

# UNOFFICIAL COPY

This instrument was prepared by and after recording should be returned to:

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161 North Clark Street  
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Chicago, Illinois 60601



Doc#: 1134116099 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/07/2011 04:38 PM Pg: 1 of 4

## MEMORANDUM

THIS MEMORANDUM is made by **MDE THERMAL TECHNOLOGIES INC.**, an Illinois corporation (the "Supplier"), and **GETCO, LLC**, a Delaware limited liability company (the "Customer"). Reference is hereby made to that certain Chilled Water Service Agreement dated as of April 21, 2011 (the "Agreement") between Supplier and Customer, pursuant to which Supplier, at Customer's request, has agreed to provide certain chilled water service to a portion of the property commonly known as 350 North Orleans Street, Chicago, Illinois and legally described in the manner set forth on Exhibit A attached hereto (the "Property").

The purpose of this Memorandum is to provide notice of the Agreement and, in accordance therewith, Supplier and Customer hereby acknowledge and agree that (a) Customer has granted to Supplier a license (which is irrevocable except as expressly provided in the Agreement) to locate and install on the Property, in the location specified in the Agreement, an Energy Transfer System (as such term as hereafter defined), and has granted to Supplier a right of access to the System, and (b) notwithstanding the manner or method by which the Energy Transfer Station (as such term is hereinafter defined) is installed in the Property, (i) the Energy Transfer Station (or any part thereof) shall not be deemed to be a "fixture" attached to the Property subject to the lien of any mortgage or other encumbrance of the Property, and (ii) the Energy Transfer Station is the personal property of Supplier (subject to the terms and conditions of the Agreement) and is not to be deemed part of the collateral pledged to any lender or creditor of Customer as security for the repayment of any indebtedness of Customer.

As used herein, the term "Energy Transfer Station" shall mean the equipment and related piping and apparatus between Supplier's distribution piping and the Connection Equipment (as defined in the Agreement), including, without limitation, a plate frame heat exchanger assembly or equivalent device, piping, valves, metering equipment and controls and additional equipment, if any, described in the IOM Specifications (as defined in the Agreement) installed by Supplier on the Property pursuant to the terms of the Agreement for use in providing chilled water service to Customer, and all replacements and additions thereof.

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**MDE THERMAL TECHNOLOGIES INC.,** an Illinois corporation, **GETCO, LLC,** a Delaware limited liability company

By: *David Bump*  
Name: David Bump  
Title: President and CEO

By: *[Signature]*  
Title: Asher SAVOLSKY

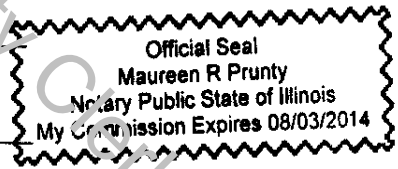
By: *James A. Pagnusat*  
Name: JAMES A. PAGNUSAT  
Title: VP, FINANCE

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, MAUREEN R. PRUNTY, a Notary Public in and for said County, in the State aforesaid, do hereby certify personally that DAVID A. BUMP 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/she signed, sealed and delivered said instrument as a free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this 3RD day of AUGUST, 2011.

*Maureen R Prunty*  
Notary Public



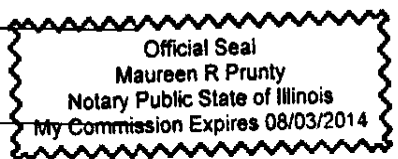
My commission expires: 8/3/14

STATE OF ILLINOIS )  
COUNTY OF COOK )

I, MAUREEN R. PRUNTY, a Notary Public in and for said County, in the State aforesaid, do hereby certify personally that JAMES A. PAGNUSAT 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/she signed, sealed and delivered said instrument as a free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this 3RD day of AUGUST, 2011.

*Maureen R Prunty*  
Notary Public



My commission expires: 8/3/14

# UNOFFICIAL COPY

STATE OF ILLINOIS )

COUNTY OF COOK )

I, APOLLONIA PONTICIELLO, a Notary Public in and for said County, in the State aforesaid, do hereby certify personally that ALEX SADOWSKI 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/she signed, sealed and delivered said instrument as a free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this 31<sup>ST</sup> day of AUGUST, 2011.

Apollonia Ponticello  
Notary Public

My commission expires: 08/13/2012

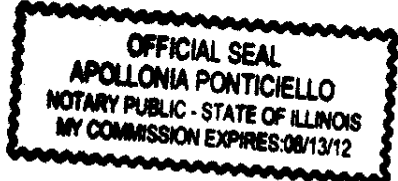


EXHIBIT A

Legal Description

Permanent Index Number (PIN): Please see attached Exhibit A

Property of Cook County Clerk's Office

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## EXHIBIT A

### Legal Description of Real Estate

Lots 1 through 4 in Wolf Point, being a Resubdivision of Lots and parts of Lots, in Blocks 6, 7, 14, and 15, in the original Town of Chicago, together with parts of vacated alleys and streets and adjoining lands, all in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

PIN NOS: 17-09-400-016  
17-09-400-017  
17-09-400-018  
17-09-400-019

Property of Cook County Clerk's Office