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Doc#: 0900733043 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/07/2009 09:30 AM Pg: 1 of 6

SA 6270207-Dd-Tms (3 of 10)

**PREPARED BY AND
AFTER RECORDING RETURN TO:**
Christine S. Bricker
Schain, Burney, Ross & Citron, Ltd.
222 N LaSalle Street
Suite 1910
Chicago, Illinois 60601

LEASE TERMINATION AGREEMENT AND RELEASE OF MEMORANDUM OF LEASE

THIS AGREEMENT ("Agreement") is made and entered into by and between 1482 Milwaukee, LLC, an Illinois limited liability company (herein "Landlord") and Milwaukee Honore Retail, LLC, an Illinois limited liability company, the successor by assignment of Lipe Property Company ("Tenant").

RECITALS

A. Pursuant to that certain Ground Lease dated May 8, 2007 ("Ground Lease"), by and between Landlord and Tenant, Tenant leased approximately 9375 square feet of land located at 1480-84 N. Milwaukee, Chicago, Illinois, which is more particularly described on Exhibit A attached hereto (the "Property").

B. Landlord and Tenant entered into that certain Agreement of Purchase and Sale dated May 8, 2007 (the "Purchase Agreement") for the purchase and sale of the Property from Landlord (as Seller) to Tenant (as Buyer) (the "Sale").

C. Effective as of the closing date of the Sale (the "Termination Date"), Landlord and Tenant have agreed to terminate the Ground Lease.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements contained in this Agreement, the parties hereto agree as follows:

1. **Termination.** The Ground Lease is terminated as of the Termination Date.

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Tenant shall retain possession of the Premises upon the consummation of the Sale. After the Termination Date, neither party shall have any further unaccrued obligation or liability of any nature to the other party under the Ground Lease. Tenant shall not be obligated to pay base rent, additional rent or other amounts accruing under the Ground Lease after the Termination Date.


2. **Release of Memorandum.** This Agreement is being recorded to release the Memorandum of Lease recorded on August 16, 2007 as document number 0722810067
3. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties pertaining to the subject matter covered herein. This Agreement supersedes all prior agreements, representations and understandings of the parties. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all parties.
4. **Successors and Assigns.** This Agreement shall be binding upon and the benefits hereof shall inure to, the parties hereto, their respective heirs, successors and assigns.
5. **Counterparts.** This Agreement may be entered into in counterparts, each of which shall constitute one and the same instrument.
6. **Governing Law.** This Agreement and the rights of the parties shall be governed by the laws of the State of Illinois.
7. **Severability.** Any term or provision of this Agreement which is found to be invalid, void or illegal, shall in no way impair, affect or invalidate any other term or provision herein and such remaining terms and provisions shall remain in full force and effect.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, this Agreement has been executed effective as of the date of the Sale.

TENANT:
MILWAUKEE HONORE RETAIL, LLC

By: 

Steven Lipe, Manager

LANDLORD:
1482 N. MILWAUKEE, LLC

By: _____
Name: _____
Its: _____

Property of Cook County Clerk's Office


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IN WITNESS WHEREOF, this Agreement has been executed effective as of the date of the Sale.

TENANT:
MILWAUKEE HONORE RETAIL, LLC

By: _____
Steven Lipe, Manager

LANDLORD:
1482 N. MILWAUKEE, LLC

By: Chris T. Kamberli  his Attorney-in-Fact
Name: CHRIS T. KAMBERLI present to PDA
Its: MEMBER

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned, a Notary Public, do hereby certify that Steven Lipe, personally known to me to a Manager of Milwaukee Honore Retail, LLC, and personally known to me to be the person whose name is subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that, as such Manager signed and delivered said instrument, as his free and voluntary act and as the free and voluntary act and deed of said company, for the purposes therein set forth.

Given under my hand and notarial seal this 23rd day of December, 2008.

My commission expires:

Christine S. Bricker
Notary Public



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned, a Notary Public, do hereby certify that Chris T. Kamburis, personally known to me to be the Trustee of the LLC of 1482 N. Milwaukee, LLC, and personally known to me to be the person whose name is subscribed in the foregoing instrument, appeared before me this day in person and acknowledged that, as such _____, he signed and delivered said instrument, as his free and voluntary act and as the free and voluntary act and deed of said company, for the purposes therein set forth.

Given under my hand and notarial seal this 23 day of December, 2008.

My commission expires:

Christopher S. Wunder
Notary Public



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STREET ADDRESS: 1482 NORTH MILWAUKEE

CITY: CHICAGO

COUNTY: COOK

TAX NUMBER: 17-06-208-001-0000

\$ 17-06-208-002-0000

LEGAL DESCRIPTION:

PARCEL 1: LOTS 1, 2, AND 3 IN BLOCK 6 IN DAVID S. LEE'S ADDITION TO CHICAGO, (EXCEPT THE SOUTHWESTERLY 25.5 FEET OF SAID LOTS TAKEN BY THE METROPOLITAN WEST SIDE ELEVATED RAILROAD COMPANY FOR RAILROAD PURPOSES) IN SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: ACCESS EASEMENT AND DRIVE-THRU AND TRASH ENCLOSURE EASEMENT FOR THE BENEFIT OF PARCEL 1 OVER A PORTION OF LOTS 36, 37, 38, 39, AND 40 IN BLOCK 6 OF D.S. LEE'S ADDITION TO CHICAGO, AFORESAID, AS MORE PARTICULARLY SET FORTH IN DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENT AGREEMENT DATED JUNE 28, 2000 AND RECORDED JULY 10, 2000 AS DOCUMENT NUMBER 00506687, IN COOK COUNTY, ILLINOIS

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