

# UNOFFICIAL COPY



Recording requested by and  
When recorded, return to:

Doc#: 0918703069 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 07/06/2009 03:37 PM Pg: 1 of 4

Attn: Philip B. Whitaker, Jr., Esq.  
Baker, Donelson, et. al.  
1800 Republic Centre, 633 Chestnut St.  
Chattanooga, TN 37450

## MEMORANDUM OF LEASE

### OPTION TO PURCHASE AND RIGHT OF FIRST REFUSAL TO PURCHASE

THIS MEMORANDUM OF LEASE, OPTION TO PURCHASE AND RIGHT OF FIRST REFUSAL TO PURCHASE ("Memorandum") dated as of June 8, 2009, is entered into between First Industrial, L.P., a Delaware limited partnership ("Landlord"), and U.S. Xpress, Inc., a Nevada corporation ("Tenant").

#### RECITALS:

- A. On or about June 8, 2009, Landlord and Tenant entered into a Lease Agreement ("Lease"), pursuant to which Landlord leased to Tenant and Tenant leased from Landlord property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Premises").
- B. As more particularly set forth in the Lease, Landlord granted to Tenant an Option to Purchase and a Right of First Refusal to Purchase.
- C. Landlord and Tenant desire to execute this Memorandum to provide constructive notice to all third parties of the Tenant's rights under the Lease.

#### AGREEMENT:

**NOW THEREFORE**, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

##### Section 1. Term.

Landlord leases to Tenant the Premises for a term commencing on June 30, 2009, and expiring on November 30, 2019, subject both to earlier termination and to renewal to November 30, 2029 as provided in the Lease.

##### Section 2. Lease Terms.

The lease of the Premises to Tenant is on all of the terms and conditions set forth in the Lease, which is incorporated in this Memorandum by reference. The Lease includes, among other terms, the Tenant's option to purchase and right of first refusal to purchase the property and Premises.

##### Section 3. Successors and Assigns.

This Memorandum and the Lease shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the Lease.

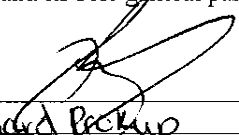
34  
M  
E

# UNOFFICIAL COPY

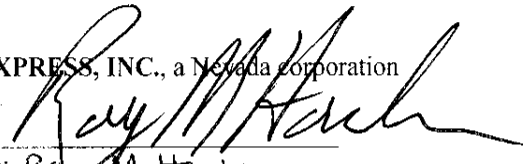
Executed as of the date first written above.

**FIRST INDUSTRIAL, L.P.**, a Delaware limited partnership

By: First Industrial Realty Trust, Inc., a Maryland corporation and its sole general partner

By:   
Its: Richard Peckup  
Senior Vice President, Operations

**U.S. XPRESS, INC.**, a Nevada corporation

By:   
Name: Ray M. Harlin  
Its: Assistant Secretary

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

STATE OF ILLINOIS            )  
  )  
  )        SS:  
COUNTY OF COOK            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Richard Prokay personally known to me to be the SVP Operator of First Industrial, L.P., a Delaware limited partnership and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such Richard Prokay he/she signed and delivered the said instrument as his/her free and voluntary act, and as the free and voluntary act and deed of said limited partnership, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10 day of July 2009.

Wendy M Nelson

Notary Public

My Commission Expires: 07/10/10



STATE OF TENNESSEE        )  
  )  
  )        SS:  
COUNTY OF HAMILTON     )

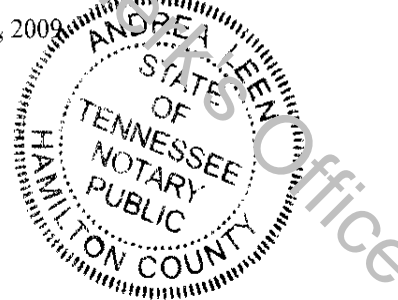
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Rain M Harlin personally known to me to be the Asst Secretary of S. Xpress, Inc and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such Asst Secretary he/she signed and delivered the said instrument as his/her free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and official seal, this 5th day of June, 2009

Andrea Lee

Notary Public

My Commission Expires: MARCH 6, 2013



# UNOFFICIAL COPY

## LEASE EXHIBIT A

### Premises

Real Property in the City of Markham, County of Cook, State of Illinois, described as follows:

That part of the East half of the Southwest quarter of Section 24, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, bounded and described as follows:

Beginning at the point of intersection of the West line of the East half of the Southwest quarter of said Section 24 with the North line of the South 662.43 feet of said East half of the Southwest quarter; thence North 00 degrees 01 minutes 27 seconds East on the West line of said East half of the Southwest quarter, a distance of 1198.23 feet to a point 788.10 feet South of the North line of the Southwest quarter of said Section 24; thence North 90 degrees 00 minutes 00 seconds East, a distance of 1172.67 feet to a point on the West line of Berkshire Manor, being a Subdivision of part of the East half of the Southwest quarter of Section 24, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; thence South 00 degrees 00 minutes 00 seconds East on the West line of Lots 116 to 102 and part of Lot 101 in said Berkshire Manor, a distance of 895.85 feet to the Southwest corner of said Lot 116 in said Berkshire Manor; thence North 90 degrees 00 minutes 00 seconds East on the South line of said Lot 116 a distance of 116.50 feet to the Southeast corner of said Lot 116, said point being 33.00 feet West of the East line of said Southwest quarter of Section 24; thence South 00 degrees 00 minutes 00 seconds East on a line 33.00 feet West of and parallel to the East line of said Southwest quarter of Section 24, said line being common with the East line of Lot 18 in Markham Park Industrial Subdivision, being a Subdivision of part of the Southwest quarter of the Southwest quarter of Section 24 and part of the East half of the Southwest quarter of Section 24, all in Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, a distance of 887.00 feet to the Southeast corner of said Lot 18; thence South 86 degrees 12 minutes 00 seconds West on the South line of Lots 16, 17 and 18 in said Markham Park Industrial Subdivision, a distance of 390.56 feet to the Southwest corner of said Lot 16; thence North 00 degrees 00 minutes 00 seconds East on the West line of said Lot 16, a distance of 312.77 feet to a point on a line 370.00 feet North of and parallel to the South line of the Southwest quarter of said Section 24; thence South 89 degrees 57 minutes 45 seconds West on the last described line, a distance of 342.34 feet to a point on the Westerly line of Lot 13 in said Markham Park Industrial Subdivision; thence Northwesterly on a curved line (being the Westerly line of said Lot 13), convexed to the Northeast having a radius of 1348.50 feet, an arc length of 81.13 feet, a chord length of 81.12 feet and a chord bearing of North 09 degrees 32 minutes 49 seconds West to a point on a line, said line being the Easterly prolongation of the North line of Lots 9 to 12 in said Markham Park Industrial Subdivision; thence South 89 degrees 57 minutes 45 seconds West on the last described line, a distance of 469.57 feet to the Northwest corner of said Lot 9, said point being on the East line of the West 164.40 feet of the East half of the Southwest quarter of said Section 24; thence North 00 degrees 01 minutes 27 seconds East on the last described line, a distance of 212.43 feet to a point on the North line of the South 662.43 feet of the East half of the Southwest quarter of said Section 24; thence South 89 degrees 57 minutes 45 seconds West on the last described line, a distance of 164.40 feet to the point of beginning, in Cook County, Illinois.

### Permanent Real Estate Numbers:

28-24-310-011-0000  
28-24-310-012-0000  
28-24-310-013-0000  
28-24-310-014-0000  
28-24-310-019-0000  
28-24-310-020-0000

### Common address:

2900 West 166th Street  
Markham, Illinois