October 30, 1998, as Document No. 98982223 (the "Supplement to Assignment"), with respect to the Property;

WHEREAS, Facility Lender and BONY executed that certain Master Assignment, dated as of October 22, 1998, whereby Facility Lender assigned to BONY all rights in and to the Lease, as supplemented by that certain Supplement to Master Assignment, dated as of October 22, 1998 ("Supplement to Master Assignment"), executed by Facility Lender in favor of BONY and recorded in the records of the Cook County, Illinois Recorder on October 30, 1998, as Document No. 98982226;

WHEREAS, Lessee and Lessor consented to the Master Assignment by Facility Lender to BONY, as evidenced by that certain Consent to Master Assignment, dated as of October

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22, 1998 and recorded in the records of the Cook County, Illinois Recorder on October 30, 1998, as Document No. 98982227 (the "Consent"); and

WHEREAS, Lessee, Lessor and BONY wish to record this Termination as notification of the termination and release of the Lease, Memorandum, Assignment, Lessee's Consent, Supplement to Assignment, Supplement to Master Assignment and Consent (collectively, the "Lease Documents").

NOW, THEREFORE, for and in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor, Lessee and BONY make this Termination and covenant and agree as follows:

1. Effective as of the date hereof, the parties hereby terminate the Lease Documents with respect to the Property.

2. This Termination further extinguishes any option to purchase the Property in favor of Lessee as may have been set forth in the Lease and Memorandum.

3. This Termination may be executed in any number of counterparts, each of which shall constitute an original and all of which, when taken together, shall constitute one instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Termination to be signed and sealed by their duly authorized officers as of the day and year first above written.

[Signatures on Following Pages]

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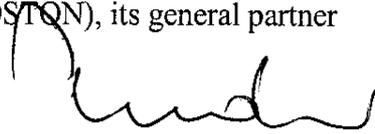
TERMINATION – SIGNATURE PAGE OF LESSOR:

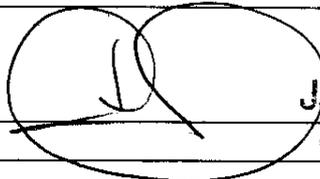
LESSOR:

CREDIT SUISSE LEASING 92A, L.P., a Delaware limited partnership

Cayman Islands

By: CREDIT SUISSE, ~~NEW YORK~~ BRANCH
(FORMERLY KNOWN AS CREDIT SUISSE
FIRST BOSTON), its general partner

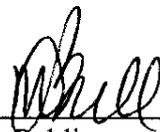
By: 
Name: KARL M STUDER
Title: DIRECTOR

By: 
Name: Jay Chall
Title: Director

STATE OF NEW YORK)
) ss.
County of NEW YORK)

On the 2nd day of OCTOBER, in the year 2008 before me, MARJORIE BULL, the undersigned personally appeared KARL STUDER-DIR and JAY CHALL-DIR, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or the person upon behalf of which the individuals acted, executed the instrument.

MARJORIE E. BULL
Notary Public, State of New York
No. 01BU6055282
Qualified in New York County
Commission Expires February 20, 2011


Notary Public

My Commission Expires:
2-20-11

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TERMINATION – SIGNATURE PAGE OF LESSEE:

LESSEE:

HOME DEPOT U.S.A., INC., a Delaware corporation

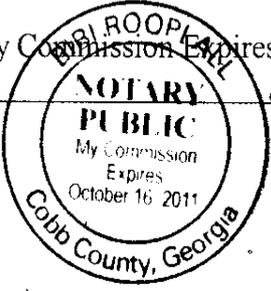
By: *Thomas K. Anderson*
 Name: Thomas K. Anderson
 Title: Sr. Attorney

STATE OF GEORGIA)
)ss.
 County of Cobb)

On Sept. 30 2008, before me, Bibi Roofball, a Notary Public in and for said state, personally appeared Thomas K. Anderson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is 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 person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Bibi Roofball
 Notary Public in and for said State

My Commission Expires: 10-16-11


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TERMINATION – SIGNATURE PAGE OF BONY:

BONY:

THE BANK OF NEW YORK MELLON (formerly known as The Bank of New York), as Indenture Trustee for the Noteholders

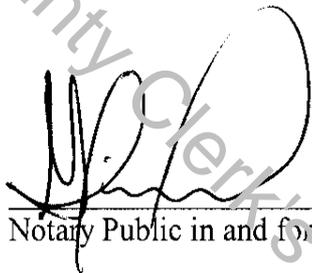


By: _____
Name: CHRISTOPHER GREENE
Title: VICE PRESIDENT

STATE OF NEW YORK)
)ss.
County of NASSAU

On the 30 day of SEPTEMBER, in the year 2008 before me, GEROLD PICARD, (he undersigned, personally appeared CHRISTOPHER GREENE personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public in and for said State

My Commission Expires:
6.20.09

GEROLD PICARD
Notary Public, State of New York
No. 01P6128836
Qualified in Nassau County
Commission Expires June 20, 2009

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Exhibit A

Legal Description

PARCEL 1:

LOTS 1 AND 1A IN HOME DEPOT PALATINE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1997 AS DOCUMENT NO. 97353781.

PARCEL 2:

EASEMENTS AND RIGHTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE RECIPROCAL EASEMENT AND OPERATING AGREEMENT DATED MAY 16, 1997 AND RECORDED MAY 19, 1997 AS DOCUMENT 97353789.

PARCEL 3:

EASEMENTS AND RIGHTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE EASEMENT AGREEMENT DATED MAY 16, 1997 AND RECORDED MAY 19, 1997 AS DOCUMENT 97353791.

PARCEL 4:

EASEMENTS AND RIGHTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE EASEMENT AGREEMENT DATED MAY 16, 1997 AND RECORDED MAY 19, 1997 AS DOCUMENT 97353792.

PARCEL 5:

EASEMENT AND RIGHTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE CROSS ACCESS EASEMENT AGREEMENT DATED MAY 16, 1997 AND RECORDED MAY 19, 1997 AS DOCUMENT 97353790.

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This instrument was prepared by:

Robert H. Nagle, Esq.
Nagle Law Group, P.C.
4530 East Shea Boulevard, Suite 140
Phoenix, AZ 85028
Telephone: 602-595-6951
Facsimile: 602-445-9306

RECORDED AT THE REQUEST OF:

First American Title Insurance Company
National Commercial Services

File No. 362871IL4

After recording, mail to:

Robert H. Nagle, Esq.
Nagle Law Group, P.C.
4530 East Shea Boulevard, Suite 140
Phoenix, AZ 85028

Palatine, IL – Store # 1927

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