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Doc#: 0936431063 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/30/2009 12:47 PM Pg: 1 of 5

FIRST AMENDED MEMORANDUM OF LEASE

#11585886

THIS FIRST AMENDED MEMORANDUM OF LEASE is made this 18th day of November 2009, by and between **KRC ORLAND PARK 809, INC.**, an Illinois corporation, whose address is 3333 New Hyde Park Road, New Hyde Park, New York 11042, hereinafter referred to as "Landlord", and **NATRON CORPORATION**, a Delaware Corporation, whose address is 29375 West 10 Mile Road, Farmington, Michigan 48336, hereinafter referred to as "Tenant."

Statement of Facts

A. Venture Stores (predecessor in interest to Landlord) and Taco Bell Corp (predecessor in interest to Tenant), entered into that certain ground lease, dated November 12, 1992 and a first amendment to ground lease dated March 18, 1993 (together the "Lease"), granting Tenant, under certain terms and conditions, the privilege of operating a restaurant on certain property located in the Village of Orland Park, Cook County, Illinois.

B. In a Memorandum of Lease dated March 16, 1993, the parties memorialized certain terms of the Lease, including a certain Mexican style food exclusivity benefiting the Premises.

C. The parties have amended the Lease and desire to amend the Memorandum of Lease to clarify that a Mexican style food exclusivity benefiting the Premises is intended to prevent the sale of certain types of Mexican style food on a fast food basis from certain types of restaurants, not to prevent the sale of such items from a store selling groceries.

Now, therefore, in consideration of the premises, rent, and the covenants and agreements herein contained, Landlord and Tenant covenant and agree as follows:

1. The first sentence of Paragraph 2 of the Memorandum of Lease is deleted and replaced with the following: "For so long as a Taco Bell restaurant is operated on the Premises, Landlord has granted to Tenant the exclusive right, over all other persons operating a business on the Venture Tract (as defined in the Lease and Legally described on **Exhibit A** attached hereto) through rights hereafter granted by Landlord after the Effective Date (as defined in the Lease), to sell Mexican Style Food (as defined in the Lease) from a fast food restaurant, subject to the Title Exceptions (as defined in the Lease) and the rights of existing tenants and/or occupants of the Venture Tract as of the Effective Date."

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2. Except as amended hereby, the Memorandum of Lease remains in full force and effect in accordance with its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Memorandum of Lease as of the date set forth above.

KRC ORLAND PARK 809, INC.

By Robert Nadler
Robert Nadler
Its Vice President

By _____
Its _____

STATE OF ILLINOIS
COUNTY OF Will

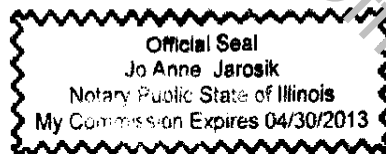
I, Jo Anne Jarosik, the undersigned, a notary public in and for the state and county aforesaid, do hereby certify that on this day personally appeared before me Robert Nadler, who acknowledged himself/herself to be the Vice President of KRC Orland Park 809, Inc., an Illinois corporation, who acknowledged the execution of the foregoing instrument as his voluntary act and deed as said officer, and the voluntary act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of November 2009

(Notarial Seal)

Jo Anne Jarosik
Notary Public

My Commission Expires: 4.30.2013



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NATRON CORPORATION

By: Natvar Solanka
Natvar Solanka
Its: CEO

STATE OF MICHIGAN

COUNTY OF OAKLAND

I, PAUL R. BALDWIN III, the undersigned, a notary public in and for the state and county aforesaid, do hereby certify that on this day personally appeared before me NATVAR SOLANKA, who acknowledged himself/herself to be the CEO of Natron Corporation, a Delaware corporation, who acknowledged the execution of the foregoing instrument as his voluntary act and deed as said officer, and the voluntary act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 16th day of NOV, 2009

(Notarial Seal)

Paul R. Baldwin III
Notary Public

My Commission Expires: SEPT 8th, 2015

PAUL R. BALDWIN III
NOTARY PUBLIC - MICHIGAN
OAKLAND COUNTY
ACTING IN THE COUNTY OF OAKLAND
MY COMMISSION EXPIRES SEPT 8, 2015

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CONSENT AND SUBORDINATION

The undersigned, the mortgagee under that certain Open-End Leasehold Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing recorded December 16, 2005 as Document Number 0535032056, Cook County Recorders Office (the "Mortgage") hereby consents to the First Amendment Memorandum of Lease (the "First Amendment") to which this Consent and Subordination is attached and agrees to subordinate the Mortgage to said First Amendment.

D.A.
11/13/09
(RN)

D.A.
11/13/09
(RN)

Beneficiary:

NFA Funding, LLC

By:

Dave Hrabrich
Title: VICE PRESIDENT Dave Hrabrich

~~NOVEMBER~~
Date 13 2009

STATE OF Illinois
COUNTY OF Cook

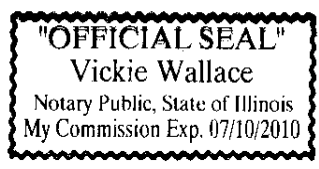
I, Vickie Wallace, the undersigned, a notary public in and for the state and county aforesaid, do hereby certify that on this day personally appeared before me Dave Hrabrich, who acknowledged himself/herself to be the Vice President of NFA Funding, LLC, a Delaware limited liability company, who acknowledged the execution of the foregoing instrument as his voluntary act and deed as said officer, and the voluntary act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 13th day of Nov., 2009

(Notarial Seal)

Vickie Wallace
Notary Public

My Commission Expires: 7/10/2010



UNOFFICIAL COPY**EXHIBIT A****(Meijer Parcel Legal)**

LOT 105 (EXCEPTING THAT PART DESCRIBED AS FOLLOWS: LOT 1 OF STERLING RESUBDIVISION, A PART OF THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL BEING IN THE VILLAGE OF ORLAND PARK, COOK COUNTY, ILLINOIS, PER PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON JULY 12, 1993 AS DOCUMENT NO. 93530909) OF CATALINA'S COMMERCIAL AND INDUSTRIAL SUBDIVISION OF LOTS 3 AND 6 IN SILVER LAKE GARDENS UNIT NO. 7, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 22, 1976 AS DOCUMENT 23423778, IN COOK COUNTY, ILLINOIS.

(Developer Outparcels Legal)

Lot 106 (excepting that part of Lot 106 dedicated for 158th Street by Plat of Dedication recorded January 28, 1982 as Document Number 26117900) and (except those parts taken in Cases 93L51020 and 93L51021, Circuit Court of Cook County, Illinois) in Catalina's Commercial and Industrial Subdivision of Lots 3 and 6 in Silver Lake Gardens Unit Number 7, a subdivision of the West 1/2 of the Southwest 1/4 (except the West 270 feet of the South 260 feet thereof) and the South 24 acres of the West 1/2 of the Northwest 1/4 (except that part dedicated for road right of way) all in Section 18, Township 36 North, Range 13 East of the Third Principal Meridian, according to the plat of said resubdivision recorded March 22, 1976 as Document Number 23423778, in Cook County, Illinois.

21-30-109-037
038

Prepared by:

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