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Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/13/2010 09:46 AM Pg: 1 of 6

This Document Prepared by
and after recording return to:

D. Scott Hargadon
Bryan Cave LLP
161 N. Clark Street, Suite 4300
Chicago, Illinois 60601

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TERMINATION OF OUTPARCEL AGREEMENT AND RELEASE OF RECORDED MEMORANDUM

This Termination of Outparcel Agreement and Release of Recorded Memorandum (this "Termination Agreement") is made this 2 day of July, 2010 by and between The Toms-Price Co., a Delaware corporation ("Toms Price") and Arboretum of South Barrington, LLC, a Delaware limited liability company ("ASB").

RECITALS

A. Toms Price acquired Lot 7 of the Arboretum of South Barrington Subdivision (the "Lot") from ASB on July 31, 2008. The legal description of the Lot is attached hereto as Exhibit A. The Lot is an outlot in the retail center known as Arboretum of South Barrington (the "Shopping Center"), the legal description of which is attached hereto as Exhibit B.

B. Toms Price and ASB entered into an Outparcel Agreement on July 31, 2008 governing the use of the Lot and other matters (the "Agreement").

C. A Memorandum of Outparcel Agreement (the "Memorandum") was executed by the parties and recorded against title to the Lot and the Shopping Center with the Cook County Recorder of Deeds on July 31, 2008 as document number 0821301174.

D. ASB has reacquired the Lot from Toms Price. Accordingly, the parties wish to terminate the Agreement and release the Memorandum pursuant to the terms of this Termination Agreement.

NOW, THEREFORE, for and in consideration of the Recitals, which are incorporated by this reference, and for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties state as follows:

1. Release of Memorandum. The Memorandum referenced in Recital C above is hereby released upon the recordation of this Termination Agreement.

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S 1
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2. Termination of Agreement. The parties agree that the Agreement is terminated as of July 2, 2010 (the "Termination Date"). All obligations and rights under the Agreement are terminated as of the Termination Date.

3. Waiver of Claims. The parties hereby release each other, their partners, members, affiliates, successors and assigns against any claims, causes of action and liability which arises or may arise out of the Agreement prior to the Termination Date.

4. Counterparts. This Termination Agreement may be executed in any number of counterparts which together shall constitute one and the same instrument.

[SIGNATURE PAGES FOLLOW]

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IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

THE TOMS-PRICE CO.,
a Delaware corporation

By: [Signature]
Name: Scott E. Price
Title: President

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

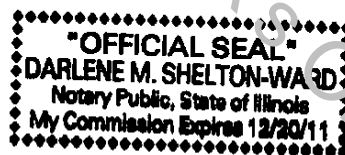
I, the undersigned, a Notary Public for said County and State, do hereby certify that Scott E. Price, personally known to me to be the President of The Toms-Price Co., a Delaware corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President he signed and delivered the said instrument pursuant to authority given by the members of said company as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal or stamp, this 2ND day of July, 2010.

[Signature]
Notary Public

My commission expires:

12/20/2011



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ARBORETUM OF SOUTH BARRINGTON,
LLC, a Delaware limited liability company

By: RREEF America, LLC, a Delaware limited
liability company

By: [Signature]
Name: MIKE NEW
Title: DIRECTOR

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public for said County and State, do hereby certify that Michael S. Nigro, personally known to me to be the Director of RREEF America, L.L.C., a Delaware corporation, the Manager of Arboretum of South Barrington, LLC, 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 acknowledged that as such Director, he signed and delivered the said instrument pursuant to authority given by the members of said company as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal or stamp, this 2nd day of July, 2010.

[Signature: Christine Doornbos]
Notary Public

My commission expires:
2/24/11



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EXHIBIT A

LEGAL DESCRIPTION OF THE LOT

LOT 7 IN ARBORETUM OF SOUTH BARRINGTON SECOND RESUBDIVISION, BEING A RESUBDIVISION OF LOT 6 IN ARBORETUM OF SOUTH BARRINGTON FIRST RESUBDIVISION, IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 30, 2008 AS DOCUMENT NO. 0812122096, IN COOK COUNTY, ILLINOIS.

PIN: Part of 01-23-200-015-0000

Address: Northwest of the intersection of Route 72 and Bartlett Road, South Barrington, Illinois

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EXHIBIT B

LEGAL DESCRIPTION OF THE SHOPPING CENTER

LOTS 1, 3, AND 4 IN ARBORETUM OF SOUTH BARRINGTON, BEING A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 2007 AS DOCUMENT 0721115094, IN COOK COUNTY, ILLINOIS.

AND

LOT 5 IN ARBORETUM OF SOUTH BARRINGTON FIRST RESUBDIVISION, BEING A RESUBDIVISION OF LOT 5 IN ARBORETUM OF SOUTH BARRINGTON, IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 2007 AS DOCUMENT 0735103072, IN COOK COUNTY, ILLINOIS.

AND

LOTS 6, 7 AND 8 IN ARBORETUM OF SOUTH BARRINGTON SECOND RESUBDIVISION, BEING A RESUBDIVISION OF LOT 6 IN ARBORETUM OF SOUTH BARRINGTON FIRST RESUBDIVISION, IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 30, 2008 AS DOCUMENT NO. 0812122096, IN COOK COUNTY, ILLINOIS.

PINS: 01-33-200-007
01-33-200-012
01-33-200-013
01-33-200-014
01-33-200-015
01-33-200-017

Address: Northwest of the intersection of Route 72 and Bartlett Road, South Barrington, Illinois