



**MEMORANDUM OF TERMINATION OF LEASE**

8852947079K@Call

This instrument prepared by and return after recording to:

Tim J. Emmitt  
Roetzel & Andress, LPA  
20 N. Clark Street, Suite 3200  
Chicago, IL 60602



Doc#: 1129033020 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/17/2011 09:25 AM Pg: 1 of 7

Address of Property:

1875 West Fullerton Avenue  
Chicago, Illinois

THIS MEMORANDUM OF TERMINATION OF LEASE ("Memorandum"), dated as of the 4<sup>th</sup> day of October, 2011, is made by and between WGH CORPORATION, an Illinois corporation (the "Landlord"), and FULLERTON AVENUE COMPANY, an Illinois corporation ("Tenant").

**FACTUAL BACKGROUND**

A. Landlord is the fee simple title owner of that certain parcel of property commonly known as 1875 West Fullerton Avenue, Chicago, Cook County, Illinois and legally described on Exhibit A attached hereto and made a part hereof (the "Land"), together with the Existing Building (as that term is defined in the Lease).

B. Landlord and Tenant entered into that certain Ground Lease dated as of March 19, 2004 (the "Lease"), pursuant to which Landlord agreed to lease to Tenant the Land and the Existing Building upon the terms and conditions set forth in the Lease.

C. A Memorandum of Lease pertaining to Lease was recorded March 23, 2004 as document #0408319005 in Cook County, Illinois Recorder's Office.

D. Landlord and Tenant have entered into that certain First Amendment to Ground Lease dated as of September 20, 2011, (the "1<sup>st</sup> Amendment") pursuant to which Landlord and Tenant amended Lease upon the terms and conditions set forth in the 1<sup>st</sup> Amendment.

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INT C.F.

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E. Landlord and Tenant desire to set forth certain terms and provisions contained in the 1<sup>st</sup> Amendment of Lease in this Memorandum for recording purposes.

NOW, THEREFORE, for and in consideration of the covenants and conditions set forth in the 1<sup>st</sup> Amendment of Lease, Landlord and Tenant do hereby covenant, promise and agree as follows:

1. Definitions. Capitalized terms used herein which are not otherwise defined herein shall have the respective meanings ascribed to them in the Lease as amended by the 1<sup>st</sup> Amendment.

2. Tenant's Purchase Option. The 1<sup>st</sup> Amendment accelerated Tenant's option in the Lease to purchase the Land and the Existing Building on October 4, 2011, for a described purchase price and other terms and conditions.

3. Landlord and Tenant acknowledge Tenant's valid and binding exercise of the accelerated option in accordance with the Lease as amended by the 1<sup>st</sup> Amendment.

4. Landlord and Tenant acknowledge the consummation of sale by Landlord to Tenant and Tenant's purchase from Landlord of the Land and Existing Building on October 4, 2011, and the termination on that date of the Ground Lease as amended by the 1<sup>st</sup> Amendment by reason of said consummation pursuant to the sale and purchase provisions of the Lease as amended by the 1<sup>st</sup> Amendment.

5. Interpretation. This Memorandum is intended to provide notice of record of the termination of the Ground Lease, (as provided herein and in the Lease as amended by the 1<sup>st</sup> Amendment), and to terminate the Memorandum of Lease recorded as document #0408319005 and is not intended to amend, modify, or supersede any terms of the Lease as amended by the 1<sup>st</sup> Amendment in any respect. In case of any conflict or inconsistency between the terms of this Memorandum and the terms of the Lease as amended by the 1<sup>st</sup> Amendment, the terms of the Lease as amended by the 1<sup>st</sup> Amendment shall control.

[REMAINDER OF PAGE INTENTIONALLY BLANK.]

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Landlord and Tenant have executed this Memorandum effective as of the date first written above.

LANDLORD:

WGH CORPORATION, an Illinois corporation

By: *Bruce Holcomb*  
Bruce Holcomb, President

TENANT:

FULLERTON AVENUE COMPANY, an Illinois corporation

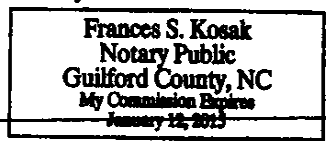
By: \_\_\_\_\_  
Charles F. Gross, President

State of North Carolina     )  
  ) ss.  
County of GUILFORD     )

I, FRANCIS S. KOSAK Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that BRUCE HOLCOMB, personally known to me to be the President of WGH CORPORATION, an Illinois 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 he signed, sealed and delivered the said instrument as such President pursuant to due authority given by such corporation, as his free and voluntary act and as the free and voluntary act and deed of such entity, for the uses and purposes therein set forth.

Given under my hand and official seal this 27<sup>th</sup> day of September, 2011.

*Francis S. Kosak*  
Notary Public



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

# UNOFFICIAL COPY

Landlord and Tenant have executed this Memorandum effective as of the date first written above.

LANDLORD:

WGH CORPORATION, an Illinois corporation

By: \_\_\_\_\_  
Bruce Holcomb, President

TENANT:

FULLERTON AVENUE COMPANY, an Illinois corporation

By: \_\_\_\_\_  
Charles F. Gross, President

State of North Carolina     )  
  ) ss.  
County of \_\_\_\_\_     )

I, \_\_\_\_\_, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that BRUCE HOLCOMB, personally known to me to be the President of WGH CORPORATION, an Illinois 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 he signed, sealed and delivered the said instrument as such President pursuant to due authority given by such corporation, as his free and voluntary act and as the free and voluntary act and deed of such entity, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of September, 2011.

\_\_\_\_\_  
Notary Public

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

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State of Illinois )  
 ) ss.  
County of Cook )

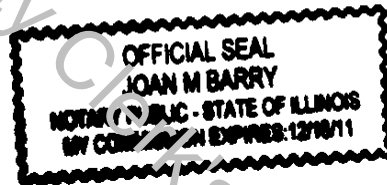
I, Juan M Barry, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that CHARLES F. GROSS, personally known to me to be the President of FULLERTON AVENUE COMPANY, an Illinois corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as such President pursuant to due authority given by such corporation, as his free and voluntary act and as the free and voluntary act and deed of such entity, for the uses and purposes therein set forth.

Given under my hand and official seal this 4th day of ~~September~~<sup>October</sup>, 2011.

Juan M Barry  
Notary Public

Commission Expires: 12-16-11

TJE153329/84650-03/GEN-5738



**UNOFFICIAL COPY****EXHIBIT "A"  
LEGAL DESCRIPTION****PARCEL 1:**

LOT 1 AND THAT PART OF LOT 34 LYING NORTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, SAID CORNER BEING 164 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF 16 FOOT ALLEY 195.06 FEET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY AT RIGHT ANGLES TO ALLEY 159.83 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE NORTHEAST CORNER OF LOT 34, ALL IN BLOCK 11 IN FULLERTON ADDITION TO CHICAGO, IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 14 31 200 038 AND 14 31 501 016.

**PARCEL 2:**

LOTS 26 (EXCEPT THE NORTHWESTERLY 16.0 FEET THEREOF AS MEASURED ON THE SOUTHWESTERLY AND NORTHEASTERLY LINES THEREOF) 27 AND 28 IN BLOCK 11 IN FULLERTON'S ADDITION TO CHICAGO, A SUBDIVISION IN SECTIONS 30 AND 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PERMANENT INDEX NUMBER: 14 31 200 024 AND 025.

**PARCEL 3:**

PART OF LOTS 29 AND 30 IN BLOCK 11 IN FULLERTON ADDITION TO CHICAGO, A SUBDIVISION IN SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF A VACATED ALLEY VACATED AS PER DOCUMENT 4624286 RUNNING IN A NORTHWESTERLY DIRECTION LYING NORTHEASTERLY OF AND ADJOINING THE NORTHEASTERLY LINE OF SAID LOTS 29 AND 30 BOUNDED AND DESCRIBED AS FOLLOWS::

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 29, 16 FEET SOUTHEASTERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 29, THENCE NORTHEASTERLY ALONG A LINE 16 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 29 AND ITS NORTHEASTERLY EXTENSION A DISTANCE OF 141.00 FEET TO THE SOUTHWESTERLY LINE OF LOT 34 IN SAID BLOCK 11; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 34 A DISTANCE OF 12.20 FEET; THENCE SOUTHWESTERLY ALONG A LINE 28.20 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 29 AND ITS NORTHEASTERLY EXTENSION A DISTANCE OF 40.79 FEET; THENCE SOUTHWESTERLY ALONG A LINE A DISTANCE OF 53.27 FEET TO A POINT 21 FEET SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF SAID LOT 29; THENCE SOUTHWESTERLY ALONG A LINE 21 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 29 A DISTANCE OF 47.43 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 29; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 29 A DISTANCE OF 5 FEET TO THE POINT OF BEGINNING ALL IN COOK COUNTY, ILLINOIS

PERMANENT INDEX NUMBER: 14 31 200 042 AND 051.

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**PARCEL 4:**

ALL OF THE VACATED NORTHEAST-SOUTHWEST 16 FOOT PUBLIC ALLEY DESCRIBED BY ORDINANCE PASSED JULY 11, 1910 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS SEPTEMBER 9, 1910 AS DOCUMENT NUMBER 4624257 BEING DESCRIBED AS THE NORTHWESTERLY 16 FEET OF LOT 29 IN BLOCK 11 IN FULLERTON'S ADDITION TO CHICAGO IN SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO ALL THAT PART OF THE NORTHWESTERLY SOUTHEASTERLY 16 FOOT ALLEY LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF LOT 34 LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOTS 26 TO 29 BOTH INCLUSIVE, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 16 FEET OF LOT 26, PRODUCED NORTHEASTERLY TO SOUTHWESTERLY LINE OF LOT 34 AND LYING NORTHWESTERLY OF THE SOUTHEASTERLY LINE OF THE NORTHWESTERLY 16 FEET OF LOT 29, PRODUCED NORTHEASTERLY TO THE SOUTHWESTERLY LINE OF LOT 34 ALL IN BLOCK 11 IN FULLERTON'S ADDITION TO CHICAGO IN SECTION 31, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PART OF TAX NUMBERS 14 31 200 024, 025, 042 AND 051.

Property Address: 1875 West Fullerton Avenue, Chicago, Illinois