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THIS DOCUMENT PREPARED BY,
and
WHEN RECORDED RETURN TO:



Michael Fraunces, President
(858) 799-7850
Md7 Capital Three, LLC
10590 West Ocean Air Drive
Suite 303
San Diego, CA 92130

Doc#: 1123433095 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/22/2011 11:03 AM Pg: 1 of 6

Parcel #: 17-31 422-042-1001 thru 1075

ORDER'S USE

MEMORANDUM OF AMENDMENT TO ROOFTOP LEASE WITH OPTION

This Memorandum of Amendment to Rooftop Lease with Option ("Memorandum of Amendment") is entered into as of January 25, 2011, by and between PAC Lofts Condominium Association, an Illinois non-profit corporation, as successor in interest to Paulina Art Center, LLC ("Landlord"), whose mailing address for notices is 946 West Randolph Street, Suite 200, Chicago, IL 60607, and Md7 Capital Three, LLC, a Delaware limited liability company ("Tenant"), whose mailing address for notices is 10590 West Ocean Air Drive, Suite 303, San Diego, California 92130, Attention: Legal Department. The effective date of this Memorandum of Amendment is April 10, 2011 ("Effective Date").

WHEREAS, Landlord and Tenant are parties to that certain Rooftop Lease with Option dated April 11, 2003, as amended (the "Lease"), whereby Landlord has leased and hereby leases to Tenant and Tenant has leased from Landlord certain premises described therein, together with all other space and access and utility easements utilized by Tenant pursuant to the provisions of the Lease (collectively, the "Premises"), that are a portion of that certain real property located at 1735 N. Paulina Street, Chicago, IL 60622 ("Property") described in Exhibit A attached hereto and incorporated herein;

WHEREAS, a Memorandum of Lease has been recorded on September 19, 2003, as Document No. 0326222024, in the real estate records of Cook County, State of Illinois and such memorandum reflects an original Lease term of five (5) years with five (5) renewal options of five (5) years each;

WHEREAS, Landlord and Tenant have entered into that certain First Amendment to Rooftop Lease with Option dated effective as of April 10, 2011 ("First Amendment"), and have agreed and hereby agree to amend the Lease; and

WHEREAS, Landlord and Tenant desire and hereby enter into this Memorandum of Amendment, to provide constructive notice of the existence of the First Amendment.

1. The parties have agreed to modify the current term of the Lease such that the current term of the Lease expires on April 9, 2036 ("Modified Term"), subject to the provisions of the Lease, as amended by the First Amendment.

2. The parties have agreed, following the Modified Term, to add three (3) renewal terms of five (5) years each to the Lease, which may be exercised upon the terms and conditions of the Lease, as amended by the First Amendment.

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3. The provisions of the Lease, as amended by the First Amendment, are hereby ratified and affirmed.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

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


LANDLORD:

PAC Lofts Condominium Association,
an Illinois non-profit corporation

By: 
Brad Stahl, Board President

TENANT:

Md7 Capital Three, LLC,
a Delaware limited liability company

By: 
Print Name: Michael Fraunces
Title: President

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LANDLORD ACKNOWLEDGEMENT

STATE OF ILLINOIS)

COUNTY OF COOK)

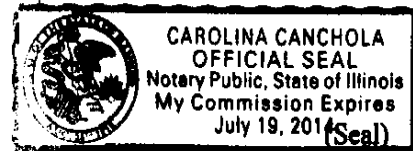
On March 22, 2011 before me, [print name and title of notarial officer here:] Carolina Canchola

personally appeared Brad Stahl, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Carolina Canchola



My commission expires:

7-19-14

TENANT ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

) ss:

COUNTY OF SAN DIEGO)

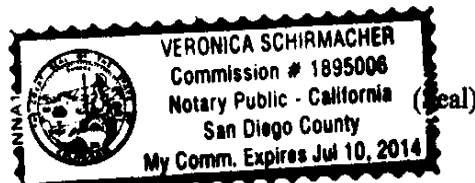
On March 25, 2011, before me, Veronica Schirmacher, a Notary Public, personally appeared Michael Fraunces, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

Veronica Schirmacher



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EXHIBIT A

LEGAL DESCRIPTION

Street Address: 1735 N. Paulina Street, Chicago, IL 60622

Parcel #: 14-31-422-042-1001 thru 14-31-422-042-1075

Legal Description:

That certain communications facility site (and access and utility easements) on a portion of the real property described as follows:

PARCEL 1:

THAT PART LOTS 16 TO 25, BOTH INCLUSIVE, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25 AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND $\frac{3}{4}$ INCHES OF LOT 7, ALL IN DILLARDS RESUBDIVISION OF LOTS 70 TO 87, BOTH INCLUSIVE, AND LOTS 99 TO 116, BOTH INCLUSIVE, IN KEENAN'S SUBDIVISION OF BLOCK 24 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +50.28 FEET CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH $89^{\circ}53'26''$ EAST, ALONG THE SOUTH LINE THEREOF, 91.26 FEET; THENCE NORTH $00^{\circ}03'52''$ EAST, 63.24 FEET; THENCE NORTH $89^{\circ}58'34''$ WEST, 0.64 FEET; THENCE NORTH $00^{\circ}01'10''$ EAST, 132.08 FEET; THENCE SOUTH $90^{\circ}00'00''$ EAST, 34.54 FEET TO ITS POINT OF INTERSECTION WITH THE WEST LINE OF SAID VACATED ALLEY; THENCE NORTH $00^{\circ}01'26''$ EAST, 13.98 FEET TO ITS POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND $\frac{3}{4}$ INCHES OF LOT 7, AFORESAID; THENCE NORTH $89^{\circ}45'24''$ EAST, ALONG SAID WESTERLY EXTENSION, 8.00 FEET TO ITS POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF THE VACATED ALLEY, AFORESAID; THENCE NORTH $00^{\circ}01'26''$ EAST, ALONG SAID EAST LINE, 34.06 FEET TO ITS POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25, AFORESAID; THENCE SOUTH $89^{\circ}45'12''$ WEST, ALONG THE NORTH LINE OF LOT 25 AND ITS EASTERLY EXTENSION, 133.29 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH $00^{\circ}00'00''$ WEST, 245.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 24,287 SQUARE FEET OR 0.5576 ACRES, MORE OR LESS.

PARCEL 1a:

THAT PART LOTS 16 TO 25, BOTH INCLUSIVE, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 25 AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 11 FEET AND $\frac{3}{4}$ INCHES OF LOT 7, ALL IN DILLARDS RESUBDIVISION OF LOTS 70 TO 87, BOTH INCLUSIVE, AND LOTS 99 TO 116, BOTH INCLUSIVE, IN KEENAN'S SUBDIVISION OF BLOCK 24 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +54.99 FEET CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH $89^{\circ}53'26''$ EAST, ALONG THE SOUTH LINE THEREOF, 91.26 FEET TO THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}03'52''$ EAST, 63.24 FEET;

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THENCE NORTH 89°58'34" WEST, 0.64 FEET; THENCE NORTH 00°01'10" EAST, 132.08 FEET; THENCE SOUTH 90°00'00" EAST, 34.54 FEET TO ITS POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOTS 16 TO 25, INCLUSIVE; THENCE SOUTH 00°01'26" WEST, ALONG SAID EAST LINE, 195.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 89°53'26" WEST, ALONG THE SOUTH LINE OF LOT 16, AFORESAID, 33.93 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 6,704 SQUARE FEET OR 0.1539 ACRES, MORE OR LESS.

A portion of the common elements of Pac Lofts Condominium, as recorded as Document Number 629915153 on October 26, 2006, and any amendments thereto, in the records of Cook County, Illinois.