

# UNOFFICIAL COPY



After recording return to:

*Prepared By:*

Katten Muchin Rosenman LLP  
525 West Monroe Street  
Chicago, Illinois 60661  
Attn: Michael Lusardi

Doc#: 0907929038 Fee: \$50.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/20/2009 11:50 AM Pg: 1 of 8

Stewart Title Guaranty Company  
NTS - Chicago Division  
2 N. LaSalle Street, Suite 1400  
Chicago, IL 60602  
File # 10814171 0903

## TERMINATION OF AGREEMENT NOT TO ENCUMBER OR TRANSFER PROPERTY

Rosemont

THIS TERMINATION OF AGREEMENT NOT TO ENCUMBER OR TRANSFER PROPERTY (this "**Termination**") is dated as of March 18, 2009, by and between Muvico Entertainment, L.L.C., a Delaware limited liability company ("**Entertainment**"), and SFI I, LLC, a Delaware limited liability company ("**SFI**").

Reference is made to that certain Agreement Not to Encumber or Transfer Property dated as of November 17, 2006, by Entertainment for the benefit of SFI, recorded on November 21, 2006, in Cook County, Illinois, as Document No. 0632531066 (the "**Agreement**"), with respect to Entertainment's leasehold interest in the real property more particularly described on Exhibit A attached hereto and made a part hereof.


Entertainment and SFI hereby terminate the Agreement and acknowledge that the Agreement is of no further force and effect.

This Termination is made in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

[Signature Pages To Follow]

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IN WITNESS WHEREOF, the undersigned have caused this Termination of Agreement Not to Encumber or Transfer Property to be executed as of the date first written above.

  
SIGNATURE

MIKE WILSON  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

**MUVICO ENTERTAINMENT, L.L.C.**, a Delaware limited liability company

By: Muvico Theaters, Inc., a Florida corporation, its manager

By:   
Name: Michael F. Whalen, Jr.  
President & CEO  
Its: \_\_\_\_\_

  
SIGNATURE

Mary Ann Magrin  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

**SFI I, LLC**, a Delaware limited liability company

By: iStar Financial Inc., a Maryland corporation, its sole member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

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IN WITNESS WHEREOF, the undersigned have caused this Termination of Agreement Not to Encumber or Transfer Property to be executed as of the date first written above.

\_\_\_\_\_  
SIGNATURE

**MUVICO ENTERTAINMENT, L.L.C.**, a Delaware limited liability company

By: Muvico Theaters, Inc., a Florida corporation, its manager

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

By: \_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

Its: \_\_\_\_\_

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

\_\_\_\_\_  
SIGNATURE

**Dorothy Melnick**

**SFII, LLC**, a Delaware limited liability company

By: iStar Financial Inc., a Maryland corporation, its sole member

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

\_\_\_\_\_  
SIGNATURE

**Susan Uzzan**

By: \_\_\_\_\_

Name: **Samantha K. Garbus**

Its: **Senior Vice President**

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

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STATE OF Florida  
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 14th day of March 2009 by Michael F. Whalen, Jr. the President of Muvico Theaters, Inc., a Florida corporation, the manager of Muvico Entertainment, L.L.C., a Delaware limited liability company ("Entertainment"), on behalf of the corporation, as manager of Entertainment.

Personally Known  OR Produced Identification  
Type of Identification Provided \_\_\_\_\_

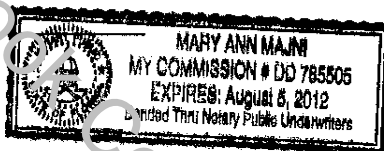
Mary Ann Majni  
SIGNATURE

NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

(SEAL)

(NOTARY PUBLIC)

My Commission Expires: \_\_\_\_\_



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2009 by \_\_\_\_\_, the \_\_\_\_\_ of iStar Financial Inc., a Maryland corporation, the sole member of SFI I, LLC, a Delaware limited liability company ("SFI"), on behalf of the corporation, as sole member of SFI.

Personally Known \_\_\_\_\_ OR Produced Identification  
Type of Identification Provided \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

(SEAL)

(NOTARY PUBLIC)

My Commission Expires: \_\_\_\_\_

# UNOFFICIAL COPY

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2009 by \_\_\_\_\_, the \_\_\_\_\_ of Muvico Theaters, Inc., a Florida corporation, the manager of Muvico Entertainment, L.L.C., a Delaware limited liability company ("Entertainment"), on behalf of the corporation, as manager of Entertainment.

**Personally Known \_\_\_\_\_ OR Produced Identification**  
**Type of Identification Provided \_\_\_\_\_**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

(SEAL)

(NOTARY PUBLIC)

My Commission Expires: \_\_\_\_\_

STATE OF New York  
COUNTY OF New York

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March 2009 by Sumantha K. Garbino the Senior Vice President of iStar Financial Inc., a Maryland corporation, the sole member of SFI I, LLC, a Delaware limited liability company ("SFI"), on behalf of the corporation, as sole member of SFI.

**Personally Known  OR Produced Identification**  
**Type of Identification Provided \_\_\_\_\_**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME LEGIBLY PRINTED,  
TYPEWRITTEN OR STAMPED

(SEAL)

(NOTARY PUBLIC)

My Commission Expires: \_\_\_\_\_

**DIANE BUGLEWICZ**  
Notary Public, State of New York  
No. 01BU6079163  
Qualified in New York County  
Commission Expires August 12, 2010

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## EXHIBIT A

### Legal Description of Property

**Rosemont Theater,  
Rosemont, Illinois**

**Parcel 1:**

THAT PART OF LOTS 1, 2, 3, 18, 19 AND 20 AND THAT PART OF 45-FOOT WIDE VACATED MILTON PARKWAY AS LYING WEST OF LOTS 1, 2 AND 3 AND EAST OF LOTS 18, 19 AND 20 INCLUSIVE, ALL IN REP SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 4, 1963, AS DOCUMENT 18712534 AND VACATED MILTON PARKWAY RECORDED JULY 25, 2006 AS DOCUMENT NUMBER 0620631058 AND THAT PART OF LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND IN SECTION 9, TOWNSHIP, 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 IN REP SUBDIVISION; THENCE SOUTH 88 DEGREES 03 MINUTES 19 SECONDS WEST, A DISTANCE OF 125.72 FEET, ALONG THE NORTH LINE OF SAID LOT 1 IN REP SUBDIVISION TO THE POINT ON A CURVE ALSO BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 43.50 FEET, AN ARC DISTANCE OF 28.01 FEET AND CHORD BEARING SOUTH 32 DEGREES 32 MINUTES 06 SECONDS EAST; THENCE SOUTH 01 DEGREES 44 MINUTES 06 SECONDS EAST, A DISTANCE OF 255.25 FEET TO A POINT ON A CURVE; THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 14.50 FEET, AN ARC DISTANCE OF 15.07 FEET AND CHORD BEARING SOUTH 58 DEGREES 29 MINUTES 27 SECONDS WEST; THENCE SOUTH 88 DEGREES 15 MINUTES 54 SECONDS WEST, A DISTANCE OF 416.61 FEET; THENCE NORTH 01 DEGREES 44 MINUTES 06 SECONDS WEST, A DISTANCE OF 65.30 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE SOUTH 88 DEGREES 15 MINUTES 54 SECONDS WEST, A DISTANCE OF 208.50 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE NORTH 14 DEGREES 11 MINUTES 20 SECONDS EAST, A DISTANCE OF 261.77 FEET TO THE NORTH LINE OF SAID LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND; THENCE NORTH 88 DEGREES 03 MINUTES 19 SECONDS EAST, A DISTANCE OF 19.07 FEET ALONG THE NORTH LINE OF SAID LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND TO THE NORTHEAST CORNER OF SAID LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND; THENCE SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 33.02 FEET TO THE NORTH LINE OF SAID LOT 20 IN REP SUBDIVISION RECORDED ALSO BEING A SOUTH RIGHT-OF-WAY LINE OF BRYN MAWR AVE; THENCE NORTH 88 DEGREES 03 MINUTES 19 SECONDS EAST, A DISTANCE OF 533.75 FEET ALONG THE NORTH

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LINE OF SAID LOTS 20 AND 1 IN FREDERICK JOSS' DEVELOPMENT TO THE POINT OF BEGINNING, IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS.

ALSO KNOWN AS LOT 4 IN ROSEMONT ENTERTAINMENT DISTRICT SUBDIVISION, BEING A RESUBDIVISION OF LOTS 1 THROUGH 20 (INCLUSIVE) AND THE ADJOINING VACATED MILTON PARKWAY IN REP SUBDIVISION AND ALSO PART OF LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND, ALL IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PROPOSED PLAT THEREOF ENTITLED ROSEMONT ENTERTAINMENT DISTRICT SUBDIVISION PREPARED AS PROJECT NO. 1440 AND DATED MAY 30, 2006 AND VACATED MILTON PARKWAY RECORDED JULY 25, 2006 AS DOCUMENT NUMBER 0620631058, IN COOK COUNTY, ILLINOIS.

CONTAINING AN AREA OF 161,859 SQ. FT. OR 3.7158 ACRES, MORE OR LESS.

## Parcel 2:

The leasehold estate created by virtue of that certain Parking Agreement, by and between Muvico Entertainment, L.L.C., a Delaware limited liability company ("Tenant") and the Village of Rosemont, Illinois, an Illinois home rule municipal corporation (the "Village"), dated August 22, 2006, which has been submitted for recording in the real property records of Cook County, Illinois (the "Records"), as assigned by Muvico to Florida 2005 Theaters LLC, a Delaware limited liability company ("Landlord"), by that certain Assignment of Parking Agreement, by and between Tenant and Landlord, dated as of August 22, 2006, which has been submitted for recording in the Records, over the following-described property.

THAT PART OF LOTS 3, 4, 5, 6, 7 AND 8 ALL IN REP SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 4, 1963, AS DOCUMENT 18712534, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID REP SUBDIVISION; THENCE SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 357.55 FEET, ALONG THE EAST LINE OF LOTS 1, 2 AND 3 IN SAID REP SUBDIVISION TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 546.98 FEET, ALONG THE EAST LINE OF LOTS 3, 4, 5, 6, 7, AND 8 IN SAID REP SUBDIVISION; THENCE SOUTH 88 DEGREES 15 MINUTES 54 SECONDS WEST, A DISTANCE OF 121.22 FEET, TO A POINT ON A CURVE; THENCE WESTERLY ALONG A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 46.07 FEET AND CHORD BEARING SOUTH 66 DEGREES 16 MINUTES 06 SECONDS WEST; THENCE SOUTH 88 DEGREES 15 MINUTES 54 SECONDS WEST, A DISTANCE OF 112.75 FEET, ALONG A LINE TANGENT TO THE LAST DESCRIBED COURSE; THENCE NORTH 00 DEGREES 22 MINUTES 31 SECONDS WEST, A DISTANCE OF 41.25 FEET; THENCE NORTH 89

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DEGREES 37 MINUTES 29 SECONDS EAST, A DISTANCE OF 16.50 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE NORTH 00 DEGREES 22 MINUTES 31 SECONDS WEST, A DISTANCE OF 498.30 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE SOUTH 89 DEGREES 37 MINUTES 29 SECONDS WEST, A DISTANCE OF 28.00 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE NORTH 00 DEGREES 22 MINUTES 31 SECONDS WEST, A DISTANCE OF 23.84 FEET, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE; THENCE NORTH 88 DEGREES 15 MINUTES 54 SECONDS EAST, A DISTANCE OF 292.35 FEET, TO THE POINT OF BEGINNING, IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS.

ALSO KNOWN AS LOT 2 IN ROSEMONT ENTERTAINMENT DISTRICT SUBDIVISION, BEING A RESUBDIVISION OF LOTS 1 THROUGH 20 (INCLUSIVE) AND THE ADJOINING VACATED MILTON PARKWAY IN REP SUBDIVISION AND ALSO PART OF LOT 2 IN FREDERICK JOSS' DEVELOPMENT OF LAND, ALL IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PROPOSED PLAT THEREOF ENTITLED ROSEMONT ENTERTAINMENT DISTRICT SUBDIVISION PREPARED AS PROJECT NO. 1440 AND DATED MAY 30, 2006 AND VACATED MILTON PARKWAY RECORDED JULY 25, 2006 AS DOCUMENT NUMBER 0620631058, IN COOK COUNTY, ILLINOIS.

CONTAINING AN AREA OF 146,430 SQ. FT. OR 3.3616 ACRES, MORE OR LESS.

**Parcel 3:**

Non-exclusive construction, vehicular and pedestrian easements for the benefit of Parcel 1, created pursuant to that certain Development and Use Agreement by and between Landlord and the Village, as acknowledged by Tenant, dated as of August 22, 2005, which has been submitted for recording in the Records.

CKA: 5400 N. River Rd  
Rosemont, IL 60018

PINS: 12-09-200-039  
12-09-200-048  
12-09-200-049  
12-09-215-011,  
12-09-215-012 §  
12-09-215-013.

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